



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

June 20, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment  
DLCD File Number 003-06 R

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: July 8, 2008**

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

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

**\*NOTE: THE 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative  
Dan Fleishman, City of Stayton

<paa> ya/

# FORM 2

## DLCD NOTICE OF ADOPTION DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

JUN 18 2008

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Stayton Local File No.: 16-08/06  
(If no number, use none)

Date of Adoption: June 16, 2008 Date Mailed: June 17, 2008  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 14, 2006

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation  Other: \_\_\_\_\_

(Please Specify Type of Action)

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

Amends the zoning and comprehensive plan maps to from Low Density (LD) Residential to Public/Semi-Public (P) for property located at 1208 E Pine St.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

The adopted amendment only applies to 1208 E Pine Street and not 1401 N 10<sup>th</sup> Avenue as well.

Plan Map Changed from: LD to P

Zone Map Changed from: LD to P

Location: 1208 E Pine Acres Involved: 0.519

Specify Density: Previous: \_\_\_\_\_ New: n/a

Applicable Statewide Planning Goals: 1

Was an Exception Adopted? Yes: \_\_\_\_\_ No: x

DLCD File No.:

003-06R(15554)

LUBA 2007-072



Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: x No: \_\_\_\_\_  
If no, do the Statewide Planning Goals apply. Yes: \_\_\_\_\_ No: \_\_\_\_\_  
If no, did The Emergency Circumstances Require immediate adoption. Yes: \_\_\_\_\_ No: \_\_\_\_\_  
Affected State or Federal Agencies, Local Governments or Special Districts: none

Local Contact: Dan Fleishman Area Code + Phone Number: 503-769-2998  
Address: 362 N 3<sup>rd</sup> Ave City: Stayton  
Zip Code+4: 97383 Email Address: dfleishman@ci.stayton.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the [ ]Notice of Adoption[ ] is sent to DLCD.
6. In addition to sending the [ ]Notice of Adoption[ ] to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 906**

**AN ORDINANCE REPEALING ORDINANCE 896 AND AMENDING THE CITY OF STAYTON'S COMPREHENSIVE PLAN AND ZONE MAPS FROM LOW DENSITY RESIDENTIAL TO PUBLIC/SEMI-PUBLIC FOR PROPERTY LOCATED AT 1208 E. PINE STREET.**

WHEREAS, Stayton's Comprehensive Plan and Zone Maps designate the property at 1208 E. Pine Street as Low Density (LD) Residential which does not make allowance for Hospital administrative offices;

WHEREAS, Land Use Policy 19 of the Stayton Comprehensive Plan calls for the City to zone land owned and used by not-for-profit organizations, such as Santiam Memorial Hospital, in a Public/Semi-Public zone;

WHEREAS, The Comprehensive Plan identifies a need for Hospital expansion as the community grows;

WHEREAS, The Hospital needs to keep associated administrative functions in close proximity to the main site at 1401 N 10<sup>th</sup> Avenue;

WHEREAS, There are no parcels adjacent to the Hospital that are zoned to allow administrative offices;

WHEREAS, the Stayton Planning Commission held a public hearing on October 30, 2006 and the City Council held its public hearing on January 16, 2007 and February 20, 2007, addressing the subject map amendment to the Comprehensive Plan and Zone Maps (Land Use File #16-08/06); whereupon, the Stayton City Council approved an Order with findings and conclusions to support the Council's action granting approval to amend the Comprehensive Plan and Zone Maps from (LD) to (P) for the property at 1208 E. Pine Street, and adopted Ordinance 896 to change the Comprehensive Plan and Zone Maps accordingly;

WHEREAS, the Decision of the Council and the enactment of Ordinance 896 was appealed to the Oregon Land Use Board of Appeals (LUBA), which remanded the decision to the Council for further findings; and

WHEREAS, the City Council held a public hearing on November 5, 2007 addressing the findings that LUBA deemed inadequate, and kept the record open for submission of additional written testimony; and

WHEREAS following a review of the complete record, including both oral and written testimony, the Stayton City Council approved Findings and Conclusions to support the Council's action granting approval to amend the Comprehensive Plan and Zone Maps from (LD) to (P) for the property at 1208 E. Pine Street (Exhibit A which is attached hereto and made a part hereof).

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Ordinance 896 is hereby repealed.

SECTION 2. Based on the Findings and Conclusions set forth in Exhibit A the Stayton Comprehensive Plan and Zone Maps are amended as follows:



Area to be Changed from Low Density Residential Zone to Public/Semi Public Zone  
Beginning at the intersection of the centerlines of 10<sup>th</sup> Avenue and Pine Street and proceeding easterly along the centerline of Pine Street to a point opposite the easterly lot line of tax lot 400, Township 9, Range 1 West of the Willamette Meridian, Section 11BC; then southerly along the easterly lot line to the southeast corner of tax lot 400; then westerly along the southerly lot line of tax lot 400, Township 9, Range 1 West of the Willamette Meridian, Section 11BC to the centerline of 10<sup>th</sup> Avenue; then north to the point of beginning.

SECTION 3. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance, with said Orders, shall become effective 30 days after the date of signing.

SECTION 4. This Ordinance, with said Orders, shall be forthwith furnished to the State of Oregon, Department of Land Conservation and Development.

ADOPTED BY THE STAYTON CITY COUNCIL this 16<sup>th</sup> day of June, 2008.

CITY OF STAYTON

Signed: 6-17, 2007<sup>2008</sup> BY: Virginia L. Honeywell  
VIRGINIA L. HONEYWELL, MAYOR

Signed: 6/17, 2007<sup>2008</sup> ATTEST: [Signature]  
DON LUBANK, INTERIM CITY ADMINISTRATOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID A. RHOTEN, CITY ATTORNEY

**EXHIBIT A**

**BEFORE THE STAYTON CITY COUNCIL**

In the matter of  
the application of  
Santiam Memorial Hospital  
1208 E. Pine Street

) Amendment to  
) Comprehensive Plan  
) & Zone Change  
) File # 16-08/06

**FINDINGS AND CONCLUSIONS**

**I. NATURE OF APPLICATION**

The application is for a Comprehensive Plan map amendment and zone change from Low Density Residential (LD) to Public/Semi-Public (P).

**II. PREVIOUS PROCEEDINGS**

The application was submitted to the Stayton Planning Department in August 2006. Following a public hearing, the Stayton Planning Commission recommended to the City Council that the application be approved. A public hearing was held by the Stayton City Council on December 18, 2006 and continued until January 16, 2007. At that hearing, the City Council reviewed Land Use File #16-08/06, an application for comprehensive plan map amendment and zone change, and it was made part of the record. At the public hearing written testimony was presented by the Santiam Water Control District (SWCD) in opposition to the application. On January 16, record of the hearing was kept open, at the request of the applicant, for submission of written testimony. Following the close of the record, the Council adopted an Order of Approval on February 20, 2007 and enacted an Ordinance amending the Official Comprehensive Plan and Zoning Map on March 5, 2007.

The Council's actions were appealed to the Land Use Board of Appeals (LUBA), who remanded the decision to the Council for additional findings and conclusions relative to how adequate public facilities and services will be available to serve the property after the comprehensive plan and zone change and the application's compliance with Statewide Goal 6 relative to Air, Water and Land Resources Quality.

**III. PUBLIC HEARING**

Upon remand from LUBA, a public hearing was held on the application before the Stayton City Council on November 5, 2007. At that hearing, the City Council reviewed additional written and oral testimony limited to the issues of adequate public facilities and compliance with Statewide Goal 6. Oral and written testimony was presented by the applicant, City Staff, and the Santiam Water Control District.

City Staff entered into the record the City's adopted master plans on transportation, parks and recreation, water, and waste water; the 1980 Master Utilities Plan; the City's Standard Specifications Design Standards and Drawings; the April 2007 2<sup>nd</sup> Draft Storm Water Master Plan; a memo from the City's storm water engineers for a City Council Work session on the draft master plan; and water quality sample test results from Salem Ditch. The SWCD submitted written testimony.

The record was left open for the submission of additional written testimony. On November 13, City Staff presented a memorandum with attachments in response to the written testimony submitted at the



hearing by the SWCD. On November 19, additional written testimony was submitted by SWCD. On December 24, additional written testimony was submitted by the Public Works Department.

At the request of the applicant the record was kept open and the open record was extended several times. On May 30, 2008 the applicant requested that the record be closed and a copy of that request was sent to the Santiam Water Control District.

#### IV. FINDINGS OF FACT

On June 16, 2008, the City Council reviewed the application, supplemental submissions by the applicant, staff reports, and oral and written testimony presented at and subsequent to the public hearings, and other information contained in the record. Based on the record before it, the City Council finds the following facts:

##### A. EXISTING CONDITIONS

1. The owner and the applicant is Santiam Memorial Hospital, a non-profit corporation.
2. The property is located 1208 E Pine Street, and is 0.6 acres in size.
3. The lot can be described as tax lot 400, Township 9, Range 1 West of the Willamette Meridian, Section 11BC.
4. The lot is currently designated by the Comprehensive Plan and zoned Low Density Residential (LD).
5. The properties to the north and east are zoned LD and are either vacant or used for single family homes. The properties to the south are zoned Medium Density Residential (MD) and either vacant or used for single family homes and duplexes. The property to the west is the main hospital site that is currently zoned Public/Semi-Public (P) and Commercial General (CG) and for which there is a concurrent application to change to the P zone.
6. The property contains a single family dwelling fully served by public utilities. The existing impervious surface area is approximately 4,175 square feet, including building and driveway. There is approximately 18,075 square feet of land that is not currently built upon or paved and which is reasonably available for additional expansion of the facility. The buffer and landscaping requirements of Stayton Municipal Code (SMC) Title 17, Chapter 17.20 result in no more than 10,000 square feet of area able to be converted to impervious surface.

##### B. PROPOSAL

1. The proposal is to change the Comprehensive Plan and Zoning Map designation and rezone the property to the P zone.
2. The applicant proposes to use the property for administrative offices and support facilities for the hospital. The application does not include any physical changes to the site. It is anticipated that the offices would house 10-15 existing employees, relocated from the main hospital site. The building would also function as a support facility, providing additional sleeping quarters for EMTs.
3. Parking for the employees is proposed to be located on the Hospital's main site, on the west side of 10<sup>th</sup> Avenue.

4. On October 30, 2006 the Stayton Planning Commission, following a public hearing, adopted an order recommending the City Council approve the application and enact an ordinance amending the Comprehensive Plan and Zoning Map.
5. On October 30, 2006 the Stayton Planning Commission, following a public hearing, approved an application for Conditional Use to convert the property from single family residential to administrative offices and a support facility for the hospital. The Planning Commission's approval contained conditions that the parking associated with the administrative offices and support facility shall be located at the main hospital facility with the exception of no more than 2 parking spaces in the existing driveway; that all outdoor lighting fixtures shall be full cut-off and equipped with motion-activated switches to control operation except during business hours; and that the conditional use approval is not effective unless this application for map amendment is approved by the City Council.
6. Any change from the existing building will require review and approval through the City's Site Plan Review process under Stayton Municipal Code (SMC) Title 17, Section 17.12.220 of the current Code, which will require submittal of a storm water management plan. The impact of any potential expansion or replacement on public utilities and services, including the storm drainage system, will be evaluated at that time based on the specific plans that are presented. The criteria for Site Plan approval under SMC Section 17.12.220.5 require all utility systems to be in compliance the City's Master Plans and Standard Specifications. Furthermore, the approval criterion of Section 17.12.220.5(a) requires any development scenario to demonstrate the existence of adequate utility systems for approval. Detailed engineering plans will be required as a part of the Site Plan Review process. The City's Standard Specifications, 200.2.01 contain requirements for runoff calculations and impacts. The standards (200.2.01.b1)), require storm water detention facilities for all commercial developments. Section 200.2.01.b2) limits the peak runoff rate to no more than would occur in a 5-year frequency storm at predevelopment conditions. Any future facility expansions or improvements will therefore need to include measures to minimize or mitigate adverse impacts of the expansion to the storm drain facilities serving the property, in accordance with these standards. This requirement must be demonstrated prior to issuing construction permits.
7. A letter from Bill Lulay, PE states that there will be no net change in the storm run off into any drainage systems or drainage ways as the result of the zoning change. This letter was reviewed by the City Engineer who concurred with the conclusions.

### C. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, and Stayton Fire District.

1. The Public Works Department has indicated that there are adequate public water, sewer, streets, and storm water facilities available to serve the site. The Department has stated that when a site plan or building permit application that increases the square footage of the existing facility is submitted for review, substantial public infrastructure improvements will be required as conditions of approval in accordance with the Stayton Municipal Code, the City's adopted master plans (transportation, water, sewer, parks, storm water, etc) and will be constructed to the City of Stayton Public Works Standard Specifications Design Standards and Drawings.

Further, the Department has indicated that the City's storm water collection and disposal system is currently in compliance with all applicable water quality standards.



#### D. PUBLIC COMMENTS

The Planning Department received the following public comments on this application prior to the Council's original public hearing.

Diane Brenner, 1250 E Pine St, submitted a letter in opposition to the rezoning stating it was not appropriate for that neighborhood.

Jim Huddleston, 1350 E. Pine St., submitted a letter in opposition to the rezoning questioning the demonstration of need by the applicant, the reduction of residentially zoned land, and impact of future changes to the property on the residential neighborhood.

Larry Trosi, Manager of the Santiam Water Control District, submitted written testimony in opposition to the rezoning raising concerns over compliance of the City's Code with state regulations, compliance of the City's Code with the comprehensive plan and general storm water management.

#### E. ANALYSIS

Applications for an amendment to the comprehensive plan are required to satisfy approval criteria contained within SMC Section 17.12.420.5. Applications for zone changes are required to satisfy approval criteria contained within SMC Section 17.12.430.5.

#### F. REVIEW CRITERIA (COMPREHENSIVE PLAN AMENDMENT)

Pursuant to SMC Section 17.12.420.5, the Council makes the following findings regarding the criteria for a comprehensive plan amendment:

a. *The proposed amendment is compatible with the existing provisions of the plan, as measured by:*

1. *If a map amendment, the extent of existing and proposed land use allocations for the requested uses.*

Finding: Public/Semi-Public zoned lands are intended only for the use of government or non-profit agencies. (LU-19, Comp. Plan) Santiam Memorial Hospital is a non-profit agency. There are no identified future allocations of Public/Semi-Public lands, although the Comprehensive Plan does acknowledge a need for more of these lands as the City grows. Hospitals are allowed as a conditional use in the Commercial Retail (CR) and P zones and a permitted use in the Commercial General (CG) zone. The 2005 Buildable Lands Inventory states that there are 304.3 acres of Public/Semi-Public, 82.8 acres of Commercial Retail and 30.4 acres of Commercial General land within the City.

2. *Impact of the proposed amendment on land use and development patterns within the City, as measured by:*

a) *Traffic generation and circulation patterns;*

Finding: No expansion of the existing building is planned, though the applicant has indicated that there may be future development plans. The applicant has stated that the employees at the proposed facility will not be additional employees to be hired, but existing employees from the main hospital site that are relocated to this property. At the time of any future redevelopment, the Site Plan Review process will assure that any future increase in traffic generation does not have an unacceptable impact on transportation systems.

b) *Population concentrations;*

Finding: The lot is currently a single family dwelling. The proposed rezoning of the property will remove it from residential use.

c) *Demand for public facilities and services;*

Finding: No expansions of the existing buildings or impervious area are proposed with this application. The existing building is fully served by urban services. Approval of the application would allow for future expansion of important health services in the community. The expansion of the Hospital is identified in the Stayton Comprehensive Plan as desirable to accommodate increased needs.

The Public Works Department has indicated that adequate capacity exists for sewer and water service for the proposed change in use. At the time of any future redevelopment, the Site Plan Review process will assure that any future impacts on the City's storm water management system will fall within the requirements of the City's master plans and standard specifications.

d) *Maintenance of public health and safety;*

Finding: No expansion of the existing building is proposed. The Hospital provides health services to the City and the surrounding area.

e) *Level of park and recreation facilities;*

Finding: The proposed zone change will eliminate one residence. The applicant has stated that no new employees will be added as a result of this proposal.

f) *Economic activities;*

Finding: The applicant has stated that the proposed zone change will allow for expanded health care and related services in the future.

g) *Protection and use of natural resources;*

Finding: There are no identified natural resources on this property.

h) *Natural hazards and constraints;*

Finding: There are no identified natural hazards or constraints on this property.

i) *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.*

Finding: The site is fully developed and no further development is proposed at this time. At the time of any future redevelopment, the Site Plan Review process will assure that any future development is in compliance with the City's master plans.

b. *A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment)*

Finding: Stayton is experiencing consistent growth in the last few years. The expansion of the Hospital is identified in the Stayton Comprehensive Plan to accommodate increased needs.

c. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth*



*Policies of the City of Stayton (Section 17.08.230 of this title) if a change in the urban growth boundary is requested.*

Findings:

Goal 1 Citizen Involvement- The application is subject to the public hearing standards established in SMC 17.12.360 and Oregon Revised Statutes 227.160 to 186.

Goal 2 Land Use Planning- The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) on April 10, 1980. DLCD was notified of this proposed amendment to that acknowledged plan on September 14, 2006. The applicant has provided information to show how the proposed amendment meets the requirements of the Comprehensive Plan Goals.

Goal 3 Agricultural Land- The property is located inside the City Limits and zoned with a residential zone.

Goal 4 Forest Lands- The property is located inside the City Limits and zoned with a residential zone.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources- The property is not designated as open space, scenic, or historic resources by the Comprehensive Plan or the adopted City Master Plans.

Goal 6 Air, Water and Land Resources Quality- Goal 6 requires that waste discharges from development not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. Discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

The issue raised on appeal was the potential for impacts of potential redevelopment made possible by this application on the carrying capacity and water quality of the storm water system serving Stayton.

The proposed Plan and Zone Change will allow the use of the existing building on the subject property by the Hospital for administrative purposes. The Hospital has indicated it does not have any plans for changes in the existing building. The approval of the Conditional Use application by the Planning Commission prohibits any exterior changes to the site. Any future changes to the site will require approval under the City's Site Plan Review procedures and an amendment to the Conditional Use approval.

Any development scenario allowed in the P zone, whether the "most likely" scenario, or the "worst case" scenario, must demonstrate adequate public facilities will exist after development approval. The City's Codes and Standard Specifications require submission of a storm water management plan that will demonstrate that the peak runoff rate will be no more than would occur in a 5-year frequency storm at predevelopment conditions. During review of a Site Plan Review application the storm water standard specifications require development to maintain Stayton's existing high level of overall water quality by measures such as on-site detention and pre-treatment, as necessary. To that end, the City of Stayton gathered a set of water quality samples in Salem Ditch, the receiving waters of the city's storm water system, which show little to no degradation through Stayton. The Public Works Department reported that several water quality parameters were actually improving downstream.

Goal 7 Areas Subject to Natural Disasters and Hazards- There are no areas of natural hazard on the site.

Goal 8 Recreational Needs- The site is currently used as a single family dwelling. Conversion to a hospital administrative facility will not affect the demand for recreational facilities.

Goal 9 Economy- The Comprehensive Plan states that as of 2004, Santiam Memorial Hospital is the 5<sup>th</sup> largest employer in the Stayton Area.

Goal 10 Housing- The lot has a single family home that was used as a residence prior to acquisition by the Hospital. The 2005 Buildable Lands Inventory indicates that 126.8 additional acres of single family, LD zoned land will be needed to meet the population growth projections for 2020. The site represents 0.6 acre of developed LD land.

Goal 11 Public Facilities and Services- No development plans were provided with the application but the applicant stated that any future expansions will be planned to meet City standards on appropriate level of service and design standards for public facilities and services.

Goal 12 Transportation- No changes to the existing number of employees or the location of parking were submitted with this proposal. The property is currently a fully developed site. The applicant proposes that no parking facilities to accommodate the employees will be moved to the site. The Stayton Planning Commission approved a Conditional Use permit for the conversion of the property to hospital administrative use, with a condition of approval that parking associated with the facility must be located at the main hospital facility with the exception of no more than 2 parking spaces in the existing driveway.

Goal 13 Energy Conservation- No additional development of the site is proposed at this time.

Goal 14 Urbanization- The lot is located within the City limits.

Goal 15 Willamette River Greenway- The City of Stayton is not located in the Willamette River Greenway.

Goal 16 Estuarine Resources- The City is not located near an estuarine area.

Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources- The City is not located on the Oregon Coast.

- d. *The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).*

Finding: A hospital is identified as a conditional use in the Public/Semi-Public Zone and has received conditional use approval contingent on the success of this application for a Zone Map Amendment.

- e. *The amendment is appropriate as measured by at least one of the following criteria:*

- 1) *It corrects identified error(s) in the provisions of the plan.*

Finding: There are no identified errors associated with this property.

- 2) *It represents a logical implementation of the plan.*

Finding: Comprehensive Plan Chapter 4 identifies a future need for hospital expansion.



3) *It is mandated by changes in federal, state, or local law.*

Finding: The proposed amendments are self-initiated by the applicant.

4) *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: The 2005-2006 City Council goals did not address the Hospital in particular or the Comprehensive Plan and its maps in general.

#### G. DECISION CRITERIA (ZONE CHANGE)

Pursuant to SMC 17.12.430.5 the following criteria must be demonstrated as being satisfied by an application for a zone change:

a. *The proposed zone change and intended use is compatible with the surrounding area, as measured by:*

1) *Land use patterns.*

Finding: The manufactured home at the site was placed there in 1995. The proposal includes no changes to this structure. The applicant has stated that the site is to be used for administrative offices with parking located at 1401 N 10<sup>th</sup>. The Stayton Planning Commission approved a Conditional Use permit for the conversion of the property to hospital administrative use, with a conditions of approval that parking associated with the facility must be located at the main hospital facility with the exception of no more than 2 parking spaces in the existing driveway and that all outdoor lighting fixtures be full cut-off and equipped with motion-activated switches to control operation except during business hours.

2) *Traffic generation and circulation.*

Finding: The applicant has stated that no new employees will be added as a result of acquiring this property. Existing employees will be transferred to the new location, but they will still park at the main hospital facility. The Planning Commission approval of a Conditional Use permit for the conversion of the property to hospital administrative use, was conditioned on a requirement that parking associated with the facility must be located at the main hospital facility with the exception of no more than 2 parking spaces in the existing driveway.

3) *Population density and impacts of population concentrations.*

Finding: The zone change will remove one 0.6-acre parcel with one house from any residential density calculations.

4) *Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.*

Finding: The proposed use associated with this application will not result in the generation of noise, odors, hazards to the public, generation of waste products different from those currently generated. The Conditional Use permit issued by the Planning Commission prohibits any change in appearance. The demand on public services and facilities will not change as a result of this application. Should the applicant propose changes to the site in the future, these changes will be subject to review under the Site Plan Review procedures of the Land Use and Development Code and any potential adverse impacts

from the proposed change will be evaluated under the standards and criteria in effect at that time.

- 5) *Other similar factors deemed to be of importance to the decision by the Planning Commission or council.*

Finding: The Council and Commission have not identified any goals regarding rezoning in general or the hospital in particular.

- b. *Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.*

Finding: Public/Semi-Public zoned lands are intended only for the use of government or non-profit agencies. (LU-19, Comp. Plan) Santiam Memorial Hospital is a non-profit agency. There are no identified future allocations of Public/Semi-Public lands, although the Comprehensive Plan does acknowledge a need for more of these lands as the City grows. Hospitals are allowed as a conditional use in the Commercial Retail (CR) and P zones and a permitted use in the Commercial General (CG) zone. The 2005 Buildable Lands Inventory states that there are 304.3 acres of Public/Semi-Public, 82.8 acres of Commercial Retail and 30.4 acres of Commercial General zoned land within the City. There are no vacant parcels zoned Public/Semi-Public.

- c. *There are adequate urban services to serve the possible use under the zone proposed.*

Finding: The site is currently developed and receives services. No expansions of the existing buildings or impervious area are proposed with this application. The Public Works Department has indicated that adequate capacity exists for sewer and water service for the proposed change in use from single family residential to administrative offices. At the time of any future redevelopment, the Site Plan Review process will assure that any future impacts on the City's services and facilities, including the storm water management system, will fall within the requirements of the City's master plans and standard specifications.

- d. *The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.*

Finding:

LU-19- *The city shall zone land (exclusive of rights-of-way) owned and used by government agencies and not-for-profit organizations in a Public/Semi-Public zone. Santiam Memorial Hospital is a non-profit organization.*

- e. *The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.*

Findings:

Goal 1 Citizen Involvement- The application is subject to the public hearing standards established in SMC 17.12.360 and Oregon Revised Statutes 227.160 to 186.

Goal 2 Land Use Planning- The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) on April 10, 1980. DLCD was notified of this proposed amendment to that acknowledged plan on September 14, 2006. The applicant has provided information to show how the proposed amendment meets the requirements of the Comprehensive Plan Goals.



Goal 3 Agricultural Land- The site is located inside the City Limits and zoned with a residential zone.

Goal 4 Forest Lands- The site is located inside the City Limits and zoned with a residential zone.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources- The site is not designated as open space, scenic, or historic resources by the Comprehensive Plan or the adopted City Master Plans.

Goal 6 Air, Water and Land Resources Quality- Goal 6 requires that waste discharges from development not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. Discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

The issue raised on appeal was the potential for impacts of potential new development made possible by this application on the carrying capacity and water quality of the storm water system serving Stayton.

The proposed Plan and Zone Change will allow the use of the existing building on the subject property by the Hospital for administrative purposes. The Hospital has not indicated any plans for changes in the existing building. Any change to the site will require approval under the City's Site Plan Review procedures. Any development scenario allowed in the P zone, whether the most likely scenario, or the "worst case" scenario, must demonstrate adequate public facilities will exist after development approval. The City's Codes and Standard Specifications require submission of a storm water management plan that will demonstrate that the peak runoff rate will be no more than would occur in a 5-year frequency storm at predevelopment conditions. During review of a Site Plan Review application the storm water standard specifications Section I (i) requires development to maintain Stayton's existing high level of overall water quality by measures such as on-site detention and pre-treatment, as necessary. To that end, the City of Stayton gathered a set of water quality samples in Salem Ditch, the receiving waters of the city's storm water system, which show little to no degradation through Stayton. The Public Works Department reported that several water quality parameters were actually improving downstream.

Goal 7 Areas Subject to Natural Disasters and Hazards- There are no areas of natural hazard on the site.

Goal 8 Recreational Needs- The site is currently used as a single family dwelling. Conversion to a hospital administrative facility will not affect the demand for recreational facilities.

Goal 9 Economy- The Comprehensive Plan states that as of 2004, Santiam Memorial Hospital is the 5<sup>th</sup> largest employer in the Stayton area.

Goal 10 Housing- The site has a single family home that was used as a residence prior to acquisition by the Hospital. The 2005 Buildable Lands Inventory indicates that 126.8 additional acres of single family, LD zoned land will be needed to meet the population growth projections for 2020. Rezoning of the site would reduce the amount of developed LD land by 0.6 acre.

Goal 11 Public Facilities and Services- No development plans were provided with the application. No concerns have been raised by the Public Works Department.

Goal 12 Transportation- No changes to the existing number of employees or the location of parking are proposed. 1401 N 10<sup>th</sup> is a fully-developed site with parking facilities that will accommodate the employees to be moved to the site.

Goal 13 Energy Conservation- No additional development of the site is proposed at this time.

Goal 14 Urbanization- The site is located within the City limits.

Goal 15 Willamette River Greenway- The City of Stayton is not located in the Willamette River Greenway.

Goal 16 Estuarine Resources- The City is not located near an estuarine area.

Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources- The City is not located on the Oregon Coast.

## V. CONCLUSIONS

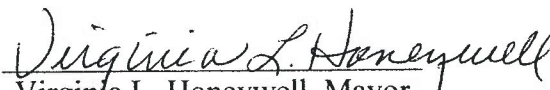
Based on the findings above, the Council reaches the following conclusions:

The proposal is compliant with the requirements established in SMC 17.12.420.5 and 17.12.430.5, and in particular the Council concludes that:

The most likely scenario for future use and development of the site results in no changes to the property. Because the Site Plan Review process will be required prior to any change to the existing facility, and because the detailed impact on, and demand for, public utilities and services, including storm drain services will be determined as a part of that process, the Council concludes that the proposed Plan and Zone change is compatible with the potential adverse impacts to public services and facilities, and that the proposed Plan amendments will not have a significant impact on the demand for public facilities and services or the City's ability to provide such services, specifically storm water management. As a result, the proposal satisfies Sections 17.12.420(5)(a)(2) and (c), and 17.12.430(5)(a)(4)(c) and (d).

Because the impact of any future possible facility expansion on the storm drain system will be determined through the Site Plan Review process prior to authorization for construction, and because the City will require specific measures to manage the quantity and protect the quality of water resources that may be affected by storm drainage from the property, and that any development, whether the worst-case, best-case, or a most likely development scenario must demonstrate that adequate public services and facilities will exist in order to be approved, the requirements of Statewide Goal 6 are met.

APPROVED BY THE STAYTON CITY COUNCIL ON THE 16<sup>th</sup> DAY OF JUNE, 2008.

 June 17, 2008  
Virginia L. Honeywell, Mayor Date

  
Don Eubank, Interim City Administrator

  
Date



Attachment A

The following persons testified at the Planning Commission public hearing:

Terry Fletchall, CEO Santiam Memorial Hospital, 1401 N 10<sup>th</sup> Ave, applicant

Jeffery Tross, 1720 Liberty St SE, Salem, applicant's consultant

Maggie Hudson, 1401 N 10<sup>th</sup> Ave, Stayton, applicant's representative

Diane Brenner, 1210 E Pine, in opposition

Bill Patty, 1212 E Pine, in opposition

Jean Moragne 1480 E Pine, in opposition

The following persons testified at the Council's public hearing:

Merryann Meredith, President of Board of Directors, Santiam Memorial Hospital

Terry Fletchall, CEO Santiam Memorial Hospital, 1401 N 10<sup>th</sup> Ave, applicant

Jeffery Tross 1720 Liberty St SE, Salem, applicant's consultant

Larry Troisi, Manager, Santiam Water Control District, 284 E Water Street

Jim Templin, Stayton, in favor

Hilda Lee, Stayton, in opposition

Jim Huddleston, Stayton, in opposition

Diane Brenner, Stayton, in opposition

The following persons testified at the Council's public hearing on remand:

Larry Troisi, Manager, Santiam Water Control District, 284 E Water Street

City of Stayton  
362 N Third St  
Stayton, OR 97383



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