

criteria set forth in subsection (3) of this section.

(3) The council shall consider the following factors in the selection of a broker:

(a) The broker's record in selling the type of real property being offered by the city for sale and the broker's familiarity with West Linn area market values;

(b) The broker's proposed marketing plan and time lines, signs, advertising, direct mail and/or other methods;

(c) Other factors which the council has stated in the notice of the invitation to submit a proposal.

## **REAL PROPERTY ACQUISITION AND TRANSFER OF INTEREST**

### **2.901 Acquisition of Real Property.**

Dedications of property resulting from development applications and development conditions of approval for rights-of-way and public tracts shall not be considered acquisitions of property by the City for purposes of this section and may be approved by the City Manager or designee. Other land donations and other acquisitions of an interest in real property not delegated above shall be approved by the City Council.

[Added by Ordinance No. 1475 adopted August 22, 2001; amended by Ordinance No. 1546 adopted February 12, 2007.]

### **2.902 Transfer of an Interest Other Than Fee Title.**

The transfer of an interest in real property by the City is not a sale of surplus real property if the City retains title to the property. The City Manager may transfer a temporary easement or other temporary interest in real property less than fee title if the City Manager determines that the transfer is in the public interest and the temporary easement will not extend beyond thirty (30) days. Any temporary easement in excess of thirty (30) days or permanent transfer of an interest other than fee title of City real property requires City Council approval.

[Added by Ordinance No. 1475 adopted August 22, 2001.]

### **2.903 Procedure for Acquisition and Transfers of Interests in Real Property.**

The City Council may approve the acquisition or transfer of real property under Sections 2.901 and 2.902 by motion or resolution.

[Added by Ordinance No. 1475 adopted August 22, 2001.]

### **2.904 Release of Property Rights on Private Property.**

As properties are redeveloped, public utility easements must frequently be modified to facilitate new plats. For release or modification of public utility easements associated with development, the City Manager may, upon agreement by franchise utilities, release or modify property rights held by the City or by the public at large on private properties upon assurance that newly designated and granted easements as required are provided in the course of the development.

[Added by Ordinance No. 1546 adopted February 12, 2007.]

## **ANNEXATIONS**

[Section 2.910 added by Ordinance No. 1419 enacted September 9, 1998; repealed by Ordinance No. 1508 enacted October 6, 2004.]

### **2.915 Annexation Purpose Statement**

(1) The purpose of West Linn Code Sections 2.915 to 2.960 is to establish a two-step process for consideration of annexation requests. The first step involves consideration of the land use aspects of the annexation request. The second step involves consideration of other policy issues and referral to the voters. An annexation to the City shall not be effective unless it is approved by a majority vote among the City's electorate, and is also approved by Metro pursuant to its authority regarding annexations within its boundaries.

(2) The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- (a) Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;
- (b) Maximize citizen involvement in the annexation review process;
- (c) Establish a system for measuring the physical, environmental, financial and related social effects of the annexation; and
- (d) To fully inform the public of the physical, environmental, financial and related social effects of the annexation.

[Section 2.915 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.920 Conditions for Annexation - Step 1.**

(1) Consideration of a proposal to annex property to the City shall follow a two-step process. Step one shall include review of the land use aspect of the petition pursuant to Community Development Code Section 81.

(2) The following conditions must be met as judged by the City Council upon recommendation of the City Planning Director and City Engineer prior to approval of step one processing of any annexation request:

- (a) The subject site must be located within the Portland Metropolitan Urban Growth Boundary.
- (b) The subject site must have

been assigned a City Comprehensive Plan Map designation.

- (c) The subject site must be contiguous to the existing City limits, or separated from it only by a public right-of-way, or a stream, bay, lake or other body of water.
- (d) The requirements of Oregon Revised Statutes for initiation of the annexation process are met.
- (e) The subject area has been included within each of the adopted City facility master plans and capital improvement plans and the subject area is planned for all needed City infrastructure.

(3) Prior to the beginning of step two processing of any annexation request, the requestor must verify to the Planning Director that all the prerequisites for step one processing are still satisfied and the annexation request must have received a final step one approval through the land use planning and zoning process as per the provisions of The Community Development Code Chapter 81.

[Section 2.920 added by Ordinance No. 1419 enacted September 9, 1998; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.920 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.930 City Council Annexation Authority - Step 2**

Step 2 of the annexation process involves consideration of referral to the voters and other policy issues, and shall follow the provisions outlined in Section 2.950 of this chapter. The City Council has the authority to approve or deny placing an annexation before the voters based upon,

but not limited to, matters such as taxation, infrastructure, environmental impacts, housing supply, school capacity, availability of park land and other considerations deemed by the City Council as relevant.

[Section 2.930 added by Ordinance No. 1442 adopted September 27, 1999; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.930 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.935 Submittal Requirements and Deposits:**

(1) Applications to the City for initiation of annexation proceedings made by individuals shall be pursuant to the provisions set forth in Chapter 81 of the Community Development Code.

(2) The applicant shall be responsible for all costs incurred by the City in processing the application, including the City's anticipated election costs. In the event that other City items are included in the same election, the Applicant shall be responsible only for a pro-rata portion of any shared costs. If the election is concurrent with the primary or general election of an even-numbered year, the applicant is not responsible for any election costs.

[Section 2.935 amended by Ordinance No. 1442 adopted September 27, 1999; formerly identified as "RESERVED" repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.935 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1528 adopted November 28, 2005; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.940 Annexation Elections**

(1) All annexation requests that have received a final approval through the step one land use planning and zoning process and City Council step two approval pursuant to Section 2.950 shall be referred to the voters in accordance with the requirements of this Chapter, ORS Chapter 222, and West Linn Charter Section 3.

(2) Annexation elections are normally scheduled once per calendar year. Applications for annexation, including all submittal requirements shall be filed with the City Planning Department. Filing of an annexation application and having the application deemed complete does not obligate the City to place the annexation question before the voters at any particular election. This section does not obligate the City to process an annexation application within any time frame not required by ordinance or state statute. The Council may, in its discretion, place an annexation question before the voters at any election.

(3) The City will provide an explanatory statement for the voter's pamphlet in accordance with ORS 222.130 that includes, at a minimum items (a) through (f) listed below with a maximum text of 500 words:

- (a) A map indicating the boundaries of each territory, including any surrounding features or landmarks (e.g., major streets, streams) that will help voters determine the location of the property;
- (b) A general description of the property proposed to be annexed, including a description of the comprehensive plan designation and zone for the property;
- (c) A description of the likely permitted land uses in the intended zone for the annexed property;
- (d) An unbiased description of any special features of the property that will need to be addressed in future development decisions, such as natural features and

environmental constraints;

- (e) A statement informing the public of the right to review the application file at City Hall and that copies will be provided at a reasonable cost; and
- (f) The name of the City representative to contact and the telephone number where additional information may be obtained.

(4) The City shall cause the property under consideration for annexation to be posted with a minimum of one sign. The sign shall provide notice of the annexation election, and shall provide a telephone number and address where more information regarding the annexation can be obtained from the City of West Linn.

(5) The City shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

[Section 2.940 added by Ordinance No. 1419 enacted September 9, 1998; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.940 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1554, adopted October 8, 2007.]  
[\*Resolution No. 04-17 adopted October 6, 2004]

**2.950 Annexation Applications, Process.**

(1) With the exception of Health Hazard Annexations governed by ORS 222.840-222.915, all annexation applications are subject to the submittal requirements set forth in Section 2.935, above. There are five ways in which an annexation application may be initiated:

- (a) By Consent of All Owners of Land (ORS 222.125). When all the owners of land in the

territory to be annexed consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

- (b) By Non-Unanimous Triple Majority Consent Petition [ORS 222.170(1)]. When more than half, but not all, of the owners of land in the territory to be annexed, who also own more than half of the land in the contiguous territory and of the real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

- (c) By Non-Unanimous Double Majority Consent Petition [ORS 222.170(2)]. When a majority of the electors registered in the territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

- (d) By the City Council on its own motion [ORS 222.111 (2)].

- (e) Pursuant to the Health Hazard annexation process [ORS 222.840 to 222.915].

(2) When an annexation application has been properly initiated the following shall apply:

- (a) The request shall be

- processed for step one consideration of land use issues pursuant to West Linn Community Development Code Section 81.
- (b) If the request receives final City Council approval through the Step 1 process (CDC Sections 81.010 - 81.070 and 99.000, the City shall proceed with the Step 2 process as follows:
- (i) The staff shall prepare a report that summarizes the effect of the annexation based on the most intensive land use permitted by the designated City zone for the site. The staff shall also describe the physical, environmental, social and economic impacts of the annexation on the community as a whole and on the neighborhood of which it will be a part.
  - (ii) A public hearing shall be set at which any person may appear and be heard on the question whether the annexation request should be presented to the voters.
  - (iii) Notice of the Step 2 public hearing shall be published in a newspaper of general circulation in the City once a week for two weeks prior to the date of the hearing and shall be posted in four public places in the City for a like period.
  - (iv) Written notice of the Step 2 public hearing shall be mailed to all owners of property within 500 feet of the exterior boundary of the property proposed for annexation at least 20 days prior to the hearing date.
- (c) Within forty-five (45) days following the public hearing, unless a continuance is announced, the City Council shall render a decision that the application be approved and submitted to the voters at the next appropriate election as determined by the Council, or be denied.
- (d) Inasmuch as the Step 2 decision to present the annexation question to the voters consists of a legislative decision based upon the best judgment of the City Council, the City Council may deny an annexation based upon its legislative perception of the request even though it has received approval through the step one process.

[Section 2.950 (Definitions) repealed by Ordinance No. 1419, enacted September 9, 1998, and replaced with the above language; Section 2.950 amended by Ordinance No. 1442, adopted September 27, 1999; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.950 added by Ordinance No. 1508 enacted October 6, 2004; amended by Ordinance No. 1528, adopted November 28, 2005; amended by Ordinance No. 1554, adopted October 8, 2007.]

**2.955 Zoning Designations.**

- (1) As part of the Step One process, a final land use decision regarding the applicable City zone will be made according to the following table. Upon approval by the voters of the annexation

question, the assigned City zone will become effective.

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED
Low Density Residential	R-7, R-10, R-15, R-20, or R-40
Medium Density Residential	R-5 or R-4.5
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI

(2) A change to the zone applied to the property by subsection 1 of this section may not be applied for earlier than three (3) years from the date the vote approving the annexation is certified by the County elections officer unless:

- (a) The zone change is applied for by the City; or
- (b) A majority of the City electorate approve a question that waives the requirement of this subsection.

[Section 2.955 (Administrative Costs of Boundary changes) is repealed by Ordinance No. 1419, enacted September 9, 1998, and replaced with the above language; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.955 added by Ordinance No. 1508 enacted October 6, 2004; Section 2.955(1) amended by Ordinance No. 1528, adopted November 28, 2005.]

**2.960 Submission of Annexation Reports.**

**Reports.** The City shall report all changes in the boundaries of the City to the Clackamas County Clerk, County Assessor, and the Secretary of State as required by state statutes.

[Section 2.960 (Boundary Change Application Deposit Fee) is repealed by Ordinance No. 1419, enacted September 9, 1998, and replaced with the above language; repealed by Ordinance No. 1508 enacted October 6, 2004; new Section 2.960 added by Ordinance No. 1508 enacted October 6, 2004.]

**LOW-INCOME ASSISTANCE**

**2.975 Purpose.**

Low-income assistance authorized by sections 2.975 to 2.995 may be used for complying with certain city ordinances only. Low-income assistance is limited to qualified low-income residents of the city of West Linn who own and occupy their own homes, for whom compliance with certain city ordinances would pose a financial hardship. Sections 2.975 to 2.995 also establish eligibility requirements and application procedures for low-income assistance.

**2.980 Definitions.**

Low-income assistance. Assistance in payment, to be in the form of a discount on a project bill, for work performed by the city or by a contractor for the purpose of complying with requirements of certain city ordinances and the municipal code on behalf of qualified low-income residents of the city.

Low-income resident. Any person(s) residing in the city of West Linn who owns and occupies their own home and who meets the qualifications specified in the low-income assistance application.

**2.985 Applicability.**

Low-income assistance may be authorized for the following purposes only:

- (1) To connect to sewer service for an owner-occupied residence where connection to sewer is necessary pursuant to requirements in sections 4.000 to 4.060 of the municipal code.