

CITY OF TURNER LAND USE DEVELOPMENT CODE

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Article 1 ADMINISTRATIVE PROVISIONS

SECTION 1.110	TITLE
SECTION 1.120	PURPOSE
SECTION 1.130	COMPLIANCE STANDARDS
SECTION 1.140	REGULATION COMPLIANCE
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SECTION 1.200	DEFINITIONS

SECTION 1.110 TITLE

This document shall be known as the Turner Land Use Development Code and may be referred to as the "Development Code" or "Code."

SECTION 1.120 PURPOSE

The purpose of this Code is to establish standards and procedures for the orderly development of land within the City of Turner in conformance with the Turner Comprehensive Plan, to protect property rights, provide due process of law and promote the public health, safety and welfare of the citizens of Turner.

SECTION 1.130 COMPLIANCE STANDARDS

- (1) A property may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this Code permits.
- (2) No property, yard, off-street parking area, off-street loading area or other open space existing on or after the effective date of this Code shall be reduced below the minimum required for it by this Code.
- (3) No property, yard, off-street parking area, off-street loading area, or other open space shall be used as the requirement for another lot or use, except as provided for in this Code.

SECTION 1.140 REGULATION COMPLIANCE

In addition to the regulations contained herein, all proposed developments within the City shall comply with the following regulations:

- (1) The Turner Comprehensive Plan.
- (2) Official Maps or Development Plans.
- (3) Chapter 227, City Planning and Zoning, of the Oregon Revised Statutes (ORS 227).
- (4) Chapter 197, Comprehensive Land Use Planning Coordination, of the Oregon Revised Statutes (ORS 197).
- (5) Chapter 92, Subdivisions and Partitions, of the Oregon Revised Statutes (ORS 92).
- (6) Chapter 209, County Surveyors, of the Oregon Revised Statutes (ORS 209).
- (7) Recording requirements of the Marion County Surveyor.
- (8) All other applicable regulations provided by law

No person shall divide land or develop land within the City without having complied with the applicable provisions of this Code and the applicable provisions of county, state or federal law.

SECTION 1.150 INTERPRETATION

Where the conditions imposed by any provision of this Code are less restrictive than comparable conditions imposed by any other provisions of this Code or any other city ordinance, state law or federal law, the applicable provisions which are more restrictive shall govern.

SECTION 1.160 VALIDITY

The provisions of this Code are severable. If any section, sentence, clause or phrase of this Code is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Code.

SECTION 1.170 ADMINISTRATION

- (1) The City shall maintain authority over all activities within the City Limits as provided by law and the City Charter. All powers of the City shall be vested in

the City Council unless otherwise provided in the City Charter.

(2) The City Administrator, under the direction of the City Council, shall have the authority and duty to enforce the provisions of this Code and all related city, county, state or federal regulations. An Administrative Decision is a decision by the City Administrator with notification of actions taken provided to the Planning Commission and City Council.

(A) The City Administrator shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code.

(B) The City Administrator shall have decision authority for Property Line Adjustments specified in Section 2.313(1) and (2) floodplain development permits, partitions up to 3 lots, site plan reviews and variances. The City Administrator shall have the authority to require a public hearing and decision by the City Council for any administrative decision.

(Amended by Ord. 10-106)

(Amended by Ord. 20-01 Attachment "A")

(C) All correspondence and inquiries related to this Code shall be directed to the City Administrator at the Turner City Hall, 5255 Chicago St. SE, Turner, P.O. Box 456, Oregon 97392, Telephone - (503) 743-2155, Fax - (503) 743-2140.

(D) The City Administrator may designate other City Officers or Staff to undertake specialized duties, including but not limited to, the City Attorney, City Engineer and City Planner.

(3) The Planning Commission shall have the authority to review and approve all Conditional Uses, Subdivisions and Floodplain Development Permits involving placement of fill or floodway development as specified in Section 4.210.

(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 and Subdivisions. The City Council shall also review and approve all Annexations and Vacations.

(Ord. 10-106)

(5) In the event that a single land use application requires more than one decision, the highest deciding authority will make all decisions requested in the application.

(Ord. 99-113)

(6) A decision by the City Administrator, the Planning Commission or the City Council may be appealed as provided in Section 3.700.

(7) The intent determining substantial conformance is solely to facilitate minor modifications from one planning approval phase step to another. The City Administrator shall compare the final plat or final development plan/building permit with the approved preliminary plat or plan and determine if it is in substantial conformance before the City may allow the project to proceed. Substantial conformance shall mean that such final plans:

- (A) Are within 10 percent of the original approval;
- (B) In no case are in violation of minimum or maximum standards set in this code;
- (C) Adequately address all conditions of approval

In lieu of using this procedure, the Administrator may designate the Planning Commission as the review authority for the final plat/plan to make a determination under a public hearing process (or public meeting process if the application was originally an administrator decision).

(Ord. 11-101)

SECTION 1.180 ENFORCEMENT

(1) **Remedy.** A structure located, constructed, maintained, repaired, altered or used in violation of this Code, or land used in violation of this Code, shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this Code, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

(2) **Procedures.**

- (A) Within ten (10) days after determination of a violation of this Code, the City shall notify the property owner that a violation exists. Such notice shall specify, with reasonable certainty, the following:
 - i The location and nature of the violation.
 - ii The provision or provisions of this Code which have been violated.
 - iii That immediate enforcement will be sought unless the violation is corrected or corrective action has been initiated within ten (10) days.

A defect in the notice of violation shall not prevent the enforcement of this Code.

(B) If necessary, the City Attorney shall take such legal action as required to insure compliance with this Code unless:

- i It has been demonstrated to the satisfaction of the City that the violation has been corrected or removed or;
- ii A court of competent jurisdiction has stayed enforcement pending the outcome of a proceeding before it, concerning the violation.

(3) **Penalty.** A violation of this Code may be the subject of criminal, civil, or other sanctions authorized by State Law or City Ordinances.

(A) In addition to, or in lieu of criminal actions, a violation of this Code or a permit issued herein may be the subject of a civil penalty to be recovered by a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

(B) Upon conviction of a civil violation of this Code, a fine up to \$1,000 may be imposed. Each day such violation continues beyond the ten (10) day Notice of Violation first provided by the City Administrator, will be considered a separate offense.

SECTION 1.190 FEES

Application and review fees established by resolution of the City Council shall be paid to the City at the time of submitting an application and shall be in addition to other fees established by county, state or federal regulations.

SECTION 1.200 DEFINITIONS

(1) **Rules of Construction.** The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Code:

(A) **Tense:** Words used in the present tense include the future tense.

(B) **Number:** Words used in the singular include the plural, and words used in the plural include the singular.

(C) **Shall and May:** The word "shall" is mandatory; the word "may" is permissive.

(D) **Gender:** The gender may include the feminine, masculine and neuter which can mean any of those forms.

(E) **Headings:** If there is any conflict or inconsistency between the heading of an article, section or paragraph of this Code and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

(2) **Definitions.** The words and phrases used in this Code shall have the following meaning:

ABUT Contiguous to or immediately joined. For example, two lots with a common property line are considered to be abutting.

ACCESS The way or means by which pedestrians, bicycles, and vehicles shall have safe, adequate and usable ingress and egress to property.

ACCESS MANAGEMENT Regulation of access to streets, roads, and highways from abutting property and public and private roads and driveways.

ACCESSWAY A right-of-way or easement, not located within a street right-of-way, that provides a space for pedestrian and / or bicycle passage.

ADEQUATE ACCESS Direct routes of travel between destinations.

ADEQUATE AREA Space sufficient to provide all required public services to standards defined in this code.

(Ord. 99-107 Attachment "A")

ACCESSORY STRUCTURE OR ACCESSORY USE A structure or use incidental and subordinate to the primary use of property and located on the same lot as the primary use.

ACCESSORY DWELLING UNIT A secondary dwelling unit on a lot where the primary use is a single-family dwelling.

(Ord. 22-100)

ADVERSE IMPACT An impact that is detrimental to or contrary to the desired effect or so opposed as to cause harmful interference. A negative effect that is detrimental to the public welfare or injurious to people, property or the community environment.

ALLEY A public way which affords only a secondary means of access to property.

ALTERATION Any change, addition or modification in construction or occupancy.

BASEMENT A story partly or wholly underground. A basement shall be counted

as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

BED and BREAKFAST FACILITY A dwelling where travelers are lodged for sleeping and dining purposes under the provisions of local or state law governing such facilities.

BICYCLE FACILITIES Facilities which provide for the needs of bicyclists, including bikeways and bicycle parking.

BIKEWAY The general term for the four basic types of bikeways:

- (A) **Bikes lanes** are paved 5 to 6-foot wide designated lanes adjacent to (vehicle) travel lanes.
- (B) **Shoulder Bikeways** are where bicyclists travel within the roadway's paved shoulder. Typically, shoulder bikeways are four to six feet in width.
- (C) **Shared Roadways** are roadways where bicyclists and motor vehicles share the travel lane.
- (D) **Multi-Use Paths** are separated from vehicular traffic. They are two-way pathways about 10 feet wide used by pedestrians, bicyclists and joggers.

(Ord. 99-107 Attachment "A")

BOARDING AND/OR ROOMING HOUSE A building where lodging, with or without meals, is provided for compensation, but shall not include Homes for the Aged, Nursing Homes or Group Care Homes.

BUILDING Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT The vertical distance from the ground level grade to the highest point of the roof.

(Ord. 22-100)

BUILDING INSPECTOR An employee of Marion County with duties and authority to enforce all building codes and the provisions of this Code in accordance with Section 2.200 Building Permits.

BUILDING LINE A line on a plat or map indicating the limit beyond which buildings or structures may not be erected. Also referred to as the Setback line. The area between the building or setback line and the property line is referred to as the "yard."

CEMETERY Land used or intended to be used for the burial of the dead and

dedicated for cemetery purposes including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CHURCH A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CITY The City of Turner, Oregon.

CLINIC Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

CLINIC, SMALL ANIMAL A business establishment in which veterinary services are rendered to small domestic pets on an out-patient basis with no overnight boarding allowed.

CLUB A facility owned or operated for a social, educational, or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

COMMUNITY CENTER A facility owned and operated by a governmental agency or a non-profit community organization which is open to any resident of the neighborhood in which the facility is located or to any resident of the City or surrounding area, provided that the primary purpose of the facility is for assembly, and provided further that no permanent or temporary commercial eating or drinking facilities shall be operated on the premises.

COMMUNITY SEPTIC SYSTEM A sewage treatment and disposal system serving two or more dwelling units.

COMPREHENSIVE PLAN A city plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.

COUNCIL The City Council of the City of Turner, Oregon, which is the governing body of said City.

CURB ELEVATION The height above mean sea level of the established curb in front of a building measured from the center of such building front. Where no curb elevation has been provided, the City shall establish the curb elevation for compliance with City standards.

DAY NURSERY/DAY CARE CENTER Any institution, establishment or place, including nursery schools or private kindergartens, in which children are commonly cared for.

DECIDING AUTHORITY The City Administrator, City Planning Commission or City Council responsible for making a decision on an application.

(Ord. 02-105 Attachment "A")

DECLARANT The person who files a declaration under ORS 92.075.

DECLARATION The instrument described in ORS 92.075 by which the subdivision or partition plat was created.

DEVELOPMENT All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

(Ord. 22-100)

DLCD Department of Land Conservation and Development.

DWELLING A building or portion thereof, which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily by one (1) or more families.

DWELLING, MULTI-FAMILY (APARTMENT) A building or portion thereof designated for occupancy by three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, MULTI-FAMILY (COTTAGE HOUSING) A grouping of 4 to 12 detached dwelling units located on a single lot or parcel that includes a common area.

(Ord. 22-100)

DWELLING, SINGLE-FAMILY A detached building, other than a recreational vehicle, designed for and occupied by not more than one family.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOME) A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

(Ord. 22-100)

DWELLING, TWO-FAMILY (DUPLEX) A detached building designed for and occupied by not more than two (2) families living independently of each other.

DWELLING UNIT A single unit providing complete independent living facilities, designed for occupancy by one (1) family, and including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT A grant of the right to use a strip of land for specific purposes.

FACT Something that has actual existence, an actual occurrence or a piece of information presented as having objective reality. In the Land Use Hearing Process, facts are the information submitted as evidence that is relied upon in making a decision on a land use issue. The justification for the decision shall be based on the criteria, standards and facts set forth in the hearing.

FENCE, SIGHT-OBSCURING A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

FLOOR AREA 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 vertical projection of the roof or floor above.

FLOOR ELEVATION The height above mean sea level of the first floor of a building that is not a basement.

GARAGE, PRIVATE A fully enclosed detached accessory building or a fully enclosed portion of the main building for the parking of automobiles of the occupants of the premises.

(Ord. 00-101)

GARAGE, PUBLIC A building other than a private garage used for the care, repair, parking or storage of automobiles.

GRADE (GROUND LEVEL) The average elevation of the finished ground level at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the back edge of sidewalk elevation nearest the center of the wall shall constitute the ground level.

HOME OCCUPATION A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence provided the use does not alter the character of the dwelling, there is no exterior display of stock and no employees other than family members.

HOTEL/MOTEL A building or group of buildings used for transient lodging containing more than 5 guest rooms without guest room cooking facilities used primarily for sleeping purposes. On-site restaurant facilities may also be provided.

LCDC Land Conservation and Development Commission.

LOADING SPACE An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT A unit of land that is created by a subdivision of land.

MANUFACTURED DWELLING A structure transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling and is not designated as a "recreational vehicle" or prefabricated structure as defined by the State or Oregon.

(Ord. 02-105 Attachment "A")

NEARBY USES Activities or uses within 0.25 mile which can be reasonably expected to be used by pedestrians, and within 1 mile which can reasonably be expected to be used by bicyclist.

NEIGHBORHOOD ACTIVITY CENTERS Schools, parks, and other like sites.

(Ord. 99-107 Attachment "A")

NONCONFORMING STRUCTURE LOT OR USE A lawful existing structure, lot, or use, at the time this Code becomes effective which does not conform to the standards of the zone or district in which it is located.

OCCUPANCY The purpose for which a building, or part of a building, is used or intended to be used.

OWNER An individual, association, partnership, or corporation having legal or equitable title to land, other than legal title held for purpose of security only.

PARCEL A unit of land that is created by a partitioning of land.

PARKING SPACE An off-street enclosed or unenclosed surfaced area of not less than 180 square feet, not less 8 feet wide and 18 feet in length, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

PARTITION Either an act of partitioning land or an area or tract of land partitioned into three lots or fewer.

(Amended by Ord. 20-01 Attachment "A")

PARTITION LAND To divide land into two or three parcels of land within a

calendar year, but does not include:

- (A) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.
- (B) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning Code.
- (C) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan.

PEDESTRIAN CONNECTION A continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. Pedestrian connections include but are not limited to sidewalks, walkways, access ways, stairways and pedestrian bridges.

(Ord. 99-107 Attachment "A")

PEDESTRIAN WAY A right-of-way for pedestrian traffic.

PLANNING COMMISSION The Planning Commission of the City of Turner.

PLAT A final subdivision plat, replat or partition plat.

- (A) **Partition Plat:** A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.
- (B) **Subdivision Plat:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (C) **Replat:** The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

PROFESSIONAL OFFICE An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

PROPERTY A lot or parcel, or a single unit of land which, at the time of

application for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

- (A) **Corner Property:** A lot or parcel at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135°.
- (B) **Through Property:** A lot or parcel having frontage on two parallel or approximately parallel streets other than alleys.
- (C) **Flag Property:** A lot or parcel which has access to a right-of-way by means of a narrow strip of land.

PROPERTY LINE The legal boundary of a lot or parcel. The division line between two units of land.

- (A) **Front Property Line:** The lot or parcel line separating the property from a street other than an alley, and in the case of a corner property, the shortest property line along a street other than an alley.
- (B) **Rear Property Line:** The lot or parcel line which is opposite and most distant from the front property line.
- (C) **Side Property Line:** Any lot or parcel line not a front or rear property line.

PROPERTY WIDTH The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

PROPERTY LINE ADJUSTMENT The relocation of a common property line between two abutting properties.

PUBLIC AND SEMI-PUBLIC BUILDING OR USE A building or use, owned or operated by a religious, charitable, or other nonprofit organization; a public utility; or any social agency such as a church, school, auditorium, meeting hall, library, art gallery, museum, fire station, cemetery, park, playground, community center or similar use.

REASONABLY DIRECT A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(Ord. 02-105 Attachment "A")

RIGHT-OF-WAY A continuous strip of land between property lines allowing a right of passage usually containing a street, railroad or other passageway.

ROADWAY The portion of a street right-of-way developed for vehicular traffic.

SALE OR SELL Every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

SERVICE STATION, AUTOMOBILE A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

SEWAGE DISPOSAL SYSTEM Any approved method of sewage treatment including but not limited to a municipal system, septic tank and drain field and sand filter systems.

SETBACK A line within a property boundary defining a location limit for buildings, structures or other defined uses that creates an area or yard between the property line and the setback line.

(Ord. 02-105 Attachment "A")

SIDEWALK A pedestrian walkway with permanent surfacing.

SIGN Any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes or identification.

STORY 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 above. (See basement).

STORY, HALF Shall mean any basement or cellar, except as provided in this Chapter, which has less than six (6) feet of its height above grade.

STREET OR ROAD A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "drive" "avenue," "alley" or similar designations.

- (A) **Arterial:** A street of considerable continuity which is primarily a traffic artery for interconnection between large areas.
- (B) **Collector:** A street supplementary to the arterial street system and a means of interconnection between arterials; used for through traffic and access to small areas.
- (C) **Minor street:** A street intended primarily for access to abutting properties.

- (D) **Cul-de-sac:** A short dead-end street terminated by a vehicular turnaround.
- (E) **Half street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- (F) **Limited access street:** A means of access to property that is limited by law for public roads or by posting by an owner for private roads.

STRUCTURAL ALTERATION Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

STRUCTURE That which is built or constructed, an edifice or building of any kind, or any physical work built up of parts joined together in some definite manner.

SUBDIVIDE LAND To divide an area or tract of land into four or more lots within a calendar year.

SUBDIVISION Either an act of subdividing land or an area or tract of land subdivided into four or more lots.

(Amended by Ord. 20-01 Attachment "A")

TENTATIVE PLAN A tentative plan is the application, supplemental data and map showing the general design of the proposed subdivision or partition, submitted to the City for approval under the provisions of ORS 92 and Section 2.320 of the Turner Development Code.

USE The purpose for which land or a structure is designed, arranged or intended or for which it is occupied and maintained.

YARD

- (A) **Exterior Yard** A yard area abutting a street right-of-way created by a setback line.
- (B) **Interior Yard** A yard area adjacent to a property line created by a setback line that may be either a side yard or rear yard abutting another property.
- (C) **Rear Yard** An interior yard opposite the Front Yard.
- (D) **Front Yard** An exterior yard facing a street. For corner lots the smallest street facing dimension shall be the front of the property.

(Ord. 02-105 Attachment "A")

ZERO PROPERTY LINE A lot or parcel line having no setback therefrom and may equally divide a common wall in a building.

Article 2 APPLICATION PROCEDURES

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SECTION 2.120 PRE-APPLICATION CONSULTATION WITH CITY STAFF

An applicant may request an informal review of a proposal prior to application to determine the general feasibility of the proposal. There are no fees for an informal review. The applicant should submit a brief description and a sketch drawing of the proposed development to the City for preliminary consultation. The City will inform the applicant of the procedural requirements and any conditions and policies of public agencies that may be pertinent to the proposal. The applicant may proceed with an application or the City may suggest a pre-application conference with City Staff and affected agencies to assist the applicant in preparing the application.

SECTION 2.120 PRE-APPLICATION CONFERENCE WITH AFFECTED AGENCIES

Within 30 days after the pre-application consultation, the City Administrator may schedule a pre-application conference with the applicant and representatives of the City and other affected public and private agencies to further clarify the conditions and requirements necessary in the preparation of the application.

SECTION 2.125 APPLICATION PROCEDURE – ADMINISTRATIVE

For applications reviewed administratively, following preliminary consultation and the pre-application conference, where applicable, the applicant shall prepare an application together with other supplementary data required to clearly describe the proposed development and the decision request of the City.

- (1) Applications, Petitions and Appeals provided for in this Code shall be made on forms prescribed by the City. Forms are available at the Turner City Hall, 5255 Chicago Street SE, P.O. Box 456, Turner, Oregon 97392, Telephone - (503) 743-2155, Fax - (503) 743-2140. www.cityofturner.org
- (2) Applications shall be accompanied by narrative descriptions, an Application Site Plan in conformance with Section 2.140 if required, building plans, maps, specifications and any other information that clearly describe the request and the applicable City Code sections that may apply to the request.
- (3) A consolidated procedure shall be utilized by the City for applications that require more than one approval procedure for a development project. The City will identify and address all of the procedures concurrently and will utilize the most comprehensive procedure and highest decision level process of those required in the application.
- (4) Applications for subject properties that are adjacent to roads for which Marion County is designated as the road authority are required to document prior contact with Marion County in the Turner land use application.

- (5) The City shall mail notice of the request to property owners of record according to State Land Use notification requirements. The notice shall include information identified in Section 3.300 (8) of the Development Code.
- (6) Those notified shall have 14 days from the date the notice was sent to submit comments. A staff report, which shall include a criteria review, findings of fact, conditions and a decision, shall then be issued after the 14-day period and shall identify and address any submitted comments. Notice of the decision shall be mailed to the applicant and those who submitted comments, including affected agencies.
- (7) Only those receiving notice of the decision shall have standing to appeal the decision to the City Council.
- (8) The City shall comply with ORS 227.178 and take final action on an application, including resolution of all local appeals, within 120 days after the application is deemed complete. If an application is incomplete, the City shall notify the applicant within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete if the applicant supplies the missing information, or if the applicant refuses to submit the missing information, it shall be deemed complete on the 31st day after the application is received by the City.

If an application is complete when first submitted or if the applicant submits the requested missing information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

- (9) The 120-day period specified in subsection (8) may be extended for a reasonable time at the request of the applicant.
- (10) Expiration. Approval shall be effective for one (1) year from the date the final approval was noticed. Prior to the end of that one (1) year the applicant may request that the City Administrator review an extension request.

(Added by Ord. 20-01 Attachment "A")

SECTION 2.130 APPLICATION PROCEDURE – PUBLIC HEARING

For applications requiring a public hearing, preliminary consultation and the pre-application conference, where applicable, the applicant shall prepare an application together with other supplementary data required to clearly describe the proposed development and the decision requested of the City.

(Amended by Ord. 20-01 Attachment "A")

- (1) Applications, Petitions and Appeals provided for in this Code shall be made on forms prescribed by the City. Forms are available at the Turner City Hall, 5255 Chicago Street SE, P.O. Box 456, Turner, Oregon 97392, Telephone - (503) 743-2155, Fax - (503) 743-2140. www.cityofturner.org
- (2) Applications shall be accompanied by narrative descriptions, an Application Site Plan in conformance with Section 2.140 if required, building plans, maps, specifications and any other information that clearly describe the request and the applicable City Code sections that may apply to the request.

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

- (3) A consolidated procedure shall be utilized by the City for applications that require more than one approval procedure for a development project. The City will identify and address all of the procedures concurrently and will utilize the most comprehensive procedure and decision process of those required in the application. The total fee shall be the sum of all individual procedural fees with the exception of Site Plan Reviews.

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

- (4) The City shall obtain a list of property owners of record within 250 feet of the property that is the subject of the review or hearing.
- (5) Applications shall include the application form, site plan together with all documents, evidence and supplemental information relied upon by the applicant. The City may require the applicant to provide additional copies of all application materials. A Review or Hearing will be scheduled not earlier than 30 days from the date the Application is deemed complete.

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

- (6) All Applications shall be available to the public and notifications will be mailed by the City twenty (20) days prior to the review or hearing meeting.
- (7) An application and review fee shall accompany the application request in accordance with the provisions of Section 1.190.
- (8) Staff reports used at the review or hearing shall be available at least seven (7) days prior to the review or hearing.
- (9) The City shall comply with ORS 227.178 and take final action on an application, including resolution of all local appeals, within 120 days after the application is deemed complete. If an application is incomplete, the City shall notify the applicant within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete if the applicant supplies the missing information, or if the applicant refuses to submit the missing information, it shall be deemed complete on the 31st day after the application is received by the City.

If an application is complete when first submitted or if the applicant submits the requested missing information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

- (10) The 120 day period specified in subsection (9) may be extended for a reasonable time at the request of the applicant.
- (11) The 120 day period specified in subsection (9) does not apply to an amendment to this Code.
- (12) The Applicant bears the responsibility and burden of proof for the requested action. The greater the potential impact, the more justification must be shown.
- (13) The Application and the decision of the City shall be maintained by the City in a Record File of the Application. Notice of Decision shall be given the Applicant and other participants in the proceedings as specified in Section 3.300.
- (14) Expiration. Approval shall be effective for one (1) year from the date the approval was noticed. Prior to the end of that one (1) year the applicant may request that the City Administrator review an extension request.

(Amended by Ord. 10-102)

- (15) Limitation. No request for a land use application shall be considered by the City within a one-year period immediately following a denial of such request, except the City may consent to a new hearing, if in the opinion of the Deciding Body, new evidence of a change of circumstance warrant it.
- (16) Extension. The City Administrator shall, upon written request by the applicant, grant an extension of the approval period, not to exceed two (2) years, provided that the following criteria are met:
 - (A) No changes are made on the original approved site design review plan; and
 - (B) The applicant can show intent of initiating construction on the site before the end of the extension period; and
 - (C) No changes occurred to the applicable Code provisions on which the City based its approval. If there have been changes, then the extension may be granted based upon a review limited to the use of code changes since the application was approved. The City may add conditions based upon the level of development that are relevant to the application of these new code sections; and

(D) The applicant demonstrates that failure to obtain building permits and/or substantially begin construction within the initial approval period was beyond the applicant's control.

A copy of the extension request and Administrator decision will be provided to the City Council and Mayor. The Council and Mayor will then have two regularly scheduled Council meetings at which to call up and have placed on the agenda a review and reconsideration of that decision. Any member of the Council can request such a review. A final decision by the Council must be based upon compliance with the criteria listed in this section.

A fee for processing extension requests shall be established by Resolution.

(Amended by Ord. 10-102)

(17) The specific requirements and decision process for each application procedure are contained in the Sections of this Article which follow.

SECTION 2.140 APPLICATION SITE PLAN

Applications requiring a site plan shall include a Site Plan Drawing, drawn to scale, and shall indicate clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application.

- (1) The names of the owner(s) and applicant if different.
- (2) The property address or geographic location and the Assessor Map number and Tax Lot number.
- (3) The date, scale and north point.
- (4) A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
- (5) Lot dimensions.
- (6) The location, size, height and uses for all existing and proposed buildings.
- (7) Yards, open space and landscaping.
- (8) Walls and fences: location, height and materials.

- (9) Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- (10) Access: pedestrian, vehicular, service, points of ingress and egress.
- (11) Signs: location, size, height and means of illumination.
- (12) Loading: location, dimension, number of spaces, internal circulation.
- (13) Lighting: location and general nature, hooding devices.
- (14) Street dedication and improvements.
- (15) Topographic features including grades, trees, and vegetation proposed.
- (16) Water systems, drainage systems, sewage disposal systems and utilities.
- (17) Drainage ways, water courses, flood plain and wetlands.
- (18) The number of people that will occupy the site including family members, employees or customers.
- (19) The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
- (20) Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
- (21) Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy.

Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council.

All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. City approval of a land use application shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

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

(22) Such other data as may be necessary to permit the deciding authority to make the required findings.

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

SECTION 2.150 RECORD FILE

The City shall maintain an official Record File of each application containing all relevant data, drawings, dates, notices, hearings, postponements, continuances, decisions, appeals and minutes of all meetings pertaining to the application.

- (1) Minutes of all meetings, reviews and hearings shall record the substance of all issues before the review or hearing body including the criteria, factual evidence and the justification for the decision as specified in Article 3. Summary written minutes shall be maintained in the Record file. The minutes and records need not be a verbatim transcript of the meeting.
- (2) Proceedings may be recorded either steno graphically or electronically although a verbatim record is not required. Minutes may be summarized from the transcript or tape.
- (3) Testimony may be transcribed at the expense of the requesting party, if required for judicial review or local appeal proceedings. The transcribing fee may include all actual costs as authorized by state law.
- (4) The staff report and recommendation shall be included in the Record File.
- (5) The review or hearing body shall, where practical, retain as part of the record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the Record file until after all appeal periods have expired, at which time the exhibits may be released.
- (6) The public shall have access to the Record File of the proceedings at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

SECTION 2.200 BUILDING PERMITS

- (1) Building Permits are issued by the City. Prior to issuance by the City, Building Permits require approval by City Staff and Marion County Building Inspection. Marion County Building Inspection provides all construction administration services.

- (2) Building Permits are issued following City and County approval for Permitted Uses not requiring a Review or Public Hearing by the Planning Commission or City Council.
- (3) Application for Building Permits requiring a land use decision including: Site Plan Reviews, Conditional Uses, Variances, Nonconforming Uses, or Zone Change Amendments shall be approved by the City prior to submittal to Marion County. The Applicant may make application for a Building Permit prior to land use approval if the Applicant agrees in writing to pay all Building Permit fees should the land use decision be denied. Any proposed change in the approved plan or use shall be resubmitted to the City as a new application. Building Permits for an approved land use decision shall not be issued until the appeal period, as specified under Section 3.700, has passed.

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

- (4) Each application for a building permit shall comply with the latest adopted edition of the "State of Oregon Structural Specialty Code" or the "CABO" Council of American Building Officials One and Two Family Dwelling Code. Applications shall describe the work and proposed use and occupancy and include site and building plans, drawn to scale, construction details, specifications, computations and such other information as may be required by the Marion County Building Official.

SECTION 2.300 LAND DIVISIONS

SECTION 2.310 PROPERTY LINE ADJUSTMENTS

- (1) **Purpose.** A property line adjustment is a relocation of a common property line between abutting properties when both parties agree. A property line adjustment shall not create an additional lot or parcel, reduced a lot or parcel in size below the minimum size specified for the zone, or create a violation of development standards on either lot or parcel.

- (2) **Application.** A property line adjustment may be submitted for review by the City Administrator without preliminary consultation, a land division conference, or a hearing where the adjustment complies with Section 2.311 and 2.312.

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

- (3) **Information.** The City may require additional copies of the proposed map of the property line adjustment together with other supplementary data required for recording or specified herein as required for review and action by the deciding authority.

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

SECTION 2.311 PROPERTY LINE ADJUSTMENT REQUIREMENTS

All property line adjustment requests shall contain the following information:

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

- (1) The property to be adjusted shall comply with ORS 92 for Property Line Adjustments.
(Amended by Ord. 02-105 Attachment "A")
- (2) A map clearly and legibly drawn to scale with the scale indicated.
(Amended by Ord. 02-105 Attachment "A")
- (3) The title "Property Line Adjustment for," the date and north point.
- (4) Name and address of the record owner(s) of the property to be adjusted.
- (5) Assessor Map and Tax Lot numbers and approximate acreage or square feet of each property prior to and after adjustment.
- (6) The location and boundary dimensions and other information to accurately locate the adjusted property line.
- (7) Existing conditions for land within the properties to be adjusted:
 - (A) The locations, names and widths of existing streets.
 - (B) The location, width and purpose of existing or proposed easements.
(Amended by Ord. 02-105 Attachment "A")
 - (C) The approximate location of buildings, public and private utilities, drainage ways and other significant features that would affect development of the adjusted properties.

SECTION 2.312 DECISION CRITERIA

A Property Line Adjustment may be approved based upon compliance with the submittal requirements specified above and the following findings:

- (1) The adjustment will not create an additional unit of land.
- (2) The adjustment will not create a land-locked parcel.
- (3) The existing unit of land reduced in size by the adjustment complies with applicable City Ordinances and this Code and will not create a non-conforming lot or non-conforming development.
- (4) The adjustment shall comply with any previous Conditions of Approval attached to the properties to be adjusted.

(5) The adjustment shall comply with all state and county recording requirements.

SECTION 2.313 DECISION PROCESS

(1) A Property Line Adjustment does not require a Limited Land Use Decision or Notifications. The City Administrator may consider a Property Line Adjustment at any time following submittal of the application.
(Amended by Ord. 02-105 Attachment "A")

(2) If the proposed Property Line Adjustment is consistent with City land use standards, the City Administrator may approve the map as submitted, approve with conditions or deny the request for noncompliance.
(Amended by Ord. 02-105 Attachment "A")

(3) If the application requires a Variance or the establishment or relocation of an Easement, or requires interpretation or the exercise of policy, the decision shall be placed before the Planning Commission which shall hold a public hearing in conformance with the Quasi-judicial Public Hearings requirements of Section 3.510.
(Amended by Ord. 02-105 Attachment "A")

SECTION 2.314 PROPERTY LINE ADJUSTMENT FILING

(1) Deeds or conveyances for all lots or parcels conforming to the approved Property Line Adjustment shall be filed with the County Clerk in accordance with ORS 92.190, subsections (3) and (4).

(2) Upon approval or denial, a Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Property Line Adjustment as specified in Section 3.600. The Applicant may modify the proposed Property Line Adjustment for compliance with the required conditions or may request an Appeal to the Planning Commission within 15 days of the City Administrator decision or to the City Council within 15 days of the Planning Commission decision in conformance with Section 3.700.
(Amended by Ord. 02-105 Attachment "A")

(3) Copies of all recorded deeds, conveyances and filed surveys shall be provided to the City for inclusion in the Record File of the Application, in accordance with Section 2.150.
(Amended by Ord. 02-105 Attachment "A")

SECTION 2.320 SUBDIVISION OR PARTITION TENTATIVE PLAN

(1) The review of a tentative plat shall be subject to the following:

(A) The City Administrator shall have the authority to review and approve a Partition, a land partition of up to 3 tax parcels, subject to the review procedures in Section 2.125 of this code.

(B) The City Council shall have the authority to review and approve all Subdivisions under the provisions of this Code.

(Amended by Ord. 20-01 Attachment "A")

(2) In the event that a single land use application requires more than one decision, the highest deciding authority will make all decisions requested in the application.

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

SECTION 2.321 SUBMISSION REQUIREMENTS

A land divider shall prepare a Tentative Plan together with improvement plans and other supplementary material as may be required to indicate the general idea and objectives of the project. The Applicant shall submit 10 copies of the Tentative Plan and supplementary data to the City Administrator 30 days prior to the deciding authority meeting at which consideration of the Tentative Plan is desired following preliminary consultation as recommended in Sections 2.110 and 2.120.

SECTION 2.322 FORM AND SCALE

The Tentative Plan shall be clearly and legibly drawn on a sheet 18 by 24 inches in size to a scale of one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the sheet size, but in all cases the scale to be used shall be in multiples of one (1) inch equals ten (10).

SECTION 2.323 GENERAL INFORMATION

The following information shall be provided on all Tentative Plans:

- (1) All information required by ORS 92 for a Tentative Plan including, but not limited to, the following.
- (2) No Tentative Plan shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land Platted is contiguous to and Platted by the same party that Platted the subdivision bearing that name or unless the party files and records the consent of the party that Platted the subdivision bearing that name. All Plats must continue the lot and block numbers of the Plat of the same name last filed.

Subdivisions submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.

- (3) Date, north point, scale of drawing.
- (4) Appropriate identification clearly stating the map is a subdivision or partition Tentative Plan.
- (5) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision.
- (6) Names and addresses of the owner, applicant and surveyor.
- (7) The approximate acreage of the tract being subdivided or partitioned, and the size of proposed lots or parcels.

SECTION 2.324 EXISTING CONDITIONS INFORMATION

- (1) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other right-of-ways and other important location information such as section lines, corners, city boundary lines and monuments.
- (2) The location of all existing sewers, septic tanks and drain fields, water lines, storm drains, culverts, ditches and utilities, together with elevation data, on the site and on adjoining property or streets.
- (3) The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
One Foot	Up to 5%
Two Feet	Over 5% through 10%
Five Feet	Over 10%

Exception: The deciding authority may approve slope indications for partitions by means of arrows or other suitable symbol together with not less than four spot elevations per acre evenly distributed for slopes of less than five percent (5%).

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

- (4) The location of at least one bench mark control point within the tract boundaries.

- (5) The location and direction of all on-site and off-site drainage, drainage channels, water courses and the location of all areas subject to flooding.
- (6) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees. Lands that are wholly or partially within areas identified as wetlands on the State-wide Wetlands Inventory shall be clearly delineated for review and permit by the Department of State Lands.
- (7) Existing uses on and adjacent to the property, including the location of all existing structures to remain on the property after the land division.
- (9) Zoning on and adjacent to the property to be divided.

SECTION 2.325 PROPOSED PLAN INFORMATION

- (1) A vicinity map clearly showing the relationship and connections of the proposed land division to surrounding developments, streets, storm drainage, sewer, septic tank and drain field, water and utility services.
- (2) The location, width, name and approximate grade and curve radii of proposed street. The relationship of proposed streets to existing streets and any projected future streets shown on the City's Comprehensive Plan or Official Street Map. Streets proposed for public dedication and streets held for private use shall be clearly indicated and all reservations or restrictions relating to such private streets shall be included in the statements specified in Section 2.326.
- (3) The location, width, and purpose of existing and proposed easements.
- (4) The total acreage and the proposed land use for the land division including sites for special purposes or those allocated for public use.
- (5) The location and approximate dimensions of lots or parcels and the proposed lot or parcel numbers. Where large property divisions are proposed that may be redivided in the future to smaller residential lots or parcels, the applicant shall provide a sketch plan showing the redivision configuration.
- (6) An outline of the areas proposed for partial recording of a final Plat and a time schedule for additional Platting if staged recording is proposed.
- (7) A general layout of all public utilities and facilities to be installed including provisions for connections and extensions beyond the proposed land division.
- (8) The proposed method of connection to all drainage channels located outside of the proposed land division and the proposed method of flood control (retention

ponds, swales, etc.) and contamination protection (settling basins, separators, etc.).

- (9) Identification of all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas.
- (10) Identification and layout of all special improvements. Special improvements may include, but are not limited to, signs, lighting, benches, mail boxes, bus stops, greenways, bike or pedestrian paths.

SECTION 2.326 ACCOMPANYING STATEMENTS

The Tentative Plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

- (1) Identify the adequacy and source of water supply including:
 - (A) Certification that water will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or
 - (B) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City Council.
- (2) Identify the proposed method of sewage disposal including:
 - (A) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or
 - (B) A bond, contract or other assurance by the applicant that a sewage disposal system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City.
- (3) Protective covenants conditions and deed restrictions (CC&R'S) to be recorded, if any.
- (4) Identify all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas.
- (5) Identify all public improvements proposed to be installed, the approximate time installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.

- (6) A statement that the declarations required by ORS 92.075 on the final Plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.
- (7) Proposed staged subdivisions or serial partitions shall be clearly identified on the application. A time schedule for future Platting shall also be submitted. The deciding authority may require a specific time schedule for approval. All future Plats shall conform to the adopted ordinance requirements applicable at the time of Platting.

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

SECTION 2.327 SUPPLEMENTAL INFORMATION

Any of the following may be required by the City to supplement the Tentative Plan.

- (1) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction.
- (2) A detailed plan of the domestic water supply lines and related water service facilities.
- (3) A detailed plan of the sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
- (4) If lot areas are to be graded, a plan showing the nature of cuts and fill and information on the character of the soil.
- (5) Specifications and details of all proposed improvements.
- (6) Wetland delineation if identified as an existing condition in Section 2.324(7).

SECTION 2.328 DECISION CRITERIA

A Partition Tentative Plan may be approved by the Planning Commission and a Subdivision Tentative Plan may be approved by the City Council. Approval shall be based upon compliance with the submittal requirements specified above and the following findings.

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

- (1) Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.
- (2) The proposed development and all adjoining land can be developed in accordance with this Code and City Ordinances.

- (3) The proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system.
- (4) The proposed utility connections are available, adequate and provide the most efficient and convenient connections to the existing utility systems and the proposed utilities can be extended in the future to accommodate future growth beyond the proposed land division.
- (5) Special site features have been considered and utilized.
- (6) Drainage ways are protected and required drainage facilities are provided in conformance with State erosion control regulations.
- (7) The extent of possible emission or nuisance characteristics are compatible with the land use zoning district, adjacent properties and the applicable standards of all regulatory agencies having jurisdiction.
- (8) Potential adverse impacts have been mitigated to the maximum extent possible.

SECTION 2.329 DECISION PROCESS

- (1) Upon receipt of an Application and Tentative Plan, the City shall furnish one copy of the Tentative Plan and supplementary material to the Fire District and other agencies known to be affected. Agencies notified shall be given 14 days to review the plan and submit written comments. Notification to the Department of State Lands for identified wetlands shall require 30 days for review in accordance with ORS 227.350, Subsection (4).
(Amended by Ord. 02-105 Attachment "A")
- (2) A Land Division requires a "Limited Land Use Review" in conformance with Section 3.400. The "Limited Land Use Review" shall be conducted by the deciding authority. A Limited Land Use Decision requires notification to owners of property within 250 feet of the subject property with an opportunity to submit written comments at any time prior to the "Limited Land Use Review" decision.
- (3) The deciding authority shall consider the Tentative Plan proposal and any written comments at the first regular meeting following the 14 day review period.
- (4) If the Application includes a Variance request, the Tentative Plan and Variance will be considered together as provided in Section 2.130 (3) and the Decision Criteria for the Variance shall apply as specified in Section 2.600 (2).
- (5) The deciding authority shall hold a public hearing on a Tentative Plan and Variance request in conformance with the Quasi-judicial Public Hearing

requirements of Section 3.510. A public hearing may also be held on a Tentative Plan if requested or if the deciding authority determines that conditions may present possible adverse effects on adjacent properties or within the land use zoning district.

- (6) The deciding authority may continue the review or hearing for good cause.
- (7) If the proposed Land Division is consistent with the Comprehensive Plan and City land use standards, the deciding authority may approve the Tentative Plan as submitted or as modified to achieve compliance.
- (8) If the proposed land division is consistent with the Comprehensive Plan but requires modification to certain features in order to comply with City land use standards, the deciding authority may approve the Tentative Plan with specified conditions of approval to achieve compliance with the intent of City land use standards.
- (9) If the proposed land division does not comply with the Comprehensive Plan or cannot comply with City land use standards even with conditions of approval, the deciding authority shall deny the request.
- (10) Approval of the Tentative Plan shall indicate approval of the final Plat if there is no change in the plan of the land division and if the applicant complies with the requirements of this Code and any conditions of approval specified by the deciding authority.
- (11) The action of the deciding authority shall be noted on two copies of the Tentative Plan and any attached documents describing conditions. One copy shall be returned to the applicant and the other shall be retained by the City.

(Ord. 02-105 Attachment "A")

- (12) A written record of the findings and action of the City shall be maintained by the City in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant and other parties to the proceedings together with any conditions of approval for the proposed land division as specified in Section 3.600, Decision.

SECTION 2.330 SUBDIVISION OR PARTITION PLAT

SECTION 2.331 SUBMISSION REQUIREMENTS

Within one year after approval of the Tentative Plan, the land divider shall begin construction of any required public improvements. Following acceptance by the City of any public improvements the land divider shall cause the land division or any part thereof to be surveyed and a Plat prepared in conformance with the Tentative Plan as approved.

(Amended by Ord. 02-105 Attachment "A")
(Amended by Ord. 10-102)

SECTION 2.332 FORM AND SCALE

The final Plat shall be submitted in the form prescribed by ORS 92 and the County recording standards. The scale of the final Plat shall be one (1) inch equals 100 feet. The scale may be increased or decreased if necessary, to fit the required size of 18 by 24 inches, but in all cases the scale used shall be in multiples of one (1) inch equals ten (10) feet.

SECTION 2.333 INFORMATION REQUIRED

In addition to that otherwise specified by law, the following information shall be shown on the final Plat.

- (1) The name of the owner(s), land divider, surveyor and land division. The date, scale, north point, legend and existing features such as creeks, drainage courses, highways and railroads.
- (2) Reference to Federal Geodetic Control Committee guidelines for third order class II, points of existing surveys identified, related to the Plat by distances and bearings, and referenced to a field book or map as follows:
 - (A) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the land division.
 - (B) Adjoining corners of adjoining land divisions.
 - (C) Other monuments found or established in making the survey or required to be installed by provisions of this Code.
- (3) The exact location and width of streets, right-of-ways and easements intercepting the boundary of the tract.
- (4) Tract and lot or parcel boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
- (5) The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.

- (6) Easements denoted by fine dashed lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the Plat or map, it shall be properly referenced in the owner's certificates of dedication.
- (7) Locations and widths of drainage channels including one hundred year flood plain or normal high water lines for any creek or other body of water, railroad rights-of-ways, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the land division.
- (8) Numbering of lots or parcels shall begin with the number "1" and numbered consecutively. Number sequences to generally follow the same system as sections are numbered in a township.
- (9) Lots or parcels to be dedicated for any purpose shall be distinguished from lots or parcels intended for sale with acreage and alphabetic symbols for each parcel indicated.
- (10) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land as established by the City.
- (11) Special building setback lines and solar easements, if any, which are to be made part of the Deed Covenants Conditions and Restrictions (CC&R's) of the land division.

SECTION 2.334 SUPPLEMENTAL INFORMATION WITH PLAT

Filing of separate legal documents to achieve any of the requirements of the final Plat may be permitted by the City when it can be shown that placing such information on the final Plat is not required to achieve the purposes of this Code. The following data shall accompany the Plat.

- (1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the land to be divided.
- (2) Legal descriptions of the land division boundaries if available at the time of Plat approval.
- (3) Data sheets and drawings showing the following:

- (A) Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
- (B) The computation of distances, angles and courses shown on the Plat.
- (C) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and state highway stationing.

(4) A copy of any proposed deed CC&R's (Covenants, Conditions and Restrictions) applicable to the land division or a statement in writing signed by the land divider that no such restrictions will be established.

(5) A copy of any dedication requiring separate documents.

(6) Proof that all taxes and assessments on the tract have been paid.

(7) A certificate by the City that the land divider has compiled with one of the following alternatives:

- (A) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the Tentative Plan.
- (B) An agreement has been executed as provided in Sections 6.510 and 6.520 to assure completion of required improvements.

SECTION 2.335 SURVEY REQUIREMENTS

- (1) A complete and accurate survey of the land to be divided shall be made by a registered surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as provided in this Code and state law including ORS Chapter 92 and Chapter 209.
- (2) Monuments
 - (A) All monuments shall be set according to the provisions of state law.
 - (B) In making the survey for the land division, the survey shall set sufficient permanent monuments prior to the recording of the final Plat so that the survey or any part thereof may be retraced according to standards required by the County Surveyor except interior monuments of subdivisions may be delayed with approval of the Planning Commission.

(C) Interior "post monumentation" may be permitted by approval of the Planning Commission at the time of approval of the Tentative Plan or upon special request prior to filing the final Plat subject to the following:

- i The Sub divider has shown that it is necessary and practical to delay the interior monumentation.
- ii The Sub divider of the Plat agrees to furnish a bond, cash deposit, irrevocable letter of credit issued by a commercial bank as defined in ORS 706.005, or other security approved by the City in an amount equal to not more than 120 per cent of the estimated cost of performing the work for the interior monuments.
- iii That the Sub divider will sign an agreement with his surveyor and the City as to the amount of the security to be furnished at the time of submitting the final Plat, how the surveyor is to be paid for the work of establishing the interior monuments, that the rules for post monumentation shall be followed; establish a date when monumentation will be completed, and set out other particulars that may be necessary to insure the completion of the monumentation at a later date.

(3) Utility Markers

(A) Permanent markers shall be provided for all underground water, sewer, septic tanks and drain fields and utility stubs within the prepared land division as approved by the City.

SECTION 2.336 DEDICATION REQUIREMENTS

- (1) All lots or parcels of land shown on the final Plat intended for public use shall be offered for dedication to the City at the time the Plat is filed. Exception: Those lots or parcels, or common linear open spaces which are intended for the exclusive use of the owners, their licensees, visitors, tenants or employees; and also excepted are those parcels of land reserved for public acquisition under the provisions of Section 6.400 of this Code.
- (2) All streets, pedestrian ways, drainage channels, open spaces, easements and other rights-of-way shown on the final Plat intended for public use shall be offered for dedication for public use at the time the final Plat is filed.

- (3) All rights of access to and from streets, lots and parcels of land shown on the final Plat intended to be surrendered shall be offered for dedication at the time the final Plat is filed.
- (4) The land divider shall provide and designate one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

SECTION 2.337 CERTIFICATES ON FINAL PLAT

- (1) Certificates on the Final Subdivision or Partition Plat: The following certificates, declarations, acknowledgments and other requirements established by State law shall appear on the final Plat of a subdivision.
 - (A) A declaration in conformance with ORS 92.075 on the final Plat by the declarant - the fee owner, vendor and/or the mortgage or trust deed holder of the property who has caused or consented to the following:
 - i) Preparation and recordation of the final Plat.
 - ii) Offering for dedication all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way intended for public use.
 - iii) Protective covenants conditions or restrictions on the use of lots or parcels, right-of-ways and easements.
 - (B) A certificate of the registered licensed surveyor who prepared the survey and the final Plat.
 - (C) A certificate for execution by the City Administrator.
 - (D) A certificate for execution by the County Surveyor.
 - (E) A certificate for execution by the County Assessor.
 - (F) A certificate for execution by the County Clerk.
 - (G) Other certifications now or hereafter required by law.
 - (H) A statement of water rights together with the water rights certificate number if applicable.

- (2) All signatures on the Plat shall be in permanent black India type ink in conformance with ORS 92.080.
- (3) All copies required for filing purposes shall be certified as an exact copy by the surveyor who prepared the Plat in accordance with ORS 92.120, Subsection (3).

SECTION 2.338 DECISION CRITERIA

A final Plat of a subdivision or partition may be approved based upon compliance with the submittal requirements specified above and the following findings:

- (1) The final Plat is in substantial conformance with the Tentative Plan.
- (2) The Conditions of Approval attached to the Tentative Plan have been satisfied.

SECTION 2.339 DECISION PROCESS

- (1) Upon receipt by the City, the Plat and other data shall be reviewed by the City Administrator or designee to determine that the land division as shown is substantially the same as it appeared on the approved Tentative Plan and that there has been compliance with provisions of law and of this Code.
- (2) The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and City representatives may enter the property for this purpose. Certifications of the County Surveyor shall be used to determine that the plat survey is technically correct.
- (3) If the City Administrator determines that the Plat conforms to the approved Tentative Plan, including all supplemental documents, provisions for required improvements and all conditions specified by the land use decision; approval shall be indicated by the signature of the City Administrator. The approval of the Plat does not constitute or effect an acceptance by the City of the dedication of any street or other easements offered on the plat until officially accepted by the City.

(Amended by Ord. 20-01 Attachment "A")

- (4) If the City Administrator finds errors or finds that the Plat does not substantially conform to the approved Tentative Plan, the City shall notify the Planning Commission and shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make corrections. The corrected Plat shall be resubmitted to the Planning Commission for verification of compliance with the approved Tentative Plan.

SECTION 2.340 FILING OF PLAT

- (1) The land divider shall, without delay, submit the Plat for signatures of public officials required by this Ordinance or state law. Approval of the Plat shall be null and void if it is not recorded within 120 days after approval by the City Administrator.
- (2) The land divider shall deliver to the City a signed and certified copy of the Plat and all recorded documents required and approved by the City. The City shall maintain the documents in the Record File of the Application in accordance with Section 2.150.
- (3) The land divider offering a plat for filing to which a water right is apparent shall also submit a copy of the plat to the State Water Resources Department as required by ORS 92.120.

SECTION 2.350 REPLATTING

- (1) Replatting shall allow the reconfiguration of lots or parcels and public easements within a recorded Plat in accordance with ORS 92.180 to 92.190. A replat shall conform to all of the requirements of the City for a subdivision or partition of land including approval of a Tentative Plan unless approved as a Property Line Adjustment as described in Section 2.310 of this Code. Upon approval by the City, the replat will act to vacate the Platted lots or parcels and easements within the replat area.
- (2) Notice consistent with that required for approval of a Tentative Plan shall be provided by the City. All affected utility companies or public agencies shall also be notified. Utility companies desiring to maintain easements proposed for vacation shall notify the City within 14 days of the mailing of the notice.

SECTION 2.360 EXPEDITED LAND DIVISIONS

When an expedited land division for residential use only is requested by an Applicant, the City shall use the procedures for an expedited land divisions specified under ORS 197.365 in lieu of the procedures described in Sections 2.320 through 2.329 if the application complies with the conditions and standards of ORS 197.360 through 197.380.

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

SECTION 2.400 SITE PLAN REVIEW

The purpose of the site plan review procedures is to correlate the general code requirements with the specific site conditions and proposed uses through a comprehensive review process to assure that developments are in conformance with the City's applicable land use regulations.

(1) **Site Plan Review Application.** An application for a use requiring a Site Plan Review shall be filed with the City together with a site plan and other supplementary data described in the Application, Section 2.125 and the Application Site Plan, Section 2.140. The City Administrator may also request a Site Plan Review for any development proposal, in addition to those specifically required by this Code, if the site or proposed use possesses any one of the following characteristics:

(Amended by Ord. 02-105 Attachment "A")
(Amended by Ord. 20-01 Attachment "A")

- (A) Site is traversed by a natural drainage-way or has demonstrated drainage limitations.
- (B) Site includes, or is adjacent to, Open Space and/or Greenway Areas designated in the Comprehensive Plan.
- (C) Site is located in a hazard area.
- (D) Site contains unusual topographic features including hillside slopes exceeding 15% slopes.
- (E) Site or proposed buildings have unusual or special features requiring a decision by the City.

(2) **Decision Criteria.** After an examination of the Site and prior to approval, the City Administrator must make the following findings:

- (A) That the applicable provisions of city codes and ordinances are complied with.
- (B) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street right-of-way are protected.
- (C) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.
- (D) That adequate water, sewage disposal system and utilities for the proposed use are available.
- (E) That drainage-ways are protected and drainage facilities provided.
- (F) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction.

(G) That the characteristics of the proposed development are compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent possible.

(3) **Decision Process.** The procedure for taking action on an application for a Site Plan Review shall be as follows:

- (A) A Site Plan is subject to review procedures in Section 2.125 of this code.
- (B) Once approved, the site plan submitted shall become the Official Plan. Building permits shall be issued only for plans that conform to the Official Plan and all construction shall conform to the Official Plan or a Certificate of Occupancy may be withheld until compliance.
- (C) All required elements of the approved site plan shall be installed and maintained indefinitely by the owner, unless approval has been received for a revision or amendment.
- (D) Revisions or amendments to an approved site plan shall follow the same procedure as for adoption of a site development plan.

(Amended by Ord. 20-01 Attachment "A")

SECTION 2.500 CONDITIONAL USES

A conditional use is a use of land or a structure which is normally appropriate in the district where it is permitted, but due to the specifics of that use could cause a potential nuisance, health or safety problem. It is the intent of this section to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner that safeguards surrounding property, the neighborhood, and the City.

(1) **Conditional Use Application.** An application for a use requiring a Conditional Use must be filed with the City together with a site plan and other supplementary data using forms described in the Application, Section 2.130 and the Application Site Plan, Section 2.140. The Planning Commission may also request a Conditional Use for any development proposal, in addition to those specifically required by this Code, if the site or proposed use has characteristics similar to, but different than, the uses permitted in the zone.

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

Uses existing prior to the effective date of this Code that are classified as a conditional use in this Code shall conform with the requirements for a conditional use if a change in use, lot area or an alteration is proposed.

(2) **Decision Criteria.** Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

- (A) That the proposed development complies with the City's Comprehensive Plan.
- (B) That the applicable provisions of city codes and ordinances are complied with.
- (C) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street right-of-way are protected.
- (D) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.
- (E) That adequate water, sewage disposal system and utilities for the proposed use are available.
- (F) That drainage-ways are protected and drainage facilities provided.
- (G) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction.
- (H) That the characteristics of the proposed development is compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent possible.

(3) **Decision Conditions.** In approving a conditional use application, the Planning Commission may require additional standards and conditions which the Planning Commission considers necessary to comply with the intent and purpose of the Comprehensive Plan and implementing codes or ordinances. These conditions may include, but are not limited to, the following:

- (A) Regulating the required lot size, lot width, or yard dimensions.
- (B) Regulating the height of buildings.
- (C) Controlling the location and number of vehicle access points.
- (D) Requiring dedication of additional street right-of-way or increasing the street width.
- (E) Increasing the number of required off-street parking or off-street loading spaces.
- (F) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

- (G) Limiting the number, size, location and lighting of signs.
- (H) Requiring ongoing maintenance of buildings and grounds.
- (I) Regulating emissions, potential hazards or nuisance characteristics caused by the proposed use which could have a negative impact on the surrounding area or the City as a whole.
- (J) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.
- (K) Regulating time periods for the conduct of certain activities.
- (L) Setting a time limit for which the conditional use is approved.
- (M) Providing a performance bond or other security for the cost of improvements to guarantee compliance with the standards and conditions of approval for the conditional use approved by the Planning Commission.
- (N) Providing a contractual agreement with the City to assure that the applicant will pay a share of the development costs for future public improvements.

(4) **Decision Process.** The procedure for taking action on an application for a Conditional Use shall be as follows:

- (A) A Conditional Use requires a "Quasi-judicial Public Hearing" by the Planning Commission in conformance with Section 3.510. A Quasi-judicial Decision requires notification to property owners within 250 feet of the subject property with an opportunity to submit written or oral comments at a public hearing prior to the close of the record and decision by the Planning Commission.
- (B) The Planning Commission may approve, deny, or approve conditionally the Conditional Use and attach any reasonable standards of development to attain compliance with the zone and city codes and ordinances.
- (C) If an application is denied, the action must be based on reasons related to non-compliance with the City Comprehensive Plan, Development Code or Ordinance requirements.

- (D) Once approved, the Conditional Use shall become the Official Plan. Building permits shall be issued only for plans which conform to the Official Plan and all construction shall conform to the official plan or a Certificate of Occupancy may be withheld until compliance.
- (E) All required elements of the approved Conditional Use shall be installed and maintained indefinitely by the owner unless approval has been received for a revision or amendment.
- (F) Revisions or amendments to an approved Conditional Use shall follow the same procedure as that utilized for approval.

SECTION 2.600 VARIANCES

Because of the impossibility of foreseeing and providing for all circumstances and conditions which may affect individual properties or uses, the variance provision is created to allow modification of the provisions of this Code for special and unusual circumstances without defeating the purpose and intent of the Code.

- (1) **Variance Application.** An application for a Variance shall be filed with the City together with a site plan and other supplementary data using forms prescribed in Section 2.125. The applicant shall submit evidence that the circumstance for granting a Variance as outlined in Item (2) herein apply to the Variance request. The City may authorize variances from the requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the Code would cause an undue or unnecessary hardship. A Variance shall not be granted to allow a use permitted in another district or zone or to allow a use not authorized within the intended district or zone. In granting a Variance, the City may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Code.
- (2) **Decision Criteria.** A Variance may be granted only in the event that all of the following circumstances exist:
 - (A) That there are special circumstances or conditions affecting the property or use.
 - (B) That the Variance is necessary for the proper design and/or function of the proposed development or land division.
 - (C) That the granting of the Variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

(D) That the granting of the Variance will not conflict with the purpose and intent of the district or zone, the Comprehensive Plan or other related ordinances of the City.

(3) **Decision Process.** The procedure for taking action on an application for a Variance shall be as follows:

- (A) A Variance is subject to review procedures in Section 2.125 of this Code.
- (B) Once approved, the site plan submitted shall become the Official Plan. Building permits shall be issued only for plans that conform to the Official Plan and all construction shall conform to the Official Plan or a Certificate of Occupancy may be withheld until compliance.
- (C) All required elements of the approved site plan shall be installed and maintained indefinitely by the owner, unless approval has been received for a revision or amendment.
- (D) Revisions or amendments to an approved site plan shall follow the same procedures as for adoption of a site development plan.

(Amended by Ord. 20-01 Attachment "A")

SECTION 2.700 AMENDMENTS

It is recognized that this Code or the Turner Comprehensive Plan may require amendments to adjust to changing circumstances. An amendment may require either, a Legislative Decision as defined in Section 3.200 (2) or a Quasi-judicial Decision as defined in Section 3.200 (3) depending upon whether the amendment applies to the Code in general or to a specific property.

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

Amendments may be either Text Amendments or Map Amendments. The City utilizes a single land use map for the Turner Comprehensive Plan and the Turner Zoning Districts therefore a zone change map amendment is an amendment to the Turner Comprehensive Plan and the Turner Land Use Development Code.

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

- (1) **Amendment Application.** An Amendment to this Code may be initiated by the City Council, the City Planning Commission or by application of a property owner. A request by a property owner for an amendment shall be accomplished by filing an application with the City using forms prescribed in Section 2.130.
- (2) **Decision Criteria.** All requests for an amendment to the text or zoning map of this Code may be permitted upon authorization by the City Council in accordance with following findings:

- (A) The proposed amendment is consistent with the intent of the Comprehensive Plan.
- (B) There is a public need for the proposed amendment to comply with changing conditions or new laws.
- (C) The amendment will not adversely impact adjacent areas or the land use plan of the City.
- (D) The amendment will not have an adverse environmental impact.
- (E) The amendment will not have an adverse impact on public facilities.
- (F) The amendment will not have an adverse impact on transportation.
- (G) The amendment will not have an adverse impact on economy of the area.
- (H) The amendment is consistent with the intent of Statewide Planning Goals.

(3) Decision Process.

- (A) Text amendments or zone change map amendments that affect a group or class of properties within the City requires a "Legislative Decision" by the City Council with recommendation by the Planning Commission in conformance with the Legislative Public Hearing procedures of Section 3.520.
- (B) Zone change map amendments initiated by an applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council with recommendation by the Planning Commission in conformance with the Quasi-judicial Public Hearing procedures of Section 3.510.
- (C) The City Council upon recommendation of the Planning Commission may approve, deny or approve with standards or conditions to attain compliance with this Code or the applicable zoning district.
- (D) The City is not required to justify denial of a proposed legislative change.

(4) No application of a property owner for an amendment to the text of this Code shall be considered by the City within a one-year period following previous denial of a similar request, except the City Council may permit a new application, if in the opinion of the Council, new evidence or a change of circumstance warrant it.

SECTION 2.800 ANNEXATIONS

The annexation of land to the City of Turner shall promote orderly growth of the City and the efficient provision of public facilities and services. The Turner Urban Growth Boundary Agreement with Marion County specifies that annexations and urban services shall only occur within the Turner Urban Growth Boundary (UGB). Annexations will comply with the Urban Growth Boundary Agreement with Marion County.

Procedures and standards for annexations are specified in ORS 222.111 to 222.180. A proposal for annexation may be initiated by the City Council on its own motion or by a petition to the City Council by owners of real property located in the territory to be annexed.

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

(1) **Initiation Procedures.** An annexation proposal may be initiated in compliance with one of the following procedures:

- (A) All of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing in the territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City;
- (B) A majority of the electors registered in the contiguous territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the City; or
- (C) More than half the owners of land in the contiguous territory proposed to be annexed, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.
- (D) An annexation proposal may be initiated by City Council resolution. The Council may terminate proceedings under this section at any time.
- (E) An annexation proposal may be initiated pursuant to the State law health hazard abatement annexation process as provided in ORS 222.

Statements of consent to annexation which are filed within any one-year period are effective and are deemed to be submitted with the petition required in subsection (1)(A), (1)(B), or (1)(C) of this Section, unless a separate written

agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the City.

(2) **Submittal Requirements.** The application must include:

- (A) A completed and signed annexation application packet on forms provided by the City.
- (B) Written consent to the annexation signed by the requisite number of affected property owners, electors, or both as provided by state law.
- (C) A legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.
- (D) A map of the area to be annexed including abutting right-of-way to be annexed and properties within 300 feet of the territory. The map shall show a scale and a north arrow.
- (E) A statement of the availability, capacity and status of existing water, sewer, drainage, and transportation facilities.
- (F) A statement of the increased demand for such facilities to be generated by any proposed development within the annexation area; and
- (G) A Financial Impact Statement that includes as a minimum; estimated costs for infrastructure investments necessary to serve the proposed annexation, identifies the source of funds for all such investment, and evaluates operating costs against estimated revenue for each infrastructure system impacted.
- (H) A conceptual development plan which includes:
 - i Comprehensive plan and proposed zoning designations for the properties to be annexed;
 - ii Conceptual streets and utilities;
 - iii Significant natural features; and
 - iv Adjoining land uses.

(I) A narrative which addresses the approval criteria in subsection (3) of this Section.

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

(3) **Decision Criteria.** All requests for annexation to the City may be permitted upon authorization by the City Council in accordance with following findings:

(A) The land proposed to be annexed is within the City's Urban Growth Boundary and is:

- i Contiguous to the city limits; or
- ii Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

(B) The proposed annexation is consistent with the applicable goals and policies of the Comprehensive Plan.

(C) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

((h) added by Ord. 02-105 Attachment "A")

(4) **Review Procedures.**

Upon acceptance of a complete application, the City shall request a Staff Review together with other public or private agencies which may be affected by the proposed annexation. The City shall forward information regarding the request to the County for comments and recommendations. The City shall allow at least twenty days for the County to respond to such applications. The County may request that the City allow additional time to submit comments before the City makes a decision on the annexation proposal.

Upon receipt of the application, plans and accompanying narrative, Staff shall make an evaluation and recommendation. Comments and recommendations shall be available to the public and the Applicant. The Applicant shall be advised of any recommended changes or conditions for approval. The City shall incorporate all Staff comments into a report to the Planning Commission and City Council. The report shall include an analysis of the impacts of the proposed annexation, a review of applicable City and State policies and standards, and a recommendation as to the appropriateness of the proposed development and the annexation itself.

Upon the filing of a complete application for annexation, the City Council shall review the application and refer the request to the Planning Commission to evaluate the proposed annexation and to determine the appropriate zoning district to be applied upon annexation and make a recommendation to the City Council.

(A) The Planning Commission may hold a public hearing in accordance with the provisions of Section 3.510 for the purposes of reviewing the proposed annexation and the proposed land use zoning district(s). Following the close of the public hearing the Commission shall recommend the appropriate zoning district to be applied upon annexation and forward its recommendation to the City Council

(B) The City Council may hold a public hearing for the purposes of reviewing the proposed annexation and the proposed land use zoning district(s) in accordance with the provisions of Section 3.510, additionally, a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.

The City Council may, by ordinance containing a legal description of the territory to be annexed, declare the territory annexed to the city.

(C) The City need not hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the City. Upon receiving written consent to annexation by owners and electors under this section, the City Council, or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

(D) Land annexed to the City shall be automatically rezoned as of the effective date of the annexation. When an annexation of territory to the City becomes final and effective, the property shall be added to the official zoning map, along with the zoning and comprehensive plan designations.

(5) **Effective Date and Notice.** The effective date of an approved annexation shall be set in accordance with state law in ORS 222.180.

- (A) A written record of the findings and action of the City shall be maintained in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant and all parties to the proceedings as specified in Section 3.600, Decision.
- (B) Approval of the annexation shall require a Notice of Decision be given the proper state and county authorities including the Oregon Secretary of State, the County Clerk and Assessor of Marion County. Notice shall include:
 - i A copy of the Ordinance approving the annexation;
 - ii A legal description and map of the annexed territory;
 - iii The findings; and
 - iv Each site address to be annexed as recorded on Marion County assessment and taxation rolls or found in RLID.
- (C) The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in this Section.

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 be governed by appropriate Oregon Statutes.

(Amended by Ord. 10-106)

- (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.

(Amended by Ord. 10-106)

(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.
- (B) Zoning of Vacated Right-of-Way. The zoning of vacated right-of-way 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 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 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 ensure that the proposal will conform to the review criteria and may require fair market value for the vacated property as a condition of approval.

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

- i Insure that the proposal will conform to standards contained in the City Land use
- ii Require fair market value for the vacated property as a condition of approval.

(Section 2.900(4) Amended by Ord. 10-106)

- (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.

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

- (6) Final vacation approval shall be in ordinance form with an appropriate legal description and map.

(Added by Ord. 10-106)

- (7) Vacations shall not be recorded with Marion County, unless specified by the City Council, until all Conditions of Approval have been met.

(Added by Ord. 10-106)

Article 3 DECISION PROCESSES

SECTION 3.110	BASIS FOR DECISION
SECTION 3.120	FORM OF DECISION
SECTION 3.200	TYPE OF DECISIONS
SECTION 3.300	NOTIFICATION
SECTION 3.400	LIMITED LAND USE REVIEW PROCEDURES
SECTION 3.510	QUASI-JUDICIAL PUBLIC HEARING PROCEDURES
SECTION 3.520	LEGISLATIVE PUBLIC HEARING PROCEDURES
SECTION 3.600	DECISION
SECTION 3.700	APPEAL PROVISIONS
SECTION 3.800	REVOCATION

SECTION 3.110 BASIS FOR DECISION

The basis for a decision on a land use application and the reasons for approval or denial are contained in ORS 227.173.

- (1) Approval or denial of a discretionary permit application shall be based on standards and criteria contained in the City's Comprehensive Plan and implementing ordinances.
- (2) Approval or denial of a land use application shall be based upon and accompanied by:
 - (A) A brief statement that explains the criteria and standards considered relevant to the decision.
 - (B) A statement of the facts relied upon in rendering the decision.
 - (C) An explanation of the justification for the decision based on the criteria, standards and facts set forth.
- (3) An application shall not be approved unless the proposed development of land would be in compliance with the City Comprehensive Plan, this Code or other applicable land use regulations or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

SECTION 3.120 FORM OF DECISION

A land use decision will take one of three forms:

- (1) **Approval.** Approval means the review or hearing body found the approval criteria were satisfied by the presented facts.
- (2) **Approval with Conditions.** Approval with conditions means the review or hearing body found the approval criteria could be satisfied with the application of specified conditions of approval as authorized in this Code.
- (3) **Denial.** Denial means the review or hearing body found the approval criteria was not satisfied by the presented facts and could not be made to comply with attached conditions of approval.

SECTION 3.200 TYPE OF DECISIONS

ORS 197 and ORS 227 define four types of decisions utilized by cities to address land use applications. Each type of decision has its own procedural requirements. The four types of decisions are:

- (1) **Administrative Decisions.** Land use applications subject to administrative procedures in Section 2.125 include Partitions, Variances, and Site Plan Reviews.
(Amended by Ord. 20-01 Attachment "A")
- (2) **Legislative Decisions.** A legislative decision produces a general rule, law or policy applicable to everyone under similar circumstances. Legislative decisions have a "presumption of validity." They are the laws that apply to everyone in similar situations.

An example of a Legislative Decision was the adoption of the City's Comprehensive Plan, this Code and Ordinances. Other legislative decisions provided for in this Code include text amendments and zone change map amendments that affect a group or class of properties within the City. Legislative Amendments to this Code are provided for in Section 2.700.

- (3) **Quasi-judicial Decisions.** A Quasi-judicial Decision involves a discretionary judgment applying the adopted rules, laws or policies to a specific individual land use situation like determining the permissible use of a specific piece of property. The action is judicial in nature and the hearing body must conduct a fair and impartial hearing. The decision must be based upon demonstrated compliance with the applicable criteria or standards contained in the City Comprehensive Plan, this Code, ordinances or policies, as determined by the factual evidence presented in the public hearing. The applicant for a change in the use of land specified in the Comprehensive Plan and implementing ordinances bears the burden of proof for the requested change.

Examples of Quasi-judicial Decisions provided for in this Code include, but are not limited to, Conditional Uses as provided in Section 2.500, Variances as provided in Section 2.600 or a zone change map amendment for a specific property as provided in Section 2.700.

(4) **Limited Land Use Decision.** The 1991 Oregon Legislature added ORS 197.195 to Chapter 197 to provide provisions for a final decision or determination made by a city pertaining to a site within its urban growth boundary which concerns:

- (A) Approval or denial of a subdivision or partition, as described in ORS 92.
- (B) Approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to, site reviews and design reviews.

A Limited Land Use Decision is a form of discretionary decision that does not require a public hearing and is not subject to the requirements of ORS 197.763 for quasi-judicial public hearings, but is subject to the requirements of ORS 227.173 for a Planning Commission review of the application.

Examples of limited land use decisions in this Code that require a review by the Planning Commission include, but are not limited to, Subdivision and Partition Tentative Plans specified in Section 2.320 and Site Plan Reviews specified in Section 2.400.

SECTION 3.300 NOTIFICATION

- (1) Administrative actions authorized by this Code do not require notifications.
- (2) Legislative actions authorized by this Code require one or more public hearings and notification to the general public. Any means of notification that provides the general public and organizations believed to have an interest in the legislative issue with reasonable opportunity to be aware of the hearing on the issue is permitted and encouraged.
- (3) Limited Land Use reviews or Quasi-judicial public hearings authorized by this Code require notification to the applicant and to owners of property within 250 feet of the property which is the subject of the notice as identified on the most recent property tax assessment roll where such property is located. Notice shall also be provided to public agencies known to be affected and to any neighborhood or community organization recognized by the City whose boundaries include the site.

The City shall obtain a list of property owners of record within 250 feet of the property that is the subject of the review or hearing.

(4) State Ballot Measure 56 requires local governments to mail written individual notice to land owners when the governing body changes the base zoning classification of property, or adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

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

(5) The notice of review or hearing shall be mailed at least twenty (20) days prior to the date of the review or hearing; or if two or more reviews or hearings are allowed, ten (10) days before the first review or hearing. For notices that are sent as a result of a new amendment to a state administrative rule or statute notice shall be mailed within 30 days of the effective date of the administrative rule or statute.

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

(6) The required notice provisions of this section may be expanded to include properties beyond 250 feet and shall include giving public notice by other means.

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

(7) The failure of a person to receive the notice as provided in this section shall not invalidate such proceedings if the City can validate by affidavit that such notice was given.

(8) The notice provided by the City shall:

- (A) Explain the nature of the application and the proposed use or uses which could be authorized.
- (B) List the applicable criteria from the Code and the Plan that apply to the application at issue or indicate where to find criteria.
- (C) Set forth the street address or other easily understood geographical reference to the subject property.
- (D) State the date, time and location of the review or public hearing.
- (E) State that failure of an issue to be raised in a review or hearing, in person or by letter or failure to provide sufficient detail to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.
- (F) Include the name and address of the City Administrator and the telephone number where additional information may be obtained.

- (G) State that a copy of the application, all documents and evidence relied upon by the applicant and the applicable criteria are available for inspection at the Turner City Hall at no cost and will be provided at reasonable cost.
- (H) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the review or hearing and copies will be provided at reasonable cost.
- (I) Include a general explanation of the requirements for submission of testimony and the procedures for the conduct of reviews or public hearings by the City.
- (J) The City shall provide written notice of the decision to the Applicant and all parties to the proceeding. The notice shall briefly summarize the decision making process and contain an explanation of appeal rights.

(9) **Wetland Notice.** The City shall provide the Oregon Department of State Lands, the Applicant and Owner with notice of applications for developments located within areas identified as "Wetlands" on the State-wide Wetlands Inventory. No physical alteration shall occur within defined wetland areas until a notice or permit is received from the Division. If the Division fails to respond within thirty days of notice, City approval may be granted with written notice to the applicant and owner that their proposal may require state or federal permits.

(10) **DLCD Notice.** The City shall notify the Department of Land Conservation and Development of a pending adoption or amendment to the City Comprehensive Plan, Implementing Ordinances, or any other land use ordinance or regulation. The notice shall be provided at least 35 days prior to the first evidentiary hearing on adoption and the notice shall contain information sufficient to inform the Department as to the effect of the proposal. If the City determines that the statewide goals do not apply to a proposed amendment or new regulation, notice is not required. In addition, the City may consider an amendment or new regulation with less than 45 days notice if the City Council determines that there are emergency circumstances requiring expedited review.

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

(11) **Manufactured Dwelling Park Notice.** If an application would change the zone of property, including all or part of a Manufactured Dwelling Park, the City shall provide written notice by first class mail to each existing mailing address for tenants of the Manufactured Dwelling Park at least 20 days prior to the date of the first hearing on the application.

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

SECTION 3.400 LIMITED LAND USE REVIEW PROCEDURES

The following procedures govern the conduct of Limited Land Use Reviews by the by the Turner City Council for all, Subdivision Reviews. Written comments may be submitted prior to the review decision. No public comment or testimony is permitted at the review unless the Land Use Authority finds that clarification from the Applicant is needed.

(Amended by Ord. 02-105 Attachment "A")
(Amended by Ord. 20-01 Attachment "A")

- (1) At the commencement of a review the Chairperson shall request a summary of the Staff Report that:
 - (A) States the address or geographic location of the subject property.
 - (B) Explains the nature of the application and the proposed use or uses which could be authorized.
 - (C) Lists the applicable criteria from the ordinance and the plan that apply to the application at issue.
 - (D) State that written testimony and evidence must be directed toward the criteria or other criteria in the plan or ordinances which the person believes to apply to the decision.
 - (E) State that a failure to raise an issue with sufficient detail to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue.
 - (F) State that the City shall provide written notice of the decision to the Applicant and all parties to the proceeding. The notice shall briefly summarize the decision making process and contain an explanation of appeal rights.
- (2) The Turner Planning Commission or the Turner City Council may choose to schedule a public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood or the City.

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

SECTION 3.510 QUASI-JUDICIAL PUBLIC HEARING PROCEDURES

The following procedures govern the conduct of Quasi-judicial Public Hearings by the Turner Planning Commission or the Turner City Council on an application for a land use decision:

- (1) A Quasi-judicial Public Hearing is required by the Planning Commission for discretionary land use decisions including, but not limited to: Conditional Uses

and Variances. Written testimony may be provided at the hearing or prior to the hearing. Oral testimony may be provided at the hearing.

- (2) Quasi-judicial Public Hearings are required by both the Planning Commission and City Council for discretionary land use decisions for a Zone Change Map Amendment initiated by an applicant for a specific property. Written testimony may be provided at the hearing or prior to the hearing. Oral testimony may be provided at the hearing. An Amendment to this Code is provided for in Section 2.700.
- (3) The Planning Commission and City Council may choose to combine their hearings into a single joint public hearing. The Mayor or President of the City Council shall preside at joint hearings. Following the joint public hearing, the Planning Commission will deliberate at a separately scheduled meeting and make a recommendation to the City Council. The City Council will consider the recommendation of the Planning Commission and following deliberation, make a final decision on the amendment considering the public testimony, factual evidence presented and compatibility and compliance with the City Comprehensive Plan and the Statewide Land Use Goals and Guidelines.
- (4) An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) shall be raised not later than the close of the record following the final evidentiary hearing on the proposal before the City. Such issues shall be raised with sufficient detail so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.
- (5) At the commencement of a hearing the Chairperson of the Hearing Body shall:
 - (A) Announce the purpose of the hearing.
 - (B) State that the applicable substantive criteria will be presented in the Staff Report.
 - (C) State that testimony and evidence must be directed toward the criteria or other criteria in the plan or ordinances which the person believes to apply to the decision.
 - (D) State that a failure to raise an issue with sufficient detail to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue.
- (6) The Chair shall request members of the hearing body to declare and identify any potential conflict of interest or any ex parte contacts on the issue:
 - (A) Members shall place on the record the substance of any written or oral ex parte communications concerning the decision or action.

- (B) Members shall make a public announcement of the content of the communication.
- (C) Opposition parties' have a right to rebut the substance of any ex parte communication at the first hearing following said communication.
- (D) In accordance with ORS 227.180, no decision or action by the Planning Commission or City Council shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body if the member makes the declarations cited above.

- (7) The Chair shall request presentation of the Staff Report.
- (8) The Chair shall request reports or testimony from any Governmental Agencies.
- (9) The Chair shall make the following statements before presentation of testimony:
 - (A) A person shall first stand and state his full name and address.
 - (B) The Chair, members of the Hearing Body, or others, with the recognition of the Chair may question a witness.
- (10) The Chair shall call for the Applicant's Presentation.
- (11) The Chair shall call for other Proponent testimony in favor of the Request.
- (12) The Chair shall call for Opponent's testimony in opposition to the Request.
- (13) The Chair shall call for general comments.
- (14) The Chair shall call for the Applicant's rebuttal to opponent's testimony. The Applicant has the right of rebuttal - Opponents do not.
- (15) The Chair shall close the hearing or continue it to an announced time and place.
- (16) Unless there is a continuance, if a participant so requests, before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. When a record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
- (17) Call for deliberation by Hearing Body following the close of the Hearing or Record. The Hearing Body may make its decision following the hearing or may continue its deliberation to a subsequent meeting. The time and place of the subsequent meeting shall be announced.

SECTION 3.520 LEGISLATIVE PUBLIC HEARING PROCEDURES

The following procedures govern the conduct of Legislative land use public hearings conducted before the Turner Planning Commission or the Turner City Council on an Amendment to this Code:

- (1) Legislative public hearings are required by both the Planning Commission and City Council for text amendments or zone change map amendments that affect a group or class of properties. Written testimony may be provided at the hearing or prior to the hearing. Oral testimony may be provided at the hearing. Amendments to this Code are provided for in Section 2.700.
- (2) The Planning Commission and City Council may choose to combine their hearings into a single joint public hearing. The Mayor or President of the City Council shall preside at joint hearings. Following the joint public hearing, the Planning Commission will deliberate at a separately scheduled meeting and make a recommendation to the City Council. The City Council will consider the recommendation of the Planning Commission and following deliberation, make a final decision on the amendment considering the public testimony, factual evidence presented and compatibility and compliance with the City Comprehensive Plan and the Statewide Land Use Goals and Guidelines.
- (3) An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) shall be raised not later than the close of the record following the final evidentiary hearing on the proposal before the City. Such issues shall be raised with sufficient detail so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.
- (4) At the commencement of a hearing a statement by the Chairperson shall be made to those in attendance that:
 - (A) Announces the purpose of the hearing.
 - (B) States that the applicable substantive criteria will be presented in the Staff Report.
 - (C) States that testimony and evidence must be directed toward the criteria or other criteria in the City Comprehensive Plan, this Code or other ordinances which the person believes to apply to the decision.
 - (D) States that a failure to raise an issue with sufficient detail to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue.
- (5) The Chair shall request presentation of the Staff Report.

- (6) The Chair shall request reports or testimony from any Governmental Agencies.
- (7) The Chair shall make the following statements before presentation of testimony:
 - (A) A person shall first stand and state their full name and address.
 - (B) The Presiding Officer, members of the Hearing Body, or others, with the recognition of the chair may question a witness.
- (8) Call for testimony in favor of the change.
- (9) Call for testimony in opposition to the change.
- (10) Call for general comments.
- (11) Close the hearing or continue it to another announced time and place.
- (12) Call for deliberation by Hearing Body following close of the Hearing. The Hearing Body may make its decision following the hearing or may continue its deliberation to a subsequent meeting. The time and place of the subsequent meeting shall be announced.

SECTION 3.600 DECISION

Applicants and participants in a land use proceeding are entitled to a decision based upon a fair and impartial review or hearing of the factual evidence presented in conformance with the relevant standards and criteria contained in the City's Comprehensive Plan, Codes or Ordinances.

- (1) **Decision Justification.** The review or hearing body shall make a decision on a land use application and provide a brief statement that explains the standards and criteria considered relevant to decision, states the facts relied upon and explains the justification for the decision, with findings that summarize the facts believed by the review or hearing body and how the standards and criteria are satisfied by the accepted facts.
- (2) **Findings.** Findings are based on the information presented in the application, the staff report and evidence presented in the proceedings. ORS 227.173 requires:
 - (A) An explanation of the relevant criteria applicable to the decision.
 - (B) A statement of the facts supporting the decision.

- (C) An explanation of how the standards and criteria are satisfied by the accepted facts and justify the decision.
- (3) **Findings for Approval.** The findings must contain a statement that the applicable policy or criteria is satisfied by the accepted facts presented.
- (4) **Findings for Approval with Conditions.** The findings must contain a statement that the applicable policy or criteria cannot be satisfied by the facts presented without the application of conditions of approval as authorized in this Code.
- (5) **Findings for Denial.** The findings must contain a statement that the applicable policy or criteria are not satisfied by the facts presented and cannot be made to comply with the application of conditions of approval as authorized in this Code.
- (6) **Notice of Decision.** Written notice shall be given to the Applicant and all parties to the proceedings. The notice shall contain the following information:
 - (A) The name of the Applicant and/or Owner of the subject property.
 - (B) The address or geographic description of the subject property.
 - (C) A description of the requested action.
 - (D) The date of decision.
 - (E) A summary of the decision made.
 - (F) An explanation of appeal rights.
 - (G) The location where the record may be reviewed.

SECTION 3.700 APPEAL PROVISIONS

An appeal issue shall be raised at the time of the review or hearing, either in person or by letter. The appeal issue raised must be specific and shall be presented with enough clarity to afford the decision body an opportunity to adequately respond to the issue. Failure to raise the issue at the review or hearing or failure to clearly define the issue shall preclude appeal to the City Council or to the Land Use Board of Appeals (LUBA) on that issue.

- (1) Written notice of the appeal shall be filed with the City on forms provided by the City. An Appeal request shall contain:
 - (A) The name of the appellant(s) and a statement by the appellant that they were a party to the initial proceedings.

- (B) Identification of the decision being appealed.
- (C) The date of the decision being appealed.
- (D) The form and basis of the appeal and the criteria relied upon for the appeal request.

(2) An action or ruling of the City Administrator or designee pursuant to this Code may be appealed to the Planning Commission within 15 days after the decision is made. If an appeal is not filed within the above specified period, the decision of the City Administrator or designee shall be final. If the appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the City Administrator or designee and shall hold public hearing on the appeal.

(3) An action or ruling of the Planning Commission pursuant to this Code may be appealed to the City Council within 15 days after the Planning Commission decision is mailed.

Written notice of the appeal shall be filed with the City. If the appeal is not filed within the above specified period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall request a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal. The City Council may continue the hearing for good cause. Following the hearing, the City Council may sustain any recommendations or ruling of the Planning Commission, provided such action complies with the provisions of this Code, or the City Council may decide the issue.

(4) **Notice.** A "Notice of Appeal" shall be provided in the same manner as provided for in the original Application and Notice of Decision including all parties to the previous proceedings. A "Notice of Appeal" shall contain:

- (A) The name of the appellant and a statement that they were a party to the initial proceedings.
- (B) Identification of the decision being appealed.
- (C) The date of the decision being appealed.
- (D) The form and basis of the appeal and the criteria relied upon for the appeal.

(5) **Scope of Review.** The hearing body shall determine the scope of review on the appeal to be one of the following:

- (A) Review on specific issues relative to the decision being appealed.
- (B) Review only on the official record of the decision being appealed.
- (C) A "de novo" hearing as if the request had not been previously heard, except that all testimony, evidence and other materials in the record of the previous review or hearing may be included in the new record of review.

(6) A party aggrieved by the City's final determination in a proceeding for a land use decision, limited land use decision or discretionary permit may have the determination reviewed by the Land Use Board of Appeals (LUBA) under ORS 197.828 to 197.845 by filing a notice of intent to appeal with LUBA not later than 21 days after the decision becomes final.

SECTION 3.800 REVOCATION

A decision on a land use application may be overturned, revoked or modified by the City on any one or more of the following grounds after a public hearing on the issue:

- (1) A material misrepresentation or mistake of fact was made in the application or evidence submitted, either intentionally or unintentionally.
- (2) The use for which approval was granted has ceased to exist.
- (3) Failure to comply with the terms and conditions of approval.
- (4) The use is in violation of a provision of this Code or other applicable statutes, ordinances, or regulations.
- (5) The approval decision was overturned on appeal.

Article 4 ZONING DISTRICTS

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SECTION 4.279	RC-ENFORCEMENT

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
Downtown Commercial	C-2
Public-Institutional	P-I
General Industrial	M-1

(Amended by Ord. 10-106)

SECTION 4.020 CLASSIFICATION OF OVERLAY-DISTRICTS

- (1) An Overlay-District may be established in combination with a Primary Land Use District. The Overlay-District shall establish additional requirements, standards and procedures for the use and development of property in the Primary District. In cases of conflict between the standards and requirements of the Primary District and the Overlay-District, the standards and requirements of the Overlay-District shall apply.
- (2) For the purposes of this Code the following Overlay-Districts are hereby established:

<u>OVERLAY DISTRICTS</u>	<u>ABBREVIATED DESIGNATION</u>
Flood Hazard	FH
Wetlands	WL
Hillside Development	HD
Historic Preservation	HP
Planned Development	PD
Riparian Corridor	RC

(Amended by Ord. 11-102)

SECTION 4.030 LOCATION OF ZONING DISTRICTS

The City's Zoning Districts are also the City's Comprehensive Plan Land Use Districts. The boundaries for the Zoning Districts listed in this Code are indicated on the Turner Comprehensive Plan and Zoning Districts Map which is hereby adopted by reference and made a part of this Code.

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

SECTION 4.040 ZONING MAPS

A Zoning Map adopted by Section 4.030 of this Code or an amendment thereto shall be dated with the effective date that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this Code remains in effect.

SECTION 4.050 ZONING DISTRICT BOUNDARIES

Unless otherwise specified, District or Zone boundaries are section lines; sub-division lines; lot lines; center line of Mill Creek, streets or railroad right-of-ways or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of a measuring scale designated on the County Assessor Maps.

SECTION 4.060 ZONING OF ANNEXED AREAS

All areas annexed to the City shall be rezoned consistent with the Turner Comprehensive Plan at the time of annexation.

SECTION 4.070 SIMILAR USE AUTHORIZATION

The Planning Commission may permit in a particular district a use not listed in this Code, provided the use is of the same general type as the uses permitted by this Code. However, this section does not authorize the inclusion in a district where it is not listed, a use specifically listed in another district. The decision of the Planning Commission may be appealed to the City Council using procedures specified in Section 3.700 of this Code.

SECTION 4.080 NONCONFORMING USE

It is the intent of the nonconforming use sections of this Code to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this Code to continue under conditions specified herein. However, alteration or expansion

of these nonconforming uses and structures that could cause potentially adverse effects in the immediate neighborhood or in the City as a whole, are not permitted as outlined in this section.

(1) Continuation of a Nonconforming Use.

- (A) Subject to the provisions of this section, a nonconforming use of a structure or a nonconforming use, may be continued and maintained, but shall not be altered or extended except as provided herein.
- (B) The extension of a nonconforming use to a portion of a structure which was arranged or designed for such use at the time of passage of this Code is not an extension of a nonconforming use.
- (C) In any industrial or commercial district, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not exceed the yard, lot coverage and building height requirements specified in the adjacent Residential District.

(2) Nonconforming Structure. A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standards, may be altered or extended if the alteration or extension does not cause the structure to deviate from the standards of this Code.

(3) Discontinuance of a Nonconforming Use.

- (A) If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use unless approved by the Planning Commission.
- (B) If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.

(4) Change of a Nonconforming Use. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district in which it is located.

(5) Destruction of a Nonconforming Use or Structure. If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed by any cause, a future structure or use on the site shall be either in accordance with the provisions of the district in which the property is located or the property owner may apply for a Conditional Use Permit to continue with the existing use or to replace the structure in its present location. A residence may be replaced in any zoning district.

- (6) **Repairs and Maintenance.** Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring, or plumbing, provided the building is not increased in cubic content or floor area.
- (7) **Completion of Structure.** Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued.

SECTION 4.100 PRIMARY LAND USE DISTRICTS

SECTION 4.111 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

- (1) **Purpose.** To provide areas suitable and desirable for low density single-family residential use with provisions for associated residential or public service uses.
- (2) **Permitted Uses.** In an R-1 District, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:
 - (A) One single-family dwelling or manufactured dwelling per tax lot.
 - (B) Residential Care Homes for 5 or less people. as provided in ORS 197.660 -670
 - (C) Group Child Care Home for 16 or less children as provided in the applicable provisions of ORS 657 A.
 - (D) Accessory structures subject to the following standards:
 - i One Accessory Dwelling Unit in conformance with the applicable standards of Article 6.
 - ii Accessory structures shall be limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.
 - iii 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) Residential Care Facility for 15 or less people as provided in ORS 197.660 & 197.670.
- (B) Group Child Care Center for 17 or more children as provided in the applicable provisions of ORS 657 A.
- (C) Public or semi-public uses.

(4) **Development Standards.**

- (A) Minimum lot area - 8,000 square feet.
- (B) Minimum lot width - 50 feet.
- (C) Maximum Building coverage including accessory structures - 60%.
- (D) Maximum building height - 35 feet.
- (E) Yards:
 - i Exterior (street) yard setbacks -
Front yard: 15 feet for structures.
Side yard: 12 feet for structures.
Garage or carport: 20 feet from the street right-of-way line to a garage or carport entrance.
See Section 5.116 for additional street setbacks.
 - ii Interior yard setbacks –
Side yard: 5 feet for one story buildings, 7.5 feet for two story buildings;
Rear yard: 15 feet for primary structure; and 5 feet for attached or detached accessory structures.
Small covered detached accessory structures: 2 feet for side or rear property lines if the structure is:
 - a. At least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
 - b. The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;

- c. If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
- d. The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
- e. The structure does not have a rooftop deck; and
- f. Dormers are set back at least 5 feet from the side and rear lot lines.

(F) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the R-1 District.

(Section 4.111 Amended by Ord. 22-100)

SECTION 4.112 SINGLE-FAMILY RESIDENTIAL DISTRICT R-2

- (1) **Purpose.** To provide areas suitable and desirable for medium density single-family residential use with provisions for associated residential or public service uses.
- (2) **Permitted Uses.** In an R-2 District, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:
 - (A) One single-family dwelling or manufactured dwelling per tax lot.
 - (B) Residential Care Homes for 5 or less people. as provided in ORS 197.660 -670.
 - (C) Group Child Care Home for 16 or less children as provided in the applicable provisions of ORS 657A.
 - (D) Accessory structures subject to the following standards:
 - i One Accessory Dwelling Unit in conformance with the applicable standards of Article 6.
 - ii Accessory structures shall be limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.

- iii Boats, trailers, detached campers, motorized dwellings, and similar recreational equipment may be stored, but not used for human habitation.
- (E) One duplex per tax lot.
- (F) Cottage Housing in conformance with the applicable standards of Article 6.
- (G) Attached single-family (townhouse).

(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) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.
- (B) Group Child Care Center for 17 or more children as provided in the applicable provisions of ORS 657 A.
- (C) Public or semi-public uses.

(4) **Development Standards.**

- (A) Minimum lot area:
 - i Single-family: 6,000 square feet.
 - ii Attached single-family: 6,000 square feet.
 - iii Duplex: 10,000 square feet.
 - iv Cottage Housing: 12,000 square feet.
- (B) Minimum lot width - 50 feet.
- (C) Maximum Building coverage including accessory structures - 75%.
- (D) Maximum building height - 35 feet.
 - i Attached single-family is limited to two stories.
- (E) Yards:
 - i Exterior (street) yard setbacks –

Front yard: 15 feet for structures.
Side yard: 12 feet for structures.
Garage or carport: 20 feet from the street right-of-way line to a garage or carport entrance.
a. See Section 5.116 for additional street setbacks.

ii Interior yard setbacks –
Side yard: 5 feet for one story buildings, 7.5 feet for two story buildings;
Rear yard: 15 feet for primary structure and 5 feet for attached or detached accessory structures;

a. Small covered detached accessory structures: 2 feet for side or rear property lines if the structure is:
b. At least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
c. The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
d. If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
e. The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
f. The structure does not have a rooftop deck; and
g. Dormers are set back at least 5 feet from the side and rear lot lines.

iii For attached single family dwellings, on interior lots the side building setback on the side containing the common wall is reduced to zero.

(F) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the R-2 District
(Section 4.112 Amended by Ord. 22-100)

SECTION 4.121 MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-11

(1) **Purpose.** To provide areas suitable and desirable for medium density multiple-family residential use with provisions for associated residential or public service

uses. Medium density shall mean a maximum of 20 dwelling units per acre unless approved as a Conditional Use.

(2) **Permitted Uses.** In an R-11 District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Section 2.400, single-family and duplexes accepted, and other standards and provisions set forth in this Code:

- (A) One single-family dwelling or manufactured dwelling per tax lot, at a minimum density of 10 units per acre.
- (B) Duplexes, triplexes, fourplexes at a minimum density of 10 units per acre;
- (C) Apartments and multiple-family dwellings up to 20 units per acre.
- (D) Residential Care Facility for 15 or less people as provided in ORS 197.660-670.
- (E) Group Child Care Home.
- (F) Accessory structures subject to the following standards:
 - i On a lot with an existing single-family dwelling: One Accessory Dwelling Unit in conformance with the applicable standards of Section 6.105.
 - ii Accessory structures shall be limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.
 - iii Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation.
- (G) Cottage Housing in conformance with the applicable standards of Article 6.

(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) Manufactured dwelling parks.
- (B) Public or semi-public uses.

(C) High Density multiple-family residential with greater than 20 dwelling units per acre.

(4) Development Standards.

(A) Minimum lot area:

- i Single family detached: 2,500 square feet.
- ii Duplex: 5,000 square feet.
- iii Triplex: 7,500 square feet.
- iv Fourplex: 10,000 square feet.
- v Attached single family: 2,500 square feet.
- vi Cottage Housing: 10,000 square feet.
- vii Multifamily with 5 or more units: 10,000 square feet.

(B) Minimum lot width - 50 feet.

(C) Maximum Building coverage - 75%.

(D) Yards:

- i Exterior yard setbacks –
 - a. Front yard: 15 feet for structures.
 - b. Side yard: 12 feet for structures.
 - c. See Section 5.116 for additional street setbacks.
- ii Interior yard setbacks –
 - a. 5 feet side and 15 feet rear for primary structure and 3 feet for accessory structures.
 - b. Small covered detached accessory structures: 2 feet for side or rear property lines if the structure is:
 - (1) At least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;

- (2) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
- (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
- (4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
- (5) The structure does not have a rooftop deck; and
- (6) Dormers are set back at least 5 feet from the side and rear lot lines.

c. For attached single family dwellings, on interior lots the side building setback on the side containing the common wall is reduced to zero.

(E) Maximum building height three stories or 45 feet whichever is less.

(F) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the R-11 District.

(Section 4.121 Amended by Ord. 22-100)

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.

(Amended by Ord. 10-106)

(2) **Permitted Uses.** In a C-1 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 and temporary activities shall be conducted entirely within an enclosed building:

(A) Retail stores or shops.

- (B) Personal or business service.
- (C) Repair shops (See (3)(B) below).
- (D) Eating or drinking establishments.
- (E) Offices, business or professional.
- (F) Financial institutions.
- (G) Indoor commercial amusement or recreation establishments.
- (H) Public or semi-public buildings and uses.
- (I) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.
- (J) Group Child Care Home.
- (K) Second story residences located above a ground floor commercial use in accordance with Section 6.201.
(Amended by Ord. 02-105 Attachment "A")
- (L) Conversion of residence to a permitted commercial use in accordance with Section 6.201.
(Amended by Ord. 02-105 Attachment "A")

(3) **Conditional Uses.** In a C-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) Automotive, truck or RV service facilities with access from a designated arterial street.
- (B) Automotive, truck, RV, equipment or other repair shops which possess nuisance characteristics or emissions potentially detrimental to public health, safety and general welfare of the community such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use.
- (C) Permitted uses listed in (2) above, requiring open display or storage, including but not limited to, automobile or equipment sales.

(4) Development Standards.

- (A) Minimum lot area and configuration - Lots within a General Commercial 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:
 - i Exterior yard setbacks - none required. See Section 5.116 for additional street setbacks.
 - ii 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 - two and one-half 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 C-1 District.

SECTION 4.132 DOWNTOWN COMMERCIAL DISTRICT DC
(Deleted with Ord. 10-106)**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 Home.
- (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.

(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.
- (J) 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.

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.

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.

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:

a. All new building construction;

- b. Any exterior building or site modification that requires a building permit; and,
 - c. All new signage.
- ii This ordinance shall not apply to the following activities or uses:
 - a. Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting but use of similar materials and colors are used that comply with this ordinance are encouraged;
 - b. Interior remodeling; and,
 - c. 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:
 - a. Front yard setback - none required, 10-foot maximum allowed. See Section 5.116 for additional street setbacks.

- b. 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.

- i 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.

ii 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 or width or, through design elements that provide visual continuity with the height and width of adjoining or nearby buildings of the historic period.

iii 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.

iv 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.

v 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.

vi 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 and T-111 are prohibited. Vertical board and batten cannot cover more than 50% of any exterior façade wall.
(Section 4.136(A)(6)(vi) amended by Ord. 18-101)
- 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.

vii 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.
 - (1) Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - (2) 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.

- (3) Glass curtain windows are not permitted.
- (4) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
- (5) 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.

- (1) Glass area dimensions shall not exceed 5'x7'. (The longest dimension may be taken either horizontally or vertically.)
- (2) Windows must have trim or molding at least two inches wide around their perimeters
- (3) 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'.

viii 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.

ix 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.

x 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.

xi Site Design.

- a. Landscaping shall not obliterate street and sidewalk views of signage or architectural features on historic buildings.
- xii 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:
 - (1) Parking areas shall not be located between the front of the building and the street.
 - (2) Alley access to the parking lot is encouraged.
 - (3) Street side parking lots shall be set back a minimum of five feet from a public sidewalk.
 - (4) Parking areas with more than 12 spaces shall be divided by landscaped areas or walkways, or by a building or group of buildings.
 - (5) 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.
 - (6) 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.
- xiii Drive-up, drive-in, and drive-through facilities. 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.

xiv Signs. Signs shall be subject to Section 5.136.

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

xvi 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.

xvii 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.

xviii 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 walking area widths on public sidewalks to less than six feet.

xix 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 4.136 Added by Ord. 10-106)

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:
 - i Exterior yard setbacks - none required. See Section 5.116 for additional street setbacks.
 - ii 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 4.139 Added by Ord. 10-106)

SECTION 4.141 GENERAL INDUSTRIAL DISTRICT M-1

- (1) **Purpose.** The General Industrial District is intended to protect and preserve areas suitable for industrial development to assist in supporting the area's economy. The M-1 District is suitable for light manufacturing and warehousing activities having minimal emissions or nuisance characteristics that could impact adjacent non-industrial areas. The M-1 District is well suited for areas having highway and rail access that are free from conflict with non-compatible land uses.
- (2) **Permitted Uses.** In an M-1 District, the following uses and their accessory uses which comply with all federal, state and local regulations are permitted subject to the Site Plan Review provisions of Section 2.400 and the standards, provisions and exceptions set forth in this Code.

(Section 4.141(2) Amended by Ord. 16-100)

- (A) Interim farm use.
- (B) All manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building unless approved by the Planning Commission, and provided there are no emissions or nuisance characteristics discernible without instruments at the property line. See Section 2.140 Item (21).

(C) Public or semi-public buildings and uses.

(3) **Conditional Uses.** In an M-1 District, the following uses and their accessory uses may be permitted, subject to the provisions of Section 2.500.

- (A) Manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses having emissions or nuisance characteristics discernible without instruments at the property line or uses requiring a permit from a local, state or federal agency.
- (B) Scrap, waste, recycling or wrecking yards.
- (C) Waste or hazardous material processing, storage or disposal.
- (D) Commercial activities in association with an approved industrial use.
- (E) A manufactured dwelling for the owner or caretaker whenever an on-site residence is necessitated by such use. The manufactured dwelling shall comply with the standards of Article 6.

(Amended by Ord. 02-105 Attachment "A")
(Amended by Ord. 11-102)

(4) **Development Standards.**

- (A) Minimum lot area and configuration - Lots within a General Industrial 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:
 - i Exterior yard setbacks - 30 feet. See Section 5.116 for additional street setbacks.
 - ii Interior yard setbacks - 50 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.

(5) Maximum Building Height - 45 feet unless a greater height is approved by the Planning Commission with conditions of approval as part of the Site Plan Review procedures of Section 2.400.

- (6) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.
(Amended by Ord. 02-105 Attachment "A")
- (7) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the M-1 District.

SECTION 4.200 OVERLAY-DISTRICTS

An Overlay-District may be established in combination with a Primary District. The Overlay-District shall establish additional requirements, standards and procedures for the use and development of property in the Primary District. In cases of conflict between the standards and requirements of the Primary District and the Overlay-District, the standards and requirements of the Overlay-District shall apply.

- (1) **Application.** The City, a property owner, or any interested person may apply for designation of an Overlay-District in combination with any Primary District in accordance with the application requirements of Sections 2.130 and 2.140 and the amendment procedures of Section 2.700. The Quasi-judicial hearing procedures of Section 3.510 shall be used when the application is submitted by a property owner and applies to a specific property. The Legislative hearing procedures of Section 3.520 shall be used when the Overlay-District is applied by the City to a group or class of properties under similar circumstances.

SECTION 4.210 FLOOD HAZARD OVERLAY DISTRICT- FH

- (1) **Statutory Authorization.** The State of Oregon has in ORS 197.175 (CITIES) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Turner does ordain as follows:
- (2) **Findings of Fact.** The flood hazard areas of City of Turner are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are

inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

(3) **Statement of Purpose.** It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- (F) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- (G) Notify potential buyers that the property is in a special flood hazard area
- (H) Notify those who occupy special flood hazard areas that they assume responsibility for their actions
- (I) Participate in and maintain eligibility for flood insurance and disaster relief.

(4) **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (A) Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (B) Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- (D) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

SECTION 4.211 FH-DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

APPEAL: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FLOOD OR FLOODING:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters.
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.
- (C) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS): See "Flood elevation study".

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading

and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior or
 - (B) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED DWELLING: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

MANUFACTURED DWELLING PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by City of Turner and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE: A vehicle which 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 light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA: See "Area of special flood hazard" for this definition.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE: A grant of relief by City of Turner from the terms of a flood plain management regulation.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

SECTION 4.212 FH-GENERAL PROVISIONS

- (1) **Lands to which this Ordinance applies.** This ordinance shall apply to all special flood hazard areas within the jurisdiction of City of Turner.
- (2) **Basis for Establishing the Special Flood Hazard Areas.** The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) Number 41047CV001B, 2B and 3B", dated October 18, 2019, with Flood Insurance Rate Maps (FIRM's) Number 41047C0677J and 41047C0679H, for panels 677 and 679 of 1150 respectively, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at City of Turner City Hall located at 5255 Chicago Street, Turner OR.

(3) **Coordination with State of Oregon Specialty Codes** Pursuant to the requirement established in ORS 455 that the City of Turner administers and enforces the State of Oregon Specialty Codes, the City of Turner does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

(4) **Compliance and Penalties for Noncompliance**

(A) **Compliance.** All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

(B) **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a nuisance under the Turner Land Use Development Code (TLUDC) under Section 1.180, and be subject to civil penalties of up \$1,000 per day. Nothing contained herein shall prevent the CITY OF TURNER from taking such other lawful action as is necessary to prevent or remedy any violation.

(5) **Abrogation and Severability**

(A) **Abrogation.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(B) **Severability.** This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

(6) **Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

(A) Considered as minimum requirements;

- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and Disclaimer of Liability

- (A) Warning. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
- (B) Disclaimer of Liability. This ordinance shall not create liability on the part of the City of Turner, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 4.213 FH-ADMINISTRATION

- (1) **Designation of the Floodplain Administrator.** The City Administrator is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- (2) **Duties and Responsibilities of the Floodplain Administrator.** Duties of the floodplain administrator, or their designee, shall include, but not be limited to:
 - (A) Permit Review. Review all development permits to determine that:
 - i The permit requirements of this ordinance have been satisfied;
 - ii All other required local, state, and federal permits have been obtained and approved.
 - iii Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in Section 4.214 (1) are met; and
 - iv Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study

(FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Sections 4.214 (2); and

- v Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.
- vi Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section 4.211.
- vii Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Section 4.214 (1)(A).
- viii Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

(3) **INFORMATION TO BE OBTAINED AND MAINTAINED.** The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- (A) Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with Section 4.214 (1)(G).
- (B) Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Section 4.214 (10) and Section 4.214 (2) (A) ii are adhered to.
- (C) Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- (D) Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.

- (E) Maintain all Elevation Certificates (EC) submitted to City of Turner;
- (F) Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Section 4.214 (1)(G).
- (G) Maintain all floodproofing certificates required under this ordinance;
- (H) Record and maintain all variance actions, including justification for their issuance;
- (I) Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 4.214 (10).
- (J) Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 4.213 (4)(D).
- (K) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(4) Requirement to Notify Other Entities and Submit New Technical Data

- (A) Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHB) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
- (B) Watercourse Alterations. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- ii Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 4.213 (4)(C). Ensure compliance with all applicable requirements in Section 4.213 (4)(C) and Section 4.214 (1) (A).

(C) Requirement to submit new technical data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- i Proposed floodway encroachments that increase the base flood elevation; and
- ii Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall Notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR

application, until the applicant demonstrates that the project will or has met the requirements of this code and applicable state and federal laws.

- (D) Substantial improvement and substantial damage assessments and determinations. Conduct Substantial Improvement (SI) (as defined in Section 4.211) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 4.213 (3). Conduct Substantial Damage (SD) (as defined in Section 4.211) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in Section 4.212 (2)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (E) Interpretation of firm boundaries. Make interpretations where needed, as to exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

(5) Establishment of Development Permit

- (A) Floodplain development permit required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in Section 4.212 (2). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 4.211, including fill and other development activities.
- (B) Application for development permit. Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:
 - i In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section 4.213 (3).

- ii Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- iii Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 4.214 (6) (A).
- iv Description of the extent to which any watercourse will be altered or relocated.
- v Base Flood Elevation data for subdivision proposals or other development when required per Section 4.213 (2) (A) and Section 4.214 (F)
- vi Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- vii The amount and location of any fill or excavation activities proposed.

(6) **Variance Procedure.** The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

(A) Conditions for variances.

- i Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of Section 4.213 (6) (A) iii and v, and Section 4.213 (3). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- ii Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iii Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- iv Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;

- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

v Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 4.213 (6) (A) ii - iv are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(7) **Variance Notification** Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 4.213 (3).

SECTION 4.214 FH- PROVISIONS FOR FLOOD HAZARD REDUCTION

(1) **General Standards.** In all special flood hazard areas, the following standards shall be adhered to:

(A) Alteration of watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Section 4.213 (4) (B) and Section 4.213 (4) (C).

(B) Anchoring.

- i All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- ii All manufactured dwellings shall be anchored per Section 4.214 (7).

(C) Construction materials and methods.

- i All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- ii All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(D) Utilities and Equipment.

- I Water supply, sanitary sewer, and on-site waste disposal systems.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
- ii Electrical, mechanical, plumbing, and other equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level for the City of Turner or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:
 - a. If replaced as part of a substantial improvement shall meet all the requirements of this section.

(E) Tanks.

- i Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

- ii Above-ground tanks shall be installed at or above the base flood level City of Turner or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

- (F) Subdivision proposals & other proposed developments.
 - i All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
 - ii All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - c. Have adequate drainage provided to reduce exposure to flood hazards.
- (G) Use of other base flood data. When Base Flood Elevation data has not been provided in accordance with Section 4.212 (2) the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Section 4.214. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 4.214 (F).

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- (H) Structures located in multiple or partial flood zones. In coordination with the State of Oregon Specialty Codes:

- i When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- ii When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(2) **Specific standards for riverine (including all non-coastal) flood zones.** These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in Section 4.214 (1) of this ordinance.

(A) Flood openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

- i Enclosed areas below the Base Flood Elevation, including crawl spaces shall:
- ii Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- iii Be used solely for parking, storage, or building access;
- iv Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a. A minimum of two openings,
 - b. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - c. The bottom of all openings shall be no higher than one foot above grade.
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - e. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

(3) Garages.

(A) Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:

- i If located within a floodway the proposed garage must comply with the requirements of Section 4.214 (10).
- ii The floors are at or above grade on not less than one side;
- iii The garage is used solely for parking, building access, and/or storage;
- iv The garage is constructed with flood openings in compliance with Section 4.214 (2) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
- v The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
- vi The garage is constructed in compliance with the standards in Section 4.214 (1); and
- vii The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

(B) Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 4.214 (9) or non-residential structures in Section 4.214 (6) (A) depending on the square footage of the garage.

(4) For riverine (non-coastal) special flood hazard areas with base flood elevations. In addition to the general standards listed in Article 5, the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

(A) Before regulatory floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(5) Residential construction.

- (A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated 1 foot above the Base Flood Elevation (BFE)
- (B) Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 4.214 (2).

(6) Non-residential construction.

- (A) New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE);
Or, together with attendant utility and sanitary facilities,
 - ii Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - iii Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iv Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 4.213 (3).
- (B) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 4.214 (2).
- (C) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).

(7) Manufactured dwellings.

- (A) New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 4.214 (2);
- (B) The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- (C) New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- (D) Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

(8) **Recreational vehicles.** Recreational vehicles placed on sites are required to:

- (A) Be on the site for fewer than 180 consecutive days,
- (B) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (C) Meet the requirements of Section 4.214 (7), including the anchoring and elevation requirements for manufactured dwellings.

(9) **Appurtenant (accessory) structures.** Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- (A) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 4.214 (10).
- (B) Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- (C) In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.

- (D) The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- (E) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- (F) The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 4.214 (2);
- (G) Appurtenant structures shall be located and constructed to have low damage potential;
- (H) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 4.324(1)(E) i.
- (I) Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

(10) **Floodways.** Located within the special flood hazard areas established in Section 4.212 (2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - i Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; Or,
 - ii A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as

established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled. If an encroachment proposal resulting in an increase in Base Flood Elevation meets the following criteria:

- a. Is for the purpose of fish enhancement,
- b. Does not involve the placement of any structures (as defined in Section 4.211) within the floodway,
- c. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,
- d. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,
- e. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and
- f. Has evidence to support that no existing structures will be negatively impacted by the proposed activity;

Then an approved CLOMR or may be required prior to approval of a floodplain permit.

(B) If the requirements of Section 4.214 (10) (A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 4.214.

(Amended by Ord. 19-106)

SECTION 4.220 WETLANDS OVERLAY-DISTRICT – WL

Wetlands are defined as those areas that are inundated or saturated often enough to support a prevalence of vegetation adapted for life in standing water or saturated soil. Wetlands include swamps, bogs, marshes and similar areas. *The Turner Local Wetlands and Riparian Area Inventory is hereby incorporated by reference herein.*

(Amended by Ord. 02-105 Attachment “A”)

(1) **Regulation.** Development within wetlands is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Department of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency

administering Section 404 of the National Clean Waters Act. There are also other state and federal coordinating agencies including DLCD.

(2) **Notice.** ORS 227.350 specifies that cities shall provide notice of proposed wetlands development to the Department of State Lands (DSL).

The city shall provide notice to the DSL, the applicant and the owner of record, within 5 working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Turner Local Wetland and Riparian Area Inventory.

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

Notice is required for:

- (A) Subdivisions;
- (B) Building permits for new structures;
- (C) Other development permits and approvals that allow physical alteration to the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
- (D) Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
- (E) Planned unit development approvals.

(3) The provisions of Subsection (2) of this Section do not apply if a permit from DSL has been issued for the proposed activity.

(4) Approval of any activity described in Sub-section (2) above shall include one of the following notice statements:

- (A) Issuance of a permit under ORS 196.600 to 196.905 by DSL is required for the project before any physical alteration takes place within the wetlands;
- (B) Notice from DSL that no permit is required; or
- (C) Notice from DSL that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.

(5) If DSL fails to respond to any notice provided under Subsection (2) of this section within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.

- (6) The City may issue local approval for parcels identified as or including wetlands on the State-wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the division with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.
- (7) Notice of activities authorized within an approved wetland conservation plan shall be provided to DSL within five days following local approval.
- (8) Failure by the City to provide notice as required in this section will not invalidate City approval.
- (9) **Application.** The WL Overlay-District may be combined with any Primary District when located within a designated wetland area.
- (10) **Development Standards:**
 - (A) No development shall be permitted within designated wetlands unless a permit has been acquired from DSL and any other regulatory agency having jurisdiction.
 - (B) The City of Turner shall not provide sewer service to any new structures or development which would encroach upon or adversely affect any designated wetlands within the Turner City Limits or Urban Growth Boundary.

(Item (10) Added by Ord. 98-109)

SECTION 4.230 HILLSIDE DEVELOPMENT OVERLAY DISTRICT - HD

The intent of this Section is to provide standards governing development of hillside land within the City to alleviate harmful and damaging effects of on-site erosion, sedimentation, runoff and accumulation of debris on adjacent, downhill properties and to regulate the effects of excavation and grading on hillsides. Turner Ordinance 01-100, Excavation and Grading Building Code, Turner Revised Code 8.02 applies to this section.

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

- (1) **Scope.** This Section shall apply to the hill areas within the present and future city limits of Turner. Hill areas shall mean those areas which have a slope before grading of fifteen percent (15%) or more as indicated in the Turner Comprehensive Plan.

- (A) Areas of fifteen percent (15%) or greater are generally defined in the Turner Comprehensive Plan, Development Limitations Map.
- (B) Prior to the issuance of a building permit for any structure, or the submittal of a tentative plan for any partition or subdivision, the City Administrator will confirm with the applicant the slope characteristics of the property involved. If the slope is greater than fifteen percent (15%) the criteria of the Hillside Development Overlay District shall apply. If there is any question as to the slope characteristics, the Applicant shall provide evidence of the slope characteristics to the satisfaction of the City Administrator.
- (C) Procedures. In addition to the requirements established herein, the Planning Commission may require applicants to employ a licensed architect, landscape architect, engineer, or other specialist if professional services from one or more of the above disciplines is required to implement the intent of this district. The Planning Commission may further require the applicant to furnish drawings in addition to those required below:
 - i These drawings shall include:
 - a. Detailed grading plans - indicating balance of cut and fill.
 - b. Landscaping plans, indicating vegetation to be retained and vegetation to be removed and any additional vegetation to be installed on the site.
 - c. Detailed utility plans indicating conformance with code and the standards and installation procedures of the City of Turner.
 - d. An overall master plan for the site indicating placement of structures on the site in accordance with this Code, and the phasing of the project.
 - e. A site analysis map indicating slope, drainage ways, soil characteristics, solar orientation, and a statement outlining potential hazards for building on the site and measures that will be followed to correct these hazards.

- (2) **Purpose.** It shall be the purpose of this Code to promote the following City objectives:

- (A) To provide an alternative approach to conventional flatland practices of development in hill areas by encouraging the concentration of dwellings through the clustering effect.
- (B) To preserve areas of open space and the scenic and environmental values of the natural terrain.
- (C) To promote the decrease in housing density as the slope of the terrain increases.
- (D) To regulate unnecessary and potentially destructive grading.
- (E) To utilize specialized development standards for environmental issues, utility lines and facilities, water supply and distribution, circulation, storm drainage, sanitary sewers, tree removal and conservation of vegetation, open space ownership and maintenance, and safety hazards.

(2) Applications.

- (A) The requirements for development on a hillside area set forth are in addition to those within the primary district.
 - i All developments of a hillside area shall also conform to all other City ordinances, rules, regulations and policies.
 - ii These provisions establish the minimum standards applicable within the Turner City limits to the subject matters of this ordinance.
- (B) Procedure for Approval of Hillside Development. Applicants for approval of hillside developments must comply with the Site Plan Review procedures contained in Section 2.400 and the Land Division requirements of Section 2.300.

(4) Preservation of the Natural Environment and Scenic Beauty of the Turner Hillside Areas. Partitions and subdivisions shall be planned, designed, constructed, and maintained to preserve to the maximum extent possible the natural environment and scenic beauty of the Turner Hillsides.

(5) Conservation.

- (A) Hillside development shall be planned, designed, constructed, and maintained to require the least feasible amounts of land coverage, as well as the least feasible disturbance of soil and site by grading, excavation, and other land alterations.

(B) Hillside development shall be planned, designed, constructed, and maintained to avoid:

- i Any erosion.
- ii Pollution, contamination, or siltation of streams and rivers.
- iii Damage to vegetation.
- iv Injury to fish and wildlife habitats.
- v The alteration of natural drainage channels that results in the reduction of water carrying capacity.

(Amended by Ord. 11-102)

(C) Grading. Any grading performed within the boundaries of a hillside development shall take into account the environmental characteristics of that property, including but not limited to prominent geological features, existing streambeds, drainage ways, and significant tree cover. Grading shall be designed in keeping with the best engineering practices to avoid erosion, slides or flooding and to have as minimal effect on the environment as possible. The Oregon Structurally Specialty Code and Turner Ordinance 01-100, Excavation and Grading Building Code, Turner Revised Code 8.02 apply to this section and shall be adopted by reference as part of this Code prescribing standards for proper grading procedures. The city may request additional information on grading as determined to be necessary to meet the requirements of this Code.

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

- i Grading, Cut and Fill Standards. When possible, grading shall be kept to a minimum in all hillside areas. Contour grading practices must be used whenever possible. All cut and fill slopes generally must not exceed a two (horizontal) to one (vertical) ratio. Slopes which are steeper (i.e. 1:1/2 or 1:1) may be conditionally approved by the City upon certification, by a qualified engineer that the slope will remain stable under foreseeable conditions. The certification must delineate any specific stabilization measures deemed necessary by the engineer.
 - a. Foundations established within the hillside development area shall be of the type necessary and too commensurate with the slope and soil characteristics to support the structure in question. All provisions of the Oregon Structurally Specialty Code for foundation construction shall be observed.

- b. No cut to accommodate a structure shall be made within fifty feet of a septic system drain field.
- (D) The dimensions, shape, and orientation of all building sites shall be designed to maximize the natural terrain features, and minimize disturbance of the natural grade.
- (E) The creation of building sites by mass pad grading or continuous terracing of building sites shall be prohibited.

(6) **Utility Lines and Facilities.**

- (A) All electrical power distribution lines, telephone lines, gas distribution lines, cable television lines, and appurtenant facilities shall be installed underground unless the applicant demonstrates, and the permit-issuing authority determines on the basis of substantial evidence, that installation of the lines and facilities above ground will better protect scenic and environmental values.
- (B) Above ground equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, and meter cabinets and concealed ducts, provided that such facilities shall be located and designed so as to harmonize with the area, and shall be appropriately screened and landscaped. In appropriate instances all or part of the transformers and service terminals shall be flush with or below the surface of the ground at the point of installation.
- (C) The location, design, installation, and maintenance of all utility lines and appurtenant facilities shall be carried out with the minimum disturbance of soil and site as is feasible for economy and maintenance. Such lines shall be located within the right-of-way whenever possible.

(8) **Water Supply and Distribution.**

- (A) Adequate water supply. Each lot or multiple dwelling unit in a minor partition, major partition, subdivision, or planned unit development shall be supplied with an amount of water for its intended use, and the development shall be supplied with water adequate to fight fires on the site.
- (B) Adequate Water Distribution System. Every hillside development shall have a water distribution system that will be adequate in volume and pressure to furnish each lot or multiple dwelling unit. In addition, every development shall provide adequate means for delivering water at adequate pressure and quantities by fire hydrants, or otherwise, to any location within the development for fire protection.

(9) Circulation.

- (A) The location, alignment design, grade width, and capacity of roads within the development shall confirm to city engineering standards. However, the use of public and private lanes shall be encouraged in the hill areas to reduce the disturbance of the natural landscape. The width of these lanes shall be allowed to be as narrow as public safety and traffic generation will permit.
- (B) Loop and split, one-way street sections, and occasional steep street grades shall be allowed to fit terrain and minimize grading and exposed slopes.
- (C) Streets and lanes in the hill areas shall be laid out as to encourage slow speed traffic and respect the natural topography of the area.
- (D) Street grades may be permitted up to 15 percent, if necessary, provided they do not exceed 200 feet in length, whereby they must be reduced to 12 percent or less for a minimum length of 200 feet. The overall grade shall not exceed 12 percent.
- (E) Culverts, bridges, and other drainage structures shall be placed as to encourage drainage in established drainage ways.
- (F) Additional road construction improvements may be required in areas exhibiting poor soil quality and stability.
- (G) Circulation shall, when feasible, be designed to allow for separation of vehicular, pedestrian, bicycle, and hiking trails. The circulation system shall, when feasible, be developed throughout the hill areas, to provide connections between park areas and scenic easements in order to help maximize the leisure opportunities of the hills. Trails may be accepted by the appropriate jurisdiction in fee or easement.
- (H) Walkways shall be required when determined to be needed for public safety and convenience when required. Walkways shall be of minimum width (no less than three feet) unless a greater need is shown. Walkways shall be constructed of a material suitable for use in a particular area; and shall be located as necessary to provide maximum pedestrian safety and preservation of the character of the area.
- (I) Parking shall be provided on at least one side of all public streets except where existing topography renders development adjacent to the street impractical, or where the street serves solely as an access road, or where

an adequate number of off-street parking spaces are provided on lots adjacent to the street.

- (J) Driveways shall be designated on a grade and alignment that will provide the maximum safety and convenience for vehicular and pedestrian use. Collective private driveways shall be encouraged where their utilization will result in better building sites and lesser amount of land coverage than would result if a public road were required.
- (K) Minimum standards for private easement construction within the hillside area shall be as follows:
 - i 1. Minimum Travel Service Width- 12 feet
 - ii 2. Minimum Vertical Clearance-14 feet
 - iii 3. Minimum Horizontal Clearance-16 feet
 - iv 4. Maximum Intermittent Grade-15% for 200 feet
 - v 5. Maximum Sustained Grade-10%
- (L) Whenever private drives are permitted, it shall be the responsibility of the benefited property owner to maintain the private easement or driveway established in accordance with this Code.

(10) Storm Drainage

- (A) General Standards. All hillside development shall be planned, designed, constructed and maintained so as to:
 - i Protect and preserve natural drainage channels.
 - ii Provide a system by which water within the development will be removed without causing damage or harm to the natural environment, or the property of other persons within the subdivision or in other areas outside the development.
 - iii Assure that waters drained from the development are free from pollutants, including sedimentary materials, based on standards required in TRC 8.03.00 Erosion Control and TRC 4.31.00 Illicit Discharge.

(Amended by Ord. 13-105)

- (B) Easements. In the event a development or any part thereof is traversed by a major watercourse, channel, stream, gulch, or other drainage channels, adequate easements for a storm drainage shall be provided.
- (C) Oversize Drainage. The permit issuing authority may require that the applicant design and construct a drainage system which will insure that the inlet flow line elevations and the capacity are such that it is capable, or may be extended as necessary, to serve adequately the entire drainage basin within which the subdivision is located, when such basin is ultimately developed.

(11) Tree Removal and Conservation of Vegetation.

- (A) General Standards. All hillside developments shall be planned, designed, constructed and maintained so that:
 - i Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means of during construction.
 - ii Existing native vegetation is not disturbed, injured, or removed prior to site development, except for the preparation of the preliminary plan.
 - iii No slash, dead trees, or uprooted stumps remain after development.
 - iv Appurtenances such as television antennas, signs, and street lights are not attached to trees.

Open space within a Subdivision or Planned Development located on a hillside under the provisions of this Code should be maintained for scenic, landscaping and recreational purposes within the development. Open space shall be adequate for the recreational and leisure needs of the occupants and users of the development. In order to insure that open space will be permanent, the development right may be required to be dedicated to the City of Turner. Such instruments and documents guaranteeing the maintenance of open space shall be approved as to form by the City Attorney. Failure to maintain the open space or any other property set forth in the development plan and program shall empower the City of Turner to enter the property and bring said property up to the standards set forth in the development plan and program. The city may then assess the real property and improvements within the hillside development for the cost of creating and maintaining said open space and recreational lands.

(12) Safety Standards.

(A) Fire Protection Standards. All developments shall be planned, designed, constructed, and maintained so as to minimize the risk of fire and to permit the effective suppression of fires. In order to protect persons, property improvements and forested areas fire protection measures shall include:

- i The placement of structures in such a manner as to minimize the potentialities of flame spread and to permit easy access for fire fighting equipment.
- ii The provisions of adequate fire fighting facilities on site where necessary.
- iii An adequate water supply and water distribution system to fight fires on site.
- iv Provision for proper storage, location, and maintenance of all combustible, explosive, or any other materials or items of potential incendiary character.
- v The dedication of appropriate easement of access for fire protection equipment from roads within the subdivision to the boundaries of the subdivision in areas of possible fire hazard.
- vi The availability, through a fire protection district or otherwise, of fire protection services adequate to fight fires that may occur within the subdivision.
- vii As fire hydrants are located within the right-of-way, prevention of plant coverings around them shall be enforced.

(B) Other Hazards. Lands subject to known hazards such as landslides, excessive creep, extremely sensitive soils, or otherwise unsuitable for structures intended for habitation shall be:

- i Set aside by appropriate legal instrumentation such as covenants, easements, and dedication as permanent non-use areas.
- ii Suitably improved with such corrective measures that will limit the hazard and make the land suitable for the intended use, provided, however, that such corrective measures are approved by the permit-issuing authority and are designed and constructed in conformity with the standards contained in agency ordinances, regulations, rules, and policies, and in such a manner as not to cause substantial risk of environmental damage.

- iii Low profile vegetation growth shall be required for stabilization of slopes and prevention of traffic hazards on intersections.

(13) **Performance Contract.** Prior to issuance of a building permit, an agreement, or security contract in accordance with Sections 7.510 and 7.520 shall be prepared by the City and signed by the applicant and a legal representative of the City (both witnessed by notary). The Applicant shall enter into the contract to assure construction and performance in accordance with the approved final plans. The Contract shall be binding on the applicant and the applicant's successors and interest.

**~~SECTION 4.240 MINERAL & AGGREGATE RESOURCE OVERLAY
DISTRICT - MAR~~**

(Section 4.240 deleted by Ord. 11-102)

SECTION 4.250 HISTORIC PRESERVATION OVERLAY-DISTRICT - HP

Statewide Planning Goal 5 defines Historic Areas as lands with sites, structures and objects that have local, regional, statewide or national historical significance. Goal 5 also specifies that the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 and the recommendation of the State Advisory Committee on Historic Preservation should be utilized in designating historic resources. OAR 660-23-200 provides specific rules for compliance with Goal 5, Historic Resources.

A Statewide Comprehensive Historic Preservation Plan is authorized by ORS Chapter 358, administered by the State Department of Parks and Recreation as the State Historic Preservation Program. Local governments should encourage the preservation, management, and enhancement of structures, resources, and objects of historic significance in conformance with, but not limited by, the provisions of ORS 358.

A Historic Context Statement has been prepared for the City of Turner in conformance with the requirements of the Turner Comprehensive Plan.

(1) **Purpose.** The designation of historic resources allows the City to formally recognize and protect its historic heritage.

(A) The Board of Directors of Turner Historical Society (THS) is recognized by the City as the committee for historic review and recommendation. The Turner Historical Society shall review and make recommendations to the City for all:

- i Requests for designation or removal of an HP Overlay-District or designation of a Historic Resource.

- ii Requests for Alteration, demolition and moving of a historic resource or proposed new construction within a designated HP Overlay-District.

SECTION 4.251 HP-DISTRICT DESIGNATION

The designation of a Historic Preservation Overlay-District - HP supplements the regulations of the Primary Land Use District and can apply to any historic resource contained on the City's adopted Historic Inventory.

- (1) The City, the Turner Historical Society or a property owner may apply for designation of an HP Overlay-District in combination with any Primary District in accordance with the application requirements of Sections 2.130 and 2.140, the amendment procedure of Section 2.700 and the requirements of this Section.
- (2) Applications shall first be submitted to the City in accordance with Sections 2.130 and 2.140 together with the following additional information:
 - (A) A description and map of the proposed HP Overlay-District or the proposed historic resource to be evaluated.
 - (B) A statement of the reasons why the proposed district or resource is appropriate for designation as a historic resource.
 - (C) A statement of the potential impact, if any, that a historic resource designation would have on the property owners or surrounding property owners of the proposed historic resource.
 - (D) A statement by the property owner agreeing to the historic resource designation.
- (3) Submitted applications shall be reviewed by the City Administrator for completeness and forwarded to the Turner Historical Society for review and recommendation. Following recommendation by the Turner Historical Society, the City Administrator shall schedule the required public hearings in conformance with the amendment procedures of Section 2.700 and the hearing procedures of Section 3.510.
- (4) The City Administrator shall provide the property owner and applicant with information regarding the benefits and obligations of an HP Overlay-District designation at the time of application.
- (5) **Decision Criteria.** Approval shall be based upon compliance with the submittal requirements and the following considerations:
 - (A) Property owner agreement.

- (B) There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.
- (C) There is an association with an event that has made a significant contribution to the city, county, state or nation.
- (D) There is an association with broad patterns of political, economic, or industrial history in the city, county, state, or nation.
- (E) The resource embodies distinguishing characteristics of design, style, construction, craftsmanship or materials.
- (F) The resource retains its original design features, materials and/or character;
- (G) The resource is unique, the only remaining or one of a few resources of a particular kind.
- (H) It is a visual community landmark.
- (I) The site contains, or may yield, historic, prehistoric or archaeological information.
- (J) Existing land uses surrounding the resource contribute to the integrity of the historic period represented.
- (K) The resource contributes to the continuity or historic character of the street, neighborhood, and/or the community.
- (L) The property is 50 years old or older.
- (M) The proposed landmark or district complies with the National Register Criteria for Evaluation or the Secretary of the Interior's Standards for Evaluation.
- (N) The proposed landmark or district is listed in the State Historic Preservation Program or is on the National Register of Historic Places.

(6) Conditions of Approval.

- (A) The City may attach conditions which are appropriate for the promotion and/or preservation of the historic resource.

(B) The City shall allow property owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the HP Overlay-District designation and shall not include a site on a list of historic resources if the owner of the property objects to its designation.

SECTION 4.252 HP-EXTERIOR ALTERATIONS AND NEW CONSTRUCTION

Alteration or additions to historic resources should preserve the characteristics which determined its inclusion in the City's Historic Inventory and HP Overlay-District.

(1) The City, the Turner Historical Society or a property owner may apply for alterations or new construction of an historic resource within an HP Overlay-District in accordance with the application requirements of Sections 2.130 and 2.140, the Site Plan Review procedures of Section 2.400 and the requirements of Section 4.252 contained herein.

City approval is not required for repair, maintenance, or replacement with comparable features or materials, or a change in paint color.

(2) Applications shall first be submitted to the City in accordance with Sections 2.130 and 2.140 together with the following additional information:

(A) A description and map of the proposed alteration or new construction for the historic resource to be evaluated.

(B) A statement of the reasons why the proposed alterations or new construction is needed and appropriate for the historic resource.

(C) A statement of the potential impact, if any, on the historic character of the resource or surrounding properties within the HP Overlay-District.

(3) Submitted applications shall be reviewed by the City Administrator for completeness and forwarded to the Turner Historical Society for review and recommendation. Following recommendation by the Turner Historical Society, the City Administrator shall schedule the required Planning Commission Review in conformance with the Site Plan Review procedures of Section 2.400 and the review process of Section 3.400.

(4) **Decision Criteria.** Approval of alterations and new construction shall be based upon compliance with the submittal requirements and the following considerations that include the Secretary of the Interior Standards for Historic Rehabilitation:

(A) A property should be used for its historic purpose or a new use that requires minimal change to the defining characteristics of the building, its site and the neighborhood environment.

- (B) The historic character of a property should be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property should be avoided.
- (C) Each historic property is recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings or times, should not be undertaken.
- (D) Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
- (E) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property should be preserved.
- (F) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (G) Chemical or physical treatments, such as sandblasting, that cause damage to historic material should not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (H) Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (I) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. Wherever possible, new additions or alterations to any structures should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (J) New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(5) Conditions of Approval.

- (A) The City may attach conditions which are appropriate for the promotion and/or preservation of the historic resource.
- (B) The City may delay action for at least 120 days on a request for alterations or new construction to a historic resource if it is satisfied that a genuine effort with a reasonable chance of success is being undertaken to seek more adequate preservation of the historic resource.

SECTION 4.253 HP- MOVING, DEMOLITION AND HP OVERLAY-DISTRICT REMOVAL

It is the City's intent that all designated historical resources be preserved and maintained. However, it is recognized that it may become necessary to remove or replace the HP Overlay District due to changing circumstances. Moving or demolition of Historic Resources may also necessitate changing the HP Overlay-District. The procedure for moving, demolition and removal of an HP Overlay-District is essentially the same as that for designating an HP Overlay-District.

- (1) The City, the Turner Historical Society or a property owner may apply for moving or demolition of an historic resource, or removal of an HP Overlay-District in accordance with the application requirements of Sections 2.130 and 2.140, the amendment procedure of Section 2.700 and the requirements of Sections 4.253 contained herein.
- (2) Applications shall first be submitted to the City in accordance with Sections 2.130 and 2.140 together with the following additional information:
 - (A) A description and map of the HP Overlay-District to be removed or relocated and the proposed historic resource to be moved or demolished.
 - (B) A statement of the reasons why the resource cannot be maintained and needs to be moved or demolished or why the district needs to be relocated or removed.
 - (C) A statement of the potential impact, if any, that a change in the historic resource or district would have on the owners or surrounding property owners of the proposed historic resource.
- (3) Submitted applications shall be reviewed by the City Administrator for completeness and forwarded to the Turner Historical Society for review and recommendation. Following recommendation by the Turner Historical Society, the City Administrator shall schedule the required public hearings in

conformance with the amendment procedures of Section 2.700 and the hearing procedures of Section 3.510.

(4) **Decision Criteria.** Approval or denial shall be based upon compliance with the submittal requirements and the following considerations:

- (A) The resource is of such significance that moving, demolition or removal of the HP Overlay-District would be detrimental to the public interest.
- (B) Submitted evidence that every effort has been made to maintain the historic resource at its present location and no other reasonable alternative exists.
- (C) If the resource is proposed to be moved, the new site is compatible with the resource
- (D) The resource is no longer considered significant to the community.
- (E) The historic resource is no longer compatible with the existing area.
- (F) Alterations to the resource have removed the distinguishing features that were the reason for the historic resource designation.
- (G) The historic resource has been damaged in excess of 70% of its previous value.
- (H) The historic resource cannot be economically rehabilitated on the existing site.
- (I) There would be unnecessary and substantial hardship on the owner if the requested action was denied or the conditions of approval were excessive.
- (J) There is a demonstrated need for the historic resource site that outweighs the public benefit from preserving the resource at the existing site and the proposed redevelopment is compatible with the surrounding area.

(5) **Conditions of Approval.**

- (A) The City may attach conditions which are appropriate for the moving or demolition of the historic resource, or for removal of the HP Overlay-District.
- (B) The City may delay action for at least 120 days on a request for moving, demolition or removal of an HP Overlay-District if it is satisfied that a genuine effort with a reasonable chance of success is being undertaken to preserve the Historic Resource.

SECTION 4.260 PLANNED DEVELOPMENT OVERLAY-DISTRICT, PD

The purpose of the PD Overlay-District is to provide opportunities to create more desirable working or living environments by the application of new development standards applied under an approved plan and program that is professionally prepared. The PD Overlay-District is intended to be used to encourage the application of new techniques and new technology to community development that can achieve economies in land development and maintenance while providing building groupings, open spaces and circulation systems that enhance the working or living environment of the inhabitants. A Planned Development may be residential, commercial or industrial or a mixed combination of land uses. Application procedures are as follows:

(1) Planned Development Applications:

- (A) The City or a property owner may request a PD Overlay-Zone in combination with any Primary Zone in accordance with the application requirements of Sections 2.110 through 2.140, the amendment procedure of Section 2.700 and the requirements of Sections 4.210 to 4.218 contained herein.
- (B) A property owner located in an existing PD Overlay-Zone may request approval of a PD Plan in conformance with the requirements of Sections 4.210 to 4.218 contained herein.
- (C) Application for a PD Overlay-Zone or a PD Plan is divided into three phases:
 - i The Applicant shall first submit a PD Conceptual Plan containing drawings and a written program that is presented in enough detail to clearly describe the proposed development. An informal pre-application review by members of the Planning Commission and City Council will be scheduled in conformance with Sections 2.110 and 2.120 to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City. This preliminary process is intended to save time and expense for the Applicant and the City.
 - ii After receiving approval in principle of the PD Conceptual Plan the applicant shall have a PD Development Plan prepared by a professional design team that contains drawings and a written program for a formal public hearing and decision by the City.
 - iii Verification of compliance with the conditions of approval by the City Administrator and acceptance of the Official PD Development Plan in conformance with the approved PD Development Plan.

SECTION 4.261 PD DEVELOPMENT STANDARDS

- (1) **Minimum Site Size.** A PD Overlay-District shall not be established on less than ten (10) acres unless the City finds a smaller area is suitable by virtue of its characteristics or location.
- (2) **Comprehensive Plan Compliance and Adjacent Property Protection.**
 - (A) The development plan and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements in compliance with the intent of the Comprehensive Plan that also protects the property rights of adjacent property owners.
 - (B) Periphery yards of a PD Overlay-District shall be at least as deep as those required by the yard regulations of the underlying District unless the City finds that equal protection will be accorded through the specific design features of the approved plan.
- (3) **Lot coverage and Building Height.** Lot coverage and building height shall be no greater than for the underlying District unless the City finds that an exception is warranted in terms of the adjacent property protection and amenities proposed in the total development.
- (4) **Open Space.** Open space in a PD Overlay-District means the land area to be used for scenic or open recreational purposes within the development.
 - (A) Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.
 - (B) Open space shall be adequate for the recreational and leisure use of the population occupying the development and shall be designed to enhance the development.
 - (C) To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
 - (D) Instruments guaranteeing the maintenance of open space shall be provided with the proposed plan. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
- (5) **Density.** Greater overall density than that specified in the Primary District may be allowed under a PD Overlay-District based on the entire development design. Generally the density provision of the underlying District shall be used as a

guideline for a deviation from the standard density. Areas used for public street right-of-way or private roadway intended to provide access to more than two (2) structures may be excluded when determining the overall density of the development.

- (6) **Subdivision Lot Sizes.** Minimum area, width, depth and frontage requirements for subdivision lots in a PD Overlay-District shall be the same as the basic District unless smaller lots are approved in accordance with proposed plan and program.
- (7) **Additional Standards and Controls.** The City may require additional standards or controls to protect adjacent property rights or the health, safety and welfare of the general public in compliance with the Comprehensive Plan based upon the specific development request. Additional standards and controls may include, but are not limited to, the following:
 - (A) Increasing the required setbacks to protect adjacent properties or solar access.
 - (B) Controlling the location and number of vehicular access points.
 - (C) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and in general, improving the traffic circulation system.
 - (D) Requiring improvements for utilities or storm drainage facilities.
 - (E) Increasing the number of parking spaces and improving design standards for parking areas.
 - (F) Limiting the number, size, location, and lighting of signs.
 - (G) Designating sites for open space and recreation and, in general, improving landscaping requirements.
 - (H) Requiring view obscuring screening or fencing.
 - (I) Establishing time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening or recreation areas.
 - (J) Requiring contractual agreements with the City to assure development of streets, sidewalks, drainage facilities, utilities, and other improvements to standards acceptable to the City.

(8) **Phased Development.** The applicant may elect to develop the site in successive stages as proposed in the PD Development Plan.

(A) Each such stage shall be a substantially complete unit of development.

(B) The City may require that development be done in stages if public facilities are not adequate to service the entire development initially.

(9) **Permitted Uses in Residential PD Overlay-Districts.** The following uses and their accessory uses may be permitted in a PD Overlay-District which has been combined with a Residential District.

(A) Residential use of land.

(B) Related commercial uses when approved by the City.

(C) Related community service uses when approved by the City.

(D) Proposed standards or controls shall be specified in the PD Development Plan and signed by the owners. Where applicable the requirements may be made part of future deed CC&R's.

SECTION 4.262 PD CONCEPTUAL PLAN

An applicant shall submit at least fifteen (15) copies of a conceptual drawings and a written program to the City for review and acceptance of the proposed development in principle. An informal review by members of the Planning Commission and City Council will be scheduled to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City. The proposal shall address the following elements.

(1) **Elements of the Plan.**

(A) Vicinity map showing location of streets and lots in the area within 300 feet of the proposed development.

(B) Existing lands uses.

(C) Proposed land uses including housing unit densities (number of units per acre, type of residence, and number of bedrooms by type of residence); commercial facilities such as shopping and community facilities such as schools or parks.

(D) Building types and approximate bulk.

- (E) Vehicular and pedestrian access, circulation, and parking pattern. Status of street ownership.
- (F) Proposed Subdivision layout.
- (G) Parks, playgrounds, and open spaces.
- (H) Existing natural features such as trees, streams and topography.
- (I) Landscaping, screening, and fencing proposals.
- (J) Proposed method of solid waste disposal.
- (K) Proposed method for provisions of water supply and sewage disposal.
- (L) Proposed method for the handling of surface water drainage.
- (M) Proposed grading patterns.
- (N) Street and open space lighting proposals.

(2) Elements of the Program.

- (A) Proposed members of the Professional Design Team.
- (B) Proposed ownership pattern.
- (C) Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.
- (D) Time table of the development, to include expected starting dates, projection of completion time, and project phasing, if anticipated.
- (E) Method of public improvements financing, if any.

(3) Review of PD Conceptual Plan

- (A) An informal review with the Applicant and City Officials will be scheduled to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City.
- (B) Members of the Planning Commission and City Council shall informally review the PD Conceptual Plan and may recommend either preliminary approval in principle, with or without modifications, or denial. Such action shall be based upon compliance with the intent of City's Comprehensive

Plan, the intent of City development standards and the extent of deviation from City standards proposed in the PD.

- (C) Approval in principle of the PD Conceptual Plan shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility. The City may require the submission of additional information for the PD Development Plan review.
- (D) The City shall review and may recommend expansion, additions, or modifications in the proposed design team for the preparation of the PD Development Plan.
- (E) The City shall determine the extent of any environmental assessment to be included with the PD Development Plan.

SECTION 4.263 PD DEVELOPMENT PLAN

- (1) After receiving approval in principle of the PD Conceptual Plan, the Applicant shall have a PD Development Plan prepared by a professional design team in such design-related fields as Architecture, Landscape Architecture, Urban Planning, and Civil Engineering.
- (2) An applicant for a PD Overlay-District shall also petition for an amendment to the zoning map as specified in Section 2.700. Fifteen (15) copies of the PD Development Plan shall be submitted to the Planning Commission and City Council at least 30 days prior to the date of public hearing.
- (3) Upon receipt of the PD Development Plan, the Planning Commission and City Council shall hold separate public hearings or a single joint public hearing in accordance with the provisions of Section 3.510. At the public hearing the applicant shall present the PD Development Plan.
- (4) **Plan Elements.** In addition to the Application Sit Plan required in Section 2.140, the PD Development Plan shall contain the following elements:
 - (A) A complete development plan in conformance with the approved conceptual plan.
 - (B) Existing and proposed contour map of the site to a scale commensurate with the size of the development.
 - (C) Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 300 feet of the development.

- (D) Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
- (E) Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.
- (F) Proposed system for the handling of storm drainage.
- (G) A Subdivision Tentative Plan in conformance with Section 2.300, if the property is proposed to be subdivided.
- (H) A land use plan indicating the uses planned for the development.
- (I) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, or other uses dedicated or reserved to the public, if any.
- (J) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
- (K) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
- (L) Location and dimensions of bikeways, pedestrian walkways, malls, trails, or easements.
- (M) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking.
- (N) Location, arrangement, and dimensions of truck loading and unloading spaces, if any.
- (O) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- (P) A preliminary tree planting and landscaping plan. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- (Q) The approximate location, height, materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (R) The stages, if any, of development construction. Such stages shall be clearly marked on the PD Development Plan.

(5) **Program Elements.**

- (A) Narrative statement of the basic purposes of the planned development.
- (B) An environmental assessment if requested by the City during review of the PD Conceptual Plan.
- (C) Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.
- (D) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
- (E) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any dedications of development rights.
- (F) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.

SECTION 4.264 PD- DECISION AND FINDINGS

- (1) **Planning Commission Decision.** The Planning Commission, after a public hearing in accordance with the provisions of Section 3.510, may recommend approval, denial or approval with conditions of the PD Development Plan and the PD Overlay-District.
- (2) **City Council Decision.** The City Council, after a public hearing in accordance with the provisions of Section 3.510 and after receiving the recommendation from the Planning Commission on the PD Development Plan shall either approve the application, deny the application or approve the application with conditions.
- (3) A single joint public hearing by the Planning Commission and City Council may be utilized in conformance with Section 3.510 (3).
- (4) **PD Development Elements.** Approval of the PD Development Plan includes approval of all attached elements including the PD Overlay-District, a Subdivision Tentative Plan and all Conditions of Approval.

(5) **Decision Criteria.** The recommendation of the Planning Commission and decision by the City Council shall be based upon the following findings:

- (A) That the proposed development is in conformance with the intent of the City's Comprehensive Plan.
- (B) That exceptions from the standards of the underlying District are warranted by the design and amenities incorporated in the proposed PD Development Plan.
- (C) That the proposed development is consistent with the purpose and intent of the Primary District and that adjacent properties are protected from potential adverse affects resulting from the proposed development by appropriate controls or development standards.
- (D) That the proposed development, or a unit thereof, can be substantially completed within two (2) years of final approval.
- (E) That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the PD Overlay-District.
- (F) That the proposed utilities and drainage facilities are adequate for the population densities and type of development proposed and will not create drainage or pollution problems outside the PD Overlay-District.
- (G) That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and will not create a hardship to residents either within or outside the PD Overlay-District.
- (H) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.

SECTION 4.265 PD-OFFICIAL PD DEVELOPMENT PLAN

- (1) Following approval of the PD Overlay-District by the City Council, the applicant shall make changes in the PD Development Plan to comply with the Conditions of Approval and submit it to the City Administrator for verification of compliance with the PD Development Plan and Conditions of Approval applied by the City.
- (2) If the PD Development Plan is found to be in compliance with the approval conditions, it shall be so certified by the City Administrator and placed in the Record File of the Application as the Official PD Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations.

- (3) The Platting procedures set forth in Section 2.300 shall be followed and included in the Record File if the property is to be divided or streets are to be dedicated unless private street exceptions have been approved by the City Council.
- (4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be certified and placed in the Record File prior to the issuance of any building permit.
- (5) Final copies of all approved articles governing operation and maintenance shall be placed in the Record File prior to the issuance of any building permit.
- (6) The PD Overlay-District shall be adopted by City Ordinance. The area shall henceforth be shown on the official zoning map as a PD Overlay-District in addition to the Primary District. All building permits shall be issued only in conformance with the Official PD Development Plan recorded in the Record File.

SECTION 4.266 PD- BONDING

- (1) A developer may be required to post one of the following instruments, to assure his full and faithful performance in completion of the Official Development Plan:
 - (A) A surety bond executed by a surety company authorized to transact business in the State of Oregon. The bond shall be in a form approved by the City.
 - (B) In lieu of said bonds:
 - i The developer may deposit with the City Recorder cash money in an amount fixed by the City.
 - ii The developer may provide certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvement and that it will be released only upon authorization of the City.
 - iii The developer may submit bonds acceptable to the City Council.
- (2) If the developer fails to carry out the Official PD Development Plan as approved and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursements. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

SECTION 4.267 PD- PROPOSED CHANGES IN APPROVED PLANS

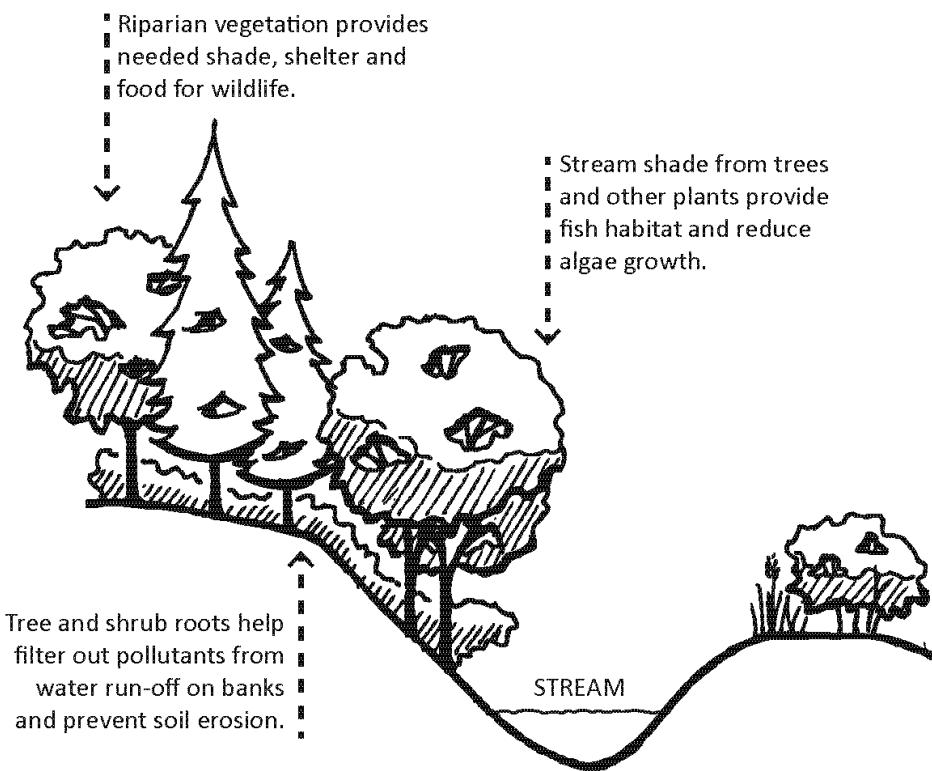
- (1) Major Changes. Major changes in the Official Development Plan after it has been adopted shall be considered a new petition and shall comply with the procedures for adoption.
- (2) Minor Changes. Minor changes in an approved Official Development Plan may be approved by the City Administrator, provided that such changes:
 - (A) Do not change the character of the development or the population density.
 - (B) Do not change the boundaries of the PD Overlay-District.
 - (C) Do not change any use, such as residential to commercial.
 - (D) Do not change the location or amount of land devoted to a specific land use.
 - (E) Do not relax dimensional standards or other specific requirements established by the City as a condition of approval.

SECTION 4.268 PD- EXPIRATION

- (1) If substantial construction or development has not taken place within two (2) years from the date of final approval and acceptance of the Official Development Plan, the City Administrator shall review the status with the owner and make a report of the findings to the Planning Commission and City Council.
- (2) Upon abandonment of a particular Planned Development, or if its development has not been substantially completed within the time specified in the Official Development Plan, the City may schedule public hearings to remove the PD Overlay- District unless a request to extend the time limit is approved.
- (3) The procedure for removal of a PD Overlay District is essentially the same as for adoption. The proposed removal of the PD Overlay-District shall be reviewed at a public hearing of the Planning Commission to determine whether or not its continuation in whole or in part is in the public interest. If the PD Overlay-District is found not to be in the public interest, the Planning Commission shall recommend to the City Council that the PD Overlay-District of the property be removed. The City Council shall then hold a public hearing on the revocation of the PD Overlay-District and shall either maintain the District, revoke the development plan approval, or grant a time extension if it appears justifiable. If the PD Overlay District is repealed, further use of the property and future structures thereon shall be in accordance with the existing Primary District.

SECTION 4.270 RIPARIAN CORRIDOR OVERLAY-DISTRICT, RC

The purpose of the Riparian Corridor (RC) Overlay-District is to protect the riparian and stream-associated wetland resources of the waterways of the City of Turner, while preserving the ability of property owners to utilize their lands. Specifically, this ordinance is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding. For additional regulations regarding the floodplain refer to the Flood Hazard Overlay District in Section 4.210 of this Code. The provisions of this ordinance are not intended to prevent pedestrian access to waterways or common low-impact activities.

**SECTION 4.271 RC- DEFINITIONS**

DEVELOPMENT Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of the riparian corridor.

FISH-BEARING STREAM A stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.

GRADING Stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

GROUND-DISTURBING ACTIVITY Any activity that exposes soil.

IMPERVIOUS SURFACE Any material which reduces and prevents absorption of storm water into previously undeveloped land.

LAWN Grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

LOCALLY SIGNIFICANT WETLAND According to Oregon Administrative Rules 141-086-0300, Locally Significant Wetlands" or "LSW" are those wetland sites that provide functions or exhibit characteristics that are pertinent to community planning decisions made at a local scale, for example within a UGB. These wetland sites shall be identified by local governments according to the criteria and procedures in sections 141-086-0340 and 141-086-0350.

LOW IMPACT DEVELOPMENT Minimizing or eliminating pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates.

MITIGATION A means of compensating for impacts to a riparian corridor including: restoration, creation, or enhancement. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed or where it has been degraded due to past practices.

OFF-SITE MITIGATION Mitigation undertaken on a lot or parcel adjacent to or distant from the lot or parcel affected by a development action.

ON-SITE MITIGATION Mitigation undertaken within the lot or parcel affected by a development action.

NON-CONFORMING USE A structure or use that does not conform to the standards of this ordinance but has been in continuous existence since prior to adoption of this ordinance. Non-conforming uses are not considered violations and are generally allowed to continue, although expansion, re-construction, or substantial improvements are regulated. Refer to section 4.080.

PUBLIC FACILITY A facility, conveyance, or site whose services are provided by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service.

RIPARIAN AREA The area adjacent to a water resource that displays transitions between terrestrial and aquatic zones. These areas are beneficial to a large number of organisms and provide for flood storage amelioration, erosion control, and bank or slope stabilization. This is the zone where vegetation material is deposited, where significant shading of streams can occur, where humidity is typically higher and temperatures typically cooler. Thermal regulation, erosion control, flood control, water quality, and wildlife habitat are primary functions of riparian areas.

RIPARIAN CORRIDOR A Goal 5 resource that includes water areas, fish habitat, riparian areas, and adjacent wetland and upland areas that serve to protect water quality and the habitat functions of the water body.

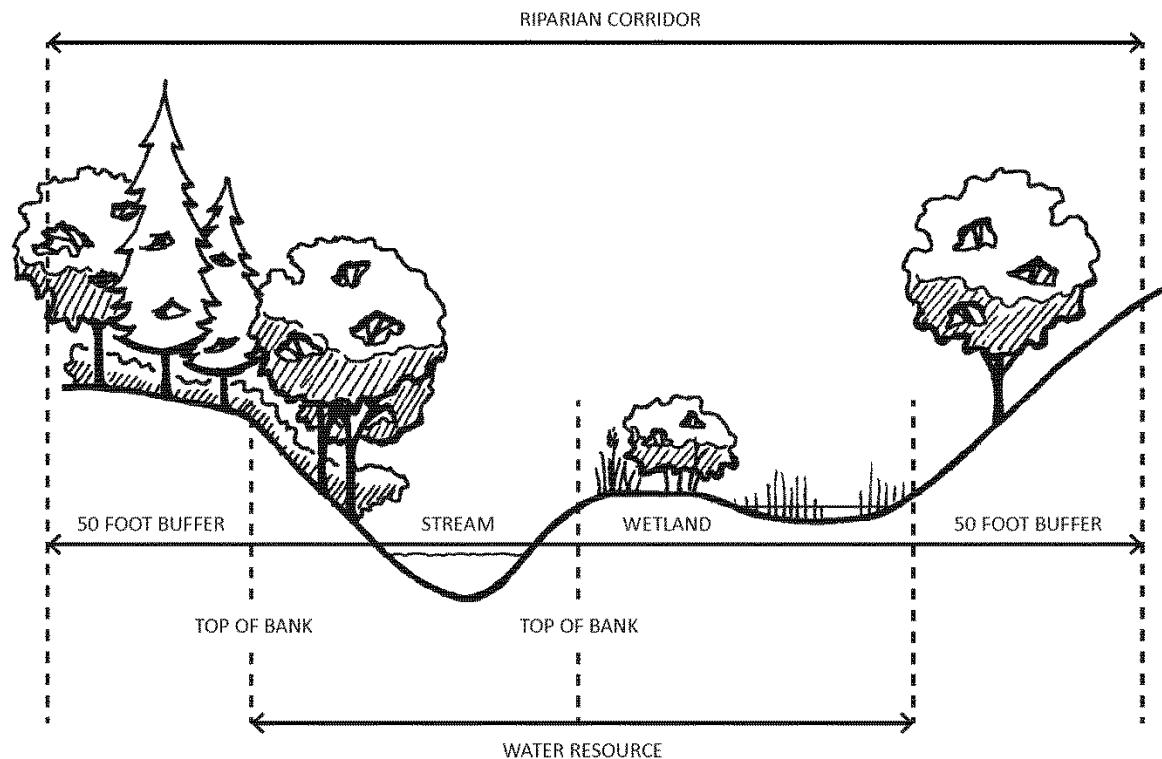
STATEWIDE PLANNING GOAL 5 Oregon's statewide planning goal that addresses open space, scenic and historic areas, and natural resources. The purpose of the goal is to conserve open space and protect natural and scenic resources.

STREAM-ASSOCIATED WETLAND A wetland that is not classified as significant and that is next to a stream.

TOP-OF-BANK The highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of the bank.

WATER-DEPENDENT Use or activity that can be carried out only on, in, or adjacent to water areas because the Use requires access to the water source or to the water body for water-borne transportation, recreation, or energy production.

WATER-RELATED Use not directly dependent upon access to a water body, but that provides goods or services directly associated with water-dependent land or waterway uses and that, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and manufactured dwelling facilities are not generally considered Water-dependent or Water-related.



SECTION 4.272 RC- ESTABLISHMENT OF THE RIPARIAN CORRIDOR BOUNDARY

The Turner Local Wetlands and Riparian Area Inventory specifies which streams are fish-bearing, and the classification of streams within the City. Based on the classification contained in this inventory, the following riparian corridors shall be established:

- (1) Along all fish-bearing streams, and all year-round flowing streams with less than 1,000 cubic feet per second of flow, the riparian corridor boundary shall be a minimum of 50' from top-of-bank, except as identified below in (2) and (3) of this section. Local water bodies in this category are specified in the Turner Local Wetlands and Riparian Area Inventory (Ord. 02-105), which is hereby incorporated by reference. Attachment "A" in the appendices of this document illustrates the location of affected water bodies. These water bodies are:
 - (A) Mill Creek and Bypass
 - (B) Perrin Lateral
- (2) Where the riparian corridor includes all or portions of a stream-associated wetland, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.

(3) If the riparian corridor contains a slope greater than or equal to 25%, the riparian corridor boundary is extended to include the entire area of such slope, out to a maximum of 100 feet from top-of-bank, measured horizontally.

SECTION 4.273 RC- MAP REFINEMENT AND CORRECTION PROCEDURE

Map Corrections are to rectify errors to the mapping of the waterways where it is found that the map depiction does not reflect the Turner Local Wetlands and Riparian Areas Inventory.

Map refinements are adjustments made through professional analyses to refine the actual boundaries of the waterways. Refinements may be done administratively, with no land use process required, through the applicant or property owner demonstrating that all refinement standards are met. Refinement standards are listed below in Section 4.274.

SECTION 4.274 RC-LIMITATIONS ON USE

The permanent alteration of the riparian corridor by grading, the placement of structures or impervious surfaces, or other ground-disturbing activities, is prohibited except as stated below. Exceptions may be made for the following uses, provided they are designed and constructed to minimize intrusion into and adverse impacts to the riparian corridor, and no other options or locations are feasible:

- (1) Replacement of existing structures within the structure's original footprint.
- (2) Construction and maintenance of streets, roads, public utilities, and bicycle and pedestrian ways that are consistent with Turner's Transportation System Plan, or other adopted city plans. If a street or road is allowed by the City of Turner to be constructed within the Riparian Corridor, the road shall be designed and constructed as narrowly as possible while still meeting safety standards and shall be oriented perpendicular to the riparian corridor or otherwise designed to cause negligible impact to the riparian corridor.
- (3) Development of water-related and water-dependent uses allowed by the underlying zone, and where no other practicable, non-riparian sites exist, and that have minimal impact on riparian and wetland surface area. Additional State and Federal regulations may apply such as Oregon's Removal-Removal Fill Law (ORS 196.795-990) and additional permitting requirements from the Army Corps of Engineers.
- (4) Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities. Maintenance or replacement of existing public facilities should consider following Low Impact Development standards.

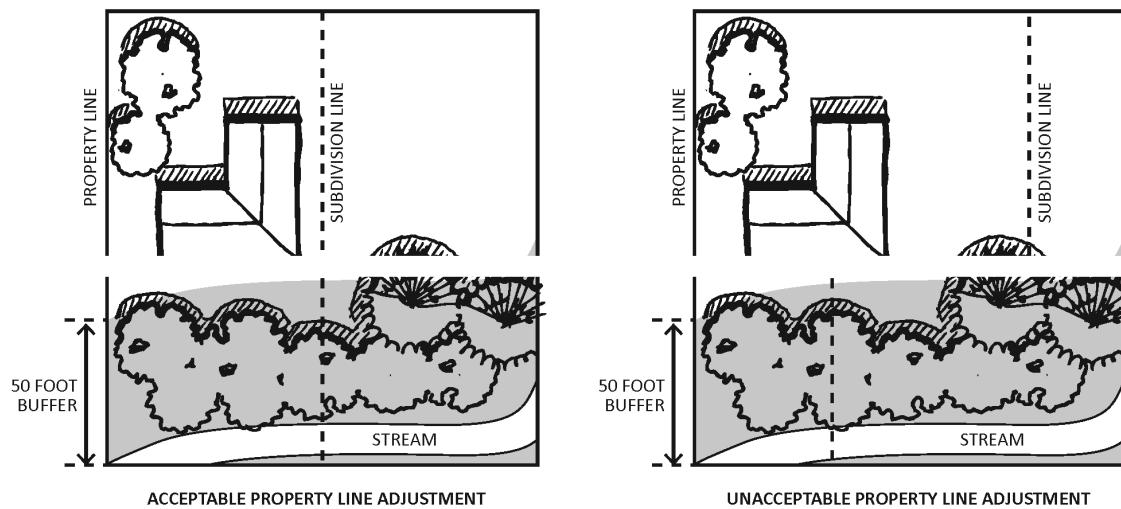
- (5) Stream bank stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the City Administrator and appropriate state and federal natural resource agency staff, such as the Oregon Department of State Lands and the Army Corps of Engineers. Such alteration of the riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
- (6) Stream restoration and enhancement activities approved by Oregon Department of State Lands, Army Corps of Engineers, and other appropriate agencies approved by the City Administrator, as improving stream or riparian function, and wetland restoration and enhancement activities allowed by the Oregon Department of State Lands or the Oregon Department of Fish and Wildlife.
- (7) Non-conforming uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the riparian corridor.
- (8) The removal of vegetation is prohibited except:
 - (A) Removal of non-native vegetation and replacement with native plant species. The replacement vegetation, at time of maturation, shall cover, at a minimum, the area from which vegetation was removed, and shall meet the "Guidance for Riparian Restoration of Valley Bottom Streams – TMDL Implementation Plan System Potential Vegetation" recommendations when selecting replacement plants.
 - (B) Removal of vegetation necessary for the development of approved water-related or water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow for the water-dependent or water-related use.
 - (C) Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation with a certified arborist and approval from the City. If no hazard will be created, the City may require these trees, once felled, to be left in place in the riparian corridor. To replace the shade lost the City may require the replanting and maintenance of a tree seedling following the guidance in sub-section (8)(A) of this section to replace a felled tree.
 - (D) Stream restoration and enhancement activities that are approved by the Oregon Department of State Lands.
 - (E) Maintenance and protection of the function of City utilities and transportation facilities located within Riparian Corridors.

(9) The following activities are not required to meet the standards of this section:

- (A) Commercial forest practices regulated by the Oregon Forest Practices Act.
- (B) Normal and accepted farming practices that are regulated by the Oregon Department of Agriculture (ODA). The construction of buildings, structures, or paved roads within the riparian corridor that are associated with farming practices are still required to meet the standards of this section.

SECTION 4.275 RC-PROPERTY LINE ADJUSTMENTS AND SUBDIVISIONS

Subdivisions, partitions, and property line adjustments must be designed so that the resulting lots or parcels can be developed in conformance with the provisions of this ordinance.



SECTION 4.276 RC-SITE MAINTENANCE

The limitations imposed by this Section do not preclude the routine maintenance of structures and landscaped areas.

(1) Maintenance of existing lawns, non-native riparian planted vegetation, or landscaping is allowed but shall not expand lawn areas or remove or damage any nonhazardous tree.

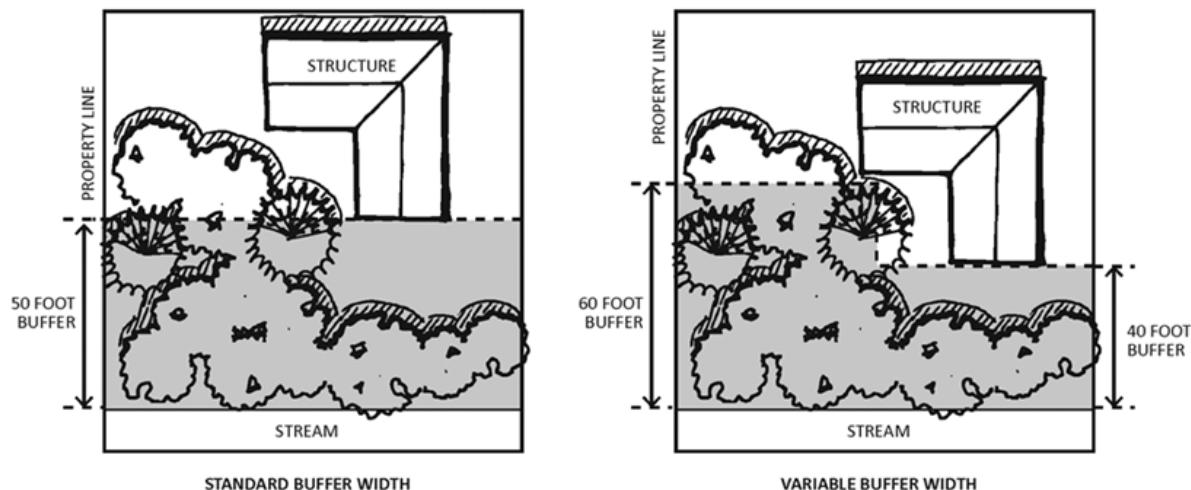
- (2) The application of herbicides or other pesticides, and the application of fertilizers are subject to applicable state and federal regulations; and developed properties shall be subject to the restrictions set forth in the Turner Municipal Code.
- (3) Where replanting is done, vegetation shall be replanted with native species and follow the guidance listed above in section 4.274(8)(A).
- (4) Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions.
- (5) Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.
- (6) Disposal of yard waste or other organic materials, with the exception of downed trees, leaf litter from riparian vegetation, and mulch for allowed riparian plantings, is:
 - (A) Prohibited within riparian corridors;
 - (B) Regulated by restrictions in the Turner Land Use and Development Code.

SECTION 4.277 RC- VARIANCE & FLEXIBLE MANAGEMENT

Hardship Variance -- In cases where the limitations on activities within the significant riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this ordinance, a property owner may request a variance. Granting of a variance requires findings that:

- (1) The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;
- (2) Strict adherence to the applicable standards of the significant riparian corridor overlay would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels;
- (3) The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity;
- (4) The variance is the minimum necessary to retain a use of the property.

- (5) Granting the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises; and
- (6) The variance will be in general harmony with the intent and purpose of this ordinance, and will not adversely affect any officially adopted comprehensive plan provision.



Variable Buffer Widths -- Permanent alteration of the riparian area by placement of structures or impervious surfaces may be permitted by the City Administrator upon demonstration that equal or better protection for the remaining riparian area can be demonstrated. Protection for the remaining on-site riparian corridor area will be ensured through restoration of riparian areas, enhanced buffer treatment or other mitigation techniques including, stormwater controls that infiltrate stormwater and are characteristic of Low Impact Development or green infrastructure such as bioswales, rain gardens, and vegetated filter strips. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

SECTION 4.278 RC-APPLICATION REVIEW PROCEDURES

- (1) Applications shall first be submitted to the City in accordance with Sections 2.130 and 2.140 together with the following additional information:
- (2) An applicant shall prepare a map showing top-of-bank, one-hundred-year flood elevation, wetland edge, riparian setback, significant vegetation, site improvements and any other significant features;
- (3) A statement including a description of the proposed use, the reasons why the riparian corridor must be impacted, and the extent of the potential impact;

- (4) A grading site plan that shall include information on terrain, drainage, location of proposed and exiting structures, and finished elevations; and
- (5) A vegetation report that includes a survey of existing native vegetation and proposed alterations. A plan for enhancement or restoration should be included if vegetation removal is proposed.

SECTION 4.279 RC-ENFORCEMENT

This chapter shall be enforced in accordance with Article 1 – Administrative Provisions, Section 1.180 – Enforcement.

SECTION 4.279.01 RC-COMPLIANCE WITH STATE AND FEDERAL LAWS

Activities wholly or partially within the Riparian Corridor Overlay are subject to all applicable federal and state regulations. The following regulations commonly apply within the resource areas (Note: other regulations not listed may also apply; it is the property owner's responsibility to adhere to all applicable State and Federal regulations):

- (1) Oregon Department of State Lands permit requirements under the Removal-Fill Law.
- (2) U.S. Army Corps of Engineers permit for fill activities as required under Section 404 of the Clean Water Act.
- (3) Department of Environmental Quality permit requirements for stormwater under the Clean Water Act and state water quality regulations.
- (4) Oregon Department of Fish and Wildlife regulations may apply to develop activities that could impact one of the sensitive, threatened, critical, or endangered species indigenous to the region.
- (5) The federal Endangered Species Act prohibits any action that causes a “taking” of any listed species of endangered fish or wildlife.
- (6) National Flood Insurance Program regulations as they are enforced through the Flood Insurance Reform Act (FIRA). Refer to Section 4.210 of this Code for additional floodplain regulations.

SECTION 4.279.02 RC- APPEALS

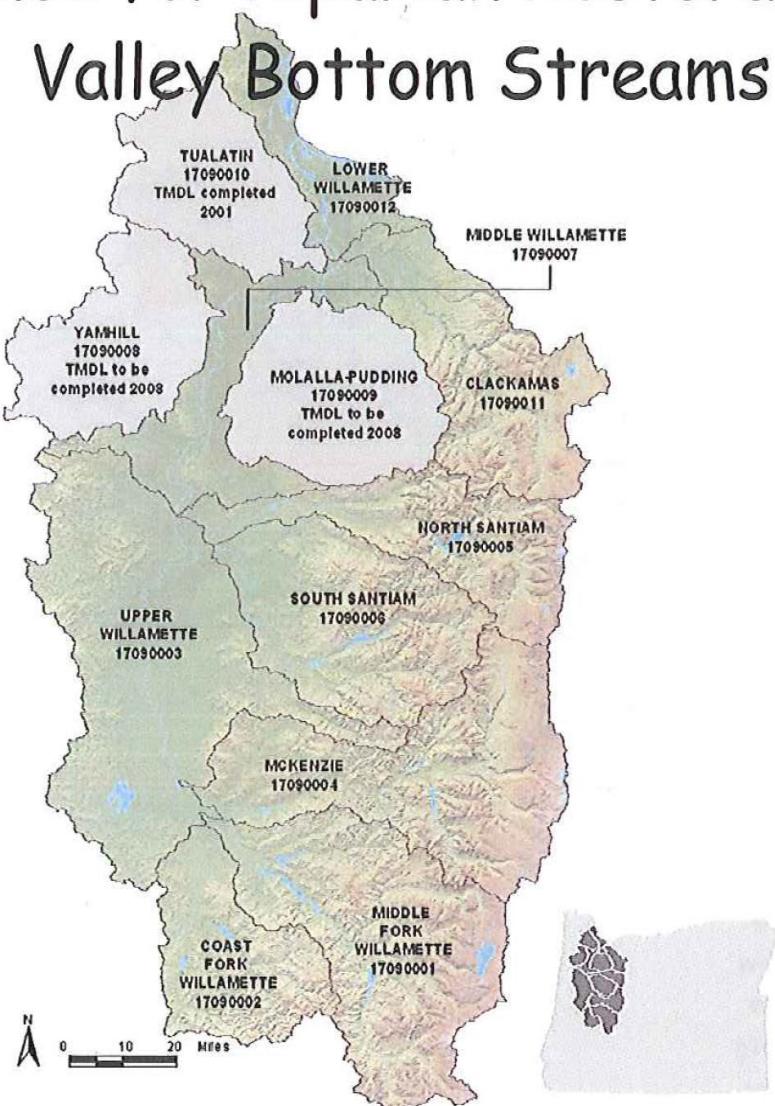
Any decisions made by the City Administrator regarding the provisions outlined in this ordinance can be appealed in accordance with Section 3.700.

(Amended by Ord. No. 13-003)

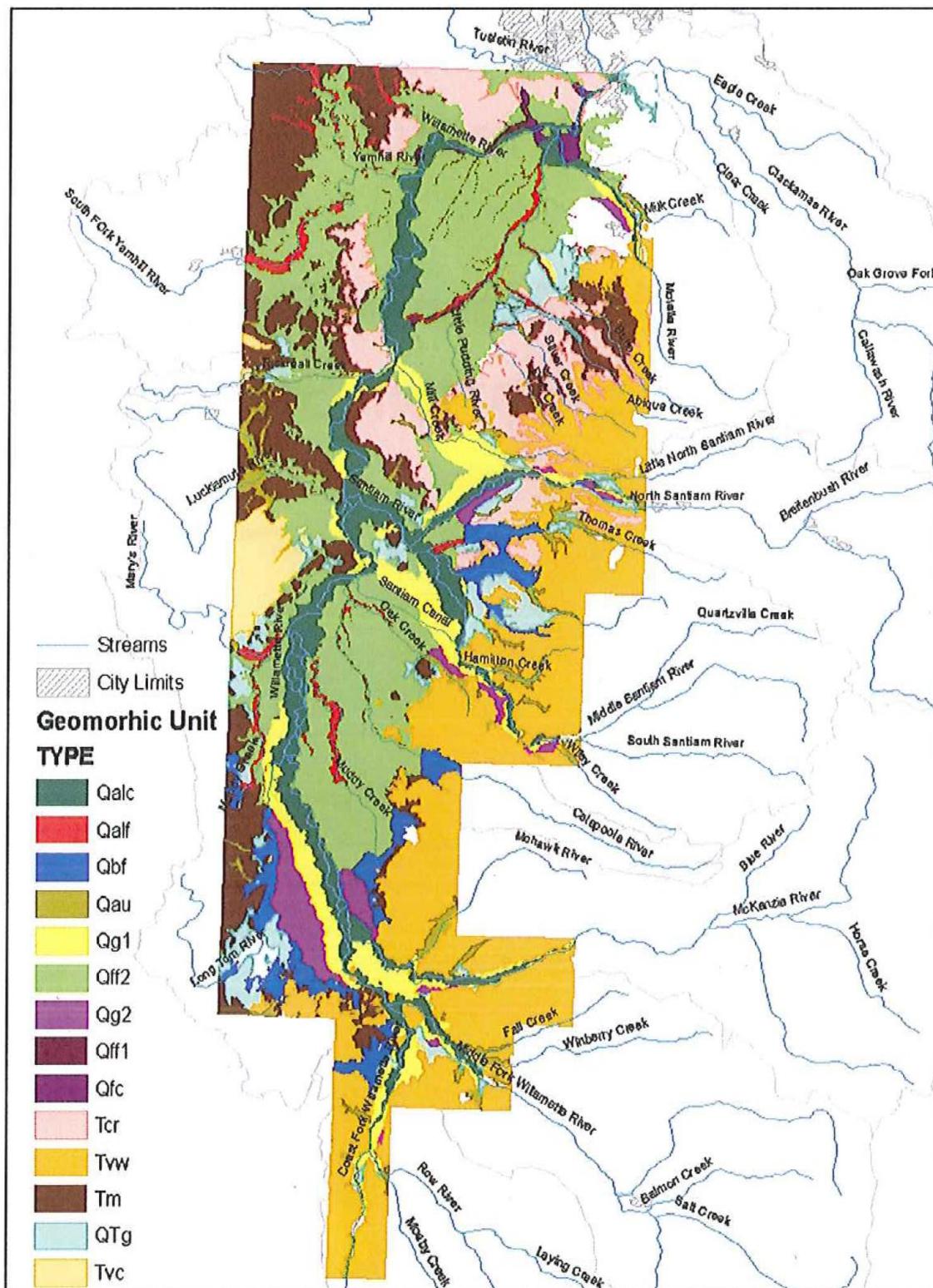
DEQ Guidance Document

TMDL Implementation Plan System Potential Vegetation

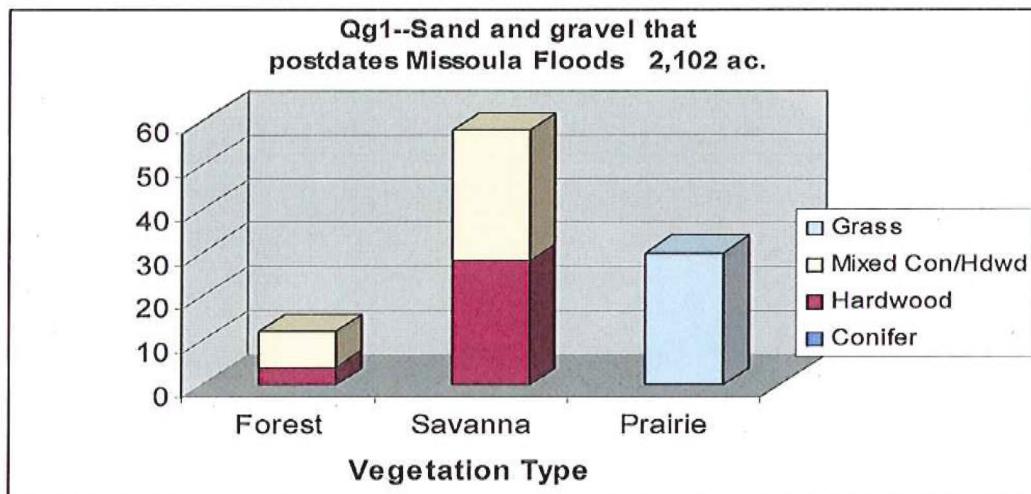
Guidance for Riparian Restoration of Valley Bottom Streams



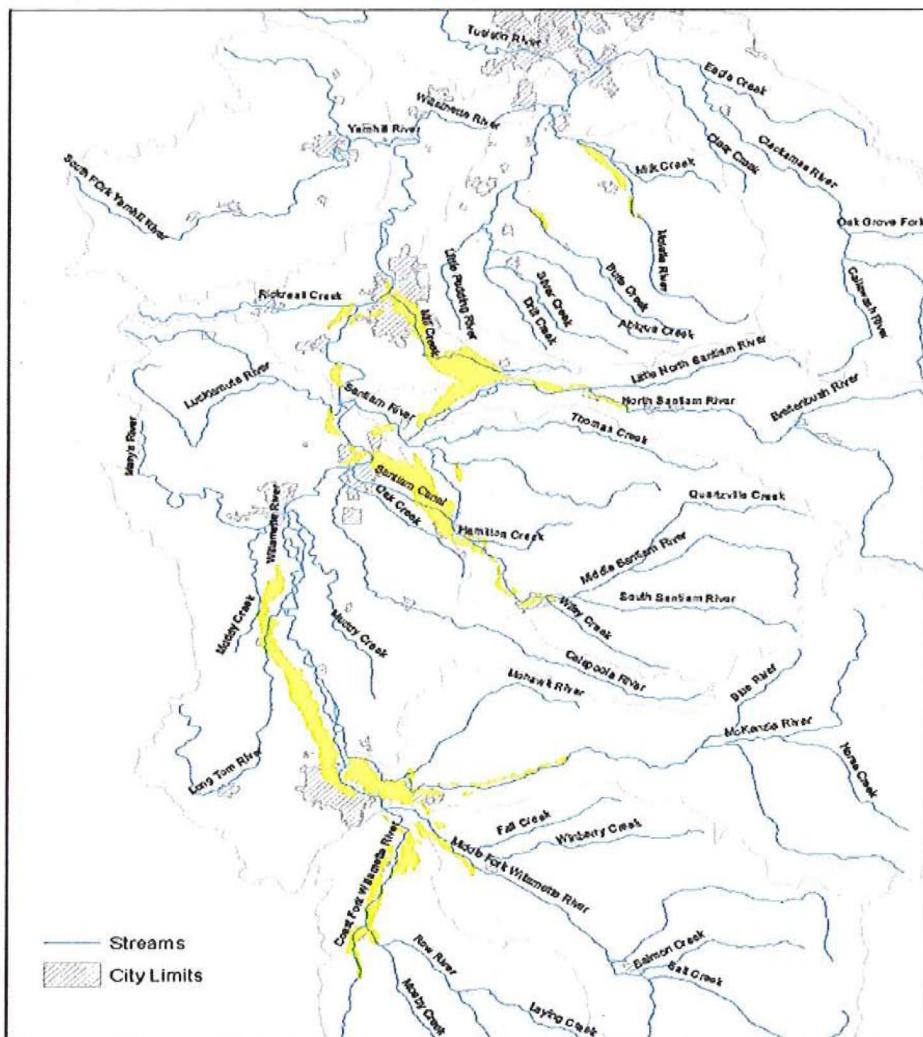
Geomorphic Units used for analysis of potential vegetation



Proportion of vegetation types occurring in Qg1 geomorphic unit



Map of Qg1 Geomorphic units in Willamette Valley



Native Plant Species for Riparian Restoration Projects

These vegetation types were identified in the 1850s general land surveys. Surveyors often included notes about physical characteristics of the land—such as moisture and fire disturbance—and named major and minor trees species and shrubs. The plant community types were grouped and mapped by plant ecologists from the Nature Conservancy and the National Heritage Program. The graphs above indicate the proportion of conifer vs. hardwoods and conifer/hardwood mix that were mapped from the 1850s surveys for each geomorphic type.

There is considerable overlap of plant species across different geomorphic surfaces, but the table may help you with groupings of plants appropriate for your site conditions. Use the table to guide riparian vegetation plantings while considering which natives are growing well adjacent to your restoration site, and knowledge of individual plant requirements (*i.e.* water, sun, shade, protection from animals, *etc.*)

Vegetation Type	Notes on Vegetation
Closed forest; Riparian & Wetland	As FFCL, burned, often with scattered trees surviving fire
Closed forest; Riparian & Wetland	Ash swamp and ash swale, sometimes with alder
Closed forest; Riparian & Wetland	Ash-alder-willow swamp, sometimes with bigleaf maple. Often with vine maple, ninebark, hardhack, cattails and coarse gr (?) Ground very soft, mirey or muddy, usually with extensive beaver dams.
Closed forest; Riparian & Wetland	Ash-mixed deciduous riparian forest with combinations of red alder, bigleaf maple, black cottonwood, white oak, dogwood, Conifers may be present in small quantities
Closed forest; Riparian & Wetland	Ash-willow swamp, sometimes w/ ninebark & briars; "very thick"
Closed forest; Riparian & Wetland	Black cottonwood forest, sometimes with willow, rose, briars, nettles, crabapple, sometimes ash or maple. No Conifers.
Closed forest; Riparian & Wetland	FFA, but burned, often with scattered trees surviving fire
Closed forest; Riparian & Wetland	Red alder swamp, usually with salmonberry, sometimes willow. Wetter than FFCL
Closed forest; Riparian & Wetland	Red alder-mixed conifer riparian forest; combinations of red cedar, grand & Douglas fir, hemlock, bigleaf maple, black cottonwood. No oak. Larger conifer component than FFA
Closed forest; Riparian & Wetland	White oak-ash riparian forest, sometimes with ponderosa pine, cottonwood and willow
Closed forest; Riparian & Wetland	White oak-ash riparian forest, sometimes with ponderosa pine, cottonwood and willow
Prairie/Grass	Mounded prairie, seasonally wet
Prairie/Grass	Seasonally wet prairie. May have scattering trees, most with distances > 100 links
Savanna	Douglas fir savanna
Savanna	Douglas fir-ponderosa pine savanna
Savanna	Ponderosa pine savanna.
Savanna	White oak savanna
Savanna	White oak savanna
Savanna	White oak-ash savanna
Savanna	White oak-black oak savanna
Savanna	White oak-black oak-Douglas fir savanna
Savanna	White oak-black oak-Douglas fir-ponderosa pine savanna
Savanna	White oak-Douglas fir savanna, mostly herbaceous undergrowth
Savanna	White oak-Douglas fir-ponderosa pine savanna
Savanna	White oak-ponderosa pine savanna

Shrubland	Brush fields or thickets establish after forest fires; few or no trees remaining; includes vine maple, red alder, salmonberry
Shrubland	Brush, unknown; includes "thickets" if no species or other descriptors are given.
Shrubland	Hazel brush or thicket
Shrubland	Manzanita shrubland.
Shrubland	Rose or briar thickets
Shrubland	Shrub swamp ("brush swamp", "marshy thicket", "swampy thicket"), composition unknown
Shrubland	Vine maple swamp, sometimes with elk briar.
Shrubland	Willow swamp, sometimes with ninebark, including riparian. May contain small amounts of ash stands on gravel or sand bars
Woodland	"Scattering" or "thinly timbered" Douglas fir-white oak-black oak woodland, with brushy undergrowth of hazel, bracken, shrubs.
Woodland	"Scattering" or "thinly timbered" Douglas fir-white oak-black oak May include small openings of pine woodland, with brushy undergrowth of hazel, bracken, etc.
Woodland	"Scattering" or "thinly timbered" Douglas fir-white oak-ponderosa May include small openings pine woodland, with brushy undergrowth of hazel, bracken, etc.
Woodland	"Scattering" or "thinly timbered" white oak woodland, brushy More open than FFO understory of hazel, oak, bracken. No fir or black oak
Woodland	Conifer-dominated woodland; various combinations of Douglas-dogwood. No ash present. fir, red cedar, hemlock, bigleaf maple, white oak, red alder,
Woodland	Douglas fir woodland or "timber" often with bigleaf maple, alder or hazel, vine maple, young Douglas fir, bracken etc. or dogwood. No oak, hemlock or cedar. Brushy undergrowth
Woodland	OFHC, but burned, often with scattered trees surviving fire
Woodland	OFZ, but burned, often with scattered trees surviving fire
Woodland	Scattering or thinly timbered Douglas fir-white oak woodland with oak brush, young fir, bracken. No pine. May contain bigleaf maple; brushy understory of hazel, young oaks

Article 5 GENERAL DEVELOPMENT STANDARDS

SECTION 5.010	DEVELOPMENT STANDARDS MATRIX
SECTION 5.020	DEVELOPMENT STANDARDS
SECTION 5.030	PLAN CONFORMANCE
SECTION 5.110	HEIGHT STANDARDS
SECTION 5.111	BUILDING HEIGHT EXCEPTIONS
SECTION 5.112	BUILDING PROJECTION EXCEPTIONS
SECTION 5.113	LOT SIZE
SECTION 5.114	LOT SIZE EXCEPTIONS
SECTION 5.115	YARD SETBACKS
SECTION 5.116	YARD SETBACK EXCEPTIONS
SECTION 5.117	DRAINAGEWAY SETBACKS
SECTION 5.118	COMMERCIAL & INDUSTRIAL SETBACKS
SECTION 5.119	AUTOMOBILE SERVICE STATION SETBACKS
SECTION 5.120	PARKING
SECTION 5.121	OFF-STREET PARKING REQUIREMENTS
SECTION 5.122	TRANSPORTATION STANDARDS
SECTION 5.123	STREETS
SECTION 5.124	SIDEWALKS
SECTION 5.125	BIKEWAYS
SECTION 5.126	STORM DRAINAGE
SECTION 5.127	WATER
SECTION 5.128	SANITARY SEWERS
SECTION 5.129	UTILITIES
SECTION 5.130	EASEMENTS
SECTION 5.131	BLOCKS
SECTION 5.132	BUILDING SITES
SECTION 5.133	GRADING
SECTION 5.134	LANDSCAPING
SECTION 5.135	EXTERIOR LIGHTING
SECTION 5.136	SIGNS

SECTION 5.010 DEVELOPMENT STANDARDS MATRIX

Table 5.010-1

STANDARDS	PRIMARY LAND USE DISTRICTS					
	R-1	R-2	R-11	C-1	C-2	M-1
Sec 4.111	Sec 4.112	Sec 4.121	Sec 4.131	Sec 4.136	Sec 4.141	
Site Standards						
Minimum Lot Size	8,000 sf	6,000 sf	2,500 sf*	By Use - PC	By Use - PC	By Use - PC
Minimum Width	50 ft	50 ft	50 ft	By Use - PC	By Use - PC	By Use - PC
Maximum Depth	-	-	-	By Use - PC	By Use - PC	By Use - PC
Exterior (street) Yard				0 ft	0 ft min- 10 ft max	30 ft
Front	15 ft / 20 ft	15 ft / 20 ft	15 ft	-	-	-
Side	12 ft	12 ft	12 ft	-	-	-
Rear	15 ft	15 ft	15 ft	-	-	-
Interior Side Yard	5 ft - 7.5 ft	5 ft - 7.5 ft	5 ft	0 ft	0 ft	0 ft
ADU	5 ft - 7.5 ft	5 ft - 7.5 ft	5 ft	-	-	-
Accessory Structure	5 ft	5 ft	5 ft	-	-	-
Small Accessory Structure	2 ft*	2 ft*	-	-	-	-
Abutting Residential	-	-	-	5 ft	5 ft	50 ft
Townhouse	-	0 ft	0 ft	-	-	-
Interior Rear Yard				0 ft	0 ft	0 ft
Primary Building	20 ft	20 ft	15 ft	-	-	-
ADU	5 ft	5 ft	5 ft	-	-	-
Accessory Structure	5 ft	5 ft	3 ft	-	-	-
Small Accessory Structure	2 ft*	2 ft*	2 ft*	-	-	-
Maximum Structure Height	35 ft	35 ft	3 Stories or 45 ft	2.5 Stories or 35 ft	3 Stories, or 35 ft	45 ft
Maximum Bldg. Coverage	60%	75%	75%	By Use - PC	By-Use - PC	By-Use - PC
Min. Lot Size by Type						
Single-Family	8,000 sf	6,000 sf	2,500 sf			
Duplex	-	10,000 sf	5,000 sf			
Triplex	-	-	7,500 sf			
Fourplex	-	-	10,000 sf			
Cottage Housing	-	12,000 sf	10,000 sf			
Townhouse	-	6,000 sf	2,500 sf			
Multifamily with 5+ units	-	-	10,000 sf			
Overlay Districts						
Flood Hazard- FH	Sec 4.210	Sec 4.210	Sec 4.210	Sec 4.210	Sec 4.210	Sec 4.210
Wetlands - WL	Sec 4.220	Sec 4.220	Sec 4.220	Sec 4.220	Sec 4.220	Sec 4.220
Hillside Development- HD	Sec 4.230	Sec 4.230	Sec 4.230	Sec 4.230	-	-
Historic Preservation- HP	Sec 4.250	Sec 4.250	Sec 4.250	Sec 4.250	Sec 4.250	Sec 4.250
Planned Development- PD	Sec 4.260	Sec 4.260	Sec 4.260	Sec 4.260	Sec 4.260	Sec 4.260
Riparian Corridor Overlay-RC	Sec 4.270	Sec 4.270	Sec 4.270	Sec 4.270	Sec 4.270	Sec 4.270
Development Standards						
Parking	Sec 5.120	Sec 5.120	Sec 5.120	Sec 5.120	Sec 5.120	Sec 5.120
Access & Vision Clearance	Sec 5.122	Sec 5.122	Sec 5.122	Sec 5.122	Sec 5.122	Sec 5.122
Landscaping	Sec 5.134	Sec 5.134	Sec 5.134	Sec 5.134	Sec 5.134	Sec 5.134
Signs	Sec 5.136	Sec 5.136	Sec 5.136	Sec 5.136	Sec 5.136	Sec 5.136
Use Standards						
Home Occupations	Sec 6.101	Sec 6.101	Sec 6.101	-	-	-
Residential Care Homes	Sec 6.102	Sec 6.102	Sec 6.102	Sec 6.102	Sec 6.102	-
Residential Care Facility	Sec 6.103	Sec 6.103	Sec 6.103	Sec 6.103	Sec 6.103	-

STANDARDS	PRIMARY LAND USE DISTRICTS					
	R-1	R-2	R-11	C-1	C-2	M-1
Multiple-Family	Sec 4.111	Sec 4.112	Sec 4.121	Sec 4.131	Sec 4.136	Sec 4.141
Manufactured Housing	-	-	Sec 6.104		Sec 6.104	-
Residential/Commercial Use	Sec 6.110	Sec 6.110	Sec 6.110	Sec 6.110	Sec 6.110	Sec 6.110
Public Use	-	-	-	Sec 6.201	Sec 6.201	-
Agricultural Use	Sec 6.301	Sec 6.301	Sec 6.301	Sec 6.301	Sec 6.301	Sec 6.301
Accessory Dwelling Units	Sec 6.401	Sec 6.401	Sec 6.401	Sec 6.401	Sec 6.401	Sec 6.401
Cottage Housing	Sec 6.105	Sec 6.105	Sec 6.105	-	-	-
	Sec 6.106	Sec 6.106	Sec 6.106	-	-	-

Procedures	Sec 2.130					
Applications	Sec 2.300					
Land Divisions	Sec 2.400					
Site Plan Review	Sec 2.500					
Conditional Use	Sec 2.600					
Variances	Sec 2.700					
Amendments						

Definitions	Sec 1.200					
*Additional development standards apply, see zoning district.						

(Amended by Ord. 02-102; Ord. 11-102; Ord. 22-100)

SECTION 5.020 DEVELOPMENT STANDARDS

In addition to the development standards specified for each zoning district, there are many standards that apply in more than one district. The following Sections specify development standards applicable within any zoning district in the City of Turner.

The City may adjust the development standards contained in Article 5 to provide an efficient land division or a more efficient utilization of a property when submitted for approval under the City's review and approval procedures.

SECTION 5.030 PLAN CONFORMANCE

All developments within the City shall conform to any approved development plan adopted by the City. Developments located within an area that has an approved plan shall comply with the design and construction standards of that approved plan in addition to those contained in this Code. In cases of conflict, the approved plan shall control.

SECTION 5.110 HEIGHT STANDARDS

Building height standards are specified in Item (4) of each Zoning District.

SECTION 5.111 BUILDING HEIGHT EXCEPTIONS

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers aerials, flagpoles, and similar objects not used for human occupancy shall not exceed the building height limitations of this Code by more than ten (10) feet.

SECTION 5.112 BUILDING PROJECTION EXCEPTIONS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 30 inches into a required yard.

SECTION 5.113 LOT SIZE

Lot size standards are specified in Item (4) of each Zoning District.

SECTION 5.114 LOT SIZE EXCEPTIONS

If a lot as recorded in the office of the County Assessor at the time of passage of this Code, has an area or dimension which does not comply with the lot size requirements of the district in which the property is located, the property may be occupied by a use permitted in the district subject to the other requirements of the district. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot-area-per-dwelling-unit requirement of the district.

SECTION 5.115 YARD SETBACKS

Yard setback standards are specified in Item (4) of each Zoning District.

SECTION 5.116 YARD SETBACK EXCEPTIONS

- (1) No building shall be erected on a lot which abuts a street having only a portion of its required right-of-way (ROW) dedicated, unless the yard setbacks are increased to accommodate the required ROW plus the required yard setback.
- (2) The Planning Commission may reduce the required yard setbacks for special and unusual site conditions in conformance with Section 2.600, Variances where compliance with the setback provisions of this Code would create an undue or unnecessary hardship.

(Section 5.116 Amended by Ord. 22-100)

SECTION 5.117 DRAINAGEWAY SETBACKS

- (1) All fish-bearing streams including Mill Creek and all year-round flowing streams shall be governed by riparian protection standards under Section 4.270 of the Turner Land Use Code.
- (2) All other intermittent drainage ways and watercourses shall have a setback of 15 feet from the center of the drainageway.

(Amended by Ord. 13-105)

SECTION 5.118 COMMERCIAL & INDUSTRIAL SETBACKS

In commercial or industrial districts where an interior yard is not required and a structure is not located at the property line, it shall be set back at least five (5.) feet from the property line to accommodate access to the building.

SECTION 5.119 AUTOMOBILE SERVICE STATION SETBACKS

In a district where automobile service stations are permitted, freestanding gasoline pumps and pump stands may occupy a required exterior yard, provided they are a minimum of 15 feet from the property line.

SECTION 5.120 PARKING

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

- (1) Design and Improvement Requirements for Parking Lots:
 - (A) All parking areas and driveway approaches shall be surfaced with a minimum of two inches asphalt concrete or four inches Portland Cement Concrete over approved base unless other methods are approved by the City. Under specified conditions the City may defer paving and permit gravel parking areas as a temporary use.
 - (B) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Handicapped Parking must comply with the Oregon Structural Specialty Code.
 - (C) Parking areas for other than single-family and two-family dwellings shall be served by a service driveway and turnaround so that no backing movements or other maneuvering shall occur within a street other than an alley. Design for parking lots shall conform to the **Parking Diagram** contained in **Section 09-200, Diagram DSD-1**. Two-way driveways shall have a minimum width of 20 feet and a maximum width of 30 feet. One-

way driveways shall have a minimum width of 12 feet and a maximum width of 16 feet.

- (D) A Parking space shall conform to the **Parking Diagram** contained in **Section 09-200, Diagram DSD-1**.
- (E) The outer boundary and all landscaped islands of a parking area shall be contained by a 6" high curb for protection of landscaping, pedestrian walkways and to contain rainwater runoff. No motor vehicle shall project over the property line.
- (F) All parking areas, except those in conjunction with a single family or two-family dwelling, shall have adequate drainage to dispose of the run-off generated by the impervious surface area of the parking area. On-site collection of drainage water shall not allow sheet flow of water onto sidewalks, public right-of-ways or abutting property and shall detain out-flow velocities to that of undeveloped land. All drainage systems must be approved by the City Administrator.
- (G) Service driveways to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.
- (H) All off-street parking areas within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the City to minimize disturbances to adjacent residents.
- (I) New multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on the site containing the residential dwelling units. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation."

(2) Location Standards for Parking Lots:

- (A) Required off-street parking shall be provided on the development site unless a Variance is approved by the City.
- (B) Off-street parking areas may be located in a required yard setback provided a 5 foot wide landscaped buffer and screening, as required in

Section 5.134 (4), is maintained at the property line. Driveways may be used for off-street parking for single-family and two-family dwellings only.

- (3) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicles, trucks, or materials used in the business, or for repair or servicing.
- (4) Provisions for and maintenance of off-street parking spaces are continuing obligations of the property owner. No building permit or other approvals shall be issued until plans are presented that show the complete parking layout. The subsequent use of property for which approval is granted shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this Code.
- (5) Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this Code to begin to maintain such altered use until the required increase in off-street parking is provided.
- (6) In the event several uses occupy a single structure or property, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- (7) Owners of two or more uses, structures or properties may agree to use the same parking spaces jointly provided the off-street parking is the sum of the requirements of the several uses. If the hours of operation do not overlap, the parking requirement shall be for the highest use. An agreement shall be submitted and approved by the Planning Commission for the cooperative use of the parking facilities.
- (8) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany all requests for City approval or a Building Permit.
- (9) Parking lots shall be provided with landscaping as provided in Section 5.134 (4) and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control, and to improve the appearance of the parking lot.
- (10) Off-street parking spaces shall be required as defined in Section 5.121. Fractional space requirements shall be counted as a whole space. When square feet are utilized to determine the required parking spaces, the area measured shall be the gross floor area of the building primary to the use but shall exclude any area within a building used for off-street parking, loading, or service functions not primary to the use. When the requirements are based on

the number of employees, the number counted shall be those working on the premises during the largest shift at peak season.

(11) All new residential dwellings shall have a fully enclosed private garage attached to the dwelling or constructed on the same tax lot in close proximity to the dwelling as defined in Section 5.121 of this code. This requirement applies to dwellings of standard construction, pre-fabricated buildings, manufactured homes (pursuant to ORS 197.307 (5) (f) and pre-constructed buildings moved to the site.

(Added by Ord. 00-101)

SECTION 5.121 OFF-STREET PARKING REQUIREMENTS

<u>USE</u>	SPACE REQUIREMENT	
(1) Residential		
(a) One and two family dwelling	Studio	Garage space for one car per unit
	1 Bedroom	Garage space for one car per unit
	2 Bedroom	Garage space for two car per unit
	3+ Bedroom	Garage space for two car per unit
	(Amended by Ord. 00-101)	
(b) Multiple family dwelling	Studio 1 Bedroom 2 Bedroom 3+ Bedrooms	1.00 space/unit 1.00 space/unit 2.00 space/unit 2.00 space/unit
(c) Rooming or boarding house	Spaces equal to 80% of the number of guest accommodations plus one additional space for each owner, manager or employee.	
(d) Accessory Dwelling Unit	No off-street parking is required.	
(2) Institutional		
(a) Convalescent hospital, nursing home, sanitarium rest home, home for the aged	One space per four beds for patients or residents	

(3) Place of Public Assembly

(a) Church	One space per four seats or eight feet of bench length in the main auditorium, or one space for each 35 sq. ft. of floor area of main auditorium not containing fixed seats
(b) Library, reading room	One space per 400 sq. ft. of floor area plus one space per two employees
(c) Pre-school nursery, kindergarten	Two spaces per teacher
(d) Elementary or junior high school	One space per classroom plus one space per administrative employee or one space per four seats or eight ft. of bench length in the auditorium or assembly room, whichever is greater
(e) Other public assembly or meeting rooms	One space per six seats or eight feet of bench length, or one space for each 35 s/f of floor area for assembly room not containing fixed seats

(4) Commercial

(a) Retail store except as provided in subsection b of this subsection	One space per 300 s/ft. of floor area designated for retail sales
(b) Service or repair shop, retail store exclusively handling bulky merchandise such as automobiles and furniture.	One space per 400 s/ft. of floor area
(c) Banks and Offices	One space per 400 s/ft. of floor area
(d) Medical and dental clinic	One space per 300 s/ft. of floor area plus one space per two employees

(e)	Eating or drinking establishment	One space per 100 s/ft. of floor area
(5) Industrial		
(a)	Storage warehouse, manufacturing establishment, rail or trucking freight terminal	One space per employee
(b)	Wholesale establishment	One space per employee plus one space per 700 square feet of patron serving area
(6) Unspecified Uses		
Any use not specifically listed in this section shall have a parking requirement determined by the City, based on the parking space for comparable uses listed in this section.		

SECTION 5.122 TRANSPORTATION STANDARDS

The City of Turner has adopted the Turner Transportation System Plan (TTSP) in conformance with the State of Oregon Transportation Planning Rule. Development Standards for Streets, Sidewalks, Bikeways, Rail and Pipeline transportation are included in the following Sections of this Article in compliance the Turner Transportation System Plan.

- (1) Purpose
 - (A) To provide for safe, efficient, convenient multi-modal movement in the City of Turner.
 - (B) To provide adequate area in public rights-of-way streets, sidewalks, bikeways, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way.
- (2) Scope
 - (A) The creation, dedication or construction of all new public or private streets, pedestrian facilities and bikeways in all subdivision, partitions or other developments in the City of Turner.

(B) The construction or modification of any utilities or sidewalks, or bikeways in public rights-of-way or street easements.

(3) General Provisions

(A) The following provisions shall apply to the dedication, construction, improvement or other development of public rights-of-way in the City of Turner. All public improvements shall be designed in conformance with the specific requirements of the City's most current Public Works Standards.

(B) Development proposals shall provide for the continuation of existing and proposed streets, bikeways and pedestrian facilities located outside the development, to maintain the continuity of traffic circulation for all modes of travel in the City.

(4) Pedestrian and Bicycle Improvement Requirements

Table 5.122-4

Pedestrian and Bicycle Improvement Requirements	
Type of Dwelling	Bikeways & Parking and Pedestrian Accessways
Single Family Dwelling & Duplex	No
Multi-family Dwelling	Yes (4+ units)
New Commercial Building	Yes
Commercial Expansion	No
New Industrial Building	Yes
Industrial Expansion	No
Partitions, Subdivisions, Planned Developments, and Manufactured Home Parks	Yes

(Added to Section 5.122 by Ord. 99-107 Attachment "B")

(5) Access: Every property shall abut a street other than an alley, for a minimum width of 25 feet, except where the City has approved an easement for access or where the easement existed prior to the adoption of this Code.

(6) The following access alternatives to Flag Properties may be approved by the City for partitions or, in some circumstances, small subdivisions:

(A) Approval of a single access road easement to serve all of the proposed parcels with a provision for conversion to a dedicated public road right-of-

way when requested by the City. The easement shall have the same width as a required right-of-way.

(B) Approval of a road right-of-way without providing the road improvements until the lots are developed. This places the burden for road improvements on the City although the City can assess all of the benefiting properties when improvements are provided in the future. As a condition of approval, the City may require an agreement for improvements as a deed condition.

(C) Approval of a private road that does not have to meet all of the standards for public streets. This approach should only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.

(7) **Clear Vision Areas:** In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two streets, a street-alley or a street-railroad. A clear vision area shall also be maintained at all driveways intersecting a street. See Section 09-200, Diagram DSD-2.

(A) All properties shall maintain a clear triangular area at street intersections, railroad-street intersections, alley-street intersections and driveway-street intersections for safety vision purposes. The two sides of the triangular area shall be 15 feet in length along the edge of roadway at all street intersections and 10 feet in length at all alley-street intersections and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides.

(B) A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

SECTION 5.123 STREETS

Urban public street improvements including curbs, gutters and storm drainage are required for all land divisions and property development in the City of Turner. Urban street improvements may be deferred by the City. Rural public streets with shoulders and side ditches may be approved in lieu of the required urban streets.

(1) The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The arrangement of streets shall either:

(A) Provide for the continuation or appropriate extension of existing principal streets in the surrounding area; or

(B) Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right-of-way and roadway widths. The width of travel lanes for streets and roadways in feet shall be adequate to fulfill city specifications as provided for in Article 8 of this Code and should not be less than the minimums shown in the following tables unless otherwise approved on a development plan.

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-ways may be accepted, if necessary, and replaced with slope, sidewalk or utility easements dedicated on both sides of the right-of-way.

Where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-ways may be required.

Table 5.123-1

Arterial Street Design Table									
Street Name	Limits	ROW Width	Curb-to-Curb Width	Center Turn Lane Width	Travel Lanes No./Width	Bike Lane Width Each Side	On-Street Parking Width and Location	Planting Strip Width	Sidewalk Width (includes curb)
Denver St.	3 rd St. to School Ave.	70'	52'	NA	2/12'	6'	8' Each Side	NA	8'
3 rd St.	North City Limits to Mill Creek	60'	48'	14'	2/12'	5'	NA	NA	6'
3 rd St.	Mill Creek to	60'	48'	NA	2/11.5'	5'	7.5' Each Side	NA	6'

Arterial Street Design Table									
Street Name	Limits	ROW Width	Curb-to-Curb Width	Center Turn Lane Width	Travel Lanes No./Width	Bike Lane Width Each Side	On-Street Parking Width and Location	Planting Strip Width	Sidewalk Width (includes curb)
	Denver St.								
Delaney Rd.	West of 3 rd St.	60'	36'	NA	2/12'	6'	NA	6'	6'
Marion Rd.	Mill Creek Bridge to Witzel Rd.	60'	36'	NA	2/12'	6'	NA	6'	6'

Table 5.123-2

New Collector and Local Street Design Table								
Street Type	ROW Width	Curb-to-Curb Width	Center Turn Lane Width	Travel Lanes & Width	Bike Lane Width Each Side	On-Street Parking Width and Location	Landscape Strip Width	Sidewalk Width (includes curb)
Collector w/ Parking	60'	48'	NA	2/11'	6'	7' Each Side	NA	6'
Collector w/ Landscape	60'	34'	NA	2/11'	6'	None	7'	6'
Local w/ Parking on Both Sides	50'	34"	NA	2/10'	NA	7' Each Side	NA	6'
Local (Skinny St.) Parking on One Side	40'	28'	NA	2/10'	NA	7.5' One Side	NA	6'

Notes:

- A left turn lane may be required at major intersections.
- Streets without designated bike lanes will provide a “shared roadway” type of bikeway.
- Private utility easements may be required adjacent to the right-of-way.
- The Planning Commission will have the prerogative in approving the “Skinny Street” design in developments to reduce maintenance costs and provide more of a pedestrian-friendly environment. *(Factors to consider in using the narrower*

streets are the number of dwelling units served and the length the proposed street.)

- Street tree requirements can be found in the Land Use Development Code.
- Any right-of-way remaining after constructing the above improvements will be used for a clear area or utilities.
- The City may require Significant Local Streets to be designed and built to Collector Street standards.
- Some existing Local Streets have a right-of-way greater than 50 feet. When these streets are improved, the extra right-of-way may be developed as landscape strips.

((2) Replaced by Ord. 99-107 Attachment "B")

(3) Reserve Strips: A reserve strip is a 1 foot strip of land at the end of a right-of-way extending the full width of the right-of-way used to control access to the street. Reserve strips will not be approved unless necessary for the protection of the public welfare or of substantial property rights. The control of the land comprising such strips shall be placed within the jurisdiction of the City by deed under conditions approved by the City. In addition, a barricade shall be constructed at the end of the street by the land divider which shall not be removed until authorized by the City. The cost shall be included in the street construction costs by the land divider.

(4) Alignment: As far as is practicable, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 260 feet between the center lines of streets having approximately the same direction.

(5) Future Extensions of Streets: Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets may be approved with a turn-around instead of a cul-de-sac. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(6) Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography require a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. Intersections which contain an acute angle of less than 60 degrees or which include an arterial street shall have a minimum corner radius of 32 feet and sufficient right-of-way for the roadway radius to maintain a uniform width between the roadway and the right-of-way line.

(7) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval.

- (8) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- (9) Cul-de-sacs: A cul-de-sac should have a maximum length of 500 feet but may be longer where unusual circumstances exist. A cul-de-sac shall terminate with a circular turn-around.
- (10) Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City.
- (11) Grades and Curves: Grades shall not exceed 6 per cent on Arterials, 10 per cent on Collector Streets or 12 per cent on other streets. Center line radii of curves shall not be less than 500 feet on Arterials, 300 feet on Collector Streets or 100 feet on other streets, and shall be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the City may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 per cent.
- (12) Streets Adjacent to Railroad Right-of-way: Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration for the minimum distance required for approach grades at street crossings, to provide sufficient depth to allow screen planting along the railroad right-of-way and to provide buildable lots or parcels.
- (13) Private Streets: Private streets are permitted within Planned Developments, Manufactured Home Parks and singularly owned developments of sufficient size to warrant interior circulation on private streets. Design standards shall be the same as those required for public streets unless approved by the City. The City shall require verification of legal requirements for the continued maintenance of private streets.
- (14) Railroad Crossings: Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be born by

the land owner unless an equitable means of cost distribution is approved by the City.

- (15) Traffic Signals: Where a proposed intersection will result in the need for street signals, they shall be provided by the developer and the costs shall be born by the land owner unless an equitable means of cost distribution is approved by the City.
- (16) Street Signs: Street signs for identification and traffic control shall be provided by the land owner and the costs shall be born by the land owner unless an equitable means of cost distribution is approved by the City.
- (17) Mail Boxes: Joint mail boxes shall be provided in all residential developments. Joint mail box structures shall be placed adjacent to roadway curbs as recommended by the Post Office having jurisdiction and shall be noted on the plan. The cost shall be born by the land owner.

SECTION 5.124 SIDEWALKS

Public sidewalk improvements are required for all land divisions and property development in the City of Turner and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. A deed CC&R shall be attached to the property to guarantee compliance with this requirement.

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

- (1) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City determines that full right-of-way acquisition is impractical.
- (2) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.
- (3) The City may approve alternate sidewalk alignments and widths to accommodate obstructions that cannot be altered.
- (4) Sidewalks in residential areas shall be a minimum of five (5) feet in width and shall be installed adjacent to the curb unless a planter strip of at least four (4) feet in width is approved adjacent to the curb where sufficient right-of-way is available.

(5) Sidewalks adjacent to Collector or Arterial Streets are required and shall be a minimum of five (5) feet in width separated by a planter strip of five (5) feet in width adjacent to the curb. Sidewalks may be approved adjacent to the curb where direct access is required. Sidewalks adjacent to the curb shall be a minimum of seven (7) feet in width or a minimum of ten (10) feet in width adjacent to Commercial properties. Planter openings adjacent to the curb are encouraged within the ten (10) foot wide walks.

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

(6) Planter strips and the remaining right-of-way shall be landscaped and incorporated as part of the front yard of adjacent property.

(7) Maintenance of sidewalks and planters shall be the continuing obligation of the adjacent property owner.

(8) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks shopping centers, public transportation stops or other community services. Mid-block sidewalks shall be raised and shall be 6 feet in width.

(9) Internal pedestrian circulation shall be provided within new office parks and commercial developments by clustering buildings and construction of access ways.

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

SECTION 5.125 BIKEWAYS

Bikeways are required along Arterial and Collector streets. Bikeway locations are identified in the Turner Transportation System Plan (TTSP). Bikeways shall comply with the requirements of the standards contained herein, those contained in the adopted TTSP and should attempt to comply with the "Oregon Bicycle and Pedestrian Plan", an element of the Oregon Transportation Plan.

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

(1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way. The City may include bikeway improvements as conditions of approval for developments which will benefit from bikeways. Where possible, bikeways should be separated from other modes of travel, including pedestrian ways.

(2) Bicycle Parking.
Minimum Development Requirements: At a minimum bicycle parking facilities shall be consistent with the following design guidelines.

(A) Location: All bicycle parking facilities shall be

- i Within 100 feet from a building entrance;
- ii Located within a well lighted area; and
- iii Clearly visible from the building entrance.

(B) Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.

(C) Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.

(D) An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.

(E) Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack", upon which the bicycle can be locked. Structures that require a user supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.)

(F) Where bicycle parking is provided for employees on a "work shift", it shall be sheltered, i.e., covered, from the weather or employees shall be provided access to a secure room within a building for bicycle parking.

Table 5.125-1

Bicycle Parking Spaces Table	
Type of Use	Minimum Number of Spaces
Single-Family Residential and Duplexes	0
All other developments including expansions of more than 20 percent of the original floor area	Minimum of 2
Each use shall have the greater of the number of spaces cited in line B or the following:	
Triplexes and Multi-Family Residential	One (1) per every two dwelling units
Retail, Office, Institutional, and Parks	One (1) per every 20 vehicle parking spaces
Industrial	One (1) per every 40 vehicle parking spaces
Schools	Six (6) for every classroom

(Section 5.125 Replaced by Ord. 99-107 Attachment "B"; updated by Ord. 22-100)

SECTION 5.126 STORM DRAINAGE

The Storm Drainage Master Plan for the City of Turner is hereby incorporated by reference herein. Adopted by Resolution 02-09, April 25, 2002.

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

Urban level curb inlets, catch basins, and drainage pipe improvements are required for all land divisions and property development in the City of Turner. Urban storm drainage systems may be deferred by the City in lieu of a rural system of culverts and open drainage ways.

- (1) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Paving, roof drains and catch basin outflows may require detention ponds or cells and discharge permits. Maintaining proper drainage is a continuing obligation of the property owner. The City will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City Administrator. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development plan submitted for approval. All proposed drainage systems must be approved by the City as part of the review and approval process.

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

- (2) Natural Drainage ways. Open natural drainage ways of sufficient width and capacity to provide for flow and maintenance are permitted and encouraged. For the purposes of this Section, an open natural drainageway is defined as a natural path which has the specific function of transmitting natural stream water or storm water run-off from a point of higher elevation to a point of lower elevation.

Natural drainage ways should be protected as a linear open space features wherever possible within the community and shall be protected from pollutants and sediments. Additional setbacks are required for riparian areas, wetlands and floodplains as identified in the Turner Local Wetlands and Riparian Area Inventory and Sections 4.210 and Section 4.220 of this Code.

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

- (3) Easements. Where a land division is traversed by a water course, drainageway, channel or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as the City Administrator determines will be adequate for conveyance and maintenance. Improvements to existing drainage ways may be required of the property owner. The property owner is also responsible for continuing maintenance and protection of natural drainage ways.
- (4) Accommodation of Upstream Drainage. A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Administrator must review and approve the necessary size of the facility, based on sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
- (5) Effect on Downstream Drainage. Where it is anticipated by the City Administrator that the additional run-off resulting from the development will overload an existing drainage facility, the City may withhold approval of the development until mitigation measures have been approved.
- (6) Drainage Management Practices. Developments within the City must employ drainage management practices approved by the City Administrator which limit the amount and rate of surface water run-off into receiving streams or drainage facilities. Storm water runoff rates for new developments shall not exceed bare land runoff rates. Drainage management practices must include, but are not limited to one or more of the following practices:
 - (A) Temporary ponding or detention of water to control rapid runoff;
 - (B) Permanent storage basins;
 - (C) Minimization of impervious surfaces;
 - (D) Emphasis on natural drainage ways;
 - (E) Prevention of water flowing from the development in an uncontrolled fashion;
 - (F) Stabilization of natural drainage ways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
 - (G) Runoff from impervious surfaces must be collected and transported to a natural drainage facility with sufficient capacity to accept the discharge; and

- (H) Other practices and facilities designed to transport storm water and improve water quality.
- (7) Design Requirements for New Development. All new development within the City shall make provisions for the continuation or appropriate projection of existing storm sewer lines or drainage ways serving surrounding areas. Drainage extensions may be required-through the interior of a property to be developed where the City Administrator determines that the extension is needed to facilitate upstream flows.
- (8) NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one (1) or more acres of land.

SECTION 5.127 WATER

- (1) When public water is available. All 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.
(Amended by Ord. 02-105 Attachment "A") (Amended by Ord. 10-106)
- (2) Water Line Extensions. Water distribution lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion. Water line extensions may be required through the interior of properties when necessary to provide for service to other properties or to provide system looping for fire flows. All public water system line extensions shall have a minimum 6 inch diameter unless a smaller size is recommended by the City Engineer and approved by the City.
- (3) Water Plan Approval. All proposed water plans and systems must be approved by the City as part of the review and approval process.
- (4) Design Requirements for New Development. All new development within the City shall make provisions for the extension of public water lines to serve adjacent areas, or as provided in the Water System Master Plan.
- (5) Restriction of Development. The Planning Commission or City Council may limit development approvals where a deficiency exists in the water system or portion

thereof which cannot be corrected as a part of the proposed development improvements.

SECTION 5.128 SANITARY SEWERS

- (1) When public sewer is available. All 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.
(Amended by Ord. 02-105 Attachment "A") (Amended by Ord. 10-106)
- (2) Sewer Line Extensions. Sewer collection lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion.
- (3) Sewer Plan Approval. All proposed sewer plans and systems must be approved by the City of Turner and the City of Salem as part of the review and approval process.
- (4) Design Requirements for New Developments. All new development within the City shall make provision for the extension of existing sewer lines to serve adjacent areas as provided for in the Sewer System Master Plan. Line extensions may be required through the interior of a property to be developed where the City Administrator determines that the extension is needed to provide service to other properties.
- (5) Restriction of Development. The City may limit development approvals where a deficiency exists in the sewer system or portion thereof which cannot be corrected as a part of the development improvements.

SECTION 5.129 UTILITIES

- (1) It is the intent of the City to place all utilities underground wherever practical except as otherwise provided herein.
- (2) All utilities shall be located underground in subdivisions.
- (3) All utilities shall also be located underground in all partitions to City minimum urban parcel size.
- (4) All subdivided lots and all minimum parcel partitions shall have a covenant requiring underground utility installations in the Covenants, Conditions and Restrictions for each lot or parcel.

(5) Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:

- (A) Underground utility locations are not feasible.
- (B) The proposed lots or parcels are larger rural properties or where existing properties in the vicinity have overhead utilities.
- (C) Temporary or emergency installations.
- (D) Major transmission facilities located within right-of-ways or easement.
- (E) Industrial developments with large power requirements.
- (F) Surface mounted structures, substations or facilities requiring above ground locations by the serving utility.

SECTION 5.130 EASEMENTS

- (1) Easements granting limited use of property for any defined purpose may be approved for any lot or parcel.
- (2) Access easements may be approved by the Planning Commission as provided in Section 5.122. Single lane easements shall be a minimum of 12 feet wide. Two lane access easements shall be 25 feet wide.
- (3) Utility easements shall be provided for sewers, water mains and public or private utilities necessary to provide full service to all developments. Land dividers shall show on the Tentative Plan and on the final Plat all easements and shall provide all dedications, covenants, conditions or restrictions with the Supplemental Data submitted for review. Unless otherwise specified by the City, standard exterior utility easements adjacent to streets shall be 5 feet wide. Minimum interior utility easements shall be 10 feet wide centered on lot or parcel lines where feasible except for utility pole tieback easements which may be 10 feet in width.
- (4) Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way containing the top of bank, vegetative fringe, and such further width as will be adequate for protection and maintenance purposes. Culverts or other drainage facilities shall be sized to accommodate storm and flood run-off from the entire upstream drainage area and shall be verified and approved by the City Administrator.

SECTION 5.131 BLOCKS

- (1) General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic including pedestrian and bicyclist, and recognition of limitations and opportunities of topography.
- (2) Size: A block shall have sufficient depth to provide for two tiers of building sites. Unless topography, development obstructions, or the location of adjoining streets justifies an exception, block sizes shall not exceed 400 feet unless alternative pedestrian and bicycle access ways are provided.
(Amended by Ord. 02-105 Attachment "A")
- (3) Large Lot or Parcel Block Configurations: In dividing tracts into large rural lots or parcels which at some future time are likely to be re-divided, the Planning Commission may require that the blocks or sites be of such size and shape to provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller urban size.
- (4) Traffic Circulation: Blocks shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers, commercial areas, and industrial areas; and to provide safe convenient and direct traffic circulation.
(Items 1 & 4 Added to Section 5.131 by Ord. 99-107 Attachment "B")

SECTION 5.132 BUILDING SITES

- (1) Size and shape: The size, width, shape and orientation of building sites shall be appropriate for the location and use contemplated, and shall comply with the standards of the Zoning District and the other standards of Article 5 specified herein.
 - (A) No lot or parcel shall be created or utilized unless there will exist a municipal water and sewage disposal system to support the proposed use.
(Amended by Ord. 02-105 Attachment "A")
 - (B) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - (C) Existing lots or parcels smaller than City standards may be maintained as a conforming use within the district. Damaged buildings or structures may be restored to their previous use. Destroyed buildings may be replaced in conformance with this Code.

(D) Large Lots or Parcels: Large lots or parcels which may be further divided into smaller lots in the future shall be of such size and shape that will accommodate the efficient provision of future streets and lots or parcels of smaller sizes. The land division request may be denied if the proposed lots or parcels do not provide for efficient future divisions and streets.

Large lot or parcel plans must show by dash lines future potential divisions to minimum Code standards prior to approval. Building locations must be within the proposed minimum property lines and setback standards specified herein to facilitate an orderly division and use of the property in the future. Large lot or parcel divisions shall also show future urban street alignments and easements in addition to future urban lot lines on the Tentative Plan.

(E) Flag Lots or Parcels: Flag lots or parcels are discouraged. They will only be allowed when other alternative means of access as described in Section 5.122 (2) cannot be provided. Minimum width for a flag lot access is 25 feet.

(F) Through Lots and Parcels: Through lots and parcels shall be avoided except where they are essential to the intended use.

(G) Lot and Parcel Side Lines: The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

(H) Building Lines: If special building setback lines are to be established in a land division, they shall be shown on the subdivision or partition Tentative Plan and Plat or, if temporary in nature, they shall be included in the deed restrictions.

SECTION 5.133 GRADING

General grading shall conform to Turner Ordinance 01-100, Excavation and Grading Building Code, Turner Revised Code 8.02 Excavation and Grading, and the following standards unless engineered and approved by the City.

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

- (1) Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
- (2) Fill slopes shall not exceed two feet horizontally to one foot vertically.

- (3) The type and characteristics of imported fill soils shall be the same or compatible with the existing soils on the site.
- (4) Fills for streets and building sites shall be engineered and approved by the City.
- (5) All sites shall be graded to direct storm water to City storm sewers or to natural drainage ways.

SECTION 5.134 LANDSCAPING

All yard setbacks and parking areas shall be landscaped in accordance with the following requirements:

(1) General Provisions.

(A) Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area.

Exceptions: Undeveloped properties or the undeveloped portion of large properties exceeding 4,000 square feet in area are exempt from the landscape requirements specified herein provided the lot or area is maintained so weeds and wild vegetation does not adversely affect adjacent developed properties. Removal of noxious weeds and vegetation will be enforced through the City's Nuisance Ordinance.

(B) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner. All required landscaped areas shall be cleared of unwanted vegetation and weeds at least once a year prior to July. Dead landscape plantings shall be replaced by April of the following year.

(C) Landscape plans for proposed new industrial, commercial or residential developments shall be included with the site plans submitted to the City for approval. Existing trees, plantings and special site features shall be shown on all submitted plans and shall clearly indicate items proposed to be removed and those intended to be preserved.

(D) Existing trees, plantings and special site features shall be preserved, protected and maintained within the City to the fullest extent possible. Trees exceeding 6 inches in diameter shall not be removed without approval of the City for projects requiring City review and approval. Trees exceeding 6 inches in diameter shall not be removed from undeveloped

properties within the City without approval of the City Administrator unless the tree poses an immediate danger. Building Permit Applications shall include identified tree removals and be approved by the City Administrator.

(2) Yard Setbacks and Open Space.

- (A) All required street facing exterior yard setbacks in each land use district and the entire open space of all commercial, and multiple-family dwelling sites exclusive of walks, drives, parking areas and buildings shall be landscaped and permanently maintained.
- (B) Commercial and industrial developments abutting residential properties shall have their yard setbacks landscaped and/or fenced to protect the abutting residential properties.

(3) Fences:

- (A) Residential fences, hedges and walls may be located within yard setbacks. Height is limited to 6 feet in required side, rear or interior yards, 3 feet in any required front yard or 4 feet if the top 1 foot of the fence is 75% open, and 3 feet in height in a Vision Clearance Area. Commercial or industrial properties may have 8 foot high fences except in a street facing front yard setback.
- (B) Materials. Residential fences and walls shall not be constructed of or contain any material which would do bodily harm such as electric, barbed or razor wire, broken glass, spikes, or any other hazardous or dangerous materials. Commercial or industrial properties may have barbed wire at the top of fences over 6 feet in height except in the street facing front yard setback.
- (C) Protective fences other than those specified herein shall comply with State Laws and shall be submitted for approval of the City.
- (D) Sight-obscurring fences, walls or landscaping may be required to screen objectionable activities as part of the City's review and approval process. Sight-obscurring means 75% opaque when viewed from any angle at a point 25 feet away. Vegetative materials must be evergreen species that meet this standard year-round within 3 years of planting.
- (E) Maintenance. Fences shall be structurally maintained in a safe condition of repair and shall not lean over an adjoining property or sidewalk, have missing sections or slats, or broken supports.

(4) Parking Areas:

- (A) Parking lots shall be screened from abutting residential districts by a combination of fences, walls, and landscaping adequate to screen lights, provide privacy and separation for the abutting residential districts
- (B) Parking lots shall have curbed landscaped islands and trees at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface. The minimum dimension of the landscaped area excluding the curbs shall be 3 feet and the landscaping shall be protected from vehicular damage by wheel guards.
- (C) Parking lots containing more than 20 parking spaces shall have a minimum of 5 percent of the area devoted to vehicular circulation and parking areas in landscaping and trees. Landscaping shall be evenly distributed throughout the parking lot and long rows of parking spaces shall be interrupted by landscaped islands. The 5 percent landscaping shall be within or abutting the parking area and shall be in addition to the required landscaped yard setbacks.

(5) **Service Facilities:** Garbage collection areas, and service facilities located outside the building shall be screened from public view and landscaped.

SECTION 5.135 EXTERIOR LIGHTING

Exterior lighting should be provided in parking lots and may be provided elsewhere. Lighting shall be located and designed to not face directly into on-coming traffic or onto an adjacent residential district or use.

SECTION 5.136 SIGNS

(1) Purpose.

The purpose of these sign regulations is to provide equitable signage rights, promote traffic and pedestrian safety, and increase the economic viability of the City, by classifying and regulating the location, size, type and number of signs, in a content-neutral manner.

Within the commercial areas, the City recognizes the need for businesses and organizations to inform the public about their location and their services. It also recognizes that a sign is a relative low cost form of business advertising.

The City recognizes that the citizens of Turner want to retain their unique small-town quality. One method of preserving the look of a small town is by controlling the number, size and type of signs allowed within the commercial district and to provide design guidelines that benefit the citizens and the businesses in improving the visual quality of the community.

(2) **Definitions.**

SIGN Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of this chapter, the following definitions apply:

ALTERATION means any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

AREA The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including the total area of all sign faces.

AWNING A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

BUILDING FACE The single wall surface of a building facing a given direction. Building frontage means the portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined. A service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

CANOPY SIGN A sign hanging from a canopy or eaves, at any angle relative to the adjacent wall, the lowest portion of which is at least eight feet above the underlying grade.

FLASHING SIGN A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

FREESTANDING SIGN A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

INCIDENTAL SIGNS A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

INDIRECT ILLUMINATION A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

INTERNAL ILLUMINATION A source of illumination from within a sign.

MESSAGE SIGN A sign that can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

MONUMENT SIGN A square or rectangular sign that sits directly on the ground without pole or uprights.

MULTI-FACED SIGN A sign that has two or more sign faces, contained in a single sign structure.

MURAL An illustration (with or without words or numbers) that is painted or otherwise applied (without projections) to an outside wall of a structure.

NONCONFORMING SIGN Any sign that lawfully exists prior to the effective date of the ordinance codified in this title but which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.

OWNER As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

OFFICIAL SIGN A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

PORTABLE SIGN Any sign that is not originally designed, regardless of any subsequent modification, to be permanently affixed to a building, structure, or the ground. These signs primarily include, but are not limited to, A-frame or sandwich board signs; signs attached to wood or metal frames and designed to be self-supporting and movable, including trailer mounted reader boards. Portable signs are considered temporary signs as defined and used in this title.

PROJECTING SIGN A sign the face of which is not parallel to the wall on which it is mounted, projecting more than eight inches from a structure.

REAL ESTATE SIGN A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

ROOF LINE Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

ROOF SIGN A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

ROTATING/REVOLVING sign A sign, all or a portion of which, moves in some manner.

SIGN FACE Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "sign area."

SIGN HEIGHT Measured from the grade of the curb line lowest to the base of the sign to the highest portion of the sign, sign structure or frame; whichever is greater highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

SIGN STRUCTURE The supports, uprights, braces, framework and other structural components of the sign.

TEMPORARY SIGN A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a freestanding sign support.

WALL SIGN A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than eight inches. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign.

(3) **General Provisions.**

- (A) **Conflicting Standards.** Signs shall be allowed subject to the provisions of this chapter, except when these provisions conflict with the specific standards for signs in the subject district.
- (B) **Signs Subject to State Approval.** Off-premise advertising signs visible to the traveling public from state highways are further subject to the regulations and permit requirements of the State of Oregon, Department of Transportation.
- (C) **Uniform Sign Code.** All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.

(D) Sign Clearances. A minimum of eight feet above sidewalks and fifteen (15) feet above driveways shall be provided under all free standing or wall mounted signs.

(4) Signs Allowed

The following signs and sign work are allowed outright in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

(A) Re-painting, changes to the sign face or copy and maintenance of signs legally existing on the effective date of the ordinance codified in this chapter.

(B) Temporary Signs.

- i Real estate signs not exceeding six square feet that advertise the sale, rental, or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit. Only one real estate sign per lot may be displayed at any time, except on corner lots. Two signs are permitted on corner lots; however only one sign per street frontage is permitted.
- ii Political signs shall not exceed six square feet. Political signs may be used up to sixty (60) days prior to an election but shall be removed not later than seven days following the date of the election.
- iii Portable signs and other temporary signs that do not exceed six square feet in total area on a single property.
- iv Balloons that do not exceed a total cumulative diameter of 24 inches.
- v Signs advertising the sale of land in an approved subdivision. Only one sign per entrance to the subdivision. Sign may not be larger than 32 square feet and 4 feet in height. Sign maybe in place until all lots have changed ownership or have been built on, whichever comes first.
- vi Signs hung on baseball field fencing at 5th Street Park.

(C) Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and

signs related to public services or safety, entrance or gateway signage, event signage.

- (D) Directional or informational signs bearing no advertising message and not exceeding four square feet in area erected for the convenience of the public such as signs indicating private street information, identifying restrooms, public telephones, walkways and similar features or facilities.
- (E) Flags with a cumulative area not to exceed 25 square feet per lot.
- (F) Signs within a building.
- (G) In a commercial or industrial zone, signs painted or hung on the inside of windows.
- (H) Memorial signs or tablets and names of buildings and dates of erection when cut into or attached to the surface or façade of the building.
- (I) Signs placed by a public utility showing the location of underground facilities.
- (J) Building or freestanding signs that display or reflect the history or character of Turner, as approved by the City Council, after recommendation by the Planning Commission.
- (K) Incidental signs in Residential Zones of less than 2 square feet in area.
- (L) Signs that indicate restrictions on use of the property where the sign is located that are less than 2.5 sq ft.

(5) Signs Prohibited

The following signs are prohibited in all zones:

- (A) Portable signs within the public right-of-way, except for sidewalk or sandwich board signs that comply with Section 5.136(8)(D)
- (B) Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- (C) Signs that use or employ side guy lines of any type.
- (D) Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.

- (E) Signs closer than twenty-four (24) inches horizontally or vertically from any overhead power line or public utility guy wire.
- (F) No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- (G) Rotating/revolving signs, except by conditional use permit.
- (H) Flashing signs.
- (I) Private signs that project into public right-of-ways, except signs under a canopy that project over a public sidewalk where the sign is not less than eight feet above the sidewalk.
- (J) Signs that obstruct required vision clearance area as defined in the Land use Development Code or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
- (K) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
- (L) Signs attached to any pole, post, utility pole, or otherwise place in the public right-of-way except for wayfaring signs in the Downtown Commercial Zone.
- (M) Signs or sign structures placed on or over private property without the written consent of the owner or agent thereof.
- (N) Billboard signs.
- (O) Roof signs, except by variance.
- (P) Signs attached to trees or shrubs.
- (Q) Bench signs, except as a conditional use, or those designating donor(s).

- (R) Any sign on unimproved property unless allowed as a real estate or temporary sign.
- (S) Any illegible sign or sign that has twenty-five (25) percent or more of its surface destroyed, defaced or missing.
- (T) Message signs, except by Conditional Use Permit.

(6) Signs in Non Commercial Zones

The following regulations apply to signs in the R1, R-2, R-11 and Public Institution zones:

- (A) Maximum Number. Any combination of signs not exceeding the sign area and height limitations of this section; plus signs allowed in Section 5.136(4).
- (B) Maximum total sign area for property on which the building or buildings are located:
 - i Single-family and two-family (duplex) dwelling: six square feet;
 - ii Multiple family dwelling: twenty-four (24) square feet;
 - iii Public and semi-public: thirty-two (32) square feet.
- (C) Maximum sign height of freestanding signs: six feet.
- (D) Location of freestanding signs: where fences are allowed.
- (E) Illumination. Signs may only be indirectly illuminated by a concealed light source, and shall not flash, blink, fluctuate or produce glare.

(7) Review Procedures in Non-Commercial Zones

- (A) Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- (B) Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this title are not required to obtain a permit.
- (C) Permit Fees. Permit fees may be established by city council resolution.
- (D) Application Requirements.

- i An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.
- ii The City Manager shall issue a permit for a sign unless the sign does not comply with the provisions of these regulations or other provisions of this title. Sign permits mistakenly issued in violation of these regulations or other provisions of this title are void. The city manager may revoke a sign permit if he or she finds that there was a material and misleading false statement of fact in the application for the permit.

(E) Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

- i All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements;
- ii All signs shall be maintained in a good structural condition at all times;
- iii The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs.

(8) Signs in Commercial and Industrial Zones

All signs in the Commercial, Downtown Commercial and Industrial zones shall conform to Sections 5.136(3) through 5.136(5) and the following standards:

(A) Signs or sign structures located in commercial and industrial zones which are within seventy-five (75) feet of a residentially zoned property shall be set back so as to meet the side and front yard setback requirements of the adjoining residential district.

(B) Accessory temporary signs are permitted provided such signs are securely affixed to the surface of a building wall or window, and must have the date of initial posting clearly written on the face of the sign. Such

signs, including but not limited to sale signs and special product announcements, must be removed not later than ten (30) days after initial posting. Such signs shall not exceed the permitted ratio of sign area, including temporary signs, to building face area.

- (C) Historical signs that are an integral part of a building design, or signs with a cultural significance to the community, as determined by the planning commission, may be exempted from the standards for signs.
- (D) Sidewalk signs or sandwich boards are permitted provided:
 - i There is only one (1) sidewalk or sandwich board sign per business. Vacant lots may have one sandwich board sign per lot.
 - ii The sign is professional in appearance with a maximum height of three (3) feet and a maximum width of two (2) feet in width. The height of the sign is measured from the grade of the curb line lowest to the base of the sign, to the highest point of the sign, sign structure or frame; whichever is greater.
 - iii The total sign area does not exceed six (6) square feet per side. The base material used to support a sign shall be included in the dimensions used to calculate the sign area.
 - iv The signs is removed at the close of each business day.
 - v Sidewalk or sandwich board signs shall only be allowed within an adjacent public right-of-way along the frontage of the business displaying the sign, when they can be placed so that a minimum clear width of three (3) feet within the right-of-way is available for pedestrians immediately adjacent to the sign. Adjacent private property may be used to provide the three (3) foot clear width area when approved by the City Manager.
 - vi The sign can be located within a sidewalk bulb-out area if it does not interfere with traffic visibility or pedestrian mobility.
- (E) Sign for temporary businesses. Temporary businesses may display 2 portable signs either of which may be no more than 6 square feet in area, must be placed not more than 10 feet from the structure or vehicle used for the temporary business and may not be placed in the right of way.
- (F) Signs that are suspended from the underside of a horizontal plane surface and is supported by that surface, shall have a maximum area of three square feet and shall not project more than thirty (30) inches from the face of the building.

(9) Signs in Commercial and Industrial Zones-Appearance

Signs shall be constructed of wood, brick, tile, masonry, synthetic materials, canvas, vinyl, stone, glass, wrought iron, or metal. Signs shall be constructed of materials consistent with the age, appearance and purpose of the buildings adjacent to the sign. The design shall reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses. Fluorescent or unusually bright colors shall not be permitted.

(10) Signs in Commercial and Industrial Zones-Size**(A) Businesses with Two or More Street Frontages.**

- i Land abutting more than one street shall be allowed its quota of signs on each of the streets, and up to ten (10) percent of the permitted quota on any street may be deducted there from and added to the other street frontage.
- ii Where a business located on a corner erects an attached sign designated to be read from both intersecting public streets, the total aggregate area of such sign shall not exceed one-half that which would be allowed for separate signs fronting on the intersecting public streets.
- iii Where a business located on a corner is allowed a monument sign, it may have one such sign designed to be read from both intersecting public streets or two such freestanding signs, provided that each sign is designed to be read from only one of the intersecting streets.

(B) Area.

- i Wall signs shall not exceed ten (10) percent of the building face facing a street and will not exceed a total of 50 feet, whichever is smaller. For purposes of the area, the height of the lower level or story or twenty (20) feet, whichever is larger, shall be multiplied by the building frontage. Height of lettering cannot exceed twenty-four (24) inches. One sign with maximum area of 10 square feet will be allowed on a second wall which has a business entrance which is not the primary entrance.
- ii Awning signs shall not exceed ten (10) percent of the awning area. For purposes of calculating the awning area, the height shall be multiplied by the width of the awning.

- iii Projecting signs shall not exceed five percent of the building face facing a street. For purposes of calculating the area, the height of the lower level or story, or twenty (20) feet, whichever is less, shall be multiplied by the building frontage. Height of lettering cannot exceed eight inches.
- iv Roof signs are not permitted except by variance.
- v Freestanding signs: one square foot of sign area for each linear foot of property frontage upon a city street up to a total of fifty (50).
- vi Monument Signs shall be no more than 4 feet in height and 24 sq ft in size.

(C) Height. Not more than four feet above the eave line provided the maximum height above the ground line shall not exceed twenty (20) feet.

(D) Location. Attached to the building, except such signs shall not be roof signs.

(E) The following restrictions will apply to signage in the Downtown Commercial zone:

- i Freestanding signs are prohibited.
- ii Comply with Section 5.136(11)

(11) Signs in Commercial and Industrial Zones-Design Review

Requirements. All signs permitted within the commercial or industrial zones of the City shall conform with the following design review criteria, unless otherwise provided for in this title:

(A) Signs must be compatible in design and color with the architectural and historical qualities of Turner and with the buildings with which they are associated.

(B) Signs illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic.

(C) Directory signs (wall, projecting, and freestanding), and the individual signs comprising a directory sign shall be uniform or consistent in size, shape, and design. Individual signs in a directory sign may be added, moved, or substituted with signs for new businesses or uses without going

through the design review process, provided that the design is consistent and the provisions of the original permit are met.

(12) Signs in Commercial and Industrial Zones-Permit Application

- (A) Permit Required. No property owner, lessee or contractor shall construct, alter or relocate any sign without first obtaining a valid sign permit.
- (B) Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this title are not required to obtain a permit.
- (C) Permit Fees. Permit fees may be established from time to time by City Council resolution.
- (D) Application Requirements. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include the following information:
 - i The names and addresses of the sign company, person authorizing erection of the sign and the owner of the subject property;
 - ii The location by street address of the proposed sign;
 - iii A drawing suitable for folding for file storage, accurately colored and to scale showing the details of the sign, including all mounting structures and devices, materials from which constructed, lighting, and the name of the proposed lettering style, along with detailed illustration of the sign face;
 - iv An accurate scaled site plan, showing the location of building(s), street(s) and other existing sign(s);
 - v In the case of wall and projecting signs, an accurate scaled drawing of all building faces to be signed, including the scaled outlines of all existing and proposed signs.
- (E) Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - i All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements;

- ii All signs shall be maintained in a good structural condition at all times;
- iii The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.

(13) Signs in Commercial and Industrial Zones-Review Procedure

- (A) All signs requiring a permit shall be reviewed by the City staff. Staff shall consider the design, lettering, arrangement, size, texture, materials, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area in keeping with the intent of this title. City staff shall approve, modify or deny the permit.
- (B) In the event the permit is modified or denied by the City staff, the applicant may appeal to the Planning Commission by giving written notice of the appeal to the City Clerk/Recorder no later than ten (10) days following the modification or denial of the sign permit application by the City staff. The Planning Commission shall hear the matter at its next regularly scheduled meeting. The City staff shall furnish to the Planning Commission its findings and conclusions with respect to the permit. The Planning Commission may modify or deny the permit.

(14) Nonconforming Signs

Signs established prior to the adoption of this code on September 22, 2011 and, that no longer meet the sign code standards, are considered nonconforming signs. Nonconforming signs may continue to be in use, subject to the restrictions in this section:

- (A) General Requirements for Nonconforming Signs.
 - i The following non-conforming signs will be considered unlawful upon passage of this ordinance and must come into full compliance within 90 days of ordinance approval or be removed:
 - a. All signs in the public right-of-way
 - ii A nonconforming sign shall not be:
 - a. Modified, unless the modification brings the sign into compliance with this chapter. A change of copy is allowed, except that any change in a wall sign which is painted on a structure shall comply with the requirements of this chapter.

- b. Expanded.
 - c. Relocated.
- iii A nonconforming sign may undergo normal maintenance, except:
 - a. "Normal maintenance" excludes major structure repairs designed to extend the useful life of the nonconforming sign.

If a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60 percent of its replacement value; the nonconforming sign shall not be repaired and shall be removed.
- iv Upon change of use of a business or premises, a nonconforming sign shall be brought into compliance with this code within 180 days.

(B) Abandoned Signs. All signs and sign structures for a business shall be removed within thirty (30) days after that business ceases to operate on a regular basis. Abandoned signs that are not removed may be removed by the City following notice to the property owner. The property owner will be assessed the cost of the sign removal if the owner fails to remove the abandoned sign and the City exercises its authority under this provision.

(15) Variances-Signs

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to this chapter will be processed according to the procedures in Section 2.600; however, the criteria in 2.600 (2) shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- (A) There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- (B) The requested variance is consistent with the purpose of this chapter as stated in Section 5.136(1)
- (C) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter;

- (D) The granting of the variance shall not decrease pedestrian or traffic safety; and
- (E) The variance request shall not be the result of a self-imposed condition or hardship.

(16) Unlawful Sign Removal

- (A) Any unlawful sign that has not been removed within thirty (30) days after notification of the property owner may be removed by the city and the costs charged to the property owner. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the city, the city is entitled to file a lien against the property on which the sign was located to secure payment of such costs and expenses of removal by the city. The city may sell or otherwise dispose of the sign so removed and apply the proceeds towards the cost of removal.
- (B) Signs which are found upon public streets, sidewalks, rights-of-way, or other public property, or which present an immediate and serious danger to the public may be removed without prior notice.

(17) Conditional Uses

- (A) Procedures. Applications for conditional use permits for rotating/revolving signs or message signs shall be processed according to the procedure set forth in Section 2.500 of this title. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this section, and the criteria of Section 2.500 (2) shall not be applied.
- (B) Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for rotating/revolving, and message signs:
 - i The proposed sign is located in C-1, C-2 and M-1 zones;
 - ii The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area;
 - iii The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree;
 - iv The proposed sign will not present a traffic or safety hazard;

- v If the application is for a message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed;
- vi If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five revolutions per minute;
- vii The total allowed sign area for a business shall be reduced by twenty-five (25) percent if the business has a rotating/revolving or message sign;
- viii The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

(Section 5.136.0 amended by Ord. 11-101)

Article 6 USE STANDARDS

SECTION 6.010	USE STANDARDS
SECTION 6.101	HOME OCCUPATION STANDARDS
SECTION 6.102	RESIDENTIAL CARE HOME STANDARDS
SECTION 6.103	RESIDENTIAL CARE FACILITY STANDARDS
SECTION 6.104	MULTIPLE-FAMILY STANDARDS
SECTION 6.105	ACCESSORY DWELLING UNITS
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SECTION 6.401	AGRICULTURAL USE STANDARDS

SECTION 6.010 USE STANDARDS

In addition to the Development Standards specified in Article 5, there are also uses that may occur in more than one district. The following Sections specify development standards applicable to specialized uses within the City of Turner.

SECTION 6.101 HOME OCCUPATION STANDARDS

A Home Occupation is an accessory use to any 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) No structural alteration of the land or dwelling, or location of additional structures, either temporary or permanent, shall detract from the outward appearance of the property as a whole as a residential use. Allowed accessory structures for the purpose of Home Occupation will be limited to less than 25% of the total ground square footage of the main dwelling. No accessory dwelling will be allowed in a street facing yard.

(6.101(3) Amended by Ord. 18-101)

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

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

(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.

(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.

(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 seventeen (17) 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.

(Amended by Ord. 10-106)

SECTION 6.102 RESIDENTIAL CARE HOME STANDARDS

Residential Care Homes for 5 or less people and Group Child Care Homes for 17 or less children are a Permitted Use in a dwelling located within any residential district with the following additional standards:

- (1) Outdoor areas shall be provided in accordance with State Standards for each type of use. The outdoor area shall be adequately fenced in order to provide for the safety and privacy of those at the facility.
- (2) The Care Home shall be readily accessible for people with disabilities and fire or other emergency access.
- (3) The Care Home shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

SECTION 6.103 RESIDENTIAL CARE FACILITY STANDARDS

A Residential Care Facility other than a private residence for more than 16 children or for more than 5 adults is a Permitted Use in the Multi-family Residential District, R-11 and may be allowed in accordance with the Conditional Use provisions of Section 2.500 provided municipal water and sewer service is available in the Single-family Residential Districts with the following additional standards:

- (1) Access shall be from a designated arterial or collector street.
- (2) Requirements for front, rear, side and street side yards, for Care Facilities shall comply with the District standards in which the facility is located.
- (3) Additional landscaping, privacy fencing, buffers or other screening devices may be required to screen or protect the facility or adjacent properties.
- (4) Outdoor areas shall be provided in accordance with State Standards for each type of use. The outdoor area shall be adequately fenced in order to provide for the safety and privacy of those at the facility.
- (5) The Care Home shall be readily accessible for people with disabilities and fire or other emergency access.
- (6) The Care Home shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

SECTION 6.104 MULTIPLE-FAMILY STANDARDS

Medium density multiple-family housing is allowed in the R-11 residential district up to 20 units per acre. High density Multiple-family housing at over 20 units per acre may be allowed in accordance with the Conditional Use provisions of Section 2.500 (provided municipal water and sewer service is available).

The Multiple-Family standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the LUDC. Where the Multiple-Family standards conflict with other development standards in the LUDC, the Multiple-Family standards shall be the applicable development standard.

SECTION 6.104.1 OPEN SPACE STANDARDS.

(1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

(A) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.

(B) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 6.104-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 6.104-1.

Table 6.104-1

PRIVATE OPEN SPACE SIZE AND DIMENSIONS		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft.
More than 5 feet above finished grade	48 sq. ft.	6 ft.

(C) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.

- i Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and
- ii Include at least one of the following types of features:
- iii Covered pavilion.
- iv Ornamental or food garden.
- v Developed and equipped children's play area, with a minimum 30 inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
- vi Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
- vii Swimming pool or wading pool.

SECTION 6.104.2 LANDSCAPING STANDARDS

(1) Where a development site abuts property that is zoned Single-Family Residential (R-1) or Single Family Residential (R-2), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting R-1 or R-2 zoned property. The landscaping and screening shall include the following:

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
- (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials.

- (2) Multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.

SECTION 6.104.3 SITE SAFETY AND SECURITY

- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.
- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

SECTION 6.104.4 PARKING AND SITE DESIGN

- (1) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.
- (2) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

SECTION 6.104.5 FAÇADE AND BUILDING DESIGN

- (1) Where a development site abuts property zoned Single-Family Residential (R-1) or Single Family Residential (R-2), buildings shall be setback from the abutting R-1 or R-2 zoned property as set forth in Table 6.104-2 to provide appropriate transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.

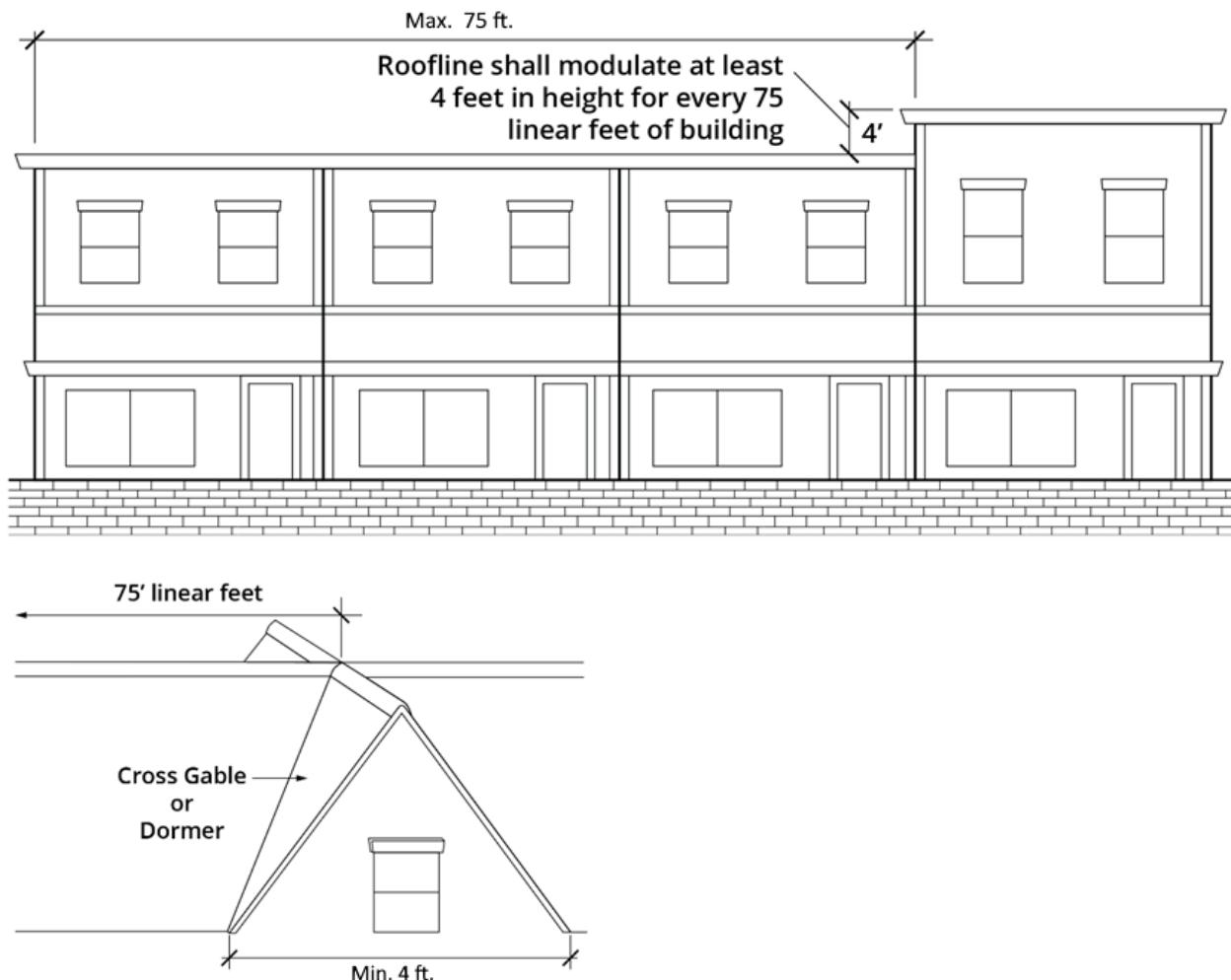
Table 6.104-2

SETBACKS ABUTTING PROPERTY ZONED R-1 AND R-2		
Building Dimension Adjacent to Property Zoned R-1 and R-2	Number of Building Stories	Minimum Setback
80 feet or less	1 or 2	10 feet

SETBACKS ABUTTING PROPERTY ZONED R-1 AND R-2		
	3 or more	20 feet
Greater than 80 feet	1	Min. 1 foot for each 1 foot of building height, but in no case less than 14 ft.
	2 or more	Min. 1 foot for each 1 foot of building height, but in no case less than 20 ft.

- (2) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.
- (3) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.
- (4) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.
- (5) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.
- (6) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 6.104-1)

FIGURE 6.104-1. MULTIPLE FAMILY ROOFLINE MODULATION OPTIONS



(7) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 6.104-2). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.

- (A) Offsets (recesses and extensions).
- (B) Covered deck.
- (C) Covered balcony.
- (D) Cantilevered balcony, provided at least half of its depth is recessed.
- (E) Covered entrance.

FIGURE 6.104-2. EXAMPLE OF DESIGN ELEMENTS FOR ARTICULATION



(8) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 6.104-3):

- (A) Change in materials.
- (B) Change in color.
- (C) Molding or other horizontally-distinguishing transition piece.

FIGURE 6.104-3. EXAMPLE OF DESIGN ELEMENTS FOR ARTICULATION



(Section 6.104 added by Ord. 22-100)

SECTION 6.105 ACCESSORY DWELLING UNITS

Accessory Dwelling Units may be allowed in a residential zone subject to a Site Plan Review as described in Section 2.400.

- (1) **One Unit.** A maximum of one Accessory Dwelling unit is allowed per legal lot.
- (2) **Floor Area.** An Accessory Dwelling unit shall not exceed 800 square feet of floor area, nor shall it exceed the square footage of the primary dwelling. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area.
- (3) **Lot Size.** The minimum lot size for a lot with an Accessory Dwelling is 6,000 square feet.
- (4) **Building Design.** The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements.
- (5) **Building Height.** The height of an accessory dwelling shall not exceed the height of the primary dwelling.

(6) **Screening and Buffering.** The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Article 5.134(3) Fences.

(7) **Parking.** No additional parking is required for the accessory dwelling unit. Existing required parking must be maintained or replaced on-site.

(8) **Utility Connections.**

(A) Water, sewer, storm. A primary dwelling unit and an ADU may have a shared water service to a water system, a shared sewer service to a sewer system, however separate and independent services from each building may be required to meet the city's adopted plumbing code. In all cases, the water service shut-off must be accessible to occupants of both units.

(B) Electrical. A primary dwelling unit and an ADU are permitted to have one shared electrical service or two separate electrical services. ADUs must have electrical circuits completely independent of the main dwelling unit. A separate meter is permitted to serve an ADU, subject to compliance with the city's adopted electrical code. A single main service panel may be allowed; provided, that occupants of both dwelling units have access to the overcurrent devices supplying their occupancy.

(C) Gas. A primary dwelling unit and ADU may share natural gas services. An accessible shut-off valve must be upstream of the gas meter, on the exterior of the structure(s).

(D) Any utility lines being installed or altered must have their connections inspected as part of the building permit process.

(9) **System Development Charges.** The construction of ADUs or the conversion of existing structures to ADUs is typically subject to System Development Charges (SDCs), codified in Title 3 of the Turner Revised Code. System Development Charges will be waived for ADU's that share utility connections with the primary dwelling unit. If a separate, independent water or sewer service is required for the ADU, System Development Charges for water or sewer will apply.

(Section 6.105 added by Ord. 22-100)

SECTION 6.106 COTTAGE HOUSING

Cottage Housing is a permitted use in the R2 and R11 zones subject to a Site Plan Review as described in Section 2.400.

(1) General Cottage Housing Development Standards.

- (A) Size of Unit: Each dwelling shall be a minimum of 600 square feet and shall not exceed a maximum square footage of 1,200 square feet.
- (B) Number of Cottages in a development: Cottage housing units shall be developed in clusters of a minimum of 4 units to a maximum of 12 units.
- (C) Maximum Height: The height limit for all structures shall not exceed 25 feet.
- (D) Parking Requirements: There shall be at least one (1) off street parking space per dwelling unit.
- (E) Fences: All fences on the interior of the development shall be no more than 3.5 in height. Fences along the exterior of the development shall comply with the fence requirements in Section 5.134 Landscaping.

(2) Cottage Orientation. Cottages must be clustered around a common area and must meet the following standards:

- (A) A minimum of fifty (50) percent of cottages within a cluster must be oriented to the common area and must:
 - i Have a main entrance facing the common area;
 - ii Be within 10 feet from the common area, measured from the façade of the cottage to the nearest delineation of the common area; and
 - iii Be connected to the common area by a pedestrian path.

- (B) Cottages within 20 feet of a street property line may have their entrances facing the street.
- (C) Cottages not facing the common area or the street must have their main entrances facing a pedestrian path that is directly connected to the common area.

(3) **Common Area Design Standards.** Each cottage cluster must share a common area in order to provide a sense of openness and community of residents. Common areas must meet the following standards:

- (A) The common area must be a single, contiguous, useable piece.
- (B) Cottages must abut the common area on at least two sides of the courtyard.
- (C) The common area must contain a minimum of 150 square feet per cottage within the associated cluster.
- (D) The common area must be a minimum of 15 feet wide at its narrowest dimension.
- (E) The common area shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common area shall not exceed 75 percent of the total common area.
- (F) Pedestrian paths qualify as part of a common area. Parking areas, required setbacks, and driveways do not qualify as part of a common area.

(4) **Community Buildings.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

- (A) Each cottage cluster is permitted one community building.
- (B) A community building shall not exceed 1,400 square feet of floor area.

(5) Pedestrian Access.

- (A) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following
 - i The common area;
 - ii Shared parking areas;
 - iii Community buildings; and
 - iv Sidewalks in public rights-of-way abutting the site or roadways if there are no sidewalks.
- (B) The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide

(6) Parking Design.

- (A) Clustered parking. Off-street parking may be arranged in clusters of not more than 5 contiguous spaces separated from other clusters by at least 4 feet of landscaping. Clustered parking areas may be covered.
- (B) Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i Within of 20 feet from any street property line, except alley property lines;
 - ii Between a street property line, except alley property lines, and cottages abutting the street property line.
- (C) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- (D) Screening. Landscaping or architectural screening at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

(E) Garages and carports. Garages and carports (whether shared or individual) must not abut common courtyards. Garage doors for individual garages must not exceed 12 feet in width.

(7) **Existing Structures.** On a lot or parcel to be used for a cottage cluster project, a pre-existing detached single dwelling may remain within the cottage cluster project area under the following conditions:

(A) The existing dwelling may be nonconforming with respect to the requirements of this code.

(B) Existing dwellings may be expanded up to the maximum height or footprint allowed by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.

(Section 6.106 added by Ord. 22-100)

SECTION 6.110 MANUFACTURED DWELLING STANDARDS

Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918 specify the standards and regulations for Manufactured Dwelling (MD) use in the State of Oregon. The 2002 Oregon Manufactured Dwelling and Park Specialty Code (OMDS) define the state standards and Section 6.170 provides additional supporting standards for all manufactured dwelling developments within the City of Turner. The standards contained herein are intended to support suitable living environments for residents of manufactured dwellings and to increase compatibility with adjacent land uses.

SECTION 6.111 GENERAL PROVISIONS

(1) **Definitions.** The definitions of terms used are as defined in the 2002 Oregon Manufactured Dwelling and Park Specialty Code (OMDS) or Section 1.200 of this Code.

(2) **Relationship to Deed Restrictions.** Nothing in these provisions shall be interpreted as superseding more restrictive deed covenants, conditions or restrictions (CC&R's). The Standards contain herein are the "minimum requirements" of the City. Applicant/Owners may specify more restrictive standards for their development as part of their CC&R's.

- (3) **Manufactured Dwelling Construction & Safety Standards.** All manufactured dwellings must comply with the minimum construction standards in effect at the time of construction, and all associated rules, regulations, amendments and interpretations of both federal and state authorities. All manufactured dwellings placed in the City of Turner must bear a U.S. Department of Housing and Urban Development, HUD, certification label or a State of Oregon Manufactured Dwelling Insignia of Compliance.
- (4) **Building Permit.** The owner of a lot upon which a manufactured dwelling is to be installed shall, before installation, obtain a Manufactured Dwelling Building Installation Permit, and any other required permits, from the City. In applying for and obtaining said permit, the owner of a lot shall be deemed to have agreed to comply with Oregon State Standards and the terms of this Code.
- (5) **Inspection.** The manufactured dwelling shall be inspected by the Building Inspector, who shall determine that the manufactured dwelling complies with State standards for manufactured dwelling construction and siting, the standards set forth in this Code and, prior to approval of installation, require the owner of said manufactured dwelling to bring the manufactured dwelling up to the required standards by repair and improvement.

No reconstruction or equipment installation shall have been made to the manufactured dwelling unless it has been state approved as evidenced by an appropriate State of Oregon insignia.
- (6) **Perimeter Enclosures & Support Systems.** All load bearing foundations, supports, and enclosures shall be installed in conformance with state regulations and with the manufacturer's installation specifications. There are two primary types of perimeter enclosures permitted:
- (7) **Perimeter Skirting:** Skirting shall be constructed in accordance with the Oregon Manufactured Dwelling Standards. Permitted perimeter skirting materials are any material or system approved by the State of Oregon.
- (8) **Perimeter Foundations:** shall be constructed in accordance with the Council of American Building Officials (CABO) One and Two Family Dwelling Code in addition to the Oregon Manufactured Dwelling Standards. Permitted perimeter foundation materials are concrete, masonry, or other materials approved by the Building Official.
- (9) **Accessory Structures.** All accessory structures must be constructed to the Oregon State One and Two Family Dwelling Code.
- (10) **Removal.** If a manufactured dwelling is removed, the owner shall immediately disconnect and cap all sewer, water and utility services. The owner of the property shall within (6) months of said removal, make application for and

replace said manufactured dwelling with an approved manufactured dwelling, or remove the foundation and all protrusions above the slab or ground level. Should the property owner fail to comply, the city may contract for removal and disconnection, and collect the costs thereof from the property owner or place a lien against the real property for the unpaid amount.

(11) **Continued Use.** Any manufactured dwelling in place at the time of passing this Code and appropriately connected to a sewer and water system, but otherwise not conforming to the above requirements, may be maintained in the place of location. Any replacement of or addition to said manufactured dwelling shall comply with the requirements stated herein and The State of Oregon Installation Standards.

SECTION 6.112 CLASSIFICATIONS OF MANUFACTURED DWELLINGS

Manufactured Dwelling Classes. For purposes of these regulations, manufactured dwellings are divided into two classes, "A" and "B". The classes are segregated by the size of the manufactured dwelling. All manufactured dwellings placed within the City after the effective date of this Code must comply with the following placement standards.

(1) **Class "A"** A Class "A" manufactured dwelling is one that complies with the following standards:

- (A) A double-wide or multi-sectional unit certified by the manufacturer and including an insignia of compliance consistent with the applicable provisions of ORS 446 and Oregon State building and specialty codes. Inspection and verification by the Building Official is required prior to placement.
- (B) Contains more than one thousand (1,000) square feet of occupied space in a double-section or larger multi-section unit.
- (C) Placed onto a permanent foundation system with piers, perimeter foundations or perimeter skirting. Wheels, axles, and hitch mechanisms shall be removed in accordance with approved state installation standards.
- (D) Minimum roof pitch shall be 3-inch rise for each 12-inches of run with materials commonly used for site-built houses such as composition, wood or tile shingles.
- (E) Exterior materials shall be similar to those used on site-built houses.
- (F) Placement: Class "A" manufactured dwellings are permitted on all individual lots in all Residential Districts and in all approved manufactured

dwelling parks. Class "A" manufactured dwellings are also permitted for approved temporary uses specified in Section 6.114

(2) **Class "B"** A Class "B" manufactured dwelling is one that complies with the following standards:

- (A) A single-section unit certified by the manufacturer and including an insignia of compliance consistent with the applicable provisions of ORS 446 and Oregon State building and specialty codes. Inspection and verification by the Building Official is required prior to placement. Inspection and verification by the Building Official required prior to placement.
- (B) Contains more than five hundred (500) square feet of occupied space in a single or expanded unit.
- (C) Placed onto a permanent foundation system with piers, perimeter foundations or perimeter skirting. Wheels, axles, and hitch mechanisms shall be removed in accordance with approved state installation standards.
- (D) Exterior materials shall be similar to those used on site-built houses.
- (E) Placement: Class "B" manufactured dwellings are permitted in all manufactured dwelling parks and approved temporary uses specified in Section 6.114. Class "B" manufactured dwellings may also be permitted by Conditional Use on individual lots as specified in Section 6.113.

(Section 6.112 amended by Ord. 22-100)

SECTION 6.113 PLACEMENT ON INDIVIDUAL LOTS

- (1) Class "A" and "B" Manufactured Dwellings are permitted on individual parcels outside of Manufactured Dwelling Parks in the City's Residential Districts, R-1, R-2 and R-11 in accordance with the standards of this Section and all other provisions of the Turner Land Development Code for conventional built dwellings placed within a Residential District.
 - (A) All manufactured dwellings placed outside of manufactured dwelling parks shall be set onto an excavated area with a perimeter foundation of concrete or masonry.
 - (B) All manufactured dwellings placed on individual lots or parcels outside of manufactured dwelling parks shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required for single-family dwellings constructed under the state building code as defined in ORS 455.010.

(Section 6.113 amended by Ord. 22-100)**SECTION 6.114 TEMPORARY MANUFACTURED DWELLING USE**

(1) **Application:** Applicants for a temporary use permit shall make written application for a Site Plan Review on the City's Application Form. The Planning Commission may grant approval for a Temporary Manufactured Dwelling use subject to the procedures of Section 2.400. The Applicant shall provide a statement of intended use and the estimated length of time for the temporary use on the application form and shall submit the site plan information specified in Section 2.140.

(2) **Approved Uses:** A temporary manufactured dwelling use may be granted for the following uses:

- (A) A manufactured dwelling as a temporary accessory dwelling to a residence for designated members of the immediate family. The temporary use shall be subject to a Periodic Review by the Planning Commission. The manufactured dwelling and all accessory elements shall be removed within 60 days of non occupancy by the designated family members.
- (B) Temporary on-site residence for owners whose dwelling is under construction or a dwelling that has been destroyed.
- (C) Caretaker residence for a commercial or industrial facility.
- (D) Temporary offices accessible to the general public for use during construction or remodeling.
- (E) Temporary building space for public and semi-public agencies.
- (F) Other temporary uses may be considered by the Planning Commission under the Conditional Use procedures specified in Section 2.500.

(3) **Conditions of Use:** The Temporary Use Permit may be limited to a specified time period and shall be a Class "A" or "B" Manufactured Dwelling for use on a single lot in accordance with the following provisions:

- (A) Compliance with the State of Oregon Manufactured Dwelling Installation Standards.
- (B) Manufactured dwellings shall not be included or sold as a part of any property on which it is located.
- (C) Manufactured dwellings shall not be expanded or attached to a permanent structure.

- (D) Manufactured dwellings shall have an approved perimeter enclosure permitted by the State of Oregon.
- (E) Manufactured dwellings shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral.
- (F) Use shall be limited to the function as set forth in the application for the temporary permit.
- (G) The manufactured dwelling shall comply with residential setback requirements and shall be sited so as to have the least possible impact on adjacent properties or adjoining streets.

(4) **Renewal:** The permit as issued shall not exceed the designated approval period. The City shall notify holders of a permit at least thirty (30) days prior to the date of expiration. Applicants for renewal of a temporary use permit shall reapply and submit the same information as required for the original permit.

(5) **Right of Revocation:** The City shall have the right to revoke any Temporary Use Permit granted under this section with thirty (30) days notice, if upon inspection, the use is found to be in noncompliance with the application for which the permit is issued.

(6) **Removal:** If the MD is required to be removed from the site, the owner of the property shall remove the foundation and all additions to the MD and permanently disconnect and secure all utilities. The City may perform the work and place a lien against the property for the cost, after 60 days from the date on which the MD is required to be moved from the site. This condition shall not apply in the event that another approved MD is placed on the original foundation within 60 days of the removal of the original unit.

SECTION 6.115 MANUFACTURED DWELLING PARKS

Oregon Revised Statues (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918, and Chapter 10 of the OMDS specify the standards and regulations for Manufactured Dwelling Parks in the State of Oregon. Section 6.115 contains supporting standards for all Manufactured Dwelling Parks located within the City of Turner as permitted in Chapter 10 of the OMDS. In cases of conflict, the state standards of Chapter 10 shall govern.

(1) **Where Permitted:** Class "A" or "B" Manufactured Dwellings are permitted in all Manufactured Dwelling Parks. Manufactured dwelling parks are permitted in the City's R-11 Residential District, in accordance with the standards of Section

6.116 through 6.118 and the provisions for Conditional Use approval, Sections 2.500.

- (2) **Minimum Site Area:** An area that provides space for four or more manufactured dwellings together with all conditions and standards required by Chapter 10 of the OMDS and the standards contained in Section 6.115 herein.
- (3) **Density:** Maximum density of the park shall not exceed 7 units per gross acre.
- (4) **Access:** Manufactured Dwelling Park access shall occur from a public Collector or Arterial street.
- (5) **Permitted Uses:** Manufactured Dwelling Parks may contain manufactured dwellings and accessory structures, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence other than a manufactured dwelling for the use of a caretaker or a manager responsible for maintaining or operating the park.
- (6) **Conditions:** Upon granting site plan approval for a manufactured dwelling park, the Planning Commission may require establishment of deed covenants, conditions and restrictions (CC&R's) or other conditions including but not limited to any of the following where such are deemed necessary for the mitigation of adverse impacts on an adjacent area:
 - (A) Limit the type of units to be installed to Class "A" or Class "B" or both.
 - (B) Additional landscaping or screening on the park boundary.
 - (C) Increased setbacks from park boundaries.

SECTION 6.116 IMPROVEMENT STANDARDS

- (1) **Streets:** Public streets located within the Park and the first 100 feet of Park streets connecting to a public street shall conform to City standards.
- (2) **Perimeter Setbacks:** Distance of a manufactured home or accessory structure from an exterior park boundary or public right of way shall be 20 feet.
- (3) **Landscaping:** All common areas within a manufactured dwelling park; exclusive of required buffer areas, buildings, and roadways; shall be landscaped and maintained in accordance with the following minimum standards per each 1,000 square feet of open area:
 - (A) One tree at least six feet in height.

- (B) Five shrubs or accent plants.
- (C) The remaining area containing walkways and attractive ground cover at least 50% of which must be living ground cover within one year of planting.
- (D) All manufactured dwelling spaces shall be similarly landscaped within six months of manufactured dwelling placement. Such landscaping shall be the responsibility of the park owner.

(4) **Perimeter Property Screening:** The entire perimeter of the Manufactured dwelling park shall be screened except for driveways and the Clear Vision Area. The following minimum standards shall apply:

- (A) At least one staggered row of trees:
 - i Deciduous trees - 10 feet high, spaced 30 feet apart
 - ii Evergreen trees - 5 feet high, spaced 15 feet apart.
- (B) At least five 5-gallon shrubs or ten 1-gallon shrubs per 1,000 square feet of area.
- (C) One row of evergreen hedge at least four feet in height within two years of planting, or;
A five-foot high fence or masonry wall providing a uniform sight-obscuring screen, or;
An earth berm combined with a fence or evergreen hedge which forms a sight obscuring screen at least six feet in height. Plantings shall obtain the required height within two years of installation.
- (D) The remaining area shall contain an attractive ground cover.

(5) **Utilities:** All manufactured dwelling parks must provide each lot or space with storm drainage, municipal sanitary sewer, municipal water, electric and communication cables, including telephone and television cables. All utilities shall be located underground and there shall be no exposed radio or TV antenna. Easements shall be dedicated where necessary to provide service to all utilities. Utilities shall be connected in accordance with state requirements and the manufacturer's specifications.

SECTION 6.117 DESIGN AND SUBMISSION REQUIREMENTS

(1) **Professional Design Team:** The applicant for proposed Manufactured Dwelling (MD) Parks shall certify in writing that the services of a registered architect, landscape architect or registered engineer licensed by the State of Oregon have been utilized in the design and development of the project.

(2) **Site Plans Required:** The Conditional Use Application for a new or expansion of an existing MD Park shall be accompanied by 10 copies of the site plan of the proposed park containing the following information in addition to that required in Section 2.140 for Application Site Plans. The plot plan shall show the general layout of the entire Park and shall be drawn to a scale not smaller than one inch representing 40 feet. The drawing shall include all of the following information:

- (A) Name and type of Park, address, owner, Design Team members, scale, date and north point of plan.
- (B) A vicinity plan showing streets and properties within 500 feet of the development site.
- (C) Plot plan of park boundaries and the location, dimensions and number of MD spaces. Number each space and demonstrate that planned spaces can reasonably accommodate the proposed MD types.
- (D) Location and dimensions of existing and proposed structures, together with the usage and approximate location of all entrances, heights, and gross floor areas. Heights shall not exceed the maximums specified for the zoning District.
- (E) Location and dimensions of roads, access ways, parking, loading facilities, garbage receptacles and walkways.
- (F) Extent, location, arrangement, and proposed improvements of all open space, landscaping, fences and walls.
- (G) Location of lighting fixtures for park spaces and grounds.
- (H) Location and area of recreation spaces and buildings in square feet.
- (I) Locations where park water, sewer, drainage and utility systems connect to City systems including easement locations.
- (J) Location of existing and proposed fire and irrigation hydrants.
- (K) Enlarged plot plan of a typical MD space, showing location of the stand, patio, storage space, accessory structures, parking, sidewalk, utility connections, and landscaping.
- (L) Architectural drawings and sketches demonstrating the planning and character of the proposed development.
- (M) A construction time schedule and development phasing plan.

(N) Detailed plans required. Prior to application for a building permit to construct an approved Park or to expand an existing Park, the applicant shall submit five copies of the following detailed plans:

- i A legal survey.
- ii Plans of new structures.
- iii Water, sewer and utility systems.
- iv Utility easements.
- v Road, sidewalk, and patio construction.
- vi Drainage system, including existing and proposed finished grades.
- vii Recreational improvements including swimming pool plans approved by the Oregon State Board of Health.
- viii Landscaping and irrigation plans.

SECTION 6.201 RESIDENTIAL STRUCTURES IN COMMERCIAL DISTRICTS

(1) **Existing Houses:** In commercial districts pre-existing residential structures may be occupied by commercial uses permitted in the commercial district provided the structure meets minimum building and safety standards as provided in the Building Code and provided further that the City approves a development plan for vehicular access and parking, signing, and exterior lighting in accordance with the Site Plan Review provisions of Section 2.400.

(2) **Second Story Residences:** Single-family or Multi-family housing may be permitted above a commercial business in the C-1 District in accordance with the Conditional Use provisions of Section 2.500 and the standards contained herein.

- (A) On-site Parking shall be provided for both the commercial and residential uses in accordance with Section 5.121.
- (B) There are no yard setbacks or open space required for second story residences.

SECTION 6.301 PUBLIC & SEMI-PUBLIC STANDARDS

Public and Semi-public uses represent a wide range of "Civic" use types that include utilities, public safety, maintenance, governmental, recreational, educational, cultural, religious, and civic assembly uses or facilities. Public and semi-public uses shall comply with the following additional standards in addition to the standards of the land use district in which the public use is located:

- (1) Public and Semi-public uses in residential districts may be permitted in accordance with the Conditional Use provisions of Section 2.500 and the standards contained herein.
- (2) Public and Semi-public uses in commercial or industrial districts may be permitted in accordance with the Site Plan Review provisions of Section 2.400 and the standards contained herein.
- (3) Requirements for front, rear, side and street side yards, for public uses shall not be less than that specified for the Primary or Overlay District unless specifically approved as part of the conditional use or site plan review procedures. Yard setbacks may be increased by one (1) foot for each foot by which the structure height exceeds that specified for the district.
- (4) Additional landscaping, fencing, buffers or other screening devices may be required to screen or protect adjacent properties or the street.
- (5) Off-street parking for the specified use shall comply with Section 5.121.
- (6) In a residential district, all equipment and material storage shall be within an enclosed building unless it is deemed necessary and approvable in accordance with the Conditional Use provisions of Section 2.500.
- (7) Exterior lighting shall be directed away from abutting residential properties.
- (8) Offices and workshops should be located in the commercial or industrial districts whenever possible and should not be permitted in a residential district unless it is deemed necessary and approvable in accordance with the Conditional Use provisions of Section 2.500.
- (9) Public utility facilities including treatment, maintenance and storage areas should be located in the industrial district whenever possible and should not be permitted in a residential or commercial district unless it is deemed necessary and approvable in accordance with the Conditional Use or Site Plan Review provisions of Section 2.500 or Section 2.400.
- (10) The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental impacts to adjacent or nearby property.

SECTION 6.401 AGRICULTURAL USE STANDARDS

Limited agricultural use of property in the City is allowed under the following conditions and standards:

- (1) Agricultural uses existing at the time of annexation to the City may continue but may not be expanded except in conformance with the standards contained herein.
- (2) The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for on-site home consumption is allowed on any lot within the city.
- (3) The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for sale must meet all conditions and requirements of state and federal law regarding such sales, and is a Home Occupation Conditional Use in all residential districts and is an interim Permitted Use in the Industrial District. (Amended by Ord. 17-100)
- (4) The raising of farm animals in the general field of animal husbandry including fowl, rabbits, sheep, goats, pigs, cows, horses, llamas and similar domesticated animals for on-site home consumption or use, sale or trade and sale or trade of animal products may be permitted within the Residential or Industrial Districts as a Conditional Use in accordance with Section 2.500 under the following conditions:
 - (A) Fencing must be designed and constructed to confine all animals within the property line.
 - (B) A Setback of 200 feet from any off-site residence is required for all fenced animals or buildings housing farm animals.
 - (C) Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:
 - i Not allowing animal waste to accumulate.
 - ii Not allowing animal waste to contaminate groundwater or drainage ways.
 - iii Taking the necessary steps to insure odors resulting from farm animals is not detectable beyond the property line.
 - iv Storing all farm animal food in metal or other rodent proof containers.

(D) Minimum area requirements include:

- i Minimum property area of 20,000 sf.
- ii Minimum area per large size animal (Similar to cows or horses) over six months of age - 10,000 sf each.
- iii Minimum area per medium size animal (Similar to sheep, goats or llamas) over six months of age - 5,000 sf each.

(E) It is the responsibility of the applicant for a Conditional Use Permit to clearly demonstrate that proper health and sanitation standards will be maintained and that potential nuisance factors such as noise, smell and unsightly conditions are mitigated.

(5) It is the continuing responsibility of the owner to properly contain or restrain all animals or fowl and to maintain proper sanitation at all times, and further provided that such raising activities are not part of nor conducted in conjunction with any live stock sales yard, slaughter house, or animal by-product business.

(6) The above standards are the minimum standards applicable to property located within the City of Turner, additional site area or other standards may be required to comply with Health and Sanitation Standards.

Article 7 IMPROVEMENT REQUIREMENTS

SECTION 7.100	IMPROVEMENT PROCEDURES
SECTION 7.200	SPECIFICATIONS FOR IMPROVEMENTS
SECTION 7.300	REQUIRED PUBLIC IMPROVEMENTS
SECTION 7.400	PUBLIC USE DEDICATIONS
SECTION 7.510	IMPROVEMENTS AGREEMENT
SECTION 7.520	SECURITY
SECTION 7.600	NONCOMPLIANCE PROVISIONS
SECTION 7.700	PUBLIC IMPROVEMENT REGULATIONS
SECTION 7.710	CITY CHARTER PROVISIONS
SECTION 7.720	REGULATIONS & PROCEDURES
SECTION 7.730	UTILITIES

SECTION 7.100 IMPROVEMENT PROCEDURES

In addition to other requirements, public improvements and connections to public facilities installed by a developer or land divider shall conform to the requirements of this Code and all design standards and construction specifications of the City, and shall be installed in accordance with the following procedure. As used in this section, the terms developer and land divider includes the property owner. In the event that the persons making application for a land division or development are not the owner of record, a signed and notarized authorization must be provided by the owner, authorizing the applicant to act in his behalf.

- (1) Improvement work shall not be commenced until plans and specifications have been reviewed and approved by the City. To the extent necessary for evaluation of an Application, the plans may be required before approval of a Site Plan or land division Tentative Plan.
- (2) Improvement work shall not commence until after the City is notified, and if work is discontinued for more than 72 hours, for any reason, it shall not be resumed until after the City is notified.
- (3) Improvements shall be constructed under the inspection of the City. The City may require changes in the design and construction in the public interest, or if unusual conditions arise during construction to warrant the change. The cost of City inspections shall be paid by the developer or land divider.
- (4) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing, or resurfacing, of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be

located to prevent the necessity for disturbing the street improvements when service connections are made.

- (5) "As-built" drawings and specifications of the installed public improvements shall be filed with the City upon completion of the improvements.
- (6) In the event the City determines it is not currently necessary to provide some of the required improvements, the City may authorize an agreement to pay for future improvements in the form of CC&R's attached to the deed of each property, or the improvements may be installed in the area under special assessment financing or other facility extension policies of the City.

SECTION 7.200 SPECIFICATIONS FOR IMPROVEMENTS

Design and construction standards have been adopted by the City of Turner and are found in Article 8 of the Turner Land Use Development Code, although they may not address each situation. The developer or land divider shall prepare and submit to the City for review and approval, plans and specifications in compliance with this Code and other applicable City ordinances. Where specific City standards are lacking, the plans and specifications shall comply with the intent of this Code based upon engineering standards appropriate for the improvements proposed. Specifications shall be prepared for the design and construction of all required public improvements and such other public facilities the developer installs.

SECTION 7.300 REQUIRED PUBLIC IMPROVEMENTS

The following improvements shall be installed to serve each building site and each property in a subdivision or partition at the expense of the developer or land divider. However, if the Planning Commission finds that conditions make installation of some improvements unnecessary at the time of development or land division of the property, the Planning Commission may defer those improvements by requesting a deed CC&R agreement to pay for future improvements benefiting the property. In lieu of deferring an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

- (1) **Streets:** Public or private streets, adjacent to, or within the development or land division shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected.
- (2) **Railroad Crossings:** Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be born by the developer or land divider unless an equitable means of cost distribution is approved by the City.

- (3) **Street name signs:** Street name signs shall be installed at all street intersections to City standards.
- (4) **Street lights:** Street lights shall be installed to City standards and shall be served from an underground utility.
- (5) **Traffic Signals:** Where a proposed intersection will result in the need for street signals to serve the increased traffic generated by the proposed development, they shall be provided by the developer or land divider and the costs shall be born by the developer or land divider unless an equitable means of cost distribution is approved by the City.
- (6) **Mail Boxes:** Joint mail boxes may be provided in residential developments. Joint mail box structures shall be placed adjacent to roadway curbs as directed by the Post Office and shall be noted on the Site Plan. The cost shall be born by the developer or land divider.
- (7) **Surface Drainage and Storm Sewer System:** Drainage facilities shall be provided within the development or land division and connected to drainage ways or storm sewers outside the land division. Design of drainage within a development area shall accommodate the capacity and grade necessary to maintain unrestricted flow from areas draining through the property and shall accommodate extension of the drainage system beyond the property.
 - (A) It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required and downstream improvements may be required to accommodate flows. The Owner shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Maintaining proper drainage is a continuing obligation of the property owner.
 - (B) Upstream flows shall be accommodated and downstream flows must limit impacts on downstream properties. There shall be no increased impacts from the proposed development on the Mill Creek drainage system.
 - (C) Site drainage design shall limit off-site impacts to those that would occur from vacant land. Roof drains, paving and catch basin out-flows shall require detention facilities and/or other discharge controls. All storm drains shall be connected to the detention pond inlet piping. This system must be engineered by the Applicant utilizing the "ODOT Rationale Method" to control runoff rates that may be expected in a 10 year, 24 hour return storm event and approved by the City of Turner.

- (D) All drainage plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to issuance of a Building Permit.
- (E) A Wetlands Delineation and Mitigation Plan shall be required for identified wetlands and shall be provided by the Applicant prior to building permit approval. See Section 4.220 for Wetland Regulations and Development Standards.
 - i No development shall be permitted within designated wetlands unless a permit has been acquired from DSL and any other regulatory agency having jurisdiction.
 - ii The City of Turner shall not provide sewer service to any new structures or development which would encroach upon or adversely affect any designated wetlands within the Turner City Limits or Urban Growth Boundary.

(8) **Sanitary sewers:** Sanitary sewers shall be installed to serve the development or land division and to connect the properties to existing mains. Connection to City mains may entail installation of pump stations and larger mains to serve the proposed development at the developer's or land divider's expense. System design shall provide increased size and grades to accommodate extension of the system beyond the property or land division. If required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the following arrangements will be made to equitably distribute the cost:

- (A) If the area outside the property to be directly served by the sewer line has reached a state of development to justify sewer installation at the same time as the proposed development or land division, the Planning Commission may recommend to the City Council that all of the construction occur as a single assessment project. A specific agreement shall be made with the developer or land divider to assure financing of their share of construction costs.
- (B) If the installation is not made as an assessment project, the City may elect to reimburse the developer or land divider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development or land division for a period of ten years from the time of installation of the sewers. The actual amount shall be as determined by the City at the time of approval of the development or Plat, considering current construction costs.
- (C) In the event it is impractical to connect the development or land division to the City sewer system, the City may authorize the use of on-site wastewater systems if the property area and soil characteristics are

adequate. An agreement to pay for future improvements and connections shall be provided in the form of CC&R's attached to the deed of each property.

- (9) **Water system:** Water lines and fire hydrants serving each building site and connecting the property to existing mains shall be installed to the standards of the City taking into account provisions for system extension beyond the development property.
- (10) **Sidewalks:** Sidewalks are required on both sides of a public street and in any pedestrian way extending through a development or land division, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a development or land division without sidewalks if alternative pedestrian routes are available.
- (11) **Bicycle routes:** If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within internal or adjacent streets, or separate bicycle paths that are intended to extend through the development.
- (12) **Utilities:** The developer shall make necessary arrangements with serving utility companies for the installation of underground lines and facilities.

SECTION 7.400 PUBLIC USE DEDICATIONS

- (1) The Planning Commission or City Council may require the dedication of land in a proposed subdivision to satisfy a need for park and recreation land identified in the City's Park Master Plan. The monetary value of the required dedication shall be established at the time the final subdivision plat is filed, and that value shall be deducted from any systems development charges for parks that may be assessed against the property. At the sub divider's discretion, the monetary value of the required dedication may be transferred to deductions for SDC's from other property the sub divider is developing within the City of Turner.
- (2) If the City or other public agency indicates it desires to acquire a portion of a proposed land division for a public purpose not already dedicated as a condition of approval, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of a land division be reserved for public acquisition

SECTION 7.510 IMPROVEMENTS AGREEMENT

Before City approval of a development, site plan or land division, the developer or land divider shall file with the City an agreement between developer or land divider and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the developer or land divider. The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with Section 7.100 (3).

SECTION 7.520 SECURITY

- (1) The developer or land divider shall file with the agreement, to assure full and faithful performance thereof, one of the following:
 - (A) A surety or performance bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney; or
 - (B) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement to the satisfaction of the City Council; or
 - (C) A cash or negotiable security deposit.
- (2) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspections and other costs.

SECTION 7.600 NONCOMPLIANCE PROVISIONS

- (1) If the developer or land divider fails to carry out provisions of the agreement, the City shall provide written notice to the developer or land divider and the surety specifying the details of noncompliance. Unless the City allows more time for compliance because of circumstances beyond the developer or land divider's control, within 30 days after receiving the notice, the developer or land divider or the surety shall commence compliance and proceed diligently to comply with the agreement.
- (2) If the developer or land divider or the surety does not begin compliance within the 30 days or the additional time allowed by the City, or compliance is not completed within the time specified in granting the land division approval, the City may take the following action:

- (A) Notify the developer or land divider and the surety of the developer or land divider's failure to perform as required by this Code and the agreement.
- (B) Demand payment from the developer or land divider or the developer or land divider's surety for the unfulfilled obligation.
- (C) Enter upon the site and carry out the obligation in accordance with the provisions of the approval and agreement.
- (D) If the security for the obligation is a performance bond, notify the surety that reimbursement for City expenses for fulfillment of the obligation is due and payable to the City. If the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup City expenses.
- (E) Void all approvals granted in reliance on the agreement.

(3) If the bond or other required security is not sufficient to compensate the City for expenses incurred to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City upon the entire contiguous real property of the owner of the land subject to the obligation.

(4) The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer or land divider's failure to fulfill the required obligation.

(5) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

(6) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or his surety with any term of a performance guarantee shall entitle the City to pursue any civil remedy permitted by law.

SECTION 7.700 PUBLIC IMPROVEMENT REGULATIONS

SECTION 7.710 CITY CHARTER PROVISIONS

The City Charter provides for implementing public improvements. Chapter IX, Public Improvements, Section 34, Procedures specifies:

(1) "The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement

that is not declared by two-thirds of the council present to be needed at once because of an emergency shall be suspended for six months upon remonstrances by owner of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the council."

(2) "In this section "owner" shall mean the record holder of legal title or, as to land being purchased under a land-sale contract that is recorded and verified in writing by the record holder of legal title, the purchaser."

Section 35, Special Assessments specifies, "The procedure for fixing, levying and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance."

SECTION 7.720 REGULATIONS & PROCEDURES

The Turner Revised Code, Title Three, Public Improvements prescribes the methods and procedures for making public improvements in the City of Turner, for levying and collecting special assessments therefore, and for the creation and enforcement of assessment liens.

Section 3.02 specifies procedures for the implementation and administration of "Local Improvement Districts" that include parcels of land within a defined area of the City that are benefited by the provision of specified public improvements and provides for special assessments to be levied to pay for the local improvement.

Section 3.04 specifies procedures for the implementation and administration of "System Development Charges" that impose a fee for the portion of costs for public improvements for water, wastewater, and drainage streets flood control and parks upon developments that create the need for increased demands on public improvements

SECTION 7.730 UTILITIES

The Turner Revised Code, Title Four, Utilities provides regulations and administrative procedures for public utilities in the City of Turner, for levying and collecting fees or special assessments therefore, and for the creation and enforcement of assessment payments.

Sections 4.02 through 4.09 specifies regulations and administrative procedures for the City Wastewater Sewer System.

Sections 4.10 through 4.16 specifies regulations and administrative procedures for the City Water System now governed by City Ordinances 291 and 291(a).

Sections 4.20 specifies regulations and administrative procedures for Solid Waste Management within the City.

Article 8 DESIGN AND CONSTRUCTION STANDARDS

SECTION 8.100 DESIGN AND CONSTRUCTION STANDARDS ADOPTED

SECTION 8.200 MODIFICATIONS PERMITTED

SECTION 8.300 APPLICABILITY OF MARION COUNTY STANDARDS

SECTION 8.100 DESIGN AND CONSTRUCTION STANDARDS ADOPTED

The City of Turner hereby adopts as their Design and Construction Standards (Standards) the most current versions of the Public Works Design Standards and the Standard Construction Specifications of the City of Salem, Oregon, for improvements to the public water system, public sanitary sewer system, public street system (including sidewalks and driveway approaches).

For the construction or modification of the stormwater management system within the incorporated City boundary, the City of Turner hereby adopts the most current versions of the Marion County Stormwater Quality Treatment Engineering Standards and the Marion County Engineering Standards.

The Turner City Engineer will maintain a current copy of these adopted Standards, together with all amendments and/or addendums published by the City of Salem and County, including those permanent modifications made in accordance with Section 8.200 (2) below.

SECTION 8.200 MODIFICATIONS PERMITTED

The Turner City Engineer is authorized to review and approve modifications or design exceptions to the Standards for use within the incorporated boundaries of the City of Turner. Such modifications or exceptions may be made as follows:

- (1) One-time Design Exceptions: The City Engineer may approve a case-specific design exception to a particular portion of the Standards upon written request from a developer or contractor if, in the opinion of the City Engineer, the requested design exception does not adversely impact public life, health, and safety, the anticipated future life span of the public system, and/or future maintenance requirements for the proposed infrastructure.
- (2) Permanent Modifications: If, in the opinion of the City Engineer, a portion of the Standards is not applicable to or appropriate for public improvements within the Turner system, the City Engineer may, with the concurrence of the City Administrator, permanently modify that portion. Such modifications will be documented in writing and placed as an addendum, in a form determined by the

City Engineer, to the adopted Standards as a permanent modification to the Standards for the City of Turner.

SECTION 8.300 APPLICABILITY OF STANDARDS IN COUNTY RIGHTS-OF-WAY

For public improvements that are constructed within the public rights-of-way owned and controlled by Marion County, coordination is required with Marion County Public Works Department and the required Marion County permits must be obtained. In the event of a conflict between the City of Turner Standards and those of Marion County, the County standards will take precedence unless otherwise jointly agreed upon, in writing, between the Marion County Public Works Department and the City Engineer.

Article 9 MAPS & DIAGRAMS

SECTION 09.100 MAPS
SECTION 09.200 DEVELOPMENT STANDARD DIAGRAMS

SECTION 09.100 MAPS

M-1 Comprehensive Plan & Zoning Districts Map

SECTION 09.200 DEVELOPMENT STANDARD DIAGRAMS

DSD-1 Parking Diagram
DSD-2 Vision Clearance Diagram