



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/07/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Turner Plan Amendment  
DLCD File Number 001-11

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, November 22, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: David Sawyer, City of Turner  
Angela Lazarean, DLCD Urban Planning Specialist

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FORM 2

DLCD

# Notice of Adoption

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

In person  electronic  mailed

**DEPT OF**

**NOV 02 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Turner**

Local file number: **10-008**

Date of Adoption: **9/22/2011**

Date Mailed: **11/1/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The City's Sign Code was very brief and unable to effectively address signage issues in the community. The City adopted code language from the City of Carlton to fit with Turner's current character and future vision. This amendment also included a definition of "substantial conformance" for use in final approval of subdivision plans.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD File No. 001-11 (18688) [16820]



**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **David Sawyer**

Phone: (503) 743-2155 Extension:

Address: **P.O. Box 456**

Fax Number: **503-743-4010**

City: **Turner**

Zip: **97392-**

E-mail Address: **turner.cityadmin@wbcable.net**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

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

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

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

Updated April 22, 2011

**CITY OF TURNER, OREGON**

**ORDINANCE NO. 11-101**

**AN ORDINANCE AMENDING THE TURNER REVISED CODE AS FOLLOWS:  
AMENDING SDC DEFFERAL LANGUAGE UNDER 3.04.11;  
AMENDING DOMESTIC ANIMAL REGULATIONS UNDER 5.11.02;**

**AND**

**THE TURNER LAND USE DEVELOPMENT CODE AS FOLLOWS:  
AMENDING THE SIGN CODE UNDER 5.136;  
AMENDING THE ADMINISTRATIVE LANGUAGE FOR SUBSTANTIAL  
CONFORMANCE UNDER 1.170**

**WHEREAS**, the City wishes to have regulations which are clear and serve the purposes that the Council in conjunction with the community have set; and,

**WHEREAS**, the City Council identified priority areas of City code which needed to be updated; and,

**WHEREAS**, The City Council wishes to modify the Land Use Development Code by updating and clarifying the allowances and restrictions as to signage in the community, and adding a description of substantial conformance; and,

**WHEREAS**, The City Council wishes to modify the Turner Revised Code regarding SDC deferral and domestic animals; and,

**WHEREAS**, proper notice was given to DLCD and a public hearing was originally held on Feb. 24, 2011;

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

**Section 1. The City of Turner's Revised Code is hereby amended as follows:**

- A) 3.04.11 ~~Installation~~ SDC Payment Waiver.**



~~(a) When a systems development charge on a public facility or affordable housing project that offers rents subsidized by government funds is due and collectable, the owner of the parcel of land subject to the development charge may apply to the City Council to reduce, defer or waive said fees. for payment in up to 10 5 annual installments, to include interest on the unpaid balance.~~

~~(b) The City Administrator shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.~~

~~(c) An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.~~

~~(d) The City Administrator shall docket the lien in the lien docket. From that time the city shall have a lien upon the described parcel for the systems development charge, together with interest on the unpaid balance at the rate established by the Council. The lien shall be enforceable in the manner provided in ORS Chapter 223.~~

**B) 5.11.02 Domestic Animals, Livestock, Poultry, and Bees.**

(a) No person shall: ~~except as allowed for in the Turner Land Use Development Code:~~

~~(1) Maintain a pigsty, slaughterhouse, or tannery, or other facility which processes animals or animal parts;~~

~~(2) permit domestic house any farm or wild animals, or allow farm or wild animals to run at large within the city livestock or poultry owned by him to run at large within the city, unless otherwise provided in this code.~~

~~(3) (3) Keep a stand or hive of bees on any property within 20 feet of the boundary line of the premises.~~

~~(4) (4) Stake or picket any animal in or upon any of the streets, alleys, or public places of the city, or stake or picket an animal so that it may go or graze upon a public right-of-way or the property of another, unless with the consent of the owner or occupant of the other property.~~

~~(5) be engaged in the commercial for-profit sale of animals in a residential zone.~~

(b) The Council may exempt any person from the terms and provisions of this section, either in whole or in part, and may attach conditions to the exemption that the Council considers reasonable under the circumstances.

(c) Chickens are allowed on any residential property with the following conditions:

(1) Roosters are prohibited.

- (2) Chickens must be confined at all times in a coop/facility.
- (3) Coop/facility must be located in the rear yard
- (4) Coop/facility must be 20 feet from any other dwellings and meet any setback requirements.
- (5) Coop/facility must not create a nuisance as described in TRC 5.12.00 and 5.20.00

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

**A) SECTION 1.170 ADMINISTRATION**

(7) (a) 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:

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

(b) 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).

**B) SECTION 5.136.0 SIGNS**

~~(1) General Sign Provisions:~~

- ~~(a) No sign shall, by its light, brilliance, type, design, or character, create a public or private nuisance. The use of flashing or rotating lights is prohibited.~~
- ~~(b) Each sign or outdoor advertising display shall be located on the same site as the use it identifies or advertises or have Conditional Use approval from the City.~~
- ~~(c) No sign shall be constructed or erected such that the vision clearance area or other areas necessary for a safe sight distance by the traveling public would be inhibited or impaired.~~



~~(2) — Perimeter Street Signs:~~

~~One sign oriented toward off-site traffic may be provided on-site at each public access point from a city, county or state road. Such signs shall comply with the following requirements:~~

- ~~(a) — Shall not exceed thirty two (32) square feet in area;~~
- ~~(b) — Shall not exceed four (4) feet in height;~~
- ~~(c) — Shall use materials and design elements which are complimentary to those used in development.~~
- ~~(d) — May be internally illuminated.~~

~~(3) — Building Signs:~~

~~The sign area, location on the building, number of signs, and size of the copy used shall be determined in consideration of the following factors:~~

- ~~(a) — The relationship of the building to the road on site circulation.~~
- ~~(b) — The use and location of ground mounted signs identifying the premises.~~
- ~~(c) — The amount of signing for the use which can be seen from a given direction.~~
- ~~(d) — The size and design of the building elevation on which the sign would be placed.~~

~~(4) — Residential Signs And Name Plates:~~

~~One name plate not exceeding one 1.5 square foot in area, placed flat against the building for each dwelling or Home Occupation as defined in this ordinance. One non-illuminated temporary sign not exceeding five (5) square feet in area for the lease, rental or sale of the building or premises on which it is located.~~

**Purpose.**

- A. 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.
- B. 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.
- C. 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.

**Definitions.**

"Sign" means 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:

1. "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.
2. "Area" means 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.
3. "Awning" means a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.
4. "Building face" means the single wall surface of a building facing a given direction.
5. "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.
6. "Canopy sign" means 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.
7. "Flashing sign" means a sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.
8. "Freestanding sign" means 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.
9. "Incidental signs" means 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.



10. "Indirect illumination" means a source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

11. "Internal illumination" means a source of illumination from within a sign.

12. "Message sign" means 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.

13. "Monument sign" means a square or rectangular sign that sits directly on the ground without pole or uprights.

14. "Multi-faced sign" means a sign that has two or more sign faces, contained in a single sign structure.

15. "Mural" means an illustration (with or without words or numbers) that is painted or otherwise applied (without projections) to an outside wall of a structure.

16. "Nonconforming sign" means 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.

17. "Owner" means 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.

18. "Official sign" means a sign erected by a governmental agency or its designee, setting forth information pursuant to law.

19. "Portable sign" means 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.

20. "Projecting sign" means 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.

21. "Real estate sign" means a sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

22. "Roof line" means 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.)

23. "Roof sign" means 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.

24. "Rotating/revolving sign" means a sign, all or a portion of which, moves in some manner.

25. "Sign face" means surface of a sign containing the message. The sign face shall be

measured as set forth in the definition for "sign area."

26. "Sign height" is 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.

27. "Sign structure" means the supports, uprights, braces, framework and other structural components of the sign.

28. "Temporary sign" means 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.

29. "Wall sign" means 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.

#### **5.136.1 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.

#### **5.136.2 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.

1. 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.



2. 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.
3. Portable signs and other temporary signs that do not exceed six square feet in total area on a single property.
4. Balloons that do not exceed a total cumulative diameter of 24 inches.
5. 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 may be in place until all lots have changed ownership or have been built on, whichever comes first.
6. Signs hung on baseball field fencing at 5<sup>th</sup> 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.

### **5.136.3 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 5.136.6(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 placed 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.

#### **5.136.4 Signs in noncommercial 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 5.136.2.

B. Maximum total sign area for property on which the building or buildings are located:

1. Single-family and two-family (duplex) dwelling: six square feet;

2. Multiple family dwelling: twenty-four (24) square feet;

3. 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.



**5.136.5 Review procedures in noncommercial 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.**

**1.** 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.

**2.** 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:

**1.** 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;

**2.** All signs shall be maintained in a good structural condition at all times;

**3.** 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.

**5.136.6 Signs in commercial and industrial zones.**

**All signs in the Commercial, Downtown Commercial and Industrial zones shall conform to Sections 5.136.1 through 5.136.3 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:

1. There is only one (1) sidewalk or sandwich board sign per business. Vacant lots may have one sandwich board sign per lot.

2. 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.

3. 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.

4. The signs is removed at the close of each business day.

5. 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.

6. 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.

#### 5.136.7 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.

#### 5.136.8 Signs in commercial and industrial zones--Size.

A. Businesses with Two or More Street Frontages.

1. 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.

2. 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.

3. 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.

1. Wall signs shall not exceed ten (10) percent of the building face facing a street and will not exceed a total of 50 sq 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.

2. 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.

3. 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.

4. Roof signs are not permitted except by variance.

5. 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).

6. 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:

1. Freestanding signs are prohibited.

2. Comply with Section 5.136.9

**5.136.9 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.

**5.136.10 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:

**1. The names and addresses of the sign company, person authorizing erection of the sign and the owner of the subject property;**

**2. The location by street address of the proposed sign;**

**3. 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;**

**4. An accurate scaled site plan, showing the location of building(s), street(s) and other existing sign(s);**

**5. 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:

**1. 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;**

**2. All signs shall be maintained in a good structural condition at all times;**

**3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.**

**5.136.11 Sign 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 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.**



### **5.136.12 Nonconforming signs**

Signs that were legally established prior to the adoption of this code on \_\_\_\_\_, 2011 and 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.**

1. 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
2. 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.
3. 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.
  - b. 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.
4. 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.

#### **5.136.13 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 Article 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 5.136.0;

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.

#### **5.136.14 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.

#### **5.136.15 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 Article 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 Article 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:

1. The proposed sign is located in , C-1, C-2 and M-1 zones;

2. 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;

3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree;

4. The proposed sign will not present a traffic or safety hazard;

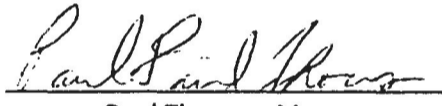
5. If the application is for a message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed;
6. If the application is for a rotating/revolving sign, 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;
7. 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;
8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

**Section 3. Effective Date.** This Ordinance shall become effective October 22<sup>nd</sup> , 2011

Adopted by the Common Council of the City of Turner this September 22<sup>nd</sup> , 2011

Yeas: 4      Nays: 0

Approved:

  
Paul Thomas , Mayor

First Reading:            September 15<sup>th</sup>, 2011  
Second Reading:        September 22<sup>nd</sup> , 2011  
Adopted:                 September 22<sup>nd</sup> , 2011  
Signed:                    September 28, 2011  
Effective Date:         October 22<sup>nd</sup> , 2011

Attest:

  
David Sawyer, City Administrator



**AGENDA for**

**COMMON COUNCIL OF THE CITY OF TURNER**

**Turner City Hall**

**7:00 pm September 22<sup>nd</sup>, 2011**

CALL TO ORDER

PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS

**CONSENT CALENDAR**

*(Items can be approved by a single motion or removed for separate consideration)*

- a) City Council Minutes from September 15<sup>th</sup>, 2011

**NEW BUSINESS**

**Discussion & Decision:** Request for Pheasant/Quail rearing in City

**Discussion & Decision:** Ordinance No. 11-101: Sign Ordinance and Other Land Use Updates

**Discussion & Decision:** Approval of Police Study Recommendations

**Administrators Report:**

**OTHER BUSINESS:**

**PUBLIC COMMENT**

**COUNCIL MEMBER COMMENTS**

Further information on any agenda item is available at City Hall.  
This City Council meeting will be held at the City Hall, 7250 3rd Street SE  
Special provisions for individuals with disabilities can be provided with 48-hour notice by  
calling or writing at 743-2155, City Hall, P.O. Box 456, Turner, OR 97392

**NEW BUSINESS**

**Glean Melow request to house and rear Pheasants/Quail**

The Council began discussion of this item at the September 15<sup>th</sup> Council Meeting. At the request of Council a letter was sent to all residents of the Bethel Loop neighborhood informing them of the project and requesting that they contact City Hall with any questions or concerns.

Letters were sent out on Friday September 16<sup>th</sup>. Staff will provide details of what we heard from the neighborhood at the meeting.

**Ordinance No. 11-101: Sign Ordinance and Other Land Use Updates**

Council voted for this ordinance to pass its first reading on September 15<sup>th</sup>. At this meeting the Council can vote to go to second reading and then adopt the ordinance.

**Approval of Police Study Recommendations**

In the three months that City staff and our consultant have been reviewing the police department operations, a list of over 20 projects have been compiled. That list is attached. There are some items that are purely administrative and not so closely connected with a change in mission, i.e. making sure people are using the correct ammunition, that are not included. This list is more mission related: helping refine and provide support for that mission.

On the included document you can see that some items have already been completed and many are under development. At this time, we are asking for the items highlighted in yellow to be given the blessing of the Council. As time permits we will continue to chip off items on this list in hopes to address each of these items throughout the year.



**CITY OF TURNER, OREGON  
MINUTES OF THE COMMON COUNCIL  
September 22<sup>nd</sup> , 2011**

This meeting was held at the City Hall and was called to order at 7:00 p.m. by Mayor Thomas.

**Board Members Present:** M. Dennis, M. Taylor, P. Thomas, L. Doran

**Public Comments:** Richard Bates stated that the sign ordinance was a waste of time and asked why the City didn't want freestanding signs.

**Consent Calendar:** Councilor Dennis moved and Councilor Doran seconded a motion to approve the Consent Calendar consisting of: City Council Minutes from September 15<sup>th</sup> , 2011. Motion passed unanimously.

**Request for Pheasant/Quail rearing in City:** The Council revisited this issue from the previous meeting. The Administrator stated that they had no concerns raised from the letter that had been sent out. After brief comments, Councilor Dennis made and Councilor Doran seconded a motion to approve the request for a quail raising variance to the animal ordinance. Motion passed 3 to 1, with Councilor Taylor dissenting.

**Ordinance No. 11-101: Sign Ordinance and Other Land Use Updates:** There was brief discussion and the identification of a scribes error which was corrected. Councilor Doran made and Councilor Dennis seconded a motion to have the ordinance pass its second reading by title only as amended. Motion passed unanimously. The Mayor read the title into the record.

Councilor Taylor made and Councilor Dennis seconded a motion to have the ordinance be passed an adopted. Motion passed unanimously.

**Approval of Police Study Recommendations:** The Administrator presented the list of projects that would be considered over the months to come with recommendations for two projects, Lexipol purchase and Security Alarm system purchase, to go forward at this time. After some discussion of maintenance on the security alarm, the Councilors concurred with the expenditures.

**Administrators Report:** The Administrator noted that he would be helping DJ Thommen to get folks together for another Ford Family Foundation leadership class. Also groundbreaking for the ballfield project had been scheduled for October 4<sup>th</sup>.

**Other Business:** The Administrator asked if he could pursue purchasing paint to try and get the city buildings repainted. The Council concurred. Councilor Taylor asked if we could purchase some picnic tables for 5<sup>th</sup> Street. All agreed this should be included in a winters conversation about how the park will change as a consequence of the ball field lease.



**Council Comments:** Councilor Doran noted that Nancy Ko and family had cleaned up Turner Road of trash once again.

The City Council adjourned at 7:44 pm

Approved: Paul David Thomas  
Mayor Paul Thomas

Attest: DS  
David Sawyer, City Administrator

**AGENDA for**  
**COMMON COUNCIL OF THE CITY OF TURNER**  
**Turner City Hall      SPECIAL MEETING      7:00 pm      September 15<sup>th</sup>, 2011**

CALL TO ORDER

PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS

**CONSENT CALENDAR**

(Items can be approved by a single motion or removed for separate consideration)

- a) City Council Minutes from September 8<sup>th</sup>, 2011
- b) Accounts Payable dated September 9<sup>th</sup>, 2011

**NEW BUSINESS**

**Discussion & Decision:** Request for Pheasant/Quail rearing in City

**Discussion & Decision:** Ordinance No. 11-101: Sign Ordinance and Other Land Use Updates

**Discussion & Decision:** Phase II Police Report on Options for Providing Police Services

**Administrators Report:**

**OTHER BUSINESS:**

**PUBLIC COMMENT**

**COUNCIL MEMBER COMMENTS**

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In the three months that City staff and our consultant have been reviewing the police department operations, a list of over 20 projects have been compiled. That list is attached. There are some items that are purely administrative and not so closely connected with a change in mission, i.e. making sure people are using the correct ammunition, that are not included. This list is more mission related: helping refine and provide support for that mission.

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CITY OF TURNER, OREGON  
MINUTES OF THE COMMON COUNCIL  
September 15<sup>th</sup> , 2011

This meeting was held at the City Hall and was called to order at 7:00 p.m. by Mayor Thomas.

**Board Members Present:** M. Dennis, M. Taylor, P. Thomas, L. Doran, J. Sawyers

**Consent Calendar:** After a few questions about accounts payable, Councilor Dennis moved and Councilor Doran seconded a motion to approve the Consent Calendar consisting of: City Council Minutes from September 8<sup>th</sup> , 2011; Accounts Payable dated September 9<sup>th</sup> , 2011. Motion passed unanimously.

**Request for Pheasant/Quail rearing in City:** Glean Melow discussed his project and its history. Dave Bedoup, Department of Oregon Fish and Wildlife reviewed their role in the project. Councilor Dennis felt it was a good thing, involving youth education. Councilor Taylor felt that it was too many birds in a coop in that neighborhood. Councilor Sawyers was concerned about the possibility of flooding on the property. The Administrator suggested that a letter be sent to the neighborhood to see who may have concerns. Council requested that this be done and the issue be discussed at a future meeting.

**Ordinance No. 11-101: Sign Ordinance and Other Land Use Updates:** There were brief comments on the ordinance regarding the change to allow signs on the baseball field fence. The Administrator asked that the Council be clear about not allowing free standing signs in the downtown since he was anticipating an application for one. Councilor Taylor made and Councilor Sawyers seconded a motion to have the ordinance pass its first reading by title only. Motion passed unanimously. The Mayor read the title into the record.

**Phase II Police Report on Options for Providing Police Services:** Consultant David Burrigot gave a presentation on Phase II of the review process. He reviewed the public input section of the process, emphasizing how clear the community input had been on retaining their own police department. However, staffing and how it would be funded was not so clear. He then went through the 6 options that the City could pursue. After some discussion, the Mayor requested that the Council take a formal vote on what option they want. Councilor Sawyers made and Councilor Taylor seconded a motion to support Option 4, to continue with a 2 person Police Department. Motion passed unanimously.

**Administrators Report:** The Administrator noted the following: the City would soon be working on a contract with Marion County for work on Delaney; the luncheon for Carly has been scheduled for Sept. 30<sup>th</sup>; a meeting with the schools will happen on Monday to start moving the pool committee forward.

**Citizen Comments:** Richard Bates stated that the City always delays people who want to do good things. He also felt that: the sign ordinance was “dumb”, that the police consultant was a “waste of money”, and that ticket revenue should not be part of the budget. Maureen LeBlanc agreed on the quail raising request and said that the sign ordinance grandfathered in too many ugly signs.

**Council Comments:** Councilor Doran hoped that a community ball game could be setup to kickoff the new field.

The City Council adjourned at 8:29 pm

Approved: Paul Thomas  
Mayor Paul Thomas

Attest: David Sawyer  
David Sawyer, City Administrator



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7250 3<sup>RD</sup> STREET S.E. ~ P.O. BOX 456  
TURNER, OR 97362**

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**Dept. of Land Conservation & Development  
ATTN: Plan Amendment Specialist  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540**

**DEPT OF**

NOV 02 2011

LAND CONSERVATION  
AND DEVELOPMENT