

EXECUTIVE ORDER NO. 35

EFFECTIVE DATE: Upon Receipt of Notification that Affected Property has Annexed to the Metropolitan Service District.

SUBJECT: Administrative Interpretation of the Urban Growth Boundary (UGB) South of Oregon City

AUTHORITY: Code of the Metropolitan Service District, Section 3.01.015

Findings of Fact

This administrative interpretation relates to the location of the UGB in Section 16, T3S, R2E W.M., Tax Lot 2510 (as shown on Metro's UGB maps).

1. The location of the UGB is currently shown on the Metro UGB Map shown as Exhibit A. Tax Lot 2510, comprising 5.38 acres is shown to be outside the UGB.
2. In February 1976, Fred R. Land requested the CRAG Board to include his property in the UGB. The property that he requested to be included is shown as Exhibit B and as described in the legal description Exhibit C. It is noted that these properties are shown as Tax Lots 1000, 1002, 2500, and 2502 in Mr. Land's request using a title company map.
3. On November 5, 1975, the Clackamas County Assessor's Office created Tax Lot 2510 out of Tax Lot 2500 to describe a parcel of land for mortgage purposes. Tax Lot 2510 is as shown on Exhibit A. As a result, the title company map that Mr. Land submitted three months later to the CRAG Board was out of date. However, the legal description submitted by Mr. Land clearly includes Tax Lot 2510 (described as part of Parcel I).
4. In December 1976, the CRAG Board adopted a Land Use Framework Map which describes by map notation the properties included in the UGB as "Tax Lots 1000, 1002 of Clackamas County Assessor Map 3-2E, 17A and Tax Lot 2500, 2502 of Map 3-2E, 16B" (Exhibit D). The map notation includes only four parcels.
5. A review of the hearing tapes from December 22, 1976, reveals that the CRAG staff recommendation was for the inclusion of five parcels to the UGB south of Oregon City. The CRAG Board by majority vote approved this recommendation. The CRAG staff report for this "Mark-up Session" indicates the following with regard to map changes:

"Clackamas County requests the inclusion of five parcels of land in the Oregon City area Urban Growth Boundary that were mistakenly left out of the Proposed Tri-City Service District Boundaries voted on March 3, 1976."


6. From this chain of events, it is evident that Mr. Land believed that Tax Lot 2510 was still part of Tax Lot 2500 at the time he made his request to the CRAG Board, and that in making his request to add his property to the UGB Tax Lot 2510 would have been included.
7. There is nothing in the record as evidenced by the hearing tapes to indicate that the CRAG Board was clearly acting to exclude Tax Lot 2510 from the UGB when they adopted the boundary in December 1976. In fact, the CRAG Board approved the inclusion of five parcels rather than the four parcels as shown on the Land Use Framework Map.
8. It is not reasonable to conclude that CRAG intended to exclude one tax lot from the UGB (Tax Lot 2510) when it is situated in the middle of three tax lots being included in the UGB which are all under the same ownership (see Exhibit A).
9. There is a potential for a drafting error in this process. It is quite possible that the draftsman of the Land Use Framework Map was directed to include Tax Lot 2500, and drew the UGB location based on the most recent County Assessor's Tax Lot Map rather than the map or legal description submitted by Mr. Land.
10. In April 1980, the Metro Council considered a number of amendments to the UGB in Clackamas County. One of the properties considered at that time was Mr. Land's Tax Lot 2510. The only conclusion at that time was that the property was outside the District and, therefore, Metro could not act on the request.
11. The property has been found to be urbanizable by the acknowledged Clackamas County Comprehensive Plan.

Conclusion and Order

Based on the above findings, and in the absence of any information to the contrary, the correct location of the UGB is determined to include the property referred to herein as Tax Lot 2510.

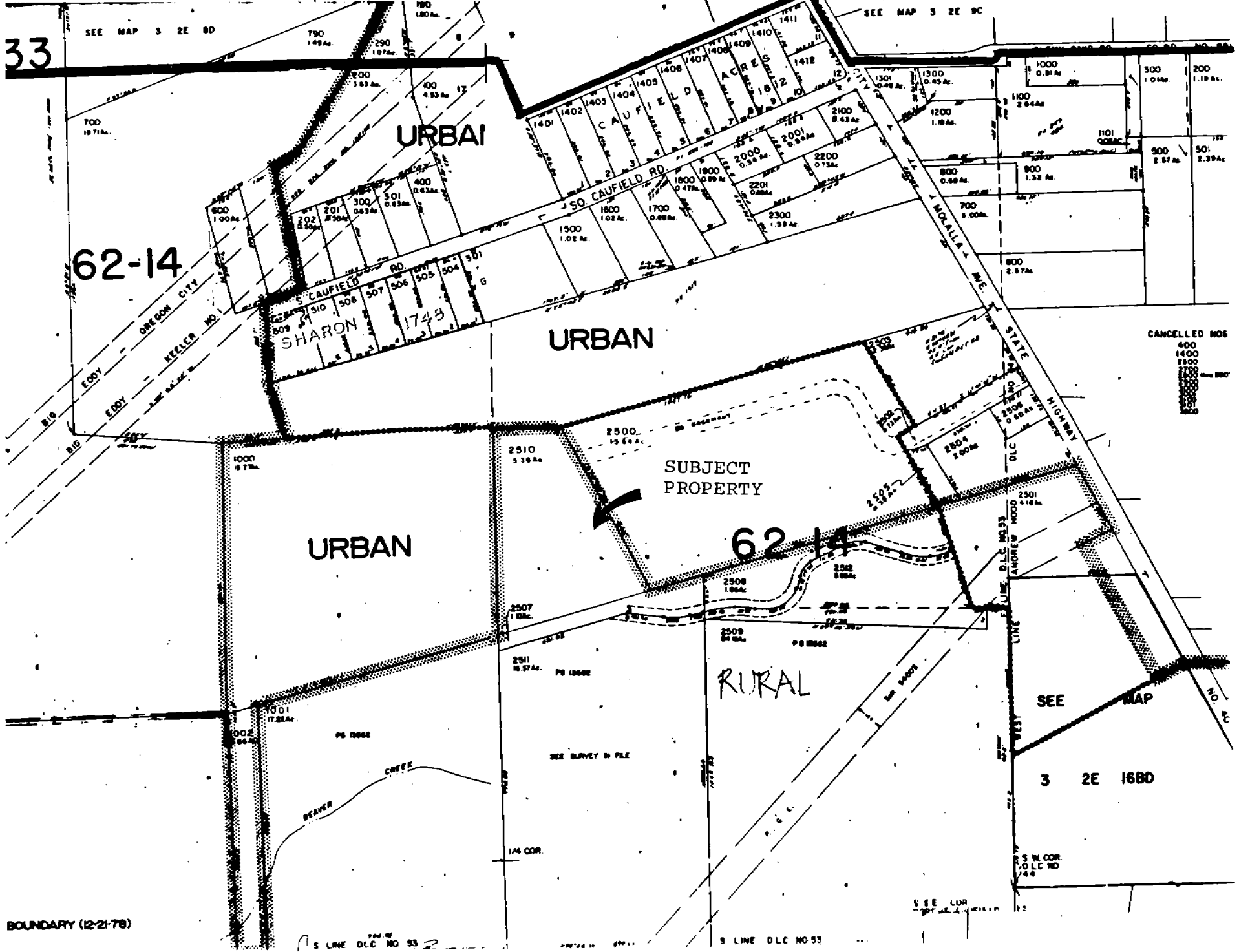
The UGB is hereby interpreted to include that property, labelled "to be added" on Exhibit E.

ORDERED by the Executive Officer this 21st day of September, 1987.



Rena Cusma, Executive Officer

JH/gl
0182C/360



BOUNDARY (12-21-78)

EXHIBIT A

509
SHARON
1748

1000
16.25 AC. Parcel I

2500
19.02 AC. I

16.2

62-14

2507
17.34 AC.

1001
16.88 AC.

1002
1.66 AC.

SAFECO



This plan is for your use in locating your land with reference to streets and river courses. While this plan is believed to be correct, the Company assumes no liability for any loss occurring by reason of error or omission.

ORDER No. 2-19520

SAFECO TRADING COMPANY
SAN FRANCISCO, CALIF.
MADE IN U.S.A.

CREEK



1/4 COR.

3 25 17A

2508
4.28 AC.

2509
23.41 AC.

2503
2.39 AC.

2502
0.13 AC.

2505
0.39 AC.

2504
2.00 AC.

2506
0.30 AC.

2501
4.18 AC.

2600
1.39 AC.

2700
3.98 AC.

2804
1.89 AC.

STATE HIGHWAY
DLC
ANDREW HOOD
WEST LINE
DLC NO. 53

TION

Parcel I

A tract of land in the Robert Caufield DLC, in Sections 16 and 17, Township 3 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point North 88° 54' West, 2594.5 feet and North 0° 36' East, 1651.2 feet from the Southeast corner of the Robert Caufield DLC, said point being the Northwest corner of that tract conveyed to Ashley Greene, recorded in Book 468, Page 603, Clackamas County Deed Records; thence North 87° 22' East, 563.3 feet to a stone; thence North 89° 47' East, 557.7 feet to a stone thence leaving the Northerly line of the Greene tract, South 28° 08' 20" East 590 feet, more or less, to a point on the Northerly line of that tract of land conveyed to Otto Popp, et ux, by deed recorded as Recorder's Fee No. 74-1474 Clackamas County Records, said point being North 75° 45' East, 1450.0 feet from the Northwest corner of said Popp tract; thence South 75° 45' West, 145 feet to said Northwest corner; thence North 0° 36' East, 850.0 feet to the point of beginning.

Parcel II

A tract of land in the Robert Caufield DLC, in Section 17, Township 3 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point North 88° 54' West, 2494.5 feet from the Southeast corner of said Robert Caufield DLC; thence North 88° 54' West, along the South line thereof, 100 feet to the Southwest corner of that tract of land conveyed to Ashley Greene, recorded in Book 468, Page 603, Clackamas County Deed Records thence North 0° 36' East, along the Westerly line of said Greene tract, 810. feet to the Northwest corner of that tract of land conveyed to Otto Popp, et ux, by deed recorded as Recorder's Fee No. 74-14748, Clackamas County Record thence North 75° 45' East, along the Northerly line of said Popp tract to a point 100 feet distant from the Northwesterly corner thereof to a point of intersection of said Northerly line with a line drawn 100 feet distant from, as measured along the South line of said Caufield DLC and parallel with the West line of said Greene tract; thence South 0° 36' West, parallel to said West line, to the point of beginning.



Parcel III

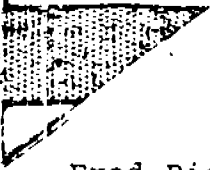
A tract of land in the Robert Caufield D.L.C., in Sections 16 and 17, Township 3 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point North 88° 54' West, 2594.5 feet, North 0° 36' East, 1651.2 feet, North 87° 22' East, 563.3 feet to a stone, North 89° 47' East, 557.7 feet to a stone, and North 75° 45' East, 1047.76 feet from the Southeast corner of the Robert Caufield D.L.C., said point being on the North line of that tract conveyed to Ashley Greene, et ux, in Book 468, Page 603, Clackamas County Deed Records; said point of beginning is also the Northwest corner of that tract sold on Contract to Otto Popp, et ux, recorded as Recorder's Fee No. 73-34508, Clackamas County Records; thence South 28° 08' 20" East, 310 feet to the Southwest corner of said Popp tract; thence South 61° 47' 45" West, 75 feet to the Northwest corner of that tract conveyed to Fred Richard Land, et ux, by deed recorded as Recorder's Fee No. 73-28587, Clackamas County records; thence South 28° 08' 20" East, 267 feet to a point on the Northerly line of that tract conveyed to Otto Popp, et ux, by deed recorded as Recorder's Fee No. 74-14748, Clackamas County Records; thence South 75° 45' West, along the Northerly line of the last mentioned Popp tract, 920 feet to a point that is North 75° 45' East, 1450 feet from the Northwest corner of the last mentioned Popp tract; thence North 28° 08' 20" West, 590 feet, more or less, to a stone on the Northerly line of the aforementioned Greene tract; said point being North 87° 22' East, 563.3 feet to a stone and North 89° 47' East 557.7 feet to a stone from the Northwest corner of said Greene tract; thence North 75° 45' East, along the Northerly line of the Greene tract, 1047.76 feet to the point of beginning.

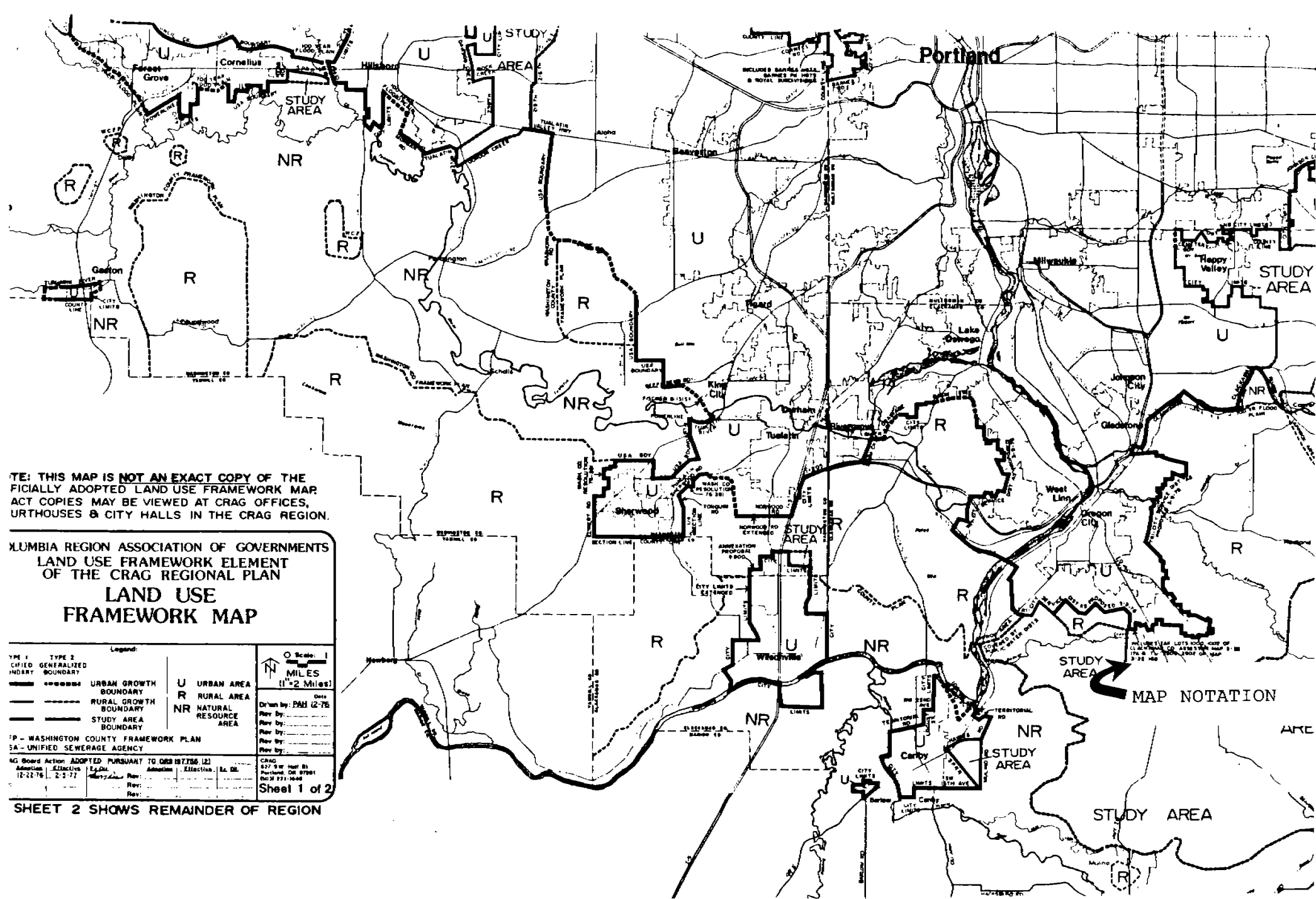
Parcel IV

A tract of land in the Robert Caufield D.L.C., and in the Andrew Hood D.L.C., in Section 16, Township 3, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point North 88° 54' West, 2594.5 feet, North 0° 36' East, 1651.2 feet, North 87° 22' East 563.3 feet to a stone, North 89° 47' East, 557.7 feet to a stone; and North 75° 45' East, 1047.76 feet and South 28° 08' 20" East, 310 feet from the Southeast corner of the Robert Caufield D.L.C.; said point of beginning is also the Southwest corner of that tract sold on Contract to Otto Popp, et ux, recorded as Recorder's Fee No. 73-34508, Clackamas County Records; thence North 61° 47' 45" East, 411.37 feet to the Westerly line of State Highway No. 213; thence Southeast along said Road line, 70.04 feet; thence South 61° 47' 45" West, 413.22 feet to the Northwest corner of that tract conveyed to Rider Enterprises, Inc., by deed recorded as Recorder's Fee No. 73-34850, Clackamas County Records; thence around the arc of a 170 foot radius curve to the right, through a central angle of 26° 10' 30", an arc distance of 77.66 feet to a point on the Westerly line of that tract conveyed to



Fred Richard Land, et ux, by deed recorded as Recorder's Fee No. 73-28587, Clackamas County Records; thence North 28° 08' 20" West along said Westerly line to the Northwest corner thereof; thence North 61° 47' 45" East, 75 feet to the point of beginning.



Portland

STUDY AREA

STUDY AREA

STUDY AREA

STUDY AREA

STUDY AREA

STUDY AREA

STUDY AREA

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

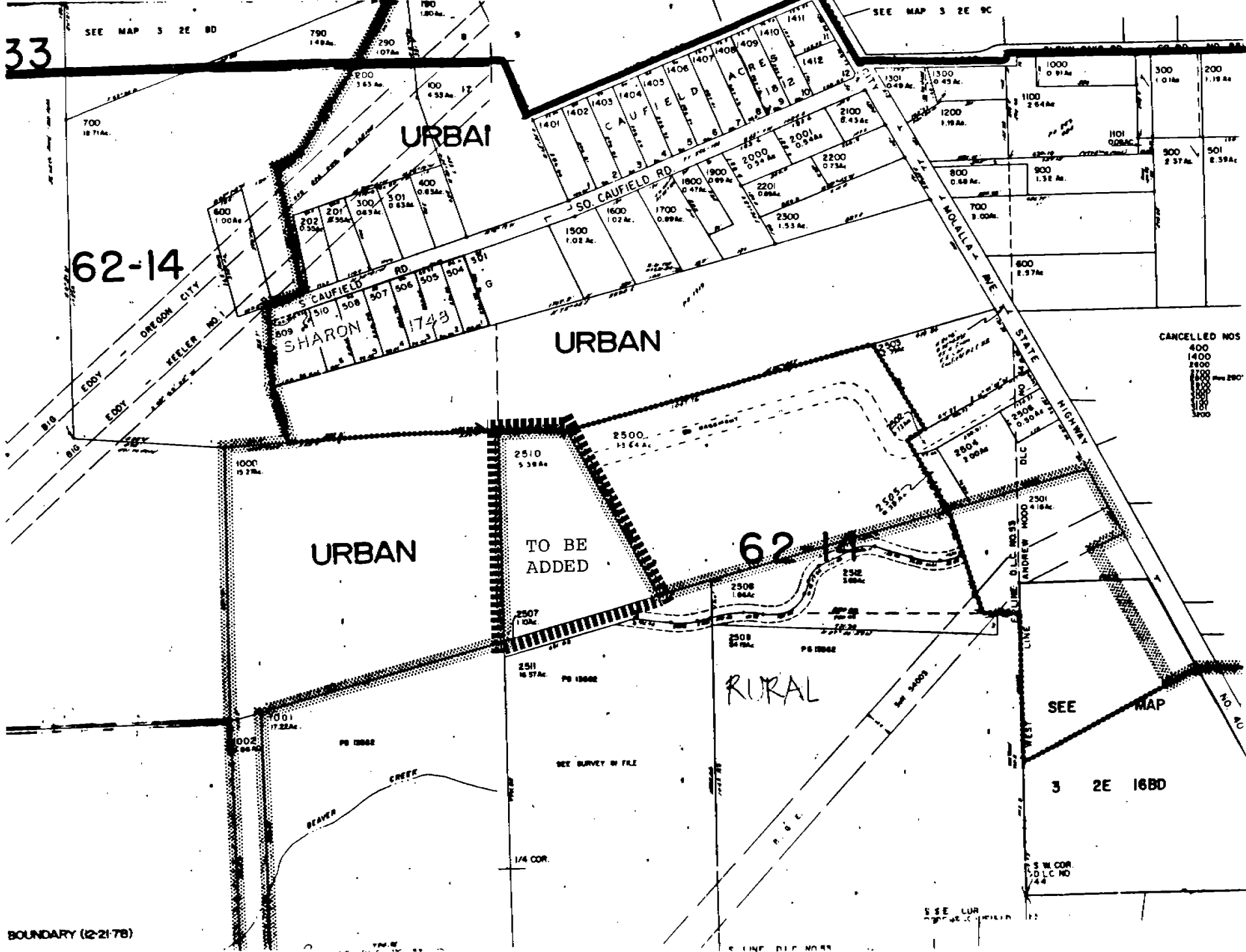
COLUMBIA REGION ASSOCIATION OF GOVERNMENTS
 LAND USE FRAMEWORK ELEMENT
 OF THE CRAG REGIONAL PLAN
**LAND USE
 FRAMEWORK MAP**

Legend:		O Scale: 1 INCHES = 2 MILES (1" = 2 Miles)
TYPE 1 CHIEF GENERALIZED BOUNDARY	TYPE 2 URBAN GROWTH BOUNDARY	
URBAN AREA	URBAN GROWTH BOUNDARY	Drawn by: PSH (2-75) Plan by: _____ Plan by: _____ Plan by: _____
RURAL AREA	RURAL GROWTH BOUNDARY	
NATURAL RESOURCE AREA	STUDY AREA BOUNDARY	
WASHINGTON COUNTY FRAMEWORK PLAN UNIFIED SEWERAGE AGENCY		CRAG 327 S.W. 1st St. Portland, OR 97201 (503) 231-1000
NG Board Action ADOPTED PURSUANT TO ORS 187.756 (2) Adoption: 12-21-76, 2-3-77		
SHEET 1 OF 2		SHEET 2 SHOWS REMAINDER OF REGION

MAP NOTATION

EXHIBIT
 D

METRO BOUNDARY
URBAN GROWTH BOUNDARY (12-21-78)
Rev 4-24-80



BOUNDARY (12-21-78)

EXHIBIT E