

## Memorandum

**Date:** September 20, 2013

**To:** John Kovash, Mayor  
Members, West Linn City Council

**From:** Chris Jordan, City Manager 

**Subject:** September 23 Work Session and Other Items

---

The City Council is scheduled to meet for a work session on September 23 at 6:00. (Before this work session, the Council will meet in executive session under ORS 192.660(2)(i)). The agenda for the work session includes the following items:

- **Water Resource Area Discussion.** For the past few years, Planning staff, the Assistant City Attorney and citizens have been developing amendments to the Community Development Code regarding water resource area regulations. The Planning Commission is expected to begin discussing these amendments soon. We believe this is an opportune time for the Council to receive a brief presentation about the goals and substance of the proposed amendments.
- **No Solicitation Ordinance.** The City currently prohibits solicitors from entering properties where a “No Solicitation” sign is posted. (See attached section 7.300 of the Municipal Code.) Councilor Frank has asked for some time at the Council work session to discuss this ordinance and possible changes to it. Should the Council be interested in pursuing amendments to this section of the Code, staff will prepare those changes and bring them back to the Council at a later meeting.
- **Surplus Property.** During a recent work session, a member of the Council asked about the house at Fields Bridge Park and if/when that house could be removed. The answer is that the City plans to construct a shelter at the Park with a roof line that will mimic the same roof line of the existing historic house and include interpretive signage describing the historic nature of the removed house.

This discussion also relates to other properties in the City that staff believes require attention of the Council. I have attached a list of City-owned properties that may, or may not, be surplus to the City. I would like the Council to discuss the process by which the Council wants to determine which are surplus and which or not, and how each will be utilized in the future. The Council could ask staff to review each and provide a list of options. Or the Council may wish to appoint a very small task force to work on this topic and provide a recommendation to the Council.

## Other Items

- **Transportation Growth Management Grant.** This week staff learned that we have received a TGM grant from ODOT in the amount of \$145,000 to help with the cost of updating the City's Transportation System Plan. In accordance with the grant, the project timeline is as follows:
  1. Consultant statement of work completed by January 31, 2013;
  2. Select a consultant by April 4, 2014;
  3. Final statement of work with consultant by May 15, 2014;
  4. Project complete June 30, 2015
  
- **League of Oregon Cities (LOC) Conference.** The LOC conference is next week in Portland. I will be a member of a panel discussing fraud. Specifically, my presentation will focus on how we successfully recovered from the \$1.4 million embezzlement that occurred here 10 years ago. I will be presenting on Friday afternoon and Saturday morning.
  
- **Emerging Local Government Leaders (ELGL) conference.** On October 4 a few staff members will be out of the office attending the first annual ELGL conference. ELGL was founded by Assistant City Manager Kirsten Wyatt and her husband Kent Wyatt as a means for emerging government leaders to make connections while learning about issues in government, academia and the private sector. The conference line-up includes a panel featuring former Oregon Governor Ted Kulongoski and former Washington Governor Christine Gregoire.

Attachment

## REGULATING DOOR-TO-DOOR SOLICITATIONS

### **7.300 Purpose.**

The City Council finds it necessary and desirable to regulate solicitation in order to provide an effective opportunity for the occupants of residential property to protect themselves from the unwanted disruption of the peaceful and quiet enjoyment of their property and right to privacy caused by solicitors, and to provide a means by which those solicitors who choose to intrude upon and disrupt that quiet enjoyment of property can be held accountable for such violations.

[Amended by Ordinance No. 1494, adopted 03-19-2003.]

### **7.305 Definition.**

For the purposes of Sections 7.300 to 7.335, the terms “solicit” and “solicitation” shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual or in writing.

### **7.310 Prohibited Acts, Penalties.**

(1) It is unlawful for any person to:

- (a) Solicit before 9:00 a.m. or after 9:00 p.m., local time, without the consent of the occupant to do so;
- (b) Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section;
- (c) Leave written materials upon real property where a sign conforming to the requirements of Section 7.335 is posted, without the consent of the occupant to do so;
- (d) Solicit upon real property where a sign conforming to the requirements of Section 7.335 is posted;

(2) Violation of this section is punishable as a Class A civil infraction.

[Section 7.310 amended by Ordinance No. 1494, adopted March 19, 2003.]

### **7.315 Consent to Enter Onto Real Property, Exemption.**

(1) It shall be an affirmative defense to an alleged violation of Section 7.310 that the person charged with the violation or crime had received actual or constructive consent of the occupant prior to entering the real property. Constructive consent to enter real property may be implied from the circumstances of each instance, the relationship of the parties and actual or implied contractual relationships.

(2) The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9:00 a.m. and 9:00 p.m., local time, if they have not posted a “No Solicitation” sign, pursuant to Section 7.335.

(3) Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

(4) Officers, employees or agents of a governmental entity while performing activities within the scope of their office, employment or agency are exempt from the requirements of Sections 7.300 to 7.335.

**7.335 No Solicitation Sign.**

(1) If an occupant of real property chooses to prohibit solicitors from entering onto the property, the occupant may post a "No Solicitation" sign pursuant to this section. The effect of the posting of such a sign is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit, except to those persons exempt from these provisions by Section 7.315(4).

(2) Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal points of entry, and

(a) Signs must be no smaller than six inches in height by eight inches in width; and

(b) Signs must contain the words "No Solicitation" and the reference "Sections 7.300 to 7.335 West Linn Municipal Code" in characters no less than one-half inch in height.

(3) For real property possessing no apparent barriers to entry at the boundaries of the property which limit access to the primary entrance of a structure located on the property, placement of the sign at the primary entrance to the structure constitutes compliance with this section. If the No Solicitation sign is placed at the primary entrance to the structure, it shall not be a violation to enter the property to approach the primary entrance, provided that the person entering does not seek to gain entry to the structure or communicate with someone inside the structure.

[Section 7.335 amended by Ordinance No. 1494, adopted March 19, 2003.]

[Note: Under "Regulating Door-to-Door Solicitations" the following sections were repealed by Ordinance No. 1494, adopted March 19, 2003: Section 7.320 – Registration Statement; Section 7.325 – Issuance of Certificate of Registration, Revocation; Section 7.330 – Form of Certificate of Registration, Term; and Section 7.340 – Evidentiary Matters.]

Location	Size	Building/Land?	Zoning	Notes
Bolton Fire Station – 6000 Failing Street	20,072 sq. ft.	Building	General Commercial	The City has been contacted by interested parties about this property
21395 Willamette Drive	17,471 sq. ft.	House needs to be demolished	R-4.5	Purchased from county for “public purpose”
Robinwood Station – 3706 Cedarroak Dr.	38,525 sq. ft.	2,000 square ft. fire station	R-10	Currently being used by the Friends of Robinwood Station
Police Station – 22825 Willamette Drive	5,570 sq. ft.	Police station built in 1936	General Commercial	Will be abandoned as police station in 2014
4979 Summit Street	17,978 sq. ft.	No building	R-10	Owned by the City’s water department
25000 block of Pete’s Mountain Road	47,152 sq. ft.	No building	County zoning	City owns this site for future reservoir that is no longer considered necessary. Property is not in the City of West Linn.