



CITY OF
**West
Linn**

Annexation Process

May 5, 2014 Work Session



Laws and Regulations Governing Annexations

- ◆ Oregon Revised Statutes, Sections 222.111 – 222.183
- ◆ Metro Code, Chapter 3.09: Local Government Boundary Changes
- ◆ West Linn City Charter, Chapter 1, §3: Boundaries and Annexations
- ◆ West Linn Municipal Code, Sections 2.915 – 2.960
- ◆ Community Development Code, Chapter 81: Boundary Changes

Annexation Basics



- ◆ Requires two separate decisions by the City Council:
 1. Land Use Decision
 - *Does the proposed annexation application meet the land use criteria in CDC 81.050?*
 2. Policy Decision
 - *Assuming that the application meets the land use criteria, does the City want to put the annexation on the ballot to allow voters to decide whether the property should be annexed?*



Land Use Decision – Step 1

- ◆ The City Council is the approval authority pursuant to CDC 99.060(C)(1)(c).
- ◆ CDC 99.080(D) requires notice to be sent in accordance with ORS 222 and Metro code.
 - Recommend mailing notice to properties within 100 feet of the subject property.
- ◆ Applications that meet CDC 81.050 would be subject to approval.

81.050 APPROVAL CRITERIA

A. The City Council shall approve or deny a boundary change proposal based on findings and conclusions addressing the following criteria:

1. If an annexation, the proposal complies with the requirements of Municipal Code Section 2.920(1); and
 2. For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e). (Ord. 1442, 1999)
- ◆ A public hearing is required because this is a quasi-judicial land use decision.

Policy Decision – Step 2

State Law Requirements



- ◆ State law does not require a public hearing for the policy decision associated with annexations as long as the City Council submits the question of annexation to the city's electors. ORS 222.170.
- ◆ Notice Requirement. City must file the ballot title with the County at least 61 days prior to the election. ORS 254.095.
 - There are no other notice requirements for cities that submit the annexation question to the city's voters.
- ◆ Metro shall establish requirements for a boundary change, including hearing and notice requirements and clear and objective criteria. ORS 268.354.

Policy Decision – Step 2

Metro Requirements



- ◆ Notice Requirements, Metro 3.09.045(B).
 - 20 days prior to the City’s meeting:
 - *Mail notice to all necessary parties, meaning any county, city, district that provides urban services, or any other unit of local government that provides urban services to the affected territory.*
- ◆ No hearing is required for expedited decisions. Metro 3.09.045(A).
- ◆ The annexation staff report must be published at least seven days before the date of the City’s meeting. Metro 3.09.045(C).
- ◆ Criteria for expedited decisions are adopted in Metro 3.09.045(D).

Policy Decision – Step 2

Municipal Code Requirements



- ◆ A public hearing must be held. WLMC 2.950(2)(b)(ii).
 - The exceptions in State law, Metro Code, and the CDC are not recognized in the Municipal Code.
- ◆ The notice requirements include:
 - Publishing the date of the hearing two weeks before the hearing;
 - Posting a notice in four public places two weeks before the hearing; and
 - Mailing a public hearing notice to property owners within 500 feet of the boundaries of the property at least 20 days before the hearing.



Options to Simplify the Annexation Process

- ◆ Complete both Step 1 and Step 2 on the same night.
 - Although this would be possible under the code, WLMC 2.920 could be modified to state specifically that nothing prohibits the Council from completing Step 1 and Step 2 on the same night.
 - *The Resolution approving an annexation would explicitly state that the annexation will be placed on the ballot as long as there is no appeal of the land use decision.*
- ◆ Simplify notice requirements for Step 2.
 - Comply with State law and Metro code.
- ◆ Eliminate the Public Hearing for Step 2.
 - Only require the hearing when mandated by State law or Metro code.