

**City of Wilsonville's  
Natural Resources Annexation Policy**

**FREQUENTLY ASKED QUESTIONS**

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**Question:** *Why have a policy?*

**Answer:** There are cases where property owners adjacent to cities have cut down trees on their property (or filled wetlands, etc.) in order to maximize development potential when the land is annexed. This type of degradation negatively impacts water quality and can present flood control issues, erosion, habitat loss, and over-silting of stream channels. Vegetation removal and contamination of receiving waters is detrimental to fish and other wildlife. City taxpayers are left to pay the restoration bill required by the federal Clean Water Act and other environmental regulations. This type of degradation does not serve the public interest.

**Question:** *How does the policy address the problem?*

**Answer:** The policy makes compliance with the city's Significant Resource Overlay Zone (SROZ) and tree protection regulations a factor in annexation decision making. The policy is strictly advisory in nature, and the City Council retains complete discretion over annexation of lands without regard to the policy's application.

**Question:** *What Wilsonville Development Code requirements are referenced in the policy?*

**Answer:** The development code addresses the preservation and protection of significant natural resources and trees. Protected natural resources include streams, riparian corridors, wetlands, upland forests, and trees greater than or equal to six inches at d.b.h. (i.e. diameter at breast height or 4 ½ feet above grade). It is not the intent of the development code to prevent development where the impacts to significant natural resources and trees can be minimized and mitigated. A list of exempt land activities and uses are addressed in the SROZ and tree protection code. They include, farm and forest uses and other activities related to the development and maintenance of properties.

*Example: A Type "A" Tree Removal permit allows for the removal of one to three trees per property, per year. Trees are likely to be approved for removal if the tree is not in the SROZ or Willamette River Greenway, and is not a Heritage Tree.*

**Question:** *What are the steps necessary for complying with the policy?*

**Answer:** The policy is based on a two-tier system. Properties within the UGB are subject to the provisions of the policy. For properties outside the UGB, the provisions of the policy are for informational or educational purposes only. In time, as properties are brought into the UGB, these property owners will receive notice about the policy and the steps necessary for complying.

*Example: A property owner may work with city staff, prior to requesting annexation, to determine land activities or uses that would qualify for approval under the Wilsonville*

*Development Code. By working with city staff, property owners gain familiarity with the city's code, and have a greater level of certainty in regards to the City Council review of their annexation request.*

**Question:** *How can the city stipulate what a property owner does outside the city limits?*

**Answer:** The city has no regulatory power outside city limits. Federal, state and county regulations govern the use of lands outside the city. The policy does not prohibit or restrict how a property owner treats the natural resources on his or her land. The treatment of natural resources on property is entirely discretionary with the landowners.

**Question:** *How does the policy affect annexation decisions?*

**Answer:** The policy is a declaration by the City Council that for annexation decisions it will consider the manner in which the natural resources on a property have been maintained. If natural resources have been preserved or restored consistent with the policy that will be considered a "plus" in evaluating the proposal.

**Question:** *What if a petitioning property owner "violates" the policy by removing trees or otherwise degrading the natural resources? Does that prevent annexation?*

**Answer:** A violation of the policy will certainly be a factor in the City Council granting or denying an annexation request. However, the policy provides that the City Council may approve such an annexation (and ignore the "violation") if the best interest of the community is served. If the subject parcel is a valuable addition to the city in spite of the loss of natural resources (e.g. the site is already served by public facilities and the owner will provide needed housing), the property may be annexed.

**Question:** *If a property owner voluntarily complies with the policy by protecting natural resources or restoring those that are degraded, is annexation guaranteed?*

**Answer:** Annexation is not guaranteed, but the property owner will be viewed more favorably based on their compliance with the policy. The City Council retains full discretionary authority to grant or deny petitions for annexation. A property owner's request for annexation may not be consistent with land use standards or the request may not be in the best interest of the community (e.g., property that cannot economically be accessed or served with city infrastructure).

**Question:** *What if a property owner's predecessor in title degraded the natural resources before it was purchased, or where degradation occurs through no fault of the property owner?*

**Answer:** That fact can be a consideration in exempting an annexation petition from the policy. The annexation request would still need to satisfy land use laws and otherwise be "in the public interest."

**Question:** *Why isn't this policy being adopted by ordinance?*

**Answer:** Generally, ordinances are used to make law and concern matters of some permanence. Resolutions are used to execute a law already in existence or relate to matters of transitory concern. The policy does not create law or adopt any kind of regulation. Rather, it expresses the

present City Council's interpretation of an element of the "public interest," the decision making element in statutory annexations.

Compared to ordinances, resolutions do not require the same degree of formality in the adoption and modification. Indeed, the resolution providing the policy may be adopted or modified without a public hearing. Again, it is merely advice as to what the City Council considers when it reviews annexation petitions. Being a "slice in time" indication of the City Council's current view, it may be changed at any time by this or any future City Council.