

EXECUTIVE ORDER NO. 3

EFFECTIVE DATE: July 10, 1981

SUBJECT: Administrative Interpretation of the Urban  
Growth Boundary (UGB) Northwest of Wilsonville

LEGISLATIVE AUTHORITY: Ordinance No. 81-105, Section 3

Findings

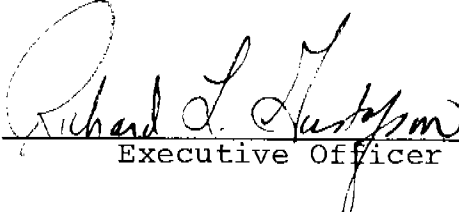
1. The area in and adjacent to the city of Wilsonville north of the Washington County line was designated as a study area (#W-11) for consideration by the Land Use Framework Element Task Force in 1976 (see Exhibit "A").
2. The Task Force recommended that the Wilsonville UGB include "all lands within the present city limits plus the additional square mile to the northwest now under consideration for annexation" (see Exhibit "B"). The annexation proposal referenced is Annexation Proposal #900 (see Exhibit "C").
3. Although the record of the Task Force proceedings clearly indicates an intent to add only the area proposed for annexation in Proposal #900 to the Wilsonville UGB, the evidence also indicates confusion as to the area so affected. In particular:
  - a. the map attached to the Task Force recommendation showing the recommended UGB did not correspond to the area proposed for annexation;
  - b. Annexation Proposal #900 in fact affects areas south of the Washington County line, while the Task Force was considering only areas north of the County line;
  - c. the Task Force referred to the additional area to be included as one square mile, when the actual annexation proposal would have included only about 1/3 of that area; and
  - d. it is unclear whether the description was intended to include a proposed modification of Annexation Proposal #900 that would have included several lots north of the County line, consistent with the UGB shown on the map accompanying the Task Force recommendation.
4. The mark-up map and all subsequent drafts showed a UGB similar to the one mapped by the Task Force, i.e., incorrectly identifying the area affected by Annexation Proposal #900 (see Exhibit "D").

5. On the map adopted by the CRAG Board, the UGB was "smoothed" so that it no longer reflected either the boundaries of Annexation Proposal #900 or the incorrect approximation of the Task Force (see Exhibit "E").
6. All subsequent maps prepared by affected jurisdictions, including Metro's mapping of the UGB on section maps, show the UGB as shown on the map adopted by the CRAG Board (see Exhibit "F").
7. Subsection (a) of Section 3 of Ordinance No. 81-105 provides that when the Executive Officer makes an administrative interpretation of the UGB "the map location should be preferred over the legal description in absence of clear evidence to the contrary."
8. There is no clear evidence supporting any line other than that adopted by the CRAG Board.

Conclusions and Order

The UGB is hereby interpreted to follow the line shown on the maps adopted by the CRAG Board, thereby including within the UGB all land south of the Washington County line and three lots to the north of that line outside city limits, as shown on Exhibit "G." Maps showing the legal description "Annexation Proposal #900" should accordingly be corrected to eliminate this description.

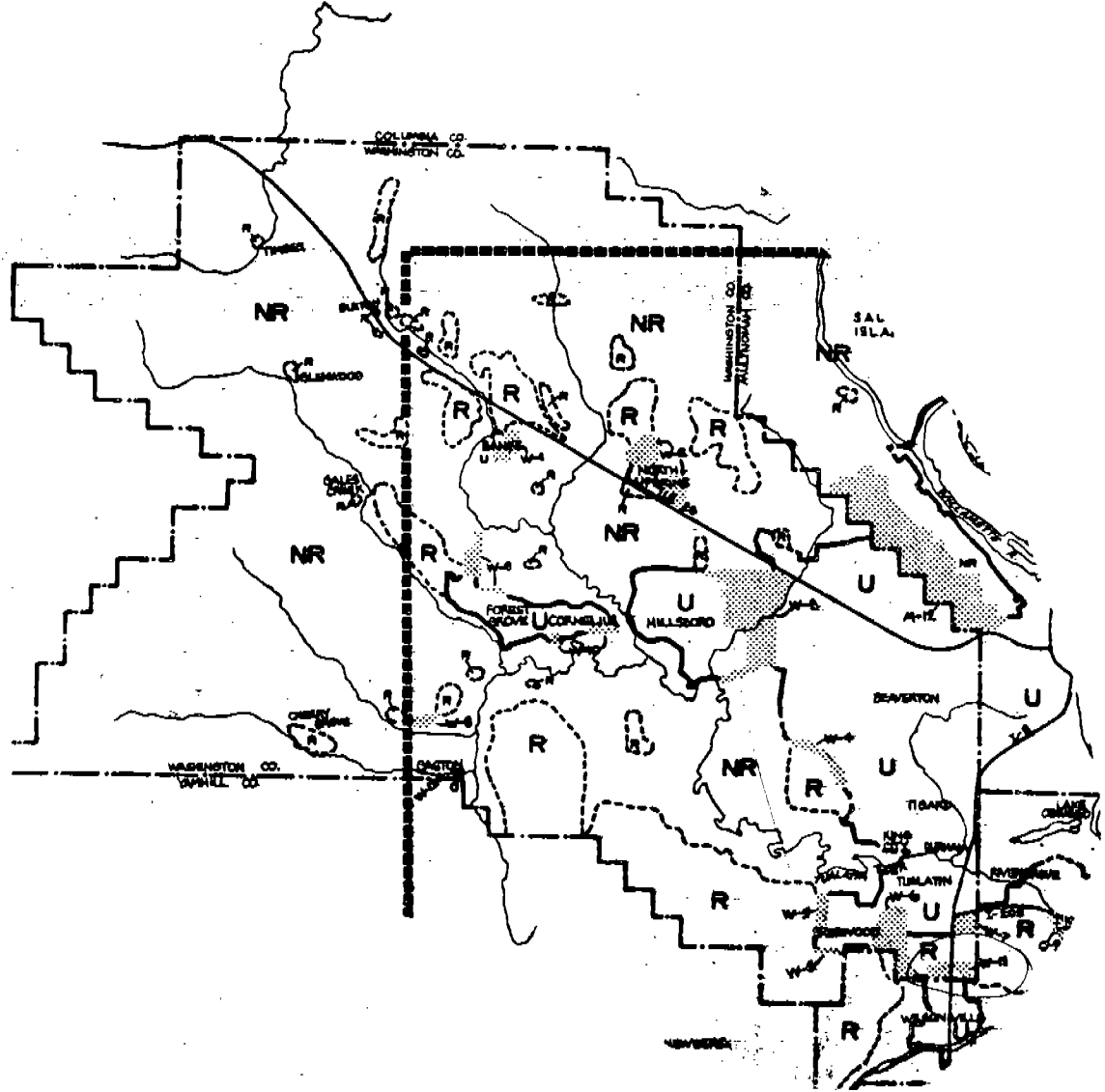
JH/gl  
3469B/249

  
\_\_\_\_\_  
Executive Officer

  
\_\_\_\_\_  
Date

SEE TABLOID PAGE 9

# WASHINGTON COUNTY



15. The owner of some 40 acres of Elixon Road north of Burns Brothers at the Stafford Interchange objects to a Rural designation. Two-thirds of the property is rock and shale and on a steep hill. The balance is 10-20" topsoil with hard clay beneath. Experience shows that it is not possible to cultivate the property, and water and sewer are close by. (Art Whitaker; Oral Testimony, Vol. I, Regional Hearing, p. 233).

16. An owner of property located south of Elligson Road, north of the county line and immediately west of the City limits requests an Urban designation. The property is served by sewer and water and carries a designation of Planned Commercial and Industrial Zone for the City of Wilsonville. (Gene Ginther, representing the property owner; Written Testimony, Vol. II, p. 383 -- map on p. 424).

#### STAFF RESPONSE:

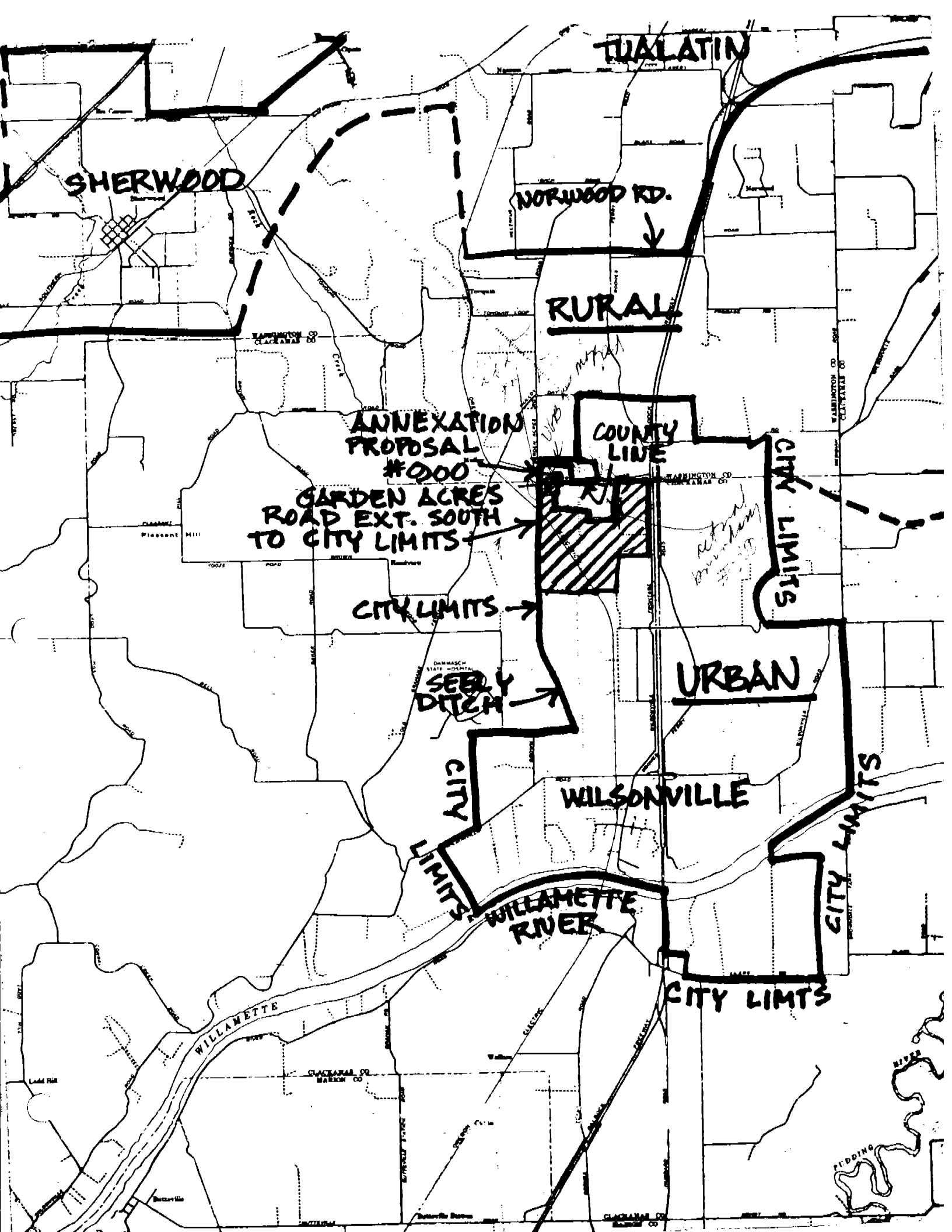
Staff recommends a Wilsonville Urban growth boundary which includes all lands within the present city limits plus the additional square mile to the northwest now under consideration for annexation. The following actions have been taken regarding the proposed annexation as illustrated on the map:

1. City Council of Wilsonville passed a resolution January 19, 1976 to annex this area. An additional area requested inclusion as of February 4, 1976.
2. This request was submitted to the Boundary Commission on February 9, 1976 for consideration on March 17, 1976.
3. In addition, the City Council intends to consider annexation of the island created by this proposal at its March 15 meeting.

The proposed urban designation in the Wilsonville area was based on the following information: The Wilsonville area has been noted as a future industrial center due to the good freeway and railway access. Industrial development is presently occurring in the area and is expected to generate additional employment. More urban area will be necessary in the future to meet the demands for industrial development and the associated population and employment increases. There are sufficient undeveloped areas within the recommended Wilsonville urban boundary to accommodate such demands. (Natural Resources Division)

#### TASK FORCE RECOMMENDATION:

The Task Force accepted the staff recommendation but also included in the urban boundary a small area south of the Washington County line which is not at the present time under consideration for annexation. The Task Force noted that excluding this area from the urban boundary would have left it surrounded on three sides by Urban and pressures to urbanize would eventually result in the area being Urban. The following map illustrates the Task Force recommendations and the annexation proposals. (3/10/76)



PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION  
527 S. W. Hall Street - Portland, Oregon 97201 - Tel: 229-5307

FINAL ORDER

RE: BOUNDARY CHANGE PROPOSAL NO. 900 - Annexation of territory  
to the City of Wilsonville.

Proceedings on Proposal No. 900 commenced upon receipt by the Boundary Commission of a petition from property owners on February 9, 1976 requesting that certain property be annexed to the city. The petition meets the requirements for initiating a proposal set forth in ORS 222.170 and paragraph (a) Section (4) of ORS 199.490.

Upon receipt of the petition, the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on May 5, 1976. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

FINDINGS

On the basis of the public hearing and the study the Boundary Commission found that:

1. The territory to be annexed is contiguous to the city and contains 225.32 acres, five single family homes, an estimated population of 14 persons and has an assessed value of \$342,030.
2. Additional property owners have petitioned to include an additional 13.07 acres containing 3 homes with 9 persons and evaluated at \$102,010.
3. The petitioners desire to annex to the City of Wilsonville in order to receive the full range of services which will facilitate the development of the territory.
4. The territory is generally of a rural/farm land nature without sewer or water service at this time.
5. The territory is composed of about 50% Class II agricultural soils.
6. There are no specific development plans associated with this proposal.
7. Most of the territory is designated "industrial" and "industrial park" by the Wilsonville Comprehensive Plan with some "residential" along the freeway and at the north edge of the territory.

8. The Clackamas County Comprehensive Plan corresponds quite closely with the Wilsonville Plan for this area. The county has no objection to this proposal.
9. The territory is within the proposed CRAG Urban Containment Boundary. This line should be officially set by the CRAG Board of Directors on April 22, 1976.
10. The latest available data indicates that 85% of the land now in the City of Wilsonville is yet undeveloped. LCDC Goal 14 states that there should be - "Encouragement of development within urban areas before conversion of urbanizable areas."
11. There does not appear to be any city commitment to an orderly and timed construction program that would indicate at what point the annexation area would logically be provided with service.
12. Current city facilities such as its sewage treatment plant and its domestic water supply, are not adequate to serve territory now inside the city when it develops.
13. The annexation would create a 70 acre "island" at its southeast corner. This island area is of the same general character as the annexation area. This area would probably be brought into the city in the future via the island annexation law.

#### REASONS FOR DECISION

On the basis of the findings the Commission determined that:

1. There is no demonstrated need to annex more vacant land to the city. Approximately 85% of the land now inside the city is as yet undeveloped.
2. Annexation of prime agricultural land should be avoided when substantial developable land already exists within a city.
3. Commitment of water and sewer capacities to areas for which they were planned within the city should take precedence over service to new areas outside a city.
4. There are no specific plans for the development of the territory and there is no demonstrated need for city services to existing development within the annexation area.
5. While the territory is within the proposed CRAG urban containment boundary, annexation of this territory (because of its size and soil classification) to the City of Wilsonville, is premature and should not be considered for annexation until the urban containment boundary process is finalized.


ORDER

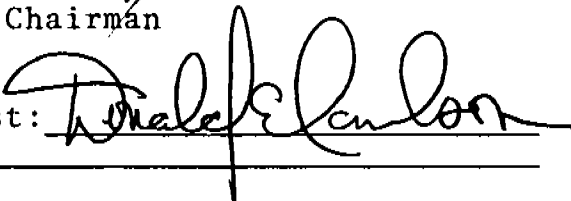
On the basis of the findings and reasons listed above, the Boundary Commission disapproved BOUNDARY CHANGE PROPOSAL NO. 900 on May 5, 1976.

NOW THEREFORE IT IS ORDERED THAT proceedings regarding BOUNDARY PROPOSAL NO. 900, annexation of territory described in Appendix "A" and depicted on the attached map, are hereby terminated.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT  
BOUNDARY COMMISSION

DATE: May 5, 1976

By:   
Anthony N. Federici  
Chairman

Attest: 

Appendix "A"  
Proposal No. 900

City of Wilsonville

Annexation

PARCEL I

The Southwest quarter of the Northeast quarter (SW1/4 of the NE1/4) and the Southeast quarter of the Northwest quarter (SE1/4 of the NW1/4) of Section Eleven (11), in T. 3 S., R. 1 W., of the Willamette Meridian, EXCEPT: the Northerly forty-four (44) rods of the aforescribed property, which are being decded contemporaneously herewith to Edwin C. Ridder, said Northerly 44 rods being cut off by a line parallel with the northerly boundary of the entire tract, situate in the County of Clackamas and State of Oregon.



## PARCEL II

The Northerly forty-four (44) rods of the Southwest quarter of the Northeast quarter (SW1/4 of the NE1/4) and the Southeast quarter of the Northwest quarter (SE1/4 of the NW1/4) of Section 11 in T. 3 S., R. 1 W., of the W. M., cut off by a line parallel with the Northerly boundary of the heretofore-described tract, situate in the County of Clackamas and State of Oregon.

## PARCEL III

The North 300 feet of the Southwest quarter of the Northeast quarter of Section 11, T. 3 S. R. 1 W., of the Willamette Meridian.

## PARCEL IV

The northeast quarter of the northwest quarter and the northwest quarter of the northeast quarter of Section 11, T. 3 S., R. 1 W., of the W. M., in the County of Clackamas and State of Oregon, subject to right of way acquired by the United States of America by condemnation proceedings against Abbo S. Peters, et al, a certified copy of the decree in said proceedings was recorded March 27, 1940, in Book 267, page 308, Deed Records, to which reference is hereby made, and subject to the rights of the public in that portion of said land lying within the boundaries of public roads.

## PARCEL V

The following described property in the County of Washington and State of Oregon, to-wit: part of Section 2, Township 3 South, Range 1 West of the W. M., more particularly described as beginning at the quarter section corner on the south side of said Section; thence north 89° 45' east 10.99 chains to a stake on the section line from which an oak 10 inches in diameter bears south 48° 10' east 40-7/8 links distant, also an oak 10 inches in diameter bears north 73° 25' west 12 3/4 links distant; thence north 15' west 3.00 chains to an oak stake; thence south 31° 13' west 20.20 chains to the place of beginning, subject to the rights of the public in that portion thereof within the boundaries of county roads.

## PARCEL VI

The Northwest quarter of the Northeast quarter of Section 11, T. 3 S., R. 1 W., of the W. M., Clackamas County, Oregon, excepting therefrom the South 405 feet.

## PARCEL VII

To John D. Gray an undivided 66/132; to Paul H. Hebb and Carole L. Hebb, joint tenancy with right of survivorship, an undivided 33/132; to Ruth D. Williams an undivided 16/132; to Ralph E. Williams, Trustee UWO Grace N. Williams, an undivided 17/132 of part of the west one-half of the northwest quarter of Section 11, and the east one-half of the northeast quarter of Section 10, T. 3 S., R. 1 W., W. M., in the County of Clackamas and State of Oregon, described as: Beginning at the corner common to Sections 2, 3, 10 and 11, said township and range; thence South 89° 21' West 670.61 feet to an iron pipe; thence South 15° 51' West 325.58 feet to the center of the Oregon Electric Railway; thence South 46° 28' East along the center of the aforesaid railway 230.97 feet; thence South 15° 43' West 1757.11 feet to the center of a ditch; thence tracing the center of said ditch, South 27° 12' East 147.12 feet to a bend in said ditch; thence tracing the center of said ditch, South 33° 30' East 150 feet; thence along the center of said ditch, South 37° 30' East 282.23 feet to the center line of Section 10 in said township and range; thence along the center line of said Section 10, and continuing along the center line of Section 11 in said township and range, 2068.5 feet, more or less, to the southeast corner of the west half of the northwest quarter of said Section 11; thence North along the East line of the West half of the northwest quarter of said Section 11, 1320 feet; thence South 89° 5' West 970 feet; thence North 0° 3' West 1320 feet to the North line of said Section 11; thence West along the North line of said Section 11, 350 feet to the point of beginning, EXCEPTING the Oregon Electric Railway right of way.

EXCLUDING THEREFROM that portion sold to W. C. Delbrueck & Co., Inc., described as Tax Lot 3001, as of October 6, 1975.

## PARCEL VIII

Beginning in the northeast corner of the southwest quarter of Section 11, Township 3 South, Range 1 West, of the Willamette Meridian; thence west 160 rods; thence south 40 rods; thence east 160 rods; thence north 40 rods to the place of beginning, save and except that part of the right of way at the Salem Electric carline intersecting the above described tract, containing 39 acres, more or less,

and

A strip of land 25 feet in width off the north and of the west half of the southeast quarter of Section 11, in Township 3 South, Range 1 West of the Willamette Meridian, in the County of Clackamas, and State of Oregon.

## PARCEL IX

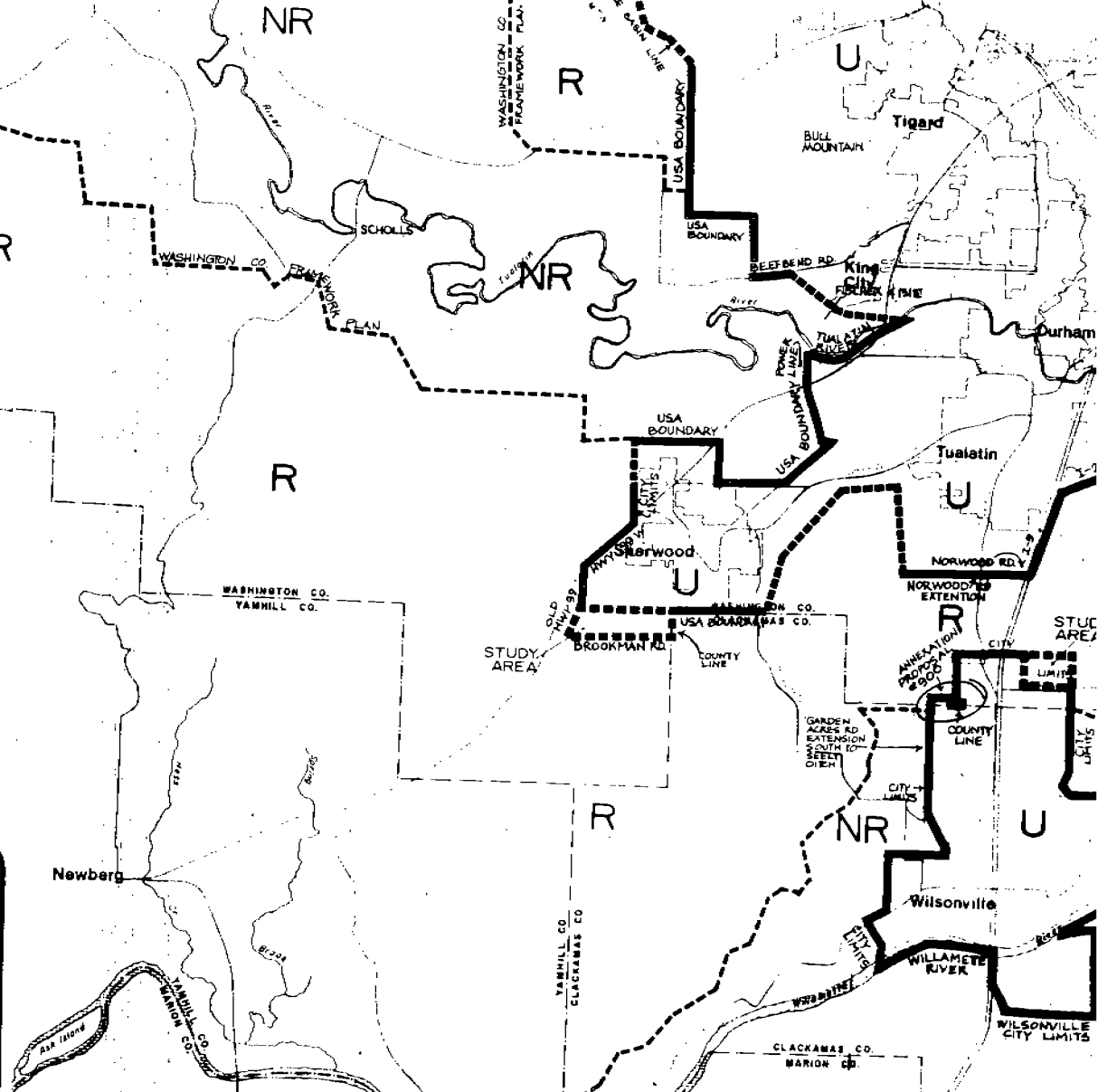
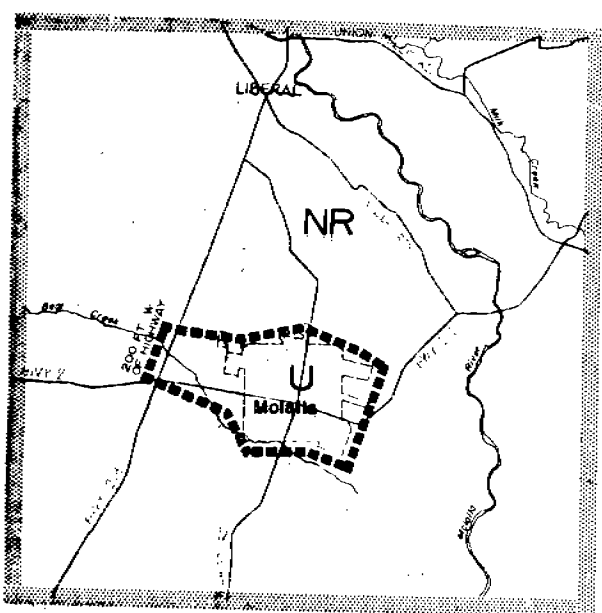
PARCEL A: Part of the N. half of the S. W. quarter of Section 11, in T. 3 S., R. 1 W., of the W. M., described as: Beginning at a point 40 rods S. of the N. E. corner of the S. W. quarter of Section 11, T. 3 S., R. 1 W., of the W. M.; thence W. 160 rods; thence S. 40 rods; thence E. 160 rods; thence N. 40 rods to the place of beginning; EXCEPT that part conveyed to Oregon Electric Railway Company, a corporation of Oregon, by deed recorded February 20, 1907, in Book 98, page 264, Clackamas County Records.

PARCEL B: An undivided one-half interest in part of the S. half of the S. W. quarter and part of the S. W. quarter of the S. E. quarter of Section 11, in T. 3 S., R. 1 W., of the W. M., described as: Beginning at a point 80 rods N. of the S. E. corner of the S. W. quarter of Section 11, in T. 3 S., R. 1 W., of the W. M., from said beginning point running thence W. 1 rod; thence S. 42 rods; thence E. 5 rods; thence N. 2 rods; thence W. 4 rods; thence N. 40 rods to the place of beginning.

PARCEL C: An undivided one-fourth interest in part of the S. W. quarter of the S. E. quarter of Section 11, in T. 3 S., R. 1 W., of the W. M., described as: Beginning at a point 20 feet N. and 4 rods E. of the S. E. corner of the S. W. quarter of Section 11, in T. 3 S., R. 1 W., of the W. M., and from said point of beginning thence N. 38 rods 13 feet to a point; thence E. 2 rods to a point; thence S. 38 rods 13 feet to a point; thence W. 2 rods to the place of beginning.

RESERVING unto the grantors an easement for road and utility purposes over the whole of Parcels B and C, and over the following described portion of Parcel A, to-wit:

Part of the N. half of the S. W. quarter of Section 11, T. 3 S., R. 1 W., of the W. M., described as: Beginning at a point on the one-quarter section line running N. and S. through the center of said Section 80.0 rods S. of the center of said Section; thence N. 340.0 feet along said section line; thence W. 16.5 feet; thence S. 340.0 feet parallel with said section line; thence E. 16.5 feet to the point of beginning. Without any duty of maintenance on the part of grantors.



COLUMBIA REGION ASSOCIATION OF GOVERNMENTS  
 COMPREHENSIVE PLAN  
**PROPOSED**  
 ELEMENT I:  
**LAND USE  
 FRAMEWORK MAP**

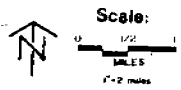
Legend:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| TYPE 1<br>SPECIALIZED<br>BOUNDARY | TYPE 2<br>GENERALIZED<br>BOUNDARY |
| U                                 | U                                 |

 Urban Areas
- |   |   |
|---|---|
| R | R |
|---|---|

 Rural Areas
- NR Natural Resource Areas
- |            |
|------------|
| Study Area |
|------------|

 Study Areas



Date:  
 Dr'wn by: OM MAR 76  
 Rev by: PAH SEPT 76  
 Rev by:  
 Rev by:  
 Rev by:

CRAG Board Action:	
Resolution #	Date

CRAG  
 527 S.W. Hall St.  
 Portland, OR 97201  
 (503) 221-1646

*Handwritten:* E.O. # 3 - EXHIBIT D

THIS MAP IS NOT AN EXACT COPY OF THE OFFICIALLY ADOPTED LAND USE FRAMEWORK MAP. EXACT COPIES MAY BE VIEWED AT CRAG OFFICES, COURTHOUSES & CITY HALLS IN THE CRAG REGION.

OLUMBIA REGION ASSOCIATION OF GOVERNMENTS  
 LAND USE FRAMEWORK ELEMENT  
 OF THE CRAG REGIONAL PLAN  
**LAND USE  
 FRAMEWORK MAP**

**Legend:**

TYPE 2 GENERALIZED BOUNDARY	U URBAN AREA
URBAN GROWTH BOUNDARY	R RURAL AREA
RURAL GROWTH BOUNDARY	NR NATURAL RESOURCE AREA
STUDY AREA BOUNDARY	

WASHINGTON COUNTY FRAMEWORK PLAN  
 UNIFIED SEWERAGE AGENCY

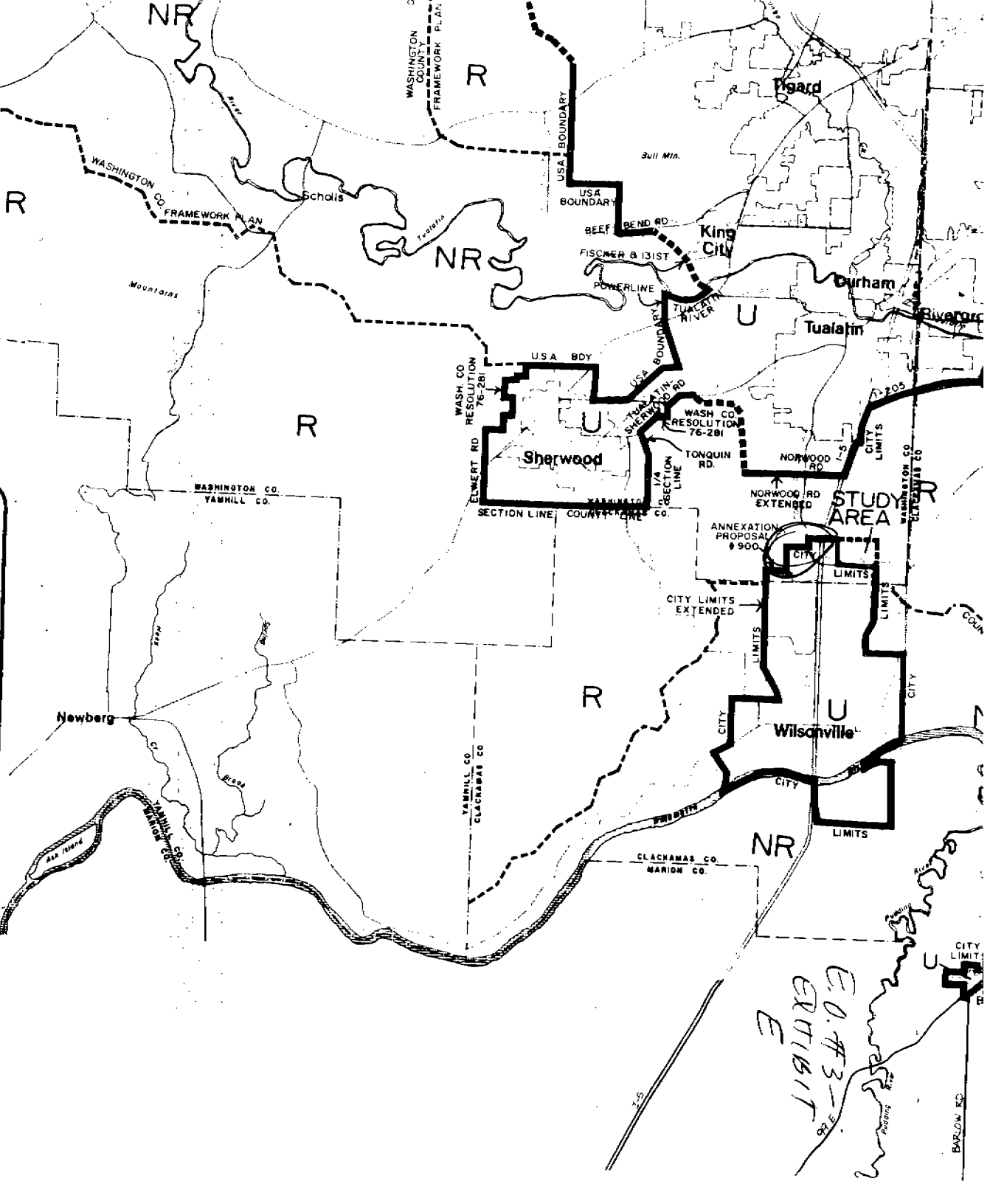
Board Action: **ADOPTED PURSUANT TO ORS 197.755 (2)**

Adoption	Effective	Ex. Dir.	Adoption	Effective	Ex. Dir.
12-76	2-5-77	<i>Shirley Rice</i>			
Rev:					
Rev:					

CRAG  
 527 S.W. Hall St.  
 Portland, OR 97201  
 (503) 221-1646

Sheet 1 of 2

SHEET 2 SHOWS REMAINDER OF REGION



RURAL CITY LIMITS

N. SIDE T.E. 700 & 900

E.O. #3  
Exhibit G

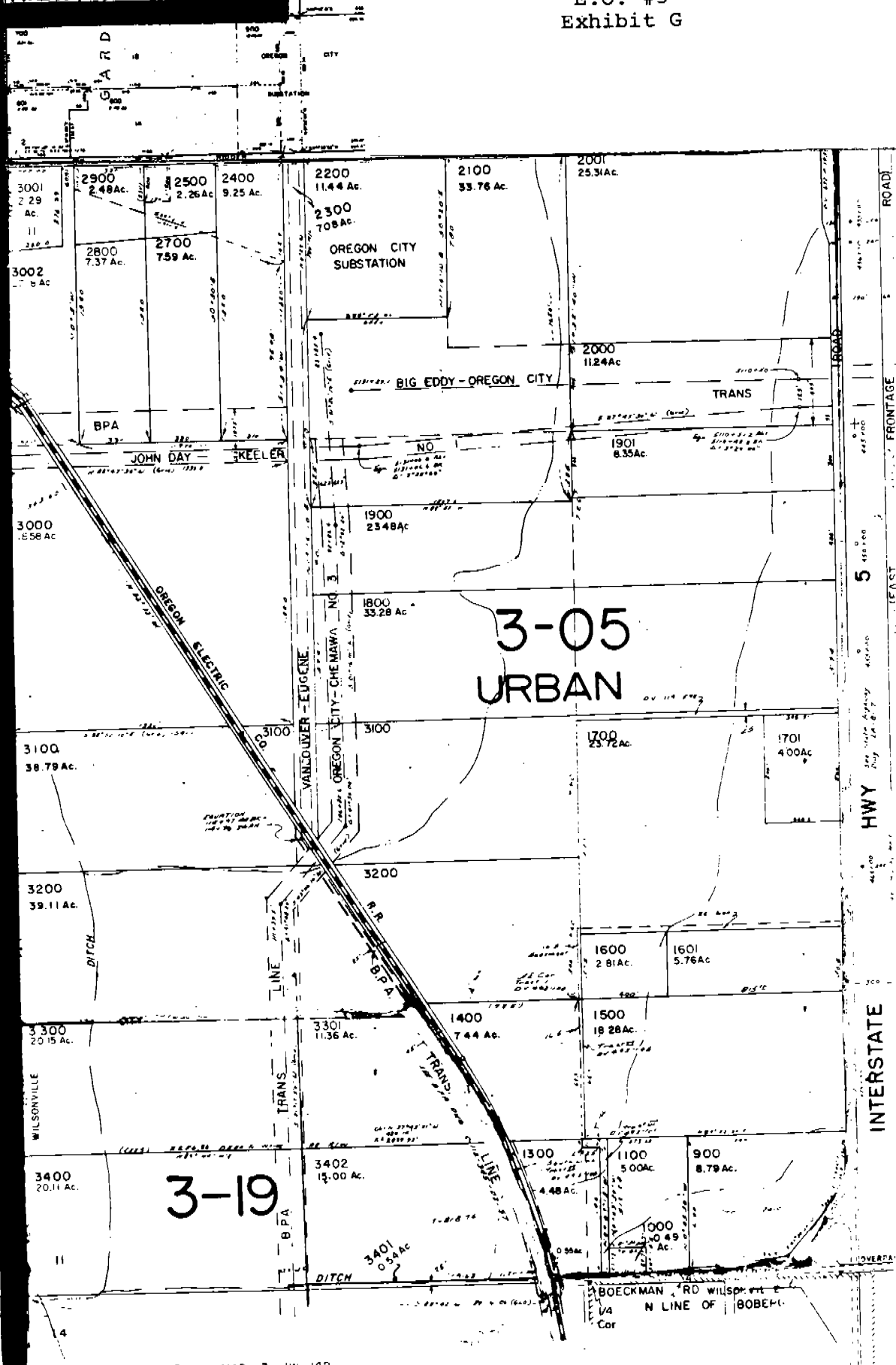
WASH. CO.

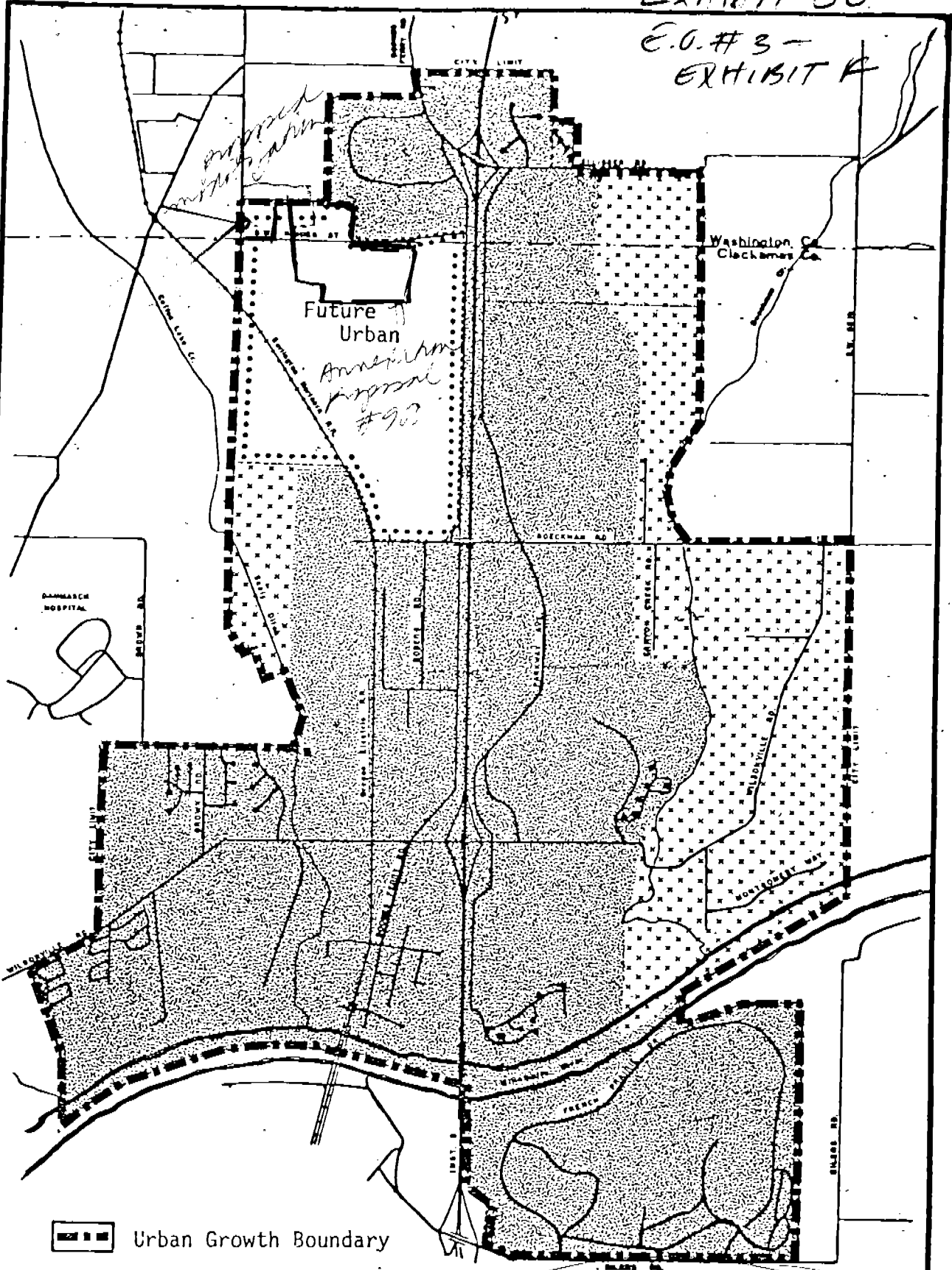
CLACK. CO.


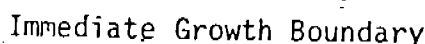



UGB

SECTION LINE  
SEE MAP 3 1W 10

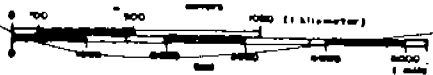
UGB





-  Urban Growth Boundary
-  Immediate Growth Boundary
-  Primary growth area
-  Secondary growth area
-  Future Urban Area

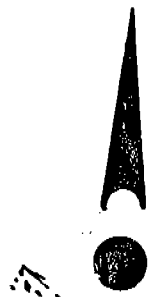
**CITY of WILSONVILLE**



1:80  
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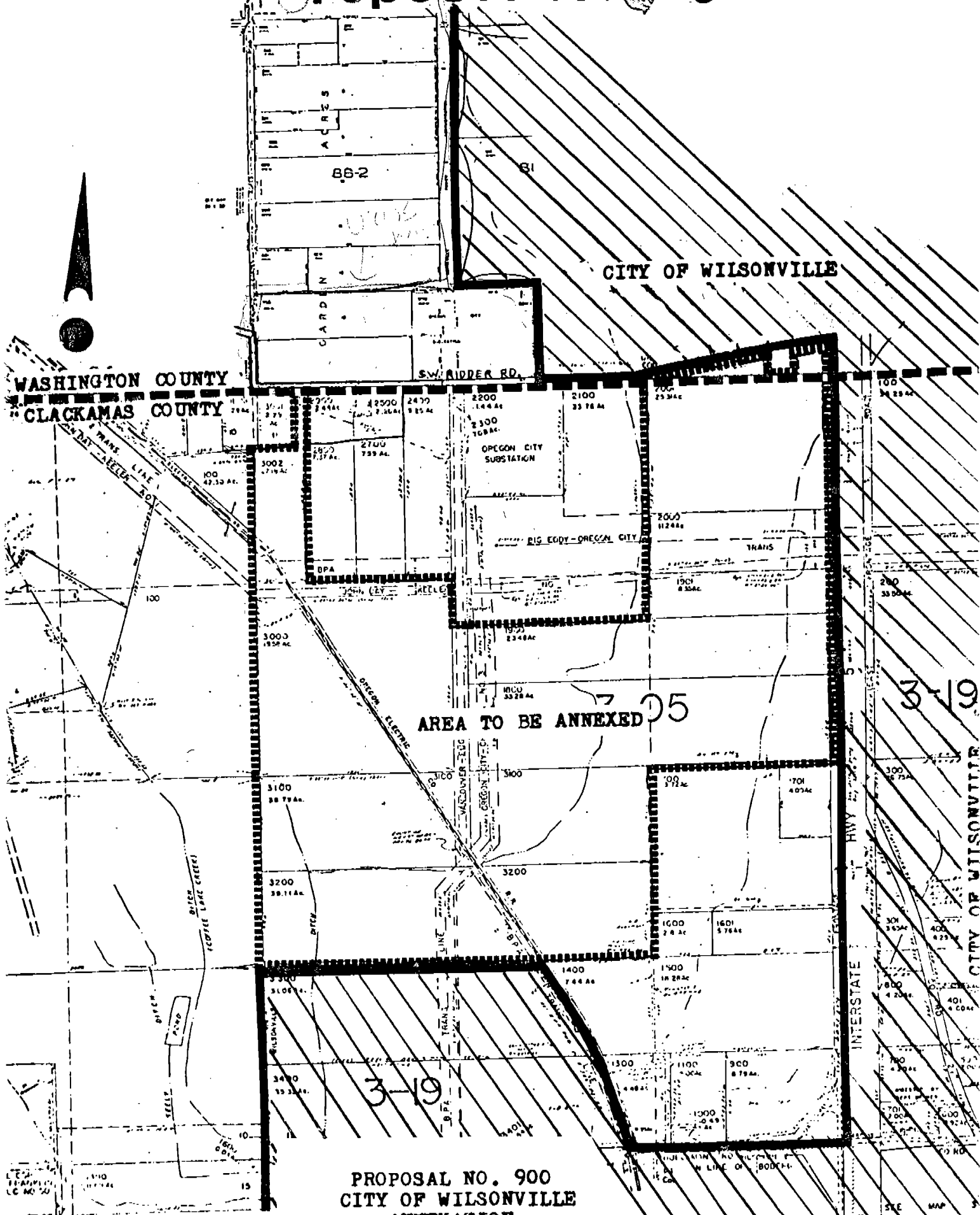
**URBAN GROWTH  
BOUNDARY**

# Proposal No 900



WASHINGTON COUNTY  
CLACKAMAS COUNTY

CITY OF WILSONVILLE



AREA TO BE ANNEXED

PROPOSAL NO. 900  
CITY OF WILSONVILLE  
ANNEXATION  
FIG. 1  
(AS ORIGINALLY PROPOSED)

OFF MAP 1 IN 15A

SEE MAP 3



Metropolitan Service District  
Ms. Jill Hinkley, Land Use Coordinator  
527 S.W. Hall St.  
Portland, Oregon 97201

7-22-81

Dear Ms. Hinkley:

I have reviewed your letter to us, a copy which is attached. The interpretation of the Executive Officer to clarify the location of the Urban Growth Boundary to include our property is in complete agreement with our understanding as to the status of our property. We would appreciate being promptly notified of any petition to the Metro Council for a declaratory ruling that would be in conflict with the administrative interpretation provided by your Executive Officer.

Thank you for the notification provided to us.

  
Richard Allen Nelson



METROPOLITAN SERVICE DISTRICT  
127 S.W. HALL ST., PORTLAND, OR. 97201 503/221-1646

July 16, 1981

Rick Gustafson  
EXECUTIVE OFFICER

Metro Council

Jack Deines  
PRESIDING OFFICER  
DISTRICT 5

Betty Schedeen  
DEPUTY PRESIDING  
OFFICER  
DISTRICT 7

Bob Oleson  
DISTRICT 1

Charlie Williamson  
DISTRICT 2

Craig Berkman  
DISTRICT 3

Corky Kirkpatrick  
DISTRICT 4

Jane Rhodes  
DISTRICT 6

Tom Bonner  
DISTRICT 8

Cindy Banzer  
DISTRICT 9

Bruce Etlinger  
DISTRICT 10

Marge Kafoury  
DISTRICT 11

Mike Burton  
DISTRICT 12

Mr. Richard Allen Nelson  
Route 2, Box 264 RN  
Aurora, Oregon 97002

Dear Mr. Nelson:

As you may know, the Metropolitan Service District (Metro) is in charge of maintaining a regional Urban Growth Boundary (UGB) that defines where urban growth may occur through the year 2000. The Executive Officer of Metro is empowered to make an administrative interpretation with respect to the location of the boundary when the adopted written description and map description of the locations of the boundary are inconsistent.

We have discovered such a situation in an area affecting your property. As a result, the Executive Officer has issued an administrative interpretation (attached) to clarify the location of the boundary in this area. This interpretation results in the confirmed inclusion of your property in the boundary and reflects the location as it has been shown on local plan maps and so, I hope, does not represent any change from your current understanding as to the status of your property. Our action is simply a technical correction to make our maps consistent with those of the affected local jurisdiction.

You may, however, petition the Metro Council for a declaratory ruling if you disagree with the Executive Officer's interpretation. Please give me a call if you would like more information on how to proceed with such an action.

In addition, I hope you will feel free to call me if you have any other questions about Metro's action in this matter.

Sincerely,

Jill Hinckley  
Land-Use Coordinator

JH/WY/ceb/37412/755

Attachments