



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

11/30/2009

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

FROM: Plan Amendment Program Specialist

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

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: Friday, December 11, 2009

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

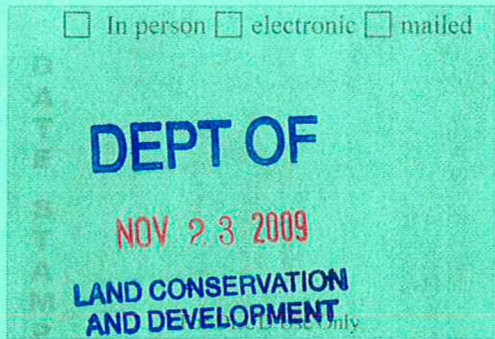
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the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

***NOTE:** THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Dan Fleishman, City of Stayton
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA/

Notice of Adoption



THIS FORM **MUST BE MAILED TO DLCD**
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Stayton **Local file number:** 16-08/06
Date of Adoption: November 16, 2009 **Date Mailed:** November 20, 2009
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: September 14, 2006
 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".

Comprehensive Plan Map and Zoning Map amendment to place all of Santiam Memorial Hospital's campus in the Pubic/Semi-Public Zone. The Hospital property has been in four different zones. The adoption of this amendment was originally approved in 2007, but appealed to LUBA. This adoption is on remand from LUBA.

DLCD was notified of adoption of Ord 914 on this matter in October 2009. Following enactment, Notice of Intent to Appeal was filed with LUBA. The City and Petitioner came to an agreement on the language in the enacting ordinance and the City voluntarily remanded the ordinance. LUBA approved that remand on November 13. On November 16, the City Council Enacted Ord 915, a restatement of Ord 914, removing the offending recital from the ordinance. There is no difference in the effect of the two ordinance regarding the actual change in the Maps.

Does the Adoption differ from proposal? No
Plan Map Changed from: Low Density Residential, Commercial General, and High Density Residential **to:** Public/Semi-Public
Zone Map Changed from: Low Density Residential, Commercial General, and High Density Residential **to:** Public/Semi-Public
Location: 1401 N 10th Avenue **Acres Involved:** 3.2
Specify Density: Previous: approx 0.5 acre of LD was maximum 5 units per acre
 Approx 0.75 acre of GC was non-residential
 Approx 2 acres of HD was minimum 13 units per acre
 New: New zone is nonresidential

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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

Please list all affected State or Federal Agencies, Local Governments or Special Districts:
 Santiam Water Control District

Local Contact: Dan Fleishman **Phone:** (503) 769-2998 **Extension:**
Address: 362 N Third Ave **Fax Number:** 503-767-2134
City: Stayton **Zip:** 97383 **E-mail Address:** dfleishman@ci.stayton.or.us

ORDINANCE NO. 915

COPY

AN ORDINANCE RESTATING ORDINANCE 914, AMENDING THE CITY OF STAYTON'S COMPREHENSIVE PLAN AND ZONE MAPS FOR PROPERTY LOCATED AT 1401 N 10TH AVENUE

WHEREAS, Stayton's Comprehensive Plan and Zone Maps designate the property at 1401 N 10th Avenue as Low Density Residential (LD), Commercial General (CG), and High Density Residential (HD);

WHEREAS Land Use Policy 2 of the Stayton Comprehensive Plan calls for zoning to follow property lines;

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 (P) zone;

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

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 Stayton 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 Stayton Comprehensive Plan and Zone Maps from LD, CG, and HD to P for the property at 1401 N 10th Avenue, and adopted Ordinance 896 to change the Stayton 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;

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

WHEREAS, Ordinance 896 was repealed by Ordinance 906 on June 16, 2008;

WHEREAS, following a review of the complete record, including both oral and written testimony, the Stayton City Council on September 21, 2009, approved an Order with findings and conclusions to support the Council's action granting approval to amend the Stayton Comprehensive Plan and Zone Maps from LD, CG, and HD to P for the property at 1401 N 10th Avenue (Exhibit A which is attached hereto and made a part hereof);

WHEREAS, the City Council further finds that storm water from the property will be required to be directed to a detention/retention basin, that in addition to reducing storm water flows and flow rates from those currently leaving the site, will treat storm water in accordance with the Stayton Storm Water Master Plan and will not adversely impact the quality of any receiving water body;

WHEREAS, the City Council further finds that reduction in storm water flows and flow rates from the site will result in the City being able to continue to provide adequate public facilities;

WHEREAS, the City Council further finds that the existing hospital and its expansion is the likely continued use of this site and that the impacts of the other potential uses in the P zone are similar to or less intense than that of a hospital so that the likely development scenario is also the worst case development scenario; and,

WHEREAS, the City Council further finds that there will be adequate public facilities for all urban services, including storm water, in compliance with Statewide Planning Goal 11.

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

SECTION 1. Based on the Findings and Conclusions set forth in Exhibit A the Stayton Comprehensive Plan and Zone Maps are amended as follows:

Area I, to be changed from Low Density Residential Zone to Public/Semi-Public Zone

Beginning at the intersection of the centerline of 10th Avenue and Fir Street and proceeding southerly along the centerline of 10th Avenue to a point opposite the northeast corner of tax lot 100, Township 9, Range 1 West of the Willamette Meridian, Section 10AD; then westerly along the north lot line of tax map 100 to the centerline of E Fir Street; then proceeding northeasterly and easterly along the centerline of E Fir Street to the centerline of N 10th Avenue and the point of beginning.

Area II, to be changed from Commercial General and from High Density Residential Zones to Public/Semi-Public Zone

Beginning at the northern terminus of the centerline of Hollister Street, which is the southwest corner of the existing P zone, and proceeding easterly along the southern boundary of the existing P zone to the centerline of 10th Avenue; then southerly along the centerline of 10th Avenue to a point opposite the corner of tax lot 100, Township 9, Range 1 West of the Willamette Meridian, Section 10AD; then westerly, northwesterly, northerly and westerly by the southern lot line of tax lot 100 to the centerline of 7th Avenue; then northerly along the centerline of 7th Avenue to the centerline of Hollister Street; then easterly and northeasterly along the centerline of Hollister Avenue to the point of beginning.

SECTION 2: 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 and supersedes Ordinance 914, enacted by the Council on October 5, 2009.

SECTION 3. 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 16th day of November 2009.

CITY OF STAYTON

Signed: 11/18, 2009

BY: 
GERRY ABOUD, MAYOR

Signed: 11/18, 2009

ATTEST: 
DON EUBANK, CITY ADMINISTRATOR

APPROVED AS TO FORM:


DAVID A. RHOTEN, CITY ATTORNEY

EXHIBIT A

In the matter of
the application of
Santiam Memorial Hospital
1401 N 10th Avenue

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

REVISED ORDER OF APPROVAL

I. NATURE OF APPLICATION

The application is for a Comprehensive Plan map amendment and zone change for Santiam Memorial Hospital from Low Density Residential, Medium Density Residential, and High Density Residential to Public/Semi-Public. However, the applicant has misinterpreted the current comprehensive plan designation and zoning for a portion of the property that the application covers. The portion of the property the applicant has described as being Medium Density Residential is, in actuality, Commercial General, on both the comprehensive plan map and zoning map.

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, 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 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 plan and zone change and 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. At the public hearing there was testimony from the Santiam Water Control District in opposition to the application. The hearing was closed, but the record was kept open for the submission of written material only on the issue of storm water management. At various times the City Council extended and reopened the record at the request of the applicant, following notice to the Santiam Water Control District. The record closed August 21, with time given for response and final rebuttal. Final closure of the record was September 11, 2009.

IV. FINDINGS OF FACT

Based on the application, supplemental submissions by the applicant, staff reports, and testimony presented at the public hearings, and other information contained in the record, the City Council finds the following facts:

A. EXISTING CONDITIONS

1. The owner and the applicant is Santiam Memorial Hospital.
2. The property is located at 1401 N 10th Avenue and is 7.2 acres in size.
3. The lot can be described as tax lot 100, Township 9, Range 1 West of the Willamette Meridian, Section 10AD.
4. The lot is currently designated by the Comprehensive Plan and zoned Low Density (LD) Residential, Commercial General (CG), High Density (HD) Residential and Public/Semi-Public (P).
5. The properties to the north, west, and east of the lot are designated by the Comprehensive Plan and zoned LD and are either vacant or used for single family homes. The properties to the south of the lot are designated by the Comprehensive Plan and zoned HD and are occupied by duplexes and publicly-owned multi-family housing.
6. The hospital has been located on this site since 1953, and it has undergone periodic expansions since that time to keep up with the growth of the community. The Comprehensive Plan and Zoning Map was drawn and adopted in 1979. In accordance with Comprehensive Plan policy LU-19, the Map designated the Hospital's property in the P zone. The Hospital has expanded its campus since that time by the acquisition of adjacent land.
7. Of the 7.2 acres owned by the Hospital, the original campus, and the area currently in the P zone comprises approximately 4 acres. The northerly portion of the Hospital's property is in the Low Density Residential zone. This strip of land is approximately 50 feet wide and 450 feet long, consisting of approximately 22,140 square feet. It is currently used as a parking lot and helicopter pad. Impervious surface takes up 17,900 square feet of this area.
8. Approximately 31,810 square feet to the south of the hospital building is in the Commercial General zone. This area is used as offices for doctors on the Hospital staff and associated parking. Approximately 30,630 square feet of this area is currently covered by buildings, parking or other impervious surface.
9. The southerly portion of 81,690 square feet of the Hospital's property is zoned High Density Residential. This portion is currently vacant land, except for approximately 9,980 square feet of a small addition, driveway and parking area behind the medical offices in the CG zone. The remainder of this area is steeply sloped.

B. PROPOSAL

1. The proposal is to change the Comprehensive Plan and Zoning Map designation and rezone the entirety of this lot to Public/Semi-Public for use by the Hospital.
2. 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.

3. Any new or additional development that is proposed in the future will require review and approval through the City's Site Plan Review process under Section 17.12.220 of current Code, which will require submittal of a storm water management plan. The Hospital received Site Plan Review approval from the Stayton Planning Commission for a 50,000 square foot, 4 story addition in July 2009. The impact of a proposed hospital facility expansion on public utilities and services, including the storm drainage system, was evaluated at that time based on the specific plans that are presented. The criteria for Site Plan approval under Section 17.12.220.5 require all utility systems to be in compliance the City's Master Plans and Standard Specifications. In the Hospital's application for Site Plan Review, a storm water management system utilizing a detention/retention basin was proposed. The Hospital's engineer concluded that there will be a decrease in the amount of storm water discharged into the city's storm system downstream from the detention/retention pond both in terms of flow rate and overall flow volume. The City's consulting engineers for storm water reviewed the submissions from the applicant and have concurred with the conclusions.

Furthermore, in the worst case, if there are further expansions or changes, 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 and parking lots larger than one half acre. 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, as was accomplished for the recently approved expansion. This requirement must be demonstrated prior to issuing construction permits.

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, Santiam Water Control District.

1. The Public Works Department has indicated that there are adequate public water, sewer, streets, and storm water facilities available to serve the likely expansion of the Hospital. The Department participated in the Site Plan Review of the proposed expansion of the Hospital and provided testimony to the Planning Commission that the City's master plans and standard specifications would be met and concurred with the Hospital's engineer's conclusion that that the storm water management plan proposed would decrease the flow and flow rate of storm water into the City's storm water system.
2. Written testimony from the Santiam Water Control District objected to the rezoning, on the basis of the potential for adverse impacts on the SWCD's facilities. SWCD submitted a copy of their Storm Water Drainage Plan and Policies.

D. PUBLIC COMMENTS

There was no public comment at the original public hearing or at the public hearing upon remand.

E. ANALYSIS

Applications for an amendment to the comprehensive plan are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.420.5. Applications for zone changes are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.430.5. (Note: These citations refer to the Code that was in effect at the time this application was filed. The Code has been amended and there are currently different criteria with differing citations, but this application must continue to be reviewed under the criteria in effect at the time the application was submitted.)

F. REVIEW CRITERIA (COMPREHENSIVE PLAN AMENDMENT)

Pursuant to SMC 17.12.420.5 the following criteria must be demonstrated as being satisfied by an application 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: The City's traffic engineering consultants have reviewed the proposed rezoning and concluded that the proposed rezone will not generate more trips during the weekday p.m. peak hours than accounted for during the development of the City of Stayton Transportation System Plan and is therefore compatible with the existing provisions of the transportation element of the Comprehensive Plan.

b) *Population concentrations;*

Finding: Although portions of the property are in the Low Density Residential and High Density Residential zones, there currently are no residential uses on this site and those portions of the property are not suitable for residential development because of their dimensions or steep slopes.

c) *Demand for public facilities and services;*

Finding: At the time of the original application and at the time of the public hearing on remand, no expansion of the existing buildings were planned. Since the time of the public hearing on remand and while the record for written submissions was kept open, the applicant applied for and received Site Plan Approval from the Stayton Planning

Commission for an expansion of the hospital. The record of this application kept open only for information regarding storm water management.

The applicant has submitted a copy of the storm water management plans developed as part of the Site Plan Review application. In the Hospital's application for Site Plan Review, a storm water management system utilizing a detention/retention basin was proposed. The Hospital's engineer concluded that there will be a decrease in the amount of storm water discharged into the city's storm system downstream from the detention/retention pond both in terms of flow rate and overall flow volume. The City's consulting engineers for storm water reviewed the submissions from the applicant and have concurred with the conclusions.

The property is currently developed and 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. At the time of any future development, 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: The Hospital provides health services to the City and the surrounding area.

e) Level of park and recreation facilities;

Finding: The property occupied by the hospital has no existing residential uses. 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 the property.

h) Natural hazards and constraints;

Finding: The southern portion of the property is designated as "excessive slope." No development is proposed on this portion of the lot. The applicant has stated that if they are to pursue developing this slope that a geotechnical study will be performed.

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 at the time of the original application and at the time of the public hearing on remand, no expansion of the existing buildings were planned. When any future development is proposed, the Site Plan Review process will assure that any future development is in compliance with the City's master plans and standard specifications.

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.*

Finding:

Goal 1 Citizen Involvement - The application is subject to the public hearing procedures 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. Notice of the application was provided to the Santiam Water Control District, who submitted oral and written testimony that has been considered by the Council.

Goal 3 Agricultural Land - The property is located inside the City Limits and zoned with City urban development zones.

Goal 4 Forest Lands- The property is located inside the City Limits and zoned with City urban development zones.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources- This 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 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 future expansion of the existing hospital on the subject property. Additional hospital facilities are the most reasonably likely use of the property, and no other uses allowed in the P zone are likely to occur. The property is already substantially developed with the hospital and related facilities, with the potential to add less than 2,000 square feet of impervious surface within the areas proposed to be rezoned. With regards to water quality, and specifically to storm water discharge, storm water from the Hospital property is currently discharged to the City's storm drainage system. The applicant has submitted a storm water management plan that was part of an application for expansion of the hospital, and which represents the likely uses of the property. The expansion is on that portion of the parcel currently zoned Public-Semi/Public and Commercial General. The storm water management plan shows that storm water from the property can be directed to a

detention/retention basin and the storm water flows and storm water flow rates entering the City's storm water system will be reduced.

In the worst case scenario, the Hospital may further expand its facilities on this property in the future. The capacity of the City's system to handle an increase in the quantity of storm water discharge from the property, if any, will be determined through the detailed plans submitted for the required Site Plan Review process, similar to the application approved in 2009. Any development scenario allowed in the P zone 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 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.

Goal 7 Areas Subject to Natural Disasters and Hazards- There is an area of excessive slope identified on the site. No expansion of the existing uses is proposed at this time.

Goal 8 Recreational Needs- The site is currently used as hospital facilities, and the applicant has stated that the intent is to continue and expand those facilities.

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

Goal 10 Housing- The property is occupied by the Hospital and medical offices. 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. Though this application removes land from the LD and HD zones, that land is either already used as part of the Hospital facilities and not available to be used for residential purposes or is not suitable for residential development because of the constraints of its steep slopes and configuration.

Goal 11 Public Facilities and Services- The Public Works Department has indicated that adequate capacity exists for sewer and water service. Engineering documents presented indicate that storm water from likely development of the site will not impact the City's storm water system.

Goal 12 Transportation- The City's transportation engineer has reviewed the proposed zone amendment and concluded that the proposal complies with the requirements of the Transportation Planning Rule. More specifically, the proposal will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site; will not require or result in any changes to the standards that implement the functional classification system; is consistent with the functional classification of the facilities that serve the site and does not create any additional impacts than those previously contemplated in the Comprehensive Plan; will not generate more trips during the weekday p.m. peak hours than accounted for during the development of the transportation system plan and therefore will not impact level of service and will not worsen the performance of any transportation facilities.

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

Goal 14 Urbanization- The property 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: Under the Code in effect at the time the application was submitted, a hospital was identified as a conditional use in the Public/Semi-Public Zone.

- 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: The Comprehensive Plan Goal LU-2 states that “zoning shall follow property lines and include entire rights-of-way as much as practicable.” The property is currently split into four different zones.

- 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 amendment is 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: County records indicate that the hospital was developed on this site in 1953. Renovations and expansions of the hospital on this site have occurred since the original structure was built.

- 2) *Traffic generation and circulation.*

Finding: The applicant has stated that no new employees will be added as a result of this proposal.

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

Finding: The existing use of this site is for non-residential uses and the steep areas of the parcel are not appropriate for residential development.

- 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: No expansion of the existing buildings is proposed with this application. The Code requires Site Plan Review by the Planning Commission at the time of any expansion. The Site Plan Review approval process will address the potential adverse impacts of a particular development proposal.

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

Finding: The Council and Planning 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. Under the provisions of the Code in effect at the time of application, hospitals were allowed as a conditional use in the Commercial Retail (CR) and P zones and a permitted use in the Commercial General (CG) zone. Under the Code currently in effect, hospitals are permitted uses following site plan review in the P and CG zones and require both site plan review and a conditional use permit in the CR. 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, except city park land.

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

Finding: The Public Works Department has stated that sewer and water services are fully available to the property. The storm water management plan submitted shows that the site can be expanded without increasing storm water flows or flow rates into the City's storm water system.

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

Finding:

LU-2- *Zoning shall follow property lines and include entire rights-of-way as much as practicable.* The property is currently split by four different zones. The proposal will rezone the entire parcel to the Public/Semi-Public zone.

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.*

Finding:

Goal 1 Citizen Involvement- The application is subject to the public hearing procedures 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. Notice of the application was provided to the Santiam Water Control District, who submitted oral and written testimony that has been considered by the Council.

Goal 3 Agricultural Land- The property is located inside the City Limits and zoned with City urban development zones.

Goal 4 Forest Lands- The property is located inside the City Limits and zoned with City urban development zones.

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 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 future expansion of the existing hospital on the subject property. Additional hospital facilities are the most reasonably likely use of the property, and no other uses allowed in the P zone are likely to occur. The property is already substantially developed with the hospital and related facilities, with the potential to add less than 2,000 square feet of impervious surface within the areas proposed to be rezoned. With regards to water quality, and specifically to storm water discharge, storm water from the Hospital property is currently discharged to the City's storm drainage system. The applicant has submitted a storm water management plan that was part of an application for expansion of the hospital, and which represents the likely uses of the property. The expansion is on that portion of the parcel currently zoned Public-Semi/Public and Commercial General. The storm water management plan shows that storm water from the property can be directed to a detention/retention basin and the storm water flows and storm water flow rates entering the City's storm water system will be reduced.

In the worst case scenario, the Hospital may further expand its facilities on this property in the future. The capacity of the City's system to handle an increase in the quantity of storm water discharge from the property, if any, will be determined through the detailed plans submitted for the required Site Plan Review process, similar to the application approved in 2009. Any development scenario allowed in the P zone 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 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.

Goal 7 Areas Subject to Natural Disasters and Hazards- There is an area of excessive slope identified on the site. No expansion of the existing uses is proposed at this time.

Goal 8 Recreational Needs- The site is currently used as hospital facilities, and the applicant has stated that the intent is to continue and expand those facilities.

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

Goal 10 Housing- The site is occupied by the Hospital and auxiliary medical offices. 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 area currently zoned HD is not appropriate for residential development because of the steep slope. The area of the property currently zoned LD is currently used as a parking lot and is not large enough to support a single family lot.

Goal 11 Public Facilities and Services- The Public Works Department has indicated that adequate capacity exists for sewer and water service. Engineering documents presented indicate that storm water from likely development of the site will not impact the City's storm water system.

Goal 12 Transportation- The City's transportation engineer has reviewed the proposed zone amendment and concluded that the proposal complies with the requirements of the Transportation Planning Rule. More specifically, the proposal will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site; will not require or result in any changes to the standards that implement the functional classification system; is consistent with the functional classification of the facilities that serve the site and does not create any additional impacts than those previously contemplated in the Comprehensive Plan; will not generate more trips during the weekday p.m. peak hours than accounted for during the development of the transportation system plan and therefore will not impact level of service and will not worsen the performance of any transportation facilities.

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

Goal 14 Urbanization- The property 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 there will not be an adverse impact on the public services because of existing capacity with the City's water and sewer service systems, because of the design of the proposed storm water management system will not increase flow or flow rates into the City's storm

water system or its receiving waters, and because the proposed rezoning will not impact transportation systems.

VI. ORDER

Based on the above facts and conclusions, the Stayton City Council approves the application, and directs City Staff to prepare an ordinance amending the Stayton Comprehensive Plan and Zoning Map as described below:

Areas to be Placed into the Public/Semi Public Zone

Area I

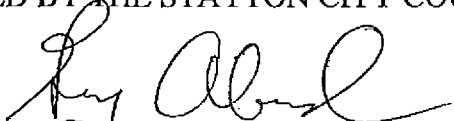
Beginning at the intersection of the centerline of 10th Avenue and Fir Street and proceeding southerly along the centerline of 10th Avenue to a point opposite the northeast corner of tax lot 100, Township 9, Range 1 West of the Willamette Meridian, Section 10AD; then westerly along the north lot line of tax map 100 to the centerline of E Fir Street; then proceeding northeasterly and easterly along the centerline of E Fir Street to the centerline of N 10th Avenue and the point of beginning.

Area II


Beginning at the northern terminus of the centerline of Hollister Street, which is the southwest corner of the existing P zone, and proceeding easterly along the southern boundary of the existing P zone to the centerline of 10th Avenue; then southerly along the centerline of 10th Avenue to a point opposite the corner of tax lot 100, Township 9, Range 1 West of the Willamette Meridian, Section 10AD; then westerly, northwesterly, northerly and westerly by the southern lot line of tax lot 100 to the centerline of 7th Avenue; then northerly along the centerline of 7th Avenue to the centerline of Hollister Street; then easterly and northeasterly along the centerline of Hollister Avenue to the point of beginning.

These areas together intending to comprise the portion of tax lot 100, Township 9, Range 1 West of the Willamette Meridian, Section 10AD not in the P zone and portions of the adjacent street rights of way.

APPROVED BY THE STAYTON CITY COUNCIL ON THE 21st DAY OF SEPTEMBER, 2009.


Gerry Aboud, Mayor

9/23/2009
Date


Don Eubank, City Administrator

9/23/2009
Date

Attachment A

The following persons testified at the public hearing:

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

Terry Fletchall, CEO Santiam Memorial Hospital, 1401 N 10th Ave, applicant

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

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

Jim Templin, Stayton

Hilda Lee, Stayton

Jim Huddleston, Stayton

Diane Brenner, Stayton

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

John Bauer, 570 Liberty St SE, Salem, applicant's attorney

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

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



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