

Executive Order No. 26

Authority: Metro Code 3.01.015

Effective Date: Upon receipt of notification that the area affected has annexed to Metro.

This administrative interpretation was requested by Jerald Powell, Annexation Assistant for the City of Portland, in a letter dated February 3, 1986, attached as Exhibit A. Mr. Powell requests that the UGB be defined to follow the nearest property line, rather than dividing that property, as currently mapped. Metro Code 3.01.015(a) allows administrative interpretation "when the UGB map and the legal description of the UGB are found to be inconsistent."

The location of the Urban Growth Boundary (UGB) in this area is uncertain because of the legal description, which is "city limits extended" (see Exhibit B). There are two problems with this description. First, the UGB follows city limits both to the east and to the southwest (see yellow lines on Exhibit C). The mapped UGB roughly approximates an extension of the city limits line to the southwest, but the legal description does not so specify. More troublesomely, the city limits line to the southwest is a meandering line, rather than a straight one from which an extension could meaningfully be drawn.

The legal description thus does not describe any one specific line with which the mapped line can be compared. However, if the last straight segment of city limits to the southwest were extended, that line would differ from the mapped location of the UGB, as would any extension of the city limits to the east (see red lines on Exhibit C). An administrative interpretation is thus an appropriate way to resolve the location of the UGB in this area.

Findings

Metro Code 3.01.015(a) provides that "the map should be preferred over the legal description in absence of clear evidence to the contrary." There is no record of legislative intent regarding this particular stretch of the boundary. However, there is clear evidence of both CRAG and Metro policy that tax lots should be divided only when needed to follow another existing, definable demarcation.

The Land Use Framework Element, or LUF, of the CRAG Regional Plan, (Article II, Section 1(a)) defined Type 1, or final, boundaries as follows: "Boundaries fully specified along identified geographic features such as rivers and roads or other described lines such as section lines and district boundaries." Metro policy on this issue is expressed by Metro Code 3.01.040(d)(1), which provides special, simplified standards to make the UGB coterminous with the nearest property lines when two acres or less are affected.

If the UGB were defined to follow the nearest property line as Portland requests, about three and one-half acres of the currently split property, some which is below the bankline, would be "added" to the urban area. The property is developed as a marina, through which the mapped location of the UGB now runs. Two or so acres of water area would be removed.

The Metro boundary in this area follows city limits, excluding the subject property and others nearby.


Conclusion

In the absence of any record of specific legislative intent in this area, the general legislative intent of CRAG and Metro to follow tax lot or other identifiable "described" lines provides sufficient basis to correct the mapped location of the UGB.

The UGB shall, therefore, be defined in this area to include all of the subject tax lot, and to follow its lot lines to join with city limits on either side. More precisely, the UGB would run from the northeast corner of lot 5 in the Harborton subdivision in T2N R1W Section 2 (at the point at which the Portland city limits, which define the UGB to the southwest of this point, turn southeasterly along the northeastern lot line of lot 5) northeasterly along the northwestern lot lines of lots 4, 3, 2 and 1 in the same Harborton subdivision, thence northeasterly in a straight line from the northeast corner of lot 1 to the southwest corner of tax lot 3 in T2N R1W Section 34, thence along the western and northern lot lines of tax lot 3 to the point of intersection with the Portland city limits (following the west line of Jacob Sanders D.L.C. by compromise), and then north and east along Portland city limits. Maps of the UGB shall be corrected to show the UGB as described, and as mapped on Exhibit D.

Because the property is not currently within Metro's jurisdiction, this order shall not become effective until the property is annexed to Metro. The effective date of this order does not, however, affect the deadline for appeal to the Metro Council, which, under Metro Code 3.01.015(d), is 20 days from the date of receipt of this order.

Signed this 28th of March, 1986.


Executive Officer

JH/srs
5259C/452-3
03/25/86

VED 1 4 1986



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Margaret D. Strachan, Commissioner
Norman A. Abbott, AICP, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7700

Annexation Central City Plan Housing Land Development Land Use Neighborhood Planning Urban Design

February 3, 1986

EXHIBIT A

Metropolitan Service District
527 SW Hall Street
Portland, OR

RE: A-39-85

Attention: Jill Hinkley

Dear Jill:

The City of Portland has received petitions for annexation from several residents in the "Harborton" area of NW Portland. This area is adjacent to the Urban Growth Boundary and is a "notch" on Portland's City boundary. One parcel on this area is apparently traversed by the Urban Growth Boundary. The boundary, as drawn, cuts through a marina which is located principally in the NW corner of Tax Lot 3, Section 34, T2N, R1W.

It appears to us that this location of the Urban Growth Boundary was not intended to be a hard and fast line, and that it would be far better to designate the entire parcel "urban" with its marine-oriented manufacturing use.

We know of no services that would be affected by such a change. It appears unlikely that any change in land use would result. The area of the parcel part in question looks to be about three and one-half acres, although a good deal of that area is beyond the bank line.

It is, therefore, our request that the Urban Growth Boundary in this area be reviewed administratively to determine if in fact the boundary as described is properly located. It appears to us that a very good case can be made for declaring that the entire parcel that is bisected is urban, has been urban for generations and should not have been divided by the Urban Growth Boundary in the first place.

I am enclosing a map and aerial of the area, identifying the parcel in question. If you need further information please call me. My phone number is 796-7728.

Thanks.

Very truly yours,

Jerald M. Powell
Annexation Assistant

JMP/sb
Enclosures

WILLAMETTE

CIT

(30)
0.64 Ac.

URBAN GROWTH BOUNDARY SHOWN ON PORTLAND MAP
LINE DESCRIBED BY METRO (TELEPHONE MRS.)

7 80 W. 910.0

N. 88°

(3)
11.33 Ac.

MULTNOMAH COUNTY MUF 19

WEST LINE OF JACOB SANDERS D.C. BY COMPROMISE

1/4 Sec. 1
1/4 Sec. 2

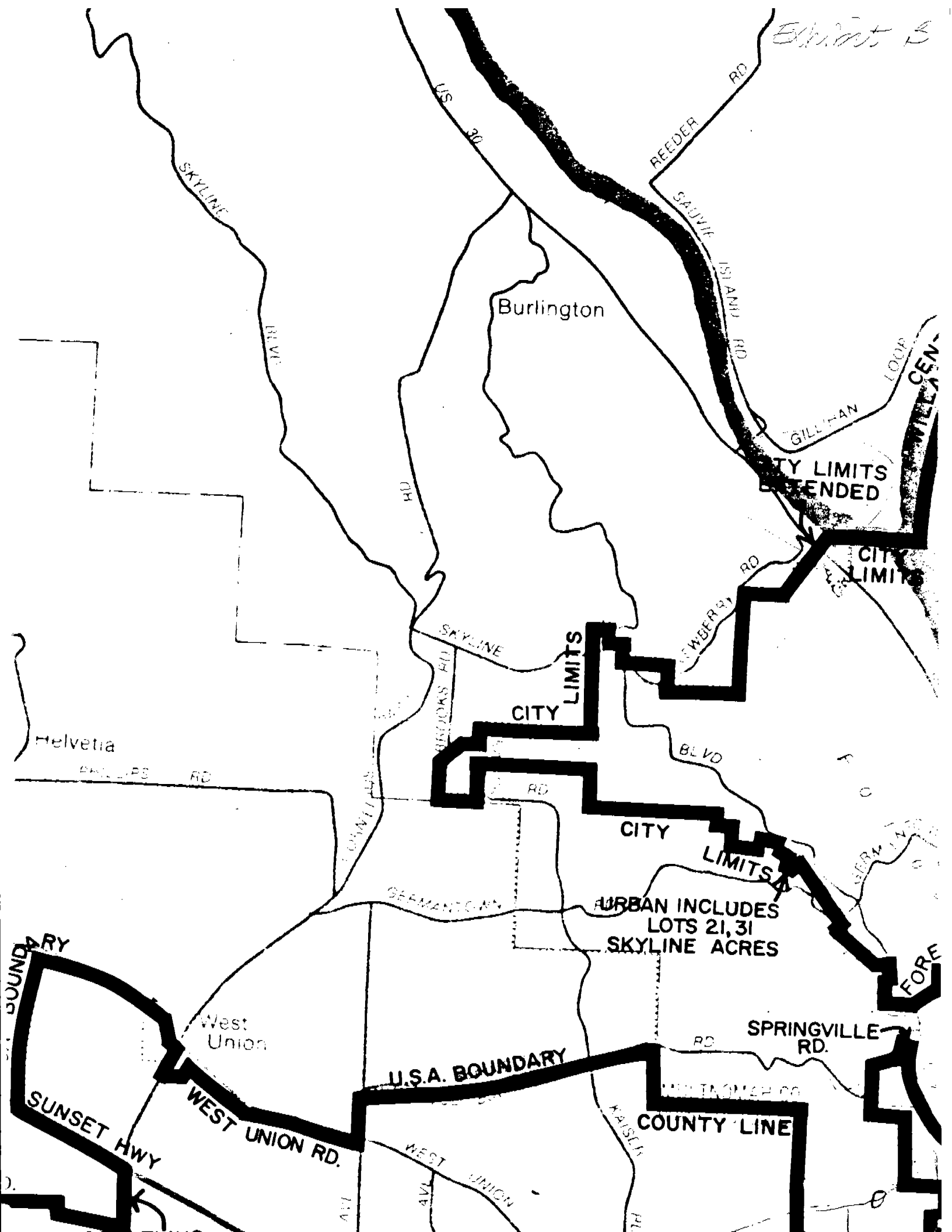
R10

R10

1 MARI







Elm. 12

US
RD

REEDER
RD

SKYLINE
BLVD

Burlington

SAUVIE
ISLAND
RD

GILLMAN
LOOP

CITY LIMITS
EXTENDED

CITY
LIMITS

NEWBERY
RD

CITY
LIMITS

SKYLINE
BLVD

Helvetia

PHILLIPS
RD

BLVD

CITY
LIMITS

URBAN INCLUDES
LOTS 21, 31
SKYLINE ACRES

GERMANTOWN

BOUNDARY

West
Union

U.S.A. BOUNDARY

SPRINGVILLE
RD

COUNTY LINE

WEST UNION RD.

SUNSET HWY

WEST
UNION

KAISER

EXHIBIT C
A WTL DAA
EASTERN
CITY LIMITS
EXTENDED.

EASTERN
CITY LIMITS
EXTENDED.

USB AS
MAPPED

SOUTHWESTERN
CITY LIMITS
EXTENDED

URBAN

1113
Q N K 7 1 2
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 10

Exhibit D WILLAM

(24)
6.38 A

(30)
50.32

UGB
mapping
correction
as ordered

(3)
11.33 A

URBAN

