

ORDINANCE NO. 784

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 8.72 ACRES OF TERRITORY LOCATED AT THE SOUTHWEST CORNER OF SW DAY ROAD AND SW BOONES FERRY ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 400, 500 AND 501 OF SECTION 2B, T3S, R1W, WASHINGTON COUNTY, OREGON, UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEHAVIORAL HEALTH, APPLICANT.

RECITALS

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the owner of real property in the territory to be annexed, a copy of the petition is on file with the City Recorder; and

WHEREAS, written consent has been obtained from the only owner of the territory and the only elector in the territory proposed to be annexed, a copy of which is on file with the City Recorder; and

WHEREAS, the land to be annexed is within Wilsonville's Urban Growth Boundary and a copy of the legal description and survey is attached as Attachment 1 and a locational map is attached as Attachment 2, and both are incorporated by reference as if fully set forth herein; and

WHEREAS, the territory to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of the only owner of the land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel B of the Development Review Board considered the annexation, and after a duly advertised public hearing held on January 25, 2016 recommended City Council approve the annexation; and

WHEREAS, on February 18, 2016, the City Council held a public hearing as required by Metro Code 3.09.050 and received testimony and exhibits including Exhibit A, Annexation Findings Adopted Staff Report and DRB Recommendation (Exhibit A1), dated

January 25, 2016 and the application on compact disc; and Exhibit D, January 25, 2016 DRB Minutes; and

WHEREAS, reports were prepared and considered as required by law; and notice was duly given, the Council finds that the annexation is not contested by any party, neither before the DRB or at the City Council hearing, therefore, the City Council finds that it is not necessary to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings and conclusions attached hereto by reference as Exhibit C, Development Review Board's recommendation to City Council, which the Council adopts; and

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. The above recitals are fully incorporated herein. The territory legally described and surveyed on a map in Attachment 1 and located on a map Attachment 2 is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions and in Exhibit A are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on February 18, 2016 and scheduled for the second reading on March 7, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 7th day of March, 2016 by the following

votes: Yes: __-4-__ No: _-0-__

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of March, 2016.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes
Councilor Starr - Excused
Councilor Fitzgerald - Yes
Councilor Lehan - Yes
Councilor Stevens - Yes

Exhibits and Attachments:

Attachment 1, Legal Description and Survey Map
Attachment 2, Map Depicting Annexation

Exhibit A - Annexation Findings, January 26, 2016
Exhibit B - DRB Resolution No. 322
Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated
January 25, 2016 and the application on compact disk.
Exhibit D – January 25, 2016 DRB Minutes
Exhibit E – Petition for Annexation.

EXHIBIT "A"

Annexation to the City of Wilsonville
 Washington County, Oregon
 Portion of Tax Lots 400, 500 and 501, 3S 1 2B
 December 2, 2015
 Project No. 2542-001

PROPERTY DESCRIPTION

Real property lying in Washington County, Oregon being a portion of Section 2, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223 on the west right of way line of S.W. Boone's Ferry Road 50.00 feet from the centerline thereof measured at a right angle, said point also being 63.42 feet southerly of the centerline of S.W. Day Road measured at a right angle;
 thence along said west right of way line as conveyed to the State of Oregon by Document Number 96053177 through the following three courses:
 South 13°53'24" East, 134.77 feet, South 16°12'41" East, 247.33 feet, and South 13°53'39" East, 96.96 feet to the easterly extension of the north line of the plat "Riverwood Industrial Campus Condominium";
 thence along said north line and the north line of that property conveyed to "R & R Property Holdings Inc" by Document Number 2013-104658, South 89°36'39" West, 841.93 feet;
 thence along the east line of that property conveyed to "Hill" by Document Number 2005-130325, North 00°13'04" West, 489.97 feet to the south right of way line of S.W. Day Road being 37.00 feet from the centerline thereof measured at a right angle;
 thence along said south right of way line as conveyed to the State of Oregon by Document Numbers 2002-035075 and 2001-124306, North 89°37'54" East, 691.58 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223;
 thence along the right of way lines at the southwest corner of the intersection of S.W. Day Road and S.W. Boones Ferry Road for the following two courses: South 58°21'35" East, 18.34 feet, and South 35°36'46" East, 20.45 feet to the Point of Beginning.

Containing 8.728 acres more or less.

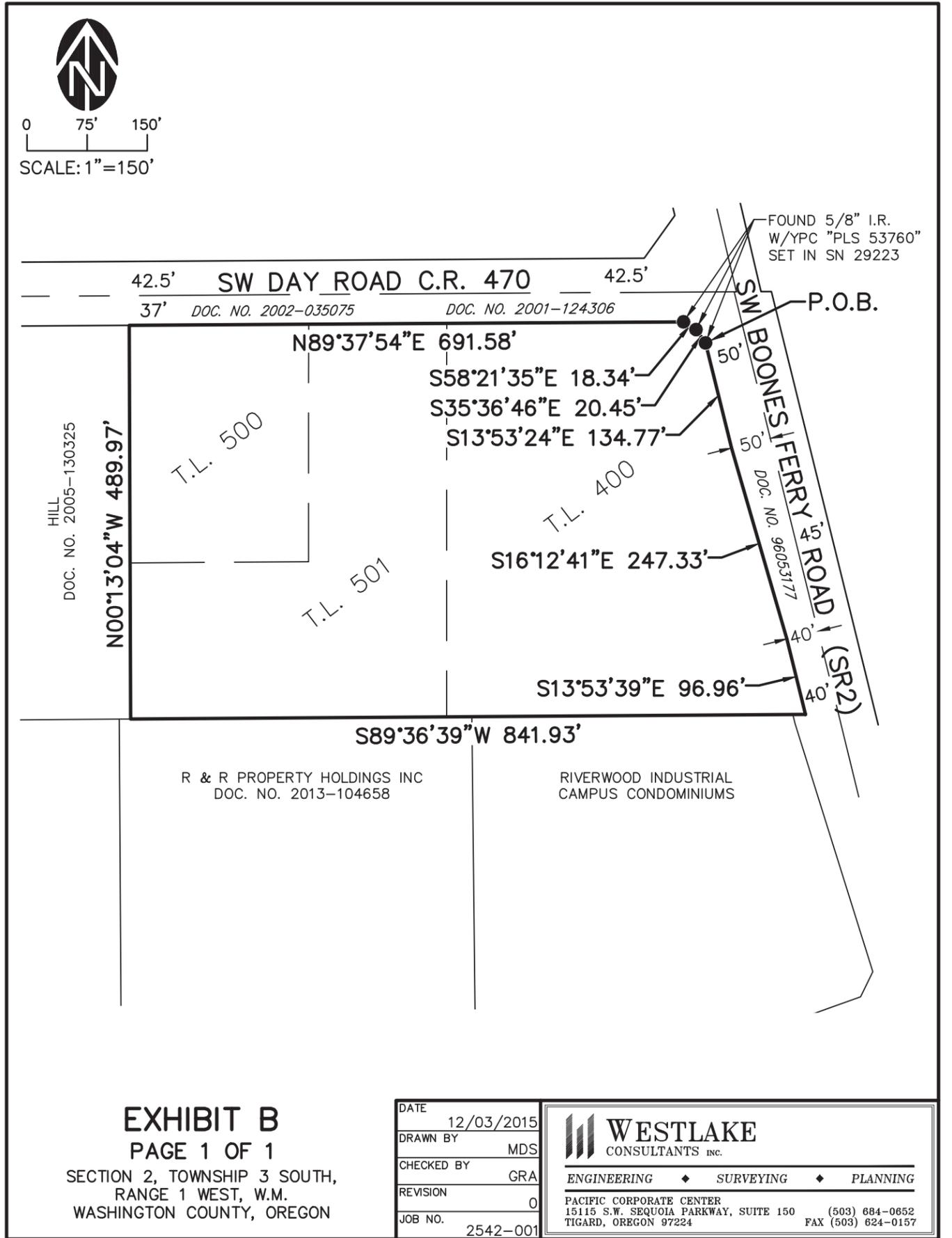
Bearings shown per Washington County Survey Number 17,450.

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Michael D. Spelts

**OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS**

RENEWS: 06-30-2016



DRAWING NAME: J:\2542-001.15\Survey\CAD\DWG\2542-001E.DWG DEC 03, 2015 - 7:30AM - MDS

**EXHIBIT B
 PAGE 1 OF 1**

SECTION 2, TOWNSHIP 3 SOUTH,
 RANGE 1 WEST, W.M.
 WASHINGTON COUNTY, OREGON

DATE	12/03/2015
DRAWN BY	MDS
CHECKED BY	GRA
REVISION	0
JOB NO.	2542-001

WESTLAKE
 CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
 15115 S.W. SEQUOIA PARKWAY, SUITE 150 TIGARD, OREGON 97224
 (503) 684-0652 FAX (503) 624-0157



**City Council Exhibit A
STAFF REPORT
WILSONVILLE PLANNING DIVISION**

***Universal Health Services Inc.*
CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING
ANNEXATION**

HEARING DATE	February 18, 2016
DATE OF REPORT:	January 26, 2016

REQUEST/SUMMARY: DB15-0091 Annexation. The City Council is being asked to review a quasi-judicial request for annexation of approximately 8.72 acres into the City of Wilsonville for property located at 9470 SW Day Road.

LOCATION: Described as Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon as depicted on the map below.



REQUEST/SUMMARY: SUMMARY: The City Council is being asked to review the above referenced application request for Universal Health Services, Inc., – Willamette Valley Behavioral Health (UHS). Ordinance 784 proposes annexation of 8.72 acres to the City of Wilsonville; Concurrently proposed are a Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type ‘C’ Tree Removal Plan and Class III signs are to enable development of an approximately 62,000 square foot behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women’s programs, substance abuse treatment, behavioral pain management, as well as outpatient services. In addition, the facility will serve a number of veterans with behavioral and mental health needs. Approval of the other applications included with this request is contingent upon annexation into the City of Wilsonville by this ordinance.

LOCATION: Approximately 8.72 acres at the southwest corner of SW Day Road and SW Boones Ferry Road. Described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT’S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning.

DEVELOPMENT REVIEW BOARD RECOMMENDATION: Resolution No 322 recommended approval of the requested Annexation.

APPLICABLE REVIEW CRITERIA:

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h. Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	Industrial
Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.e. Implementation Measure 2.2.1.a.	Annexation:
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and

	Majority of Electors
ORS 222.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Staff: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City’s UGB.

Site description provided by the applicant:

“The site consists of a majority of mowed fields with trees scattered around small stands or around existing structures. There are a large stand of trees running the entire length of the western boundary going into the adjacent parcel. There are gentle slopes on the property from north to south. The western end of the site consists of steeper slopes within the forest stand along the western boundary.”

“The site currently has three existing structures which consist of 2 dwellings and a garage. Prior uses on the site were residential and agriculture.”

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criterion: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville’s development review process.

Finding: This criterion is met.

Explanation of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: “Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply.”

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: “City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

REQUEST A: ANNEXATION

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

- A1. **Review Criterion:** “Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.”

Finding: This criterion is satisfied.

Explanation of Finding: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City UGB. Westerly properties are within the City UGB and at the south are within the City Limits and UGB. The subject 8.72 acre site is ready for annexation for development within the City of Wilsonville. Therefore, the subject property addresses a demonstrated need for the proposed use. Furthermore, the City Comprehensive Plan and the Engineering Division evaluates compliance of planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan and the City’s Transportation Systems Plan.

Implementation Measure 2.2.1.e.

- A2. **Review Criterion:** “Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.
2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.
3. Statewide Planning Goals.
4. Applicable Metro Plans;
5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.”

Finding: These criteria are satisfied.

Explanation of Findings: The requirements are fulfilled by being consistent the City's UGB which recognizes the subject property described herein as a future site for industrial, office or manufacturing uses, or similar use as determined by the Planning Director. In this case a behavioral health facility is in compliance with state and regional policies as found in other applicant's and staff findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The site is designed for the orderly and economic provision of public facilities and services. Development in the UGB and future urban reserve areas would also bring needed and adequately sized public facilities onto the subject property.

Encouraging Development within City Limits prior to UGB: Development is proposed with this application in request DB15-0096. The subject property is not currently included in a City Comprehensive Plan Map designation. The applicant is requesting a Comprehensive Plan Map Amendment to apply the Industrial designation. This Implementation Measure establishes precedence for the "Planned Development Industrial (PDI -RSIA)" zone designation to be applied to the subject property area. An application for a Zone Map Amendment to apply the PDI-RSIA zone to the property has also been included. The site must be brought into City limits before the Comprehensive Plan 'Industrial' designation and the PDI-RSIA zone can be applied.

Furthermore, UHS (applicant) is seeking to annex the subject 8.72 acre property. Annexation will enable review of Site Development Permits for a 62,000 sq. ft. behavioral health facility. SW Day Road and SW Boones Ferry Road right-of-way are currently in the UGB and will be used for needed street improvements to serve the subject property.

Development Code

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F. Authority to Review Annexation

A3. Review Criteria: These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial. The DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation. Both bodies conduct public hearings for the request.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial as this is a site specific owner/applicant initiated request, its' a quasi-judicial application and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

A4. Review Criteria: This section defines the criteria and process for annexation review within the City.

Finding: These criteria are satisfied.

Explanation of Finding: All the necessary materials defined by this section have been submitted for City review. The annexation is being considered as a quasi-judicial application. Staff recommends the City Council, upon considering the DRB's recommendation, declare the subject property annexed.

Metro Code

Chapter 3.09 Local Government Boundary Changes

A5. Review Criteria: This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Finding: These criteria are satisfied.

Explanation of Finding: The subject property or territory referenced herein is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner (there are no electors), and has submitted a petition with the required information consistent with the UGB.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

A6. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: The applicable requirements in state statute are met including the fact the subject property is within the UGB, is contiguous to the north side of the city, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

ORS 222.120 Procedure Without Election by City Electors

A7. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: There is no City charter requirement for election for annexation. A public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the fact that the single owner of the subject property is the petitioner and thus have consented in writing to annexation. There are no electors or residents within the territory to be annexed.

ORS 222.125 Annexation by Consent of All Owners of Land and Majority of Electors

A8. Review Criteria: "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by

resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Finding: These criteria are satisfied.

Explanation of Finding: The territory to be annexed is all owned by the current property owner, and he has petitioned and consented to annexation in writing. There are no electors or within the territory to be annexed. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Comprehensive Plan Map and Zone Map Amendment request.

Oregon Statewide Planning Goals

A9. Review Criteria: The goals include: citizen involvement, land use planning, natural resources and open spaces, recreational needs, economic development, housing, public facilities and services, and transportation.

Finding: On pages 20 - 22 of Exhibit B1 the applicant has prepared response findings to Statewide Planning Goals. These criteria are satisfied.

Explanation of Finding: The territory requested to be annexed will be developed consistent with the City’s Comprehensive Plan, which has been found to meet the Statewide Planning Goals.

A10. Transit: SMART is willing and able to provide service to the site. It would then follow to include a conclusion that, upon annexation, the site will become part of SMART’s service territory.

SUMMARY FINDING:

The proposed Annexation meets all applicable requirements and may be approved by the City Council.

PETITION FOR ANNEXATION TO THE CITY OF WILSONVILLE, OREGON

To the City Council of the City of Wilsonville:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Wilsonville

PETITION SIGNERS							
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description		Date**
		PO	RV		Tax Map	Tax Lot	
<i>David C. Brown</i>	David C. Brown	X		P.O. Box 1997 Wilsonville, OR 97070	2B	400, 500, 501	11/11/15

* PO = Property Owner, RV = Registered Voter

** Within 1 year from the date of filing petition with City