

**AGENDA for
COMMON COUNCIL OF THE CITY OF TURNER
Regular Meeting
7:00 pm**

Turner City Hall

May 23, 2024

If you wish to comment remotely, you **MUST** sign up by 4:00 pm on May 21, 2024, by e-mailing lnunnellee@turneroregon.gov or calling 503-743-2155.

To join remotely, **CALL: 917-900-1022**

CONFERENCE ID: 5037432155

CALL TO ORDER

OATH OF OFFICE NEW CITY COUNCILOR

PUBLIC COMMENTS

COUNCIL MEMBER COMMENT

CONSENT CALENDAR

- A) Accounts Payable since May 6,2024
- B) Council Minutes-May 9, 2024

NEW BUSINESS

Discussion & Decision: 3rd Street Rezone-Second Reading of Ordinance 24-01

Discussion & Decision: Public Consumption of Alcohol Second Reading of Ordinance 24-02

Discussion & Decision: Public Works Compensation Study

Discussion: Miniature Farm Animals

ADMINISTRATOR REPORT:

BUSINESS REPORT:

PUBLIC COMMENT

COUNCIL MEMBER COMMENTS

Further information on any agenda item is available at City Hall. Special provisions for individuals with disabilities can be provided with 48-hour notice by contacting City Hall: 503-743-2155 or lnunnellee@cityofturner.org.

The City of Turner follows Title VI of the Civil Rights Act standards requiring that "No person in the United States shall, on the basis of race, color, national origin, sex, age, disability, low income, and limited English proficiency (LEP), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any licensing program or activity receiving federal financial assistance.

Accounts Payable

Checks by Date - Detail by Check Date

User: AReardon
 Printed: 5/20/2024 1:38 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
	Invoice No	Description	Reference	
23643	visa	Cardmember Service	05/09/2024	
	APRIL 2024	Hotel for training conference		650.49
	APRIL 2024	Phone Services 20%		66.45
	APRIL 2024	Training conference meal		17.75
	APRIL 2024	TP and paper towels for City Hall		143.68
	APRIL 2024	Phone Services 30%		99.68
	APRIL 2024	Drug test kits		693.74
	APRIL 2024	Training conference meal		18.20
	APRIL 2024	Scanner/Radio		101.17
	APRIL 2024	Refund for hotel room overcharge		-316.10
	APRIL 2024	Tire tube		24.98
	APRIL 2024	Terro ant bait		14.33
	APRIL 2024	Disinfectant and air freshener for City Hall		87.20
	APRIL 2024	Cloud storage		68.68
	APRIL 2024	Various tools and hardware		391.54
	APRIL 2024	Drug equipment		120.56
	APRIL 2024	V-belt		94.66
	APRIL 2024	Training conference meal		30.00
	APRIL 2024	Coffee for City Hall		49.39
	APRIL 2024	Coffee and office supplies for City Hall		59.24
	APRIL 2024	Training conference meal		8.59
	APRIL 2024	Phone Services 50%		166.13
	APRIL 2024	Kilz, bleach, sprayer, work gloves		168.82
	APRIL 2024	Amazon business annual subscription		179.00
	APRIL 2024	3 computer drives for TPD		179.97
	APRIL 2024	Desk name plates		14.94
	APRIL 2024	Fire Hose fitting		106.32
	APRIL 2024	iCloud storage upgrade		0.99
	APRIL 2024	Training meal		18.40
	APRIL 2024	Foil and coffee for City Hall		43.95
	APRIL 2024	Certified Mail		5.08
	APRIL 2024	Training meal		64.00
	APRIL 2024	LOC OCCMA Summer Conference		450.00
		Total for Check Number 23643:		3,821.83
23644	KEIZER	City of Keizer	05/09/2024	
	24-105	IT Services Jan-Mar 2024		660.00
		Total for Check Number 23644:		660.00
23645	SALE	CITY OF SALEM	05/09/2024	
	10149-0002	Bulk water		2,033.68
	10150-0003	Bulk water		2,609.20
	10151-0003	Bulk water		4,946.92

23646 DE LAGE
82508417

De Lage Landen Financial Serv
Stuffer lease

Total for Check Number 23645:

9,589.80

05/09/2024

147.20

82508417	Stuffer lease		73.60
82508417	Stuffer lease		147.20
		Total for Check Number 23646:	368.00
23647 LambFest 2024	Marion Co. Lamb & Wool Show Marion Co Lamb & Wool Show Donation	05/09/2024	1,500.00
		Total for Check Number 23647:	1,500.00
23648 MCFS APRIL 2024	Marion County Treasury Department Court payments	05/09/2024	16.00
		Total for Check Number 23648:	16.00
23649 UB*01181	SANDRA MONTOYA Refund Check 004151-000, 5149 BATES ST Refund Check 004151-000, 5149 BATES ST	05/09/2024	1.04 1.04
		Total for Check Number 23649:	2.08
23650 OR DOR APRIL 2024	Oregon Department of Revenue Court payments	05/09/2024	38.87
		Total for Check Number 23650:	38.87
23651 PRATUMCO 154176PW 154176PW 154176PW 154176PW	Pratum Coop Warehouse PW Fuel PW Fuel PW Fuel PW Fuel	05/09/2024	176.74 265.11 176.74 265.11
		Total for Check Number 23651:	883.70
23652 PRATUMPD 152715Police	PRATUM COOP WAREHOUSE TPD Fuel	05/09/2024	1,086.27
		Total for Check Number 23652:	1,086.27
23653 SBROOK INV-016938 INV-016938 INV-016938	Springbrook Software LLC UB/Payroll/Finance Annual Subscriptions UB/Payroll/Finance Annual Subscriptions UB/Payroll/Finance Annual Subscriptions	05/09/2024	4,480.60 4,480.60 4,480.60
		Total for Check Number 23653:	13,441.80
23654 ULTREX INV150218	Ultrex Business Solutions Ink for City Hall copier	05/09/2024	830.82
		Total for Check Number 23654:	830.82
23655 USBANK 7300872	US Bank Waste water revenue refunding bonds, series 2013	05/09/2024	950.00
		Total for Check Number 23655:	950.00
23656 valleyE I-240270	Valley Electric Co. Pump station repair	05/09/2024	317.50
		Total for Check Number 23656:	317.50
23657 ZZWHEAT 7329	Wheat, LLC Monthly street sweeping	05/09/2024	671.70

		Total for Check Number 23657:	671.70
		Total for 5/9/2024:	34,178.37
23658	911 SPLY INV-1-42821	911 Supply Cade uniforms	05/17/2024 402.24
		Total for Check Number 23658:	402.24
23659	ARETE MDR20240501-226 MDR20240501-226 MDR20240501-226	ARETE ADVISORS, LLC Virtual cybersecurity Virtual cybersecurity Virtual cybersecurity	05/17/2024 80.66 80.67 80.67
		Total for Check Number 23659:	242.00
23660	ATTMOB 05112024 05112024 05112024	AT&T Mobility PW phone lines PW phone lines TPD lines	05/17/2024 80.08 80.08 89.76
		Total for Check Number 23660:	249.92
23661	CDW QZ10546	CDW Government, Inc. Adobe renewal	05/17/2024 451.83
		Total for Check Number 23661:	451.83
23662	MWUCC 2039	Mid-Willamette Utility Council Annual Dues	05/17/2024 52.00
		Total for Check Number 23662:	52.00
23663	COG 3184 3184	Mid-Willamette Valley COG Legal services GIS mapping services	05/17/2024 470.00 103.00
		Total for Check Number 23663:	573.00
23664	NWNG 2997117-3	NW NATURAL GAS COMPANY City Hall Utilities	05/17/2024 73.00
		Total for Check Number 23664:	73.00
23665	PGE 1379630000 1709721000 3398290000 3712100000 5306438407 552295851 5564511000 6325870000 7230560000 8704401916 9319043266 9319043266 9327331000	PORTLAND GENERAL ELECTRIC 5th st park 5th st restrooms City Hall Val View pump station New pump station TPD Utilities Street lighting Downtown street lights Burkland park 5203 Holly St 50% PW Utilities 50% PW Utilities Downtown street lights	05/17/2024 23.67 30.58 259.63 438.24 1,992.03 92.99 2,544.81 136.32 33.43 59.26 120.54 120.55 68.53

		Total for Check Number 23665:	5,920.58
23666 SAC	Security Alarm Corporation	05/17/2024	
1497864	Security services		187.75
		Total for Check Number 23666:	187.75
23667 WESTCOL	THE WESTERN AGENCY	05/17/2024	
31037	Collection agency fees		112.56
		Total for Check Number 23667:	112.56
23668 TOSHIBA	TOSHIBA FINANCIAL SERVICES	05/17/2024	
82545228	Copier lease		142.80
82545228	Copier lease		142.80
82545228	Copier lease		71.40
		Total for Check Number 23668:	357.00
23669 TRINITY	TRINITY'S QUALITY AUTO CARE	05/17/2024	
38678	Wiper blade replacement 2020 F-150		44.69
		Total for Check Number 23669:	44.69
23670 VISER	VISER	05/17/2024	
23245	City hall fiber		105.75
23245	Pump station fiber		104.80
		Total for Check Number 23670:	210.55
23671 WINTERBR	WINTERBROOK PLANNING	05/17/2024	
15851	Rezoning		1,921.19
		Total for Check Number 23671:	1,921.19
		Total for 5/17/2024:	10,798.31
		Report Total (29 checks):	44,976.68

TURNER CITY COUNCIL

MEETING MINUTES

May 9, 2024

The regular meeting at Turner City Hall was called to order at 7:00 PM by Mayor Horning. Councilors Schaufler, Miller, Jung, Doran, and Vetter were in attendance. Administrator McClure, and Police Chief Taylor were also present.

Public Comments- Nikki Stouder- Ash Street- requesting a mini horse on her acre property with potential to use as a business endeavor.

Council Member Comments- Mayor noted the event at Ball Bros Building May 10th.

Councilor Miller noted the Native American speaker presenting at the fire dept. on the same day.

Consent Calendar-

- A) Accounts payable since April 1, 2024
- B) Council Minutes- April 11, 2024

Councilor Doran moves to approve and Councilor Vetter 2nd, unanimous.

Discussion & Decision: 3rd Street Rezone-Public Hearing and First Reading of Ordinance- The Mayor went over the zone change criteria and what it looks like going from industrial to commercial.

Councilors were asked to note any conflicts of interest. None noted.

Grace Coffey with Winterbrook Planning went over the rezone presentation.

The Council posed questions on the effect on traffic if changed. The presenter noted they found no significant changes.

Public Testimony in favor- None

Public Testimony in opposition: written testimony was provided by Tom Garret 6935 2nd- he noted noise and don't block his solar panels. Jonathan Potter 5505 Val View- concerned with traffic increasing in that area.

Council Comments: Mayor noted that industrial to commercial is more beneficial, but we do not know what it will be going forward.

Councilor Vetter noted that this isn't a city idea, that it is the landowners who requested this.

Councilor Jung struggles with citizens and their safety, but it is also our responsibility to let the city grow as long as it fits in with the guidelines and is done properly.

Councilor Schaufler noted that land use is very complex in Oregon and is also concerned with the traffic and safety on 3rd street as well.

Councilor Doran noted the City rezoned 3rd street all the way down to commercial at one time and feels it should be that again because it is less intrusive than industrial.

Councilor Miller is having a dilemma over the traffic during the summertime at the lake.

Councilor Schaufler moves and Councilor Doran 2nds to approve the first reading of Ordinance 24-01. 4 yay 1 nay

Discussion & Decision: Council Replacement Appointment-

Each candidate in attendance spoke and council members voted, choosing Jamie Mattison for seat replacement.

Discussion & Decision: Selection of David Sawyer Park Playground Equipment-

Administrator McClure shared what the school kids chose as the winner for playground equipment.

Councilor Vetter moves to accept the winner and Councilor Miller 2nd, unanimous.

Discussion & Decision: Revised Ordinance for Public Consumption of Alcohol 24-02

Administrator McClure went over the issues at the park and the reasoning for the proposed ordinance change.

Initially worked on changing the park rules but went into a more comprehensive part of the code and put the rules all in one place. That way for special events you can use a commercial vendor.

This is an emergency reading so we can pass it before the park opens.

Councilor Schaufler moves the 1st reading and Councilor Miller 2nd, 4 yag and 1 nay.

Discussion and Decision: Approval of Bid Award for Downtown and 3rd St. Stormwater Projects

Admin McClure shared the areas for the two projects being funded with ARPA funds and what great bid awards we received. This is a request to approve funds for the winning bid.

Councilor Jung moves to accept bid, Councilor Vetter 2nds, unanimous.

Administrator Report- Administrator McClure noted the Peace Tree documentary and the story regarding the Peace Tree in David Sawyer Park.

Business report- DJ Thommen- Thanked all the people who got Turner to where it is today. Business confidence is a lot better this year than it was last year.

Went over the 2025 food truck requirements and upcoming safety.

There are businesses looking for space to open business here.

Saturday May 11th is the car show and silent auction at Cascade High School.

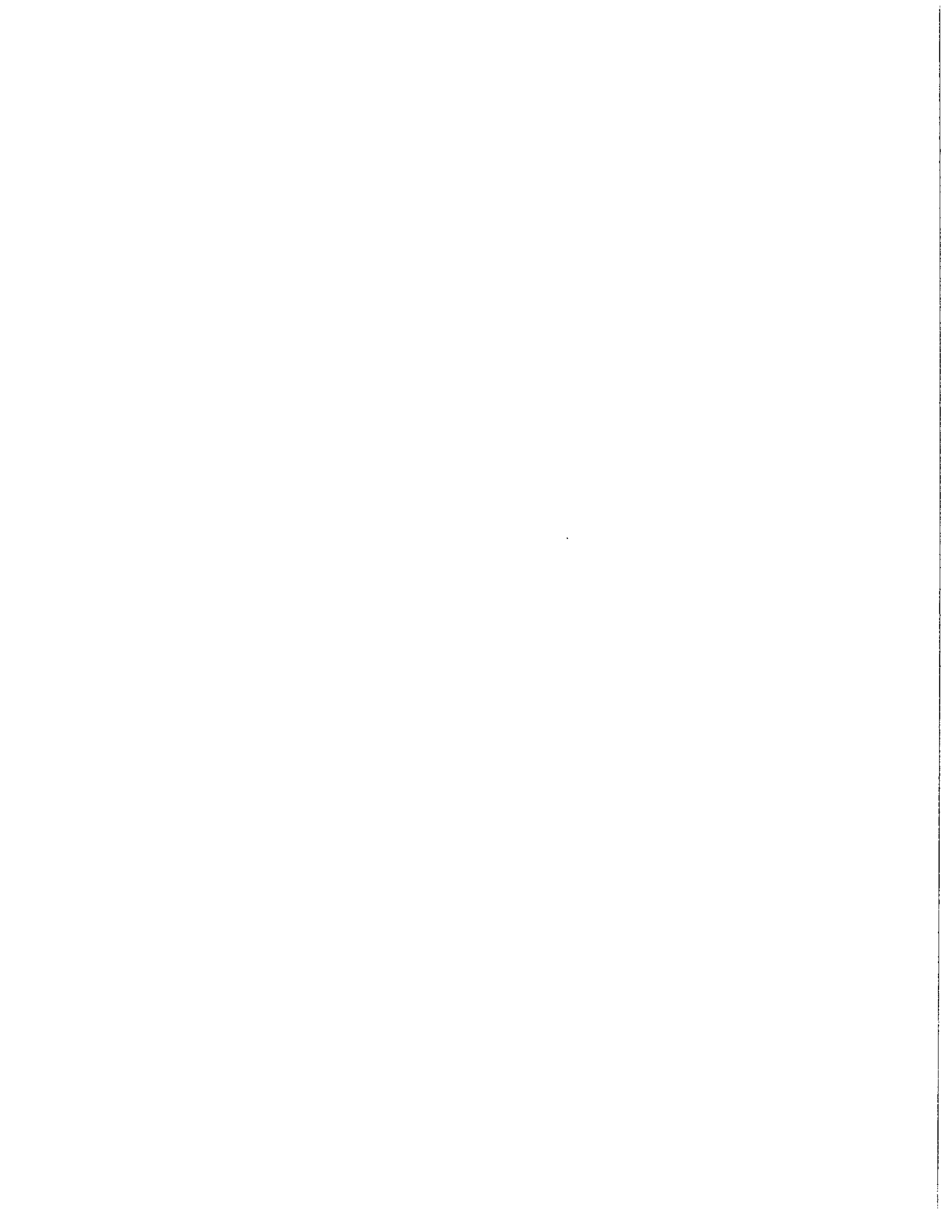
Public Comments- none

Council Member Comments- Councilor Jung had dinner at Food Gypsy and wanted to recognize their consistency and say good job.

The Council adjourned at 8:15 pm

Steve Horning, Mayor

Scott D McClure, City Administrator



CONSENT CALENDAR

NEW BUSINESS

Discussion & Decision: 3rd Street Rezone-Public Hearing and Second Reading and Adoption of Ordinance

Council previously directed staff to prepare and analysis for a possible rezoning of two properties on 3rd St. The complete staff report for this item, prepared by Winterbrook Planning is included in the Council packet.

First reading or this ordinance was completed on May 9, 2024. It is recommended that second reading and adoption of the ordinance be approved, with the ordinance going into effect May 23, 2024.

Discussion & Decision: Second Reading and Adoption of Revised Ordinance for Public Consumption of Alcohol

Turner is very unique in allowing alcohol in parks. Per City Code 2.13.06(q) alcohol under 14% (beer, wine, etc.) may be consumed unless there is a City event in progress. Consumption of alcohol in parks is almost universally banned in the State.

First reading of this ordinance was held on May 9, 2024. A change in policy would likely avert any future alcohol-related incidents in our parks and would eliminate situations where drunken driving incidents occur after people leave our parks.

A possible side benefit of banning alcohol at Turner Lake Park would be to lower the volume of use at the park. Many people recreate at Turner Lake Park because it is a great facility and you can consume alcohol. This could possibly create some “space” for Turner residents that avoid this park due to its busyness.

The attached ordinance modifies our general rules for alcohol consumption in public spaces and changes the park rules. This puts alcohol rules primarily in one place and provides more flexibility for City-supported events. Second reading and adoption is recommended so it can go into effect on May 23, 2024. During the first year of this change, City staff will focus on education rather than issuing citations.

Discussion and Decision: Public Works Compensation Study

The City recently contracted with Local Government Personnel Services (LGPS) to review positions in the Public Works Department. The purpose of the study was to review if we had the right positions in place to best serve the city, how the positions compared to each other and defining the appropriate pay level for each position. Eight neighboring cities of a similar size were included in the salary comparison.

The main findings of the study were:

- The duties of the Utility Worker I and II did not reflect the current needs of the City. New job descriptions have been developed for a Utility Worker I, II and III. The levels are defined by level of responsibility, skills and experience.
- Overall, the Utility Worker I position was underpaid by approximately 16%; the Utility Worker II position was paid close to market and Utility Worker III position would be a new pay scale.

If Council is supportive of the LGPS study findings, we would engage the Teamsters union on a contract modification. The contract modification would need to be approved by the union and the City.

Discussion: Miniature Farm Animals

The City recently received a request to allow keeping of a miniature pony within city limits. Farm animals (except chickens) are not allowed in the city per Code Section 5.11.02.

The City Code allows the City Council to make an exemption to this section of code or it could alter the City Code to specifically allow this activity. Whether granting an exemption or changing city code, Council should consider the implications of allowing miniature animals in the city.

Options to address this issue include:

1. Deny the request to have a miniature pony within the city.
2. Approve the request (with or without conditions).
3. Develop a policy for considering similar requests.
4. Change the City Code regarding farm animals.

If there is an interest in allowing miniature ponies in the City, it would be reasonable to consider whether other miniature farm animals should also be allowed. This could include cows, donkeys, goats and pigs. These could be allowed in any section of the

city or limited to certain size lots. A provision could also be included to limit the height or weight of miniature animals.

Staff is requesting direction on this item.

**CITY OF TURNER, OREGON
ORDINANCE 24-01**

**AN ORDINANCE OF THE CITY OF TURNER, AMENDING THE ZONING MAP AND
COMPREHENSIVE PLAN MAP TO REDESIGNATE AND REZONE TWO PROPERTIES
COMPRISING 2.06 ACRES FROM M-1: GENERAL INDUSTRIAL TO C-1: GENERAL
COMMERCIAL.**

WHEREAS, The City of Turner submitted a Type III Quasi-judicial application for a Comprehensive Plan Map Amendment and Rezone to redesignate and rezone 1.61 acres of General Industrial (M-1) to General Commercial (C-1) encompassing Tax Lot 082W20DC00100 and to redesignate and rezone 0.45 acres of General Industrial (M-1) to General Commercial (C-1) encompassing Tax Lot 082W29AB05900; and,

WHEREAS, the City Council conducted a duly noticed public hearing on May 9, 2024 regarding Land Use File 21-10, an application by the City of Turner regarding an amendment to the Turner Zoning map and an amendment to the Turner Comprehensive Plan Map; and,

WHEREAS, the Turner City Council considered the information provided by City staff, the public and the consultants at the May 9, 2024 public hearing; and

WHEREAS, the Salem-Keizer metropolitan area regional Economic Opportunities Analysis found a surplus of general industrial land and a deficiency of general commercial land in Turner; and

WHEREAS, redesignation and a rezone of the two properties from industrial to commercial would allow for greater commercial and economic opportunities in Turner; and

WHEREAS, The Comprehensive Plan and Zoning Map Amendment approved by this Ordinance meets all applicable Development Code criteria, policies of the Turner Comprehensive Plan, and Oregon Statewide Planning Goals;

THE CITY OF TURNER, OREGON ORDAINS AS FOLLOWS:

- 1) The City Council of the City of Turner hereby adopts the following amendments to the Turner Land Zoning Map and Comprehensive Plan Map:
 - a. Redesignate and rezone Tax Lot 082W20DC00100 (1.61 acres) from the comprehensive plan designation Industrial to Commercial and zone General Industrial (M-1) to General Commercial (C-1).
 - b. Redesignate and rezone Tax Lot 082W29AB05900 (0.45 acres) from the comprehensive plan designation Industrial to Commercial and zone General Industrial (M-1) to General Commercial (C-1).
- 2) The City Council and the City of Turner hereby adopts and incorporates the findings in Exhibit A.

Adopted by the Common Council of the City of Turner, Oregon, May 23rd, 2024

Yeas:

Nays:

Approved: _____

Steve Horning, Mayor

Attested: _____

Scott D. McClure, Administrator

First Reading: May 9th, 2024

Second Reading: May 23, 2024

Adopted: May 23, 2024

Signed: May 23, 2024

Effective Date: May 23, 2024

CITY OF TURNER
LAND USE APPLICATION
STAFF REVIEW AND REPORT

For City Council Review on
May 9, 2024

File No. 24-10
ZONE CHANGE AND COMPREHENSIVE MAP AMENDMENT APPLICATION

REZONE APPLICANT: City of Turner
PROPERTY LOCATION: 6980 3rd St and 7067 3rd St.
MAP & TAX LOT NUMBER(S): 082W20DC00100, 082W29AB05900
SIZE OF PROJECT PROPERTY: 1.61 acres, 0.45 acres
CURRENT ZONING: M-1 General Industrial

REQUESTED ACTION: Proposed zone change of two properties from M-1: General Industrial to C-1: General Commercial and proposed comprehensive plan map amendment of the same properties from Industrial to Commercial.

ATTACHMENTS:

Exhibit A. Assessor Maps
Exhibit B. Public Facilities Analysis
Exhibit C. Transportation Planning Rule Analysis

APPLICABLE CRITERIA:

The Turner Land Use Development Code provides the applicable criteria for evaluation of the requested action.

- 1) The applicable criteria are in Section 2.700 of the Turner Land Use Development Code.
- 2) The decision process will be Quasi-judicial and be governed by Section 3.200 of the Turner Land-Use Development Code.

APPLICATION SUMMARY:

The requested action is to rezone two properties from M-1: General Industrial to C-1: General Commercial and to amend the comprehensive plan map to change the two properties from an Industrial plan designation to Commercial plan designation. The two properties are described in detail below.

6980 3rd St. (Tax Lot 082W20DC00100) is 1.61 acres and is currently zoned M-1: General Industrial. The lot is within the flood hazard overlay. The comprehensive plan designation is Industrial. There is commercial (C-1) zoning to the south, residential (R-2 & R-11) zoning to the north and east, and industrial (M-1) zoning to the west. The lot has two large existing buildings; this property has been used for a construction business, including offices and some storage. The lot abuts 3rd St SE, a designated arterial, and Holly St SE, a local street. This property has been zoned Industrial at least since 2001. A new party is interested in purchasing the lot and building a gas station/convenience store.

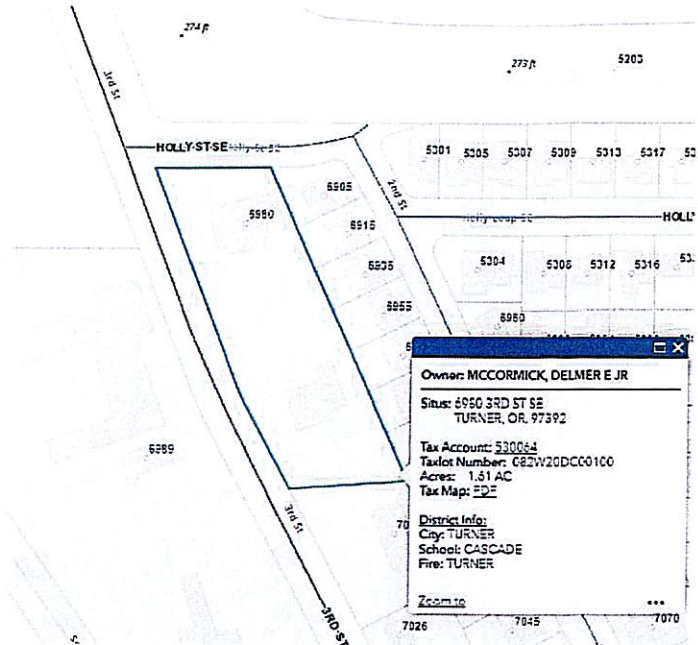


Figure 1: 6980 3rd St.

7067 3rd St. (Tax Lot 082W29AB05900) is 0.45 acres and is currently zoned M-1: General Industrial. The lot is within the flood hazard overlay. The comprehensive plan designation is Industrial. There is commercial (C-1) zoning to the north, industrial (M-1) zoning to the south and residential (R-2) and public (P) zoning to the east and west. The lot has an automotive repair shop, approved as a conditional use in 2022, and is predominately graveled. The lot abuts 3rd St SE, a designated arterial; railroad tracks run along the west side of the property. The property was previously zoned Commercial until 2018, then rezoned Industrial along with two other adjacent properties so the building to the south

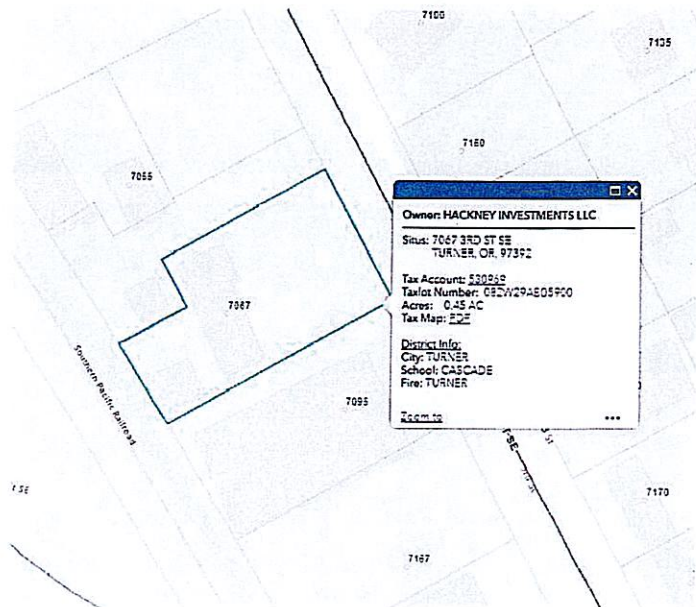


Figure 2: 7067 3rd St.

could do hemp processing. The owners would like to be able to sell vehicles on the lot, which requires a commercial zone.

PUBLIC & AGENCY COMMENTS:

Notifications of the application were sent to property owners within 250 feet of the property per ORS 197.797 on 4/18/24.

Notifications were also sent to Marion County Transportation on March 7th, 2024. DLCD was sent notice on 3/19/2024. Comments were received from Janelle Shanahan, PE, a transportation engineer with Marion County. They said they are satisfied with the TPR memo for the rezone and future site development applications may require a TIA and mitigation.

CRITERIA REVIEW AND FINDINGS:

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:

LUDC 2.700 (2)(A) The proposed amendment is consistent with the intent of the Comprehensive Plan.

Finding: Both lots are zoned M-1: General Industrial and have Industrial comprehensive plan designations. The Turner Comprehensive Plan identifies buildable land need for commercial and industrial land. This analysis was last done in 1999, and projected land need through 2020. The land need identified in the comprehensive plan shows that Turner has an excess of buildable land to accommodate needs for both commercial and industrial development. Therefore, a redesignation of two properties from Industrial to Commercial would not be in contradiction to the Comprehensive Plan's identified land need for commercial or industrial lands, as shown in Table 9.500 I.

Notably, when the land need in this table was identified, 7067 3rd St. was likely inventoried as Commercial land, not Industrial. Changing this property's designation back to Commercial would make the table more accurate, further justification for the redesignation of that property. According to Section 9.540 Buildable Land

**TABLE 9.500 I
BUILDABLE LAND NEEDS
FOR COMMERCIAL AND INDUSTRIAL LAND**

	CITY/UGB	UGNA	CITY LAND USE DISTRICTS		
			C-1	M-1	
	Tax Lot acres	Tax Lot acres			
Tax Lot Acres	800.05	422.48	34.01	119.60	153.61
Percentage	65.46%	34.54%	22.14%	77.86%	100.00%
Gross Area Acres	922.00	439.00			
DEVELOPED LAND	297.57		25.51	36.81	62.32
	47.11%		8.91%	12.37%	21.28%
VACANT LAND	334.03		7.50	82.79	90.29
	59.82%		2.25%	24.79%	27.03%
CONSTRAINED LAND	114.09		0.15	28.76	26.91
	34.16%		0.13%	23.46%	23.59%
BUILDABLE LAND	219.94		7.35	56.03	63.38
Total Vacant	65.84%		3.34%	25.48%	28.82%
	334.03				90.29
PROJECTED LAND NEEDS					
NEED BASIS					
2020 Population Land Needs	99.00		34.01	56.03	
Projected Housing Distribution					
2020 NEEDED LAND			0.00	0.00	
In excess of City Buildable Lands					

Figure 3: Buildable Lands Table

Needs: *“There is an excess of Commercially Zoned land that also includes 7 acres of vacant buildable land. There is also 56 vacant acres of Industrially Zoned buildable land to support industrial growth. The City of Turner has an excess of buildable land to accommodate needs for commercial and industrial development through 2020.”* A redesignation of the two properties would be consistent with land need identified in the comprehensive plan.

The comprehensive plan analyzes the commercial areas by location.

6980 3rd St would be within Area C1-3, described as follows.

“Located at Third and Val View. This third commercial center is developing at the north end of the Third Street corridor on the east side of Third Street. The Post Office and City Hall are located in this area together with some other compatible commercial businesses.”(Section 9.510)

7037 3rd St. would be within Area C1-2, described as follows.

“A highway commercial area is located at the extreme north end of the corridor between the west side of Third Street and the railroad tracks. Commercial activities in this area are generally construction contractors offering goods and services related to the building and automotive trades. This area is well suited for highway commercial uses needing direct auto and truck access” (Section 9.510)

In the industrial land use needs section, there is a key passage that could apply to the rezoned parcels.

“Area M1-1. The North Third Street area could expand to the north on the west side of Turner Road if needed by inclusion in the City's UGB. The developed parcel on the west side of Third Street should be changed from industrial to commercial zoning to limit industrial development on the east side of Third Street adjacent to residential areas.”
(Section 9.530 Projected Land Use Needs)

Because this section of the comprehensive plan was written in 1999, it is unclear what “developed parcel” it is referring to, however, it shows some intent to limit industrial adjacent to residential. The proposed redesignation would be consistent with this intent.

Key comprehensive plan policies applicable to the plan amendment and rezoning are found in Section 9.590 Land Use Goals and Policies:

General Policies and Recommendations Policy 2. *Areas with existing consistent land use patterns shall be preserved and reinforced unless other overriding factors suggest a change.*

A discussion of the factors suggesting a change is found in the response to LUDC 2.700 (2)(B)

Commercial Land Use Policy 1: *Existing commercial areas should be reinforced with new commercial development before permitting new commercial developments in other areas of the City.*

Turner does not have an excess of development ready-commercially viable areas. The Salem-Keizer metropolitan area regional Economic Opportunities Analysis was prepared for the Mid-Willamette Valley Council of Governments in 2012 and projects to the year 2032. This analysis

does not make determinations of employment land demand and economic opportunities for individual jurisdictions but does provide valuable context and more up-to-date information. The regional EOA found a surplus of general industrial land and a deficiency of general commercial land in Turner, supporting the concept of redesignating the two properties from industrial to commercial:

“The EOA identified a deficit of general commercial land that must be addressed through local planning processes. Options for addressing the general commercial land deficit include accommodating general commercial demand within the existing UGB include through tools such as redesignation of industrial or other lands, redevelopment of sites with existing but low-density commercial development, mixed-use development, or infill of underused commercial sites. Jurisdictions are required to consider these options prior to considering an expansion of their UGB to meet these land deficiencies.” (Page v)

Commercial Land Use Policy 5: *Vehicular access commercial uses should locate in the commercial area at the northern end of the City on the west side of Third Street.*

The proposed amendments and rezone do not include a specific development proposal. 7067 3rd St is at the northern end of the City on the west side of Third St. This may be a property suitable for vehicular access commercial uses.

Commercial Land Use Policy 6: *Commercial developments shall be planned as compact centers rather than scattered along roadways or mixed in with conflicting non-commercial land uses. Commercial Centers should be compact developments with possible shared parking.*

As seen in Figure 4 below, 6830 3rd St is north of commercial zoning and abuts residential zoning to the east. To the North and west of 6830 3rd St is industrial. Rezoning this property as General Commercial would continue a pattern of commercial zoning along 3rd St.

As seen in Figure 5 below, 7067 3rd St. is abutted by General Commercial zoning to the north, Public and Single-Family Residential zoning to the east, and General Industrial to the south. With proximal commercial zoning, rezoning this property General Commercial would continue a pattern of commercial zoning along 3rd St.

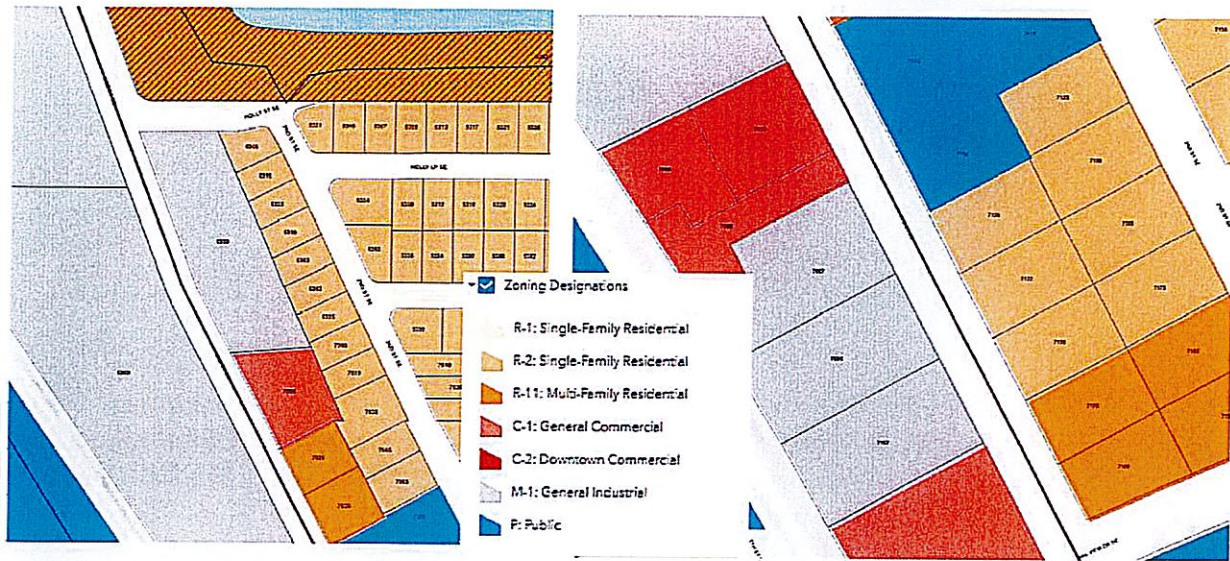


Figure 4: 6980 3rd St.

Figure 5: 7067 3rd St.

Staff finds that the proposed amendments are consistent with the Turner Comprehensive Plan. This criterion is met.

LUDC 2.700 (2)(B) There is a public need for the proposed amendment to comply with changing conditions or new laws.

Finding: It has been 24 years since a Comprehensive Plan update. Turner currently has demand for commercially designated property. The 2012 regional EOA found a surplus of general industrial land and a deficiency of general commercial land in Turner. The property owners plan to transition from industrial to commercial uses on the sites in question. This criterion is met.

LUDC 2.700 (2)(C) The amendment will not adversely impact adjacent areas or the land use plan of the City.

Finding: The proposed action would amend the land use plan of the City to redesignate two properties from Industrial to Commercial, this is consistent with the commercial and industrial need identified in the Comprehensive plan, as discussed in detail in the response to LUDC 2.700 (2)(A).

Commercial (C-1) zoning allows retail, business services, repair shops, offices, and public uses. C-1 district is intended for commercial uses which may be of a larger scale and require more extensive parking than the uses of C-2 Downtown Mixed-use district.

Industrial (M-1) zoning is suitable for light manufacturing and warehousing activities having minimal emissions or nuisance characteristics. This zone allows for manufacturing, warehousing, assembling, processing and testing uses within an enclosed building.

6830 3rd St is north of commercial zoning and abuts residential zoning to the east. To the North and west of 6830 3rd St is industrial. Rezoning this property as General Commercial would continue a pattern of commercial zoning along 3rd St.

7067 3rd St. is abutted by General Commercial zoning to the north, Public and Single-Family Residential zoning to the east, and General Industrial to the south. With proximal commercial zoning, rezoning this property General Commercial would continue a pattern of commercial zoning along 3rd St.

Both properties are adjacent to commercial and residential uses. Generally, Industrial zoning allows higher impact uses that are less compatible with adjacent commercial and residential uses than Commercial zoning. Changing the properties from industrial to commercial would lessen the potential for adverse impacts on adjacent areas.

This criterion is met.

LUDC 2.700 (2)(D) The amendment will not have an adverse environmental impact.

Finding: The two properties in question are already developed and there are no identified natural resources or environmental features on the properties of note. Both properties are within the 100-year flood zone. Future development will need to comply with Flood Hazard overlay requirements. This criterion is met.

LUDC 2.700 (2)(E) The amendment will not have an adverse impact on public facilities.

Finding: A rezone/plan amendment application requires coordination with the city engineer to determine whether the two lots would have appropriate serviceability for a commercial zone. Richard Walker with AKS engineering confirmed there are no expected concerns regarding water, sanitary sewer, or stormwater capacity with the proposed rezone as elaborated in detail in Exhibit B. Public Facilities Analysis. This memorandum details how Commercial zoning is generally less impactful than Industrial for water and sanitary sewer serviceability. This criterion is met.

LUDC 2.700 (2)(F) The amendment will not have an adverse impact on transportation.

Finding: Changes to comprehensive plans and zoning can create the need for additional street or roadway improvements. The Transportation Planning Rule (TPR) and OAR 660-012-0060 requires cities to assess whether a plan amendment or zone change would create more traffic than the plan anticipates or that facilities called for in the plan are designed to handle. Often, the facilities identified in Transportation System Plans (TSPs) will be adequate to support the land use change, and no further analysis would be needed.

The Turner TSP was last updated in 1999, Turner is currently in the process of updating its TSP 7067 3rd St. was zoned Commercial when the Turner TSP was created, so the property is already consistent with the Turner TSP. A Transportation Planning Rule Analysis was prepared for 6980 3rd St, and is attached as Exhibit C. The analysis finds the rezone will not create a significant effect or adverse impact on the City of Turner transportation system. Any future development proposed on either site will require a Transportation Impact Analysis.

Both properties are along 3rd Street, a County road. Janelle Shanahan with Marion County Transportation was contacted regarding the proposed rezone on January 17th, 2024, and sent the TPR memorandum on March 7th. Marion County said they are satisfied with the TPR memo for the rezone and future site development applications may require a TIA and mitigation. This criterion is met.

LUDC 2.700 (2)(G) The amendment will not have an adverse impact on economy of the area.

Finding: The proposed amendments will allow for future commercial development along a commercial corridor in Turner. According to the Salem-Keizer Metropolitan Area Regional EOA, there is a surplus of industrial land and a deficiency of general commercial land in the area. The proposed amendments support appropriate redevelopment of the area and will enhance economic development in the area by supporting appropriate investment and job creation. This criterion is met.

LUDC 2.700 (2)(H) The amendment is consistent with the intent of Statewide Planning Goals.

Finding: A discussion of the statewide planning goals follows:

Goal 1: Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: Goal 1 calls for the opportunity for the public to be involved in all phases of the planning process. Turner has adopted and acknowledged procedures within the RDC that are consistent with Goal 1. The proposal will be processed with proper public notice and hearings before the Turner City Council in accordance with Section 2.130. Public notice was sent to property owners of record within 250 feet of the properties on 4/18/24. Applications were made available to the public. The Staff Report was made available a week before the hearing. By meeting applicable notice requirements, the application is consistent with Goal 1.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Goal 2 generally requires consideration of alternatives, coordination with affected units of government, and that comprehensive plan policies be implemented by local land use regulations. Consistency with the Comprehensive Plan has been demonstrated in prior findings. Marion County has been notified of the proposal and has provided comments. The requested zone change and plan designation amendment is consistent with Turner’s LUDC, the Turner Comprehensive Plan, public facilities planning and Marion County Transportation planning, and is therefore consistent with Goal 2.

Goal 3: Agricultural Lands

Goal 3 is not applicable to land within Urban Growth Boundaries.

Goal 4: Forest Lands

Goal 3 is not applicable to land within Urban Growth Boundaries.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: Goal 5 is not applicable because the area of the proposed zone and plan amendment does not include any inventoried or potential Goal 5 resources.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Response: The proposed zone change and map amendment will not change any applicable Goal 6 policies or measures that relate to air or water resource quality. Future development will need to meet applicable local, state and federal standards. The proposal is therefore consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Response: Both properties are within the flood hazard overlay. Development on the subject properties will be required to show consistency with Section 4.210 Flood Hazard Overlay District.

Goal 8: Recreation Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: Goal 8 is not applicable because there are no planned park or recreational facilities on the subject properties (as identified in the Turner Parks Master Plan), and no park or recreational facilities are proposed.

Goal 9: Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The proposed amendments will allow for future commercial development along a commercial corridor in Turner. According to the Salem-Keizer Metropolitan Area Regional EOA, there is a surplus of industrial land and a deficiency of general commercial land in the area. The proposed amendments support appropriate redevelopment of the area and will enhance economic development in the area by supporting appropriate investment and job creation.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

Response: Goal 10 is not applicable because the site does not contain residential land and no housing is proposed.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 requires communities to consider the provision of public facilities and services in their planning and development decisions. A rezone/plan amendment application requires coordination with the city engineer to determine whether the two lots would have appropriate serviceability for a commercial zone. Richard Walker with AKS engineering confirmed there are no expected concerns regarding water, sanitary sewer, or stormwater capacity with the proposed rezone as elaborated in detail in Exhibit B. Public Facilities Analysis. This memorandum details how Commercial zoning is generally less impactful than Industrial for water and sanitary sewer serviceability. This criterion is met.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Response: OAR Chapter 660 Division 12 – the Transportation Planning Rule (TPR) – is the implementing rule for Goal 12. In order to reach compliance with OAR 660-012-0060, the proposed zone change and map amendment from Industrial to Commercial must consider the impact on the transportation system from the proposed change. Applicants must demonstrate that there will be no significant effect on the transportation system. If rezoning would alter the total trips or functional classifications of roads and streets, then feasible transportation mitigation strategies are required.

The Turner TSP was last updated in 1999, Turner is currently in the process of updating its TSP. 7067 3rd St. was zoned Commercial when the Turner TSP was created, so the property is already consistent with the Turner TSP. A Transportation Planning Rule Analysis was prepared for 6980 3rd St, and is attached as Exhibit C. The analysis finds the rezone will not create a significant effect or adverse impact on the City of Turner transportation system. Any future development proposed on either site will require a Transportation Impact Analysis.

Goal 13: Energy

To conserve energy

Response: Goal 13 directs jurisdictions to evaluate land use planning proposals with consideration of efficient use of land and energy. The proposal has no anticipated impact on Goal 13.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: The proposed zone changes and plan amendments will not affect the Urban Growth Boundary or Urban Growth Area. The zone changes and plan amendments will allow for efficient use of land within the UGB and will provide for livable communities by allowing needed commercial development.

Goals 15-19

Response: Goals 15-19 apply to specific regions of Oregon, none of which Turner is a part of. Goals 15-19 do not apply to the proposal.

Conclusion

Based on the above, staff therefore finds that the Applicant's request conforms to the Turner Land Use Development Code and Comprehensive Plan, as well as Statewide Planning Goals. The City Council may grant approval of the request subject to compliance with Conditions of Approval unless there is factual data presented in opposition that would alter the findings for approval.

Staff recommend adoption of the staff report, findings of fact and Ordinance 24-01 to rezone Tax Lots 082W20DC00100 and 082W29AB05900 from M-1 General Industrial to C-1: General Commercial and amend the comprehensive plan map designation of the same properties from Industrial to Commercial.

City Council Decision

The City Council may take one of the following actions:

- A. Make a motion to approve the adoption of the findings as presented in the staff report and approve the Zoning Map and Comprehensive Plan Map Amendment (24-10) and adopt Ordinance 24-01.

- B. Make a motion to adopt the findings of the staff report and approve the Zoning Map and Comprehensive Plan Map Amendment (24-10) and adopt Ordinance 24-01 as modified to reflect the changes made by the City Council.

Note: The City Council member making the motion needs to state the reasons for the modification.

- C. Make a motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.

- D. Make a motion to deny the proposed Zoning Map and Comprehensive Plan Map Amendment (24-10).

Note: The City Council member making the motion needs to state the reasons for the denial.

**CITY OF TURNER, OREGON
ORDINANCE 24-02**

**AN ORDINANCE OF THE CITY OF TURNER, REGARDING ALCOHOL CONSUMPTION
AND OPEN CONTAINERS**

WHEREAS, The City of Turner has public streets, parks, sidewalks, ways, playgrounds, schools and public buildings where community members gather and consume food and beverages; and,

WHEREAS, the wishes to adopt an ordinance to govern the alcohol consumption and open containers in public streets, parks, sidewalks, ways, playgrounds, schools and public buildings;

NOW THEREFORE THE CITY OF TURNER, OREGON ORDAINS AS FOLLOWS:

5.02.00 Offenses, Specific.

5.02.01 ~~Liquor Consumption Prohibited.~~ ~~It shall be unlawful for any person to possess an open container of alcoholic beverage upon any public street, alley or public way, save and except those licensed premises who have obtained the appropriate Oregon Liquor Control Commission license.~~

Alcohol Consumption and open containers prohibited – Exceptions.

(1) No person shall drink, consume or possess an open container of intoxicating liquor in or upon a public street, park, sidewalk, way, playground, school or public building, except as provided in subsection (2) or (3) of this section.

(2) This section shall not apply to the drinking, consumption or possession of liquor on a sidewalk or portion of a sidewalk immediately outside a business premises licensed by the Oregon Liquor Control Commission for the on-premises sale of alcohol, where such sidewalk constitutes a part of the licensed premises under and subject to the terms and conditions of such license, and subject to such conditions and limitations as the City Administrator, or the City Administrator's designee, may require.

(3) The City Administrator, upon application by an individual, for a noncommercial event, or by a nonprofit entity, may issue a temporary special event permit authorizing the possession and consumption of intoxicating liquor containing no more than 14 percent alcohol by volume, in Turner Lake Park, Burkland Park and David Sawyer Park, provided the Oregon Liquor Control Commission has issued or will issue a special event permit to the applicant, authorizing the possession and consumption of such intoxicating liquor. The special event permit shall be subject to the following conditions, and any other conditions the City Administrator deems necessary or appropriate to ensure the protection of the public health, welfare and safety:

(a) The applicant shall obtain a liquor liability insurance policy in an amount deemed appropriate by the City Administrator, and shall name the City as an additional insured thereon.

(b) The applicant shall provide security, to be approved by the City Administrator, sufficient to prohibit the sale or furnishing of intoxicating liquor to minors, to prevent, monitor and deal with visibly intoxicated persons, and to prevent others from furnishing intoxicating liquor to minors.

(c) The permit shall specify the date, time, location and duration of the event of which shall be approved by the City Administrator.

(d) The applicant shall provide a cleaning deposit to the City.

The City Administrator or Chief of Police may, for a violation of the conditions of the special event permit, or for any other reason the City Administrator or Chief of Police deems sufficient, terminate the permit before or during the event.

(4) A person aggrieved by a decision of the City Administrator under subsection (3) of this section may appeal the City Administrator's decision to the City Council by filing a notice of appeal in writing with the City Recorder, within 10 days after the City Administrator's decision that is the subject of the appeal. The City Council shall hear the appeal at the next City Council meeting that is more than three business days after the filing of the notice of appeal.

(5) The City Council shall establish, by resolution, the cleaning deposit and a fee for a special event permit authorized under subsection (3) of this section.

2.13.00 Parks, General. Unless otherwise indicated, Ordinance 00-100 enacts Section 2.13.01 through 2.13.09.

(q) Use of Alcoholic Beverages in Parks.

(1) No person shall use or consume alcoholic beverages in a public park without first so obtaining a park use permit duly filed with and issued by the city. ~~It shall be unlawful for any person to possess in any public park, an alcoholic beverage that is in excess of 14 percent of alcohol by volume.~~

~~(2) Restriction on Outside Alcoholic Beverages During City Sponsored Events. The transport of an alcoholic beverage of the type permitted in TRC 2.13.06 (q)(1) into a public park shall be unlawful during events sponsored by the City in that park. The City shall post notices at any entryway to the park of this restriction and shall announce the restriction on the transportation of~~

outside alcoholic beverages into the park prior to the event. The failure by the City to post or announce this restriction shall not negate this restriction.

~~(3) A vendor of alcoholic beverages may transport alcoholic beverages of the type permitted in TRC 2-13.06 (q)(1) into the park for the purposes of sale. Any such vendor may transport alcoholic beverages into the park and sell alcoholic beverages to the public at the City sponsored event only with a permit issued by the City and as approved by the Oregon Liquor Control Commission. (Amended by Ord 22-101, 6/9/2022)~~

Adopted by the Common Council of the City of Turner, Oregon, May 23, 2024

Yeas:

Nays:

Approved: _____

Steve Horning, Mayor

Attested: _____

Scott D. McClure, Administrator

First Reading:	May 9 th , 2024
Second Reading:	May 23, 2024
Adopted:	May 23, 2024
Signed:	May 23, 2024
Effective Date:	May 23, 2024

**CITY OF TURNER, OREGON
ORDINANCE 24-02**

**AN ORDINANCE OF THE CITY OF TURNER, AMENDING THE ZONING MAP AND
COMPREHENSIVE PLAN MAP TO REDESIGNATE AND REZONE TWO PROPERTIES
COMPRISING 2.06 ACRES FROM M-1: GENERAL INDUSTRIAL TO C-1: GENERAL
COMMERCIAL.**

WHEREAS, The City of Turner submitted a Type III Quasi-judicial application for a Comprehensive Plan Map Amendment and Rezone to redesignate and rezone 1.61 acres of General Industrial (M-1) to General Commercial (C-1) encompassing Tax Lot 082W20DC00100 and to redesignate and rezone 0.45 acres of General Industrial (M-1) to General Commercial (C-1) encompassing Tax Lot 082W29AB05900; and,

WHEREAS, the City Council conducted a duly noticed public hearing on May 9, 2024 regarding Land Use File 21-10, an application by the City of Turner regarding an amendment to the Turner Zoning map and an amendment to the Turner Comprehensive Plan Map; and,

WHEREAS, the Turner City Council considered the information provided by City staff, the public and the consultants at the May 9, 2024 public hearing; and

WHEREAS, the Salem-Keizer metropolitan area regional Economic Opportunities Analysis found a surplus of general industrial land and a deficiency of general commercial land in Turner; and

WHEREAS, redesignation and a rezone of the two properties from industrial to commercial would allow for greater commercial and economic opportunities in Turner; and

WHEREAS, The Comprehensive Plan and Zoning Map Amendment approved by this Ordinance meets all applicable Development Code criteria, policies of the Turner Comprehensive Plan, and Oregon Statewide Planning Goals;

THE CITY OF TURNER, OREGON ORDAINS AS FOLLOWS:

- 1) The City Council of the City of Turner hereby adopts the following amendments to the Turner Land Zoning Map and Comprehensive Plan Map:
 - a. Redesignate and rezone Tax Lot 082W20DC00100 (1.61 acres) from the comprehensive plan designation Industrial to Commercial and zone General Industrial (M-1) to General Commercial (C-1).
 - b. Redesignate and rezone Tax Lot 082W29AB05900 (0.45 acres) from the comprehensive plan designation Industrial to Commercial and zone General Industrial (M-1) to General Commercial (C-1).
- 2) The City Council and the City of Turner hereby adopts and incorporates the findings in Exhibit A.

Adopted by the Common Council of the City of Turner, Oregon, May 23rd, 2024

Yeas:

Nays:

Approved: _____

Steve Horning, Mayor

Attested: _____

Scott D. McClure, Administrator

First Reading:	May 9 th , 2024
Second Reading:	May 23, 2024
Adopted:	May 23, 2024
Signed:	May 23, 2024
Effective Date:	May 23, 2024

Dear Turner City Council:

Hello, my name is Nikki Stouder, and am writing to you today to ask permission to have one to two mini horses on my family's property in Turner. I am currently in the process of building my house and will be moving in a few months. A little back ground about me. I am a single mom who works in the schools as a special educator/behavior specialist. I work with some of the more challenging kiddos in some of the smaller districts in Oregon. I know the benefits of instilling empathy for others at a very young age and want to make sure I do that with my almost two year old son.

You might be asking why a mini horse would help. I grew up on a horse boarding facility and had chores and responsibilities at a very young age. I would like to bring a small part of that to my child. The other reason, is I would love to start a small business and sell snow cones or something similar out of the mini horse cart around Turner or other small communities (with a permit of course ☺) in the summers when I am off.

I have considered the impact a mini horse may have on the property and have developed a plan to minimize the impact. The property is really large at the end of ash st. It also only have one neighbor on the opposite side of where the horse will be. The small enclosure for the mini horse will be up on higher ground by my house so that they have a dry lot to utilize all year long. We have about an acre size field that we plan to fence in and allow limited access to ensure the longevity of the field.

In summary, I think that bringing mini horse on to the property in turner will not only benefit myself and my son but also the community as a whole. I look forward to discussing this further.

Thanks,

Nikki