



CITY OF
West Linn
Agenda Report 2014-09-08-03

Date: August 29, 2014

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

From: Megan Thornton, Assistant City Attorney

Through: Chris Jordan, City Manager *CJ*

Subject: Resolution Repealing Annexation Policy Adopted by Resolution 05-30

Purpose

The proposed Resolution repeals the current annexation policy, which is outdated due to the passage of time and changes to the West Linn Municipal Code adopted earlier this year.

Question(s) for Council:

Should the Council repeal Resolution 05-30, "A Resolution of the City Council of the City of West Linn Adopting a Policy to Provide a Foundation for Consideration of Annexation Applications?"

Public Hearing Required:

None required.

Background & Discussion:

The Council established its annexation procedures in June with the adoption of West Linn Municipal Code amendments 2.915, et seq. The repeal of Resolution 05-30 is one of two remaining modifications necessary to establish a uniform procedure for annexations. The final changes to Community Development Code, Chapter 81: Boundary Changes, are scheduled for later this year.

Resolution 05-30 was adopted in November 2005 to establish an Annexation Policy ("Policy"). Much of the Policy is focused on separating annexations into three categories, which is no longer relevant to annexations because 2006 has passed. Sections IV through VIII of the Resolution are unnecessary because those policies are already captured in current City regulations and practices, or the practice is no longer necessary due to changes in the Municipal Code or Community Development Code.

Budget Impact:

None.

Council Options:

1. Pass the Resolution.
2. Do not pass a resolution repealing the current Annexation Policy.

Staff Recommendation:

Staff recommends that the Council move to approve Resolution 2014-14 repealing the current Annexation Policy.

Potential Motion:

Council: *Move To Approve Resolution 2014-14, "A Resolution Repealing the Annexation Policy Established by Resolution 05-30."*

Attachments:

1. Resolution 2014-14
2. Annexation Policy

RESOLUTION NO. 2014 - 14

**A RESOLUTION REPEALING THE ANNEXATION POLICY
ESTABLISHED BY RESOLUTION 05-30**

WHEREAS, the City Council has amended the annexation provisions of the West Linn Municipal Code; and

WHEREAS, the Annexation Policy established by Resolution 05-30 is outdated;

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS:

SECTION 1. Repeal. Resolution 05-30, "A Resolution of the City Council of the City of West Linn Adopting a Policy to Provide a Foundation for Consideration of Annexation Applications," is repealed in its entirety.

This resolution was PASSED and ADOPTED this _____ day of _____, 2014, and takes effect upon passage.

JOHN KOVASH, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF WEST LINN, OREGON

RESOLUTION 05-30

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST LINN
ADOPTING A POLICY TO PROVIDE A FOUNDATION FOR CONSIDERATION
OF ANNEXATION APPLICATIONS**

WHEREAS, land within the existing Urban Growth Boundary that is designated to be in the City of West Linn, either now or in the future, totals 5,254 acres; and

WHEREAS, certain properties totaling 195 acres within the current Urban Growth Boundary have not annexed into the City of West Linn, but are likely to apply for annexation in the future; and

WHEREAS, the City Council desires to provide a foundation for considering such annexation applications in the future and for providing clarity and guidance to the citizens and to the staff as to how such applications will be considered;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Linn that:

1. It adopts the City of West Linn Annexation Policy, attached as Attachment A; and
2. This Resolution is effective immediately upon adoption.

PASSED AND APPROVED this 14th day of November 2005.



Norman B. King
Mayor

Attest:



Nancy S. Davis

**City of West Linn Annexation Policy
(Approved November 14, 2005)**

Purpose:

This policy is adopted to provide a foundation for the City Council to consider annexations to West Linn, and to provide clarity to the community on the annexation issues.

I. Objectives:

- In accordance with the City Charter, all annexations must be approved by a majority vote among the City's electorate.
- All properties immediately adjacent to the City of West Linn, and within the Metro Urban Growth Boundary (UGB) at the time this policy is adopted, will eventually be annexed to the City of West Linn.
- Annexation will be considered by the Council for placement before the voters only when these properties can be served and supported by the City of West Linn.
- Except by a vote of the City Council to suspend this policy, the Council will only place annexations before the voters once each year.
- Under no circumstances does this policy commit the City of West Linn to pay for the extension of any services to parcels annexed under this policy.

II. Annexations for consideration:

1) Tier One Annexations:

- Publicly owned land committed or anticipated to be used for a public function.
- Developed parcels of 2 acres or less that are adjacent to West Linn where the property owner has consented to annexation at the earliest possible opportunity in 2006.

2) Tier Two Annexations:

- Developed parcels of two acres or less where the property owner has not consented to be included on the 2006 annexation ballot, but who may later apply for annexation.

3) Tier Three Annexations:

- All other parcels within the UGB where property owners have made application for annexation.

III. Timing and Costs of Annexations:

- Tier One Annexations will be placed on a Council-determined ballot in 2006 at no filing or election cost to the owners of property included in this annexation.
- Tier Two annexations will be considered by the Council for placement before the voters once per year for those property owners who comply with City application requirements and are approved by the Council for voter consideration. Property owners of Tier Two annexations will be required to pay an application fee based on the number of properties and developable lots in the group and will bear an equitable proportion of the election costs, if any.
- Tier Three annexations will be considered by the Council for placement before the voters once per year for those property owners who comply with City application requirements and are approved by the Council for voter consideration. Property owners of Tier Three annexations will be required to pay an application fee based on the number of developable lots under City zoning and will bear an equitable proportion of the election costs, if any.

Any applicant that has not paid the City's fees in full (except for election fees) prior to the Council's Step 2 hearing will be removed from the Council's Step 2 hearing process and will not be considered until the property owner has re-applied for annexation in a subsequent year.

IV. City Infrastructure and Coordination of Service Delivery with Other Providers

The City has an adopted Capital Improvement Plan that includes plans for water, sewer and a transportation system with the expectation that all properties covered by this policy will be annexed and fully developed in the next twenty years and require full services by the City of West Linn.

Annually, the City will evaluate city services and consult with other service providers to ensure the availability of these public services will not be compromised by annexations that may occur under this policy.

V. System Development Charges (SDCs)

It is the policy of West Linn that growth within West Linn pay for itself to the extent allowed by the State of Oregon. A matrix of System Development Charges will be approved and adjusted, as necessary, to assure that this policy is implemented. SDCs and connection fees will be assessed when an existing unit connects to the City system and/or on each unit of new development should that occur. .

VI. Extraterritorial Extension of Services

This policy reaffirms Resolution 99-30, and no extraterritorial extension shall occur without an annexation application.

VII. Citizen Input and Participation

The City Manager or designee will establish a process requiring notification of any annexation application to surrounding property owners and the recognized Neighborhood Association so that they may provide input to the City Council prior to the Council's consideration of the application. Annexation applicants will be encouraged to meet with the neighborhood association(s) where the annexation is proposed. In addition, owners of property that may potentially apply for annexation are encouraged to participate in the neighborhood planning process.

VIII. Estimated Cost of Annexation to Other West Linn Property Owners

Annexations may place burdens on the City of West Linn and other service providers that are not covered by SDCs. Within 60 days of the effective date of this policy, the City will develop, and the City Council will adopt, a methodology that will annually estimate the potential cost to other West Linn property owners of an annexation application not covered by SDCs. Council will also consider any ordinance changes that may be required due to the adoption of this policy.