

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>DARREN WYSS</i>	PROJECT NO(S). <i>ANX-21-01</i>	PRE-APPLICATION NO. <i>n/a</i>
NON-REFUNDABLE FEE(S) <i>0</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>0</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>19676 KAPTEYNS ST.</i>	Assessor's Map No.: <i>2S 1E 23BC</i>
	Tax Lot(s): <i>1500</i>
	Total Land Area: <i>2.3 acres</i>

Brief Description of Proposal: *CITY INITIATED UNICORPORATED ISLAND ANNEXATION PER ORS 222.750*

Applicant Name: <i>CITY OF WEST LINN</i> <small>(please print)</small>	Phone: <i>503-742-6064</i>
Address: <i>22500 SALAMO RD.</i>	Email:
City State Zip: <i>WEST LINN, OR 97068</i>	<i>dwyss@westlinnoregon.gov</i>

Owner Name (required): <i>OREGON DEPT. OF TRANSPORTATION</i> <small>(please print)</small>	Phone:
Address: <i>885 AIRPORT RD BLDG 35</i>	Email:
City State Zip: <i>SALEM, OR 97310</i>	

Consultant Name: <i>N/A</i> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **One complete hard-copy set of application materials must be submitted with this application.**
One complete digital set of application materials must also be submitted electronically in PDF format.
If large sets of plans are required in application please submit one set.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Darren Wyss</i>	<u>1/4/2021</u>	<u>N/A (exempt per ORS 222.750)</u>	
Applicant's signature	Date	Owner's signature (required)	Date

ANX-21-01

The City of West Linn is initiating an annexation of the property at 19676 Kapteyns Street (Taxlot 1500 of Clackamas County Assessor Map 2S 1E 23BC). The property is approximately 2.3 acres, is owned by the Oregon Dept. of Transportation, and is surrounded by City of West Linn corporate boundaries. This is generally referred to as an "island annexation".

Oregon Revised Statute 222.750 allows the City to initiate an "island annexation" of unincorporated territory without first receiving property owner consent. This is only permitted if the "island" is not entirely surrounded by water, nor the corporate boundary of the City is not comprised of more than 25 percent public right-of-way on the perimeter of the territory. The perimeter of the property is at total of 1,261-feet. A 50-foot section of Kapteyns Street right-of-way touches the perimeter of the property boundary, which constitutes approximately four percent. A public hearing is required to be noticed and held per the statute.

Oregon Revised Statute

222.750 Annexation of unincorporated territory surrounded by city; delayed annexation for certain property. (1)

As used in this section:

(a) "Creek" means a natural course of water that is smaller than, and often tributary to, a river, but is not shallow or intermittent.

(b) "River" means a large, continuous and natural stream of water that is fed along its course by converging tributaries and empties into an ocean, lake or other body of water.

(2) When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the corporate boundaries of another city, the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the question for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

(3) This section does not apply if the territory not within a city:

(a) Is surrounded entirely by water; or

(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.

(4) Unless otherwise required by the city charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.

(5) For property that is zoned to allow residential use as a permitted use in the zone and is in residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:

(a) Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; and

(b) Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(6) Notwithstanding subsection (5) of this section:

(a) Property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

(b) The record owner of real property described in subsection (5) of this section that is located in the territory to be annexed may waive the delay of the effective date of the annexation provided under subsection (5) of this section. The property becomes part of the city immediately upon the waiver.

(7) This section does not limit provisions of a city charter, ordinance or resolution that are more restrictive than the provisions of this section for creating or annexing territory that is surrounded as described in subsection (2) of this section.

(8) If a city charter, ordinance or resolution requires the city to conduct an election in the city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the governing body of the city finds that a majority of the votes cast in the city and the territory combined favor annexation, the governing body, by ordinance or resolution, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

Legend

- City Limit
- Unimproved ROW
- Parks and Open Space
- City Owned Property

0 0.06 0.11 Miles

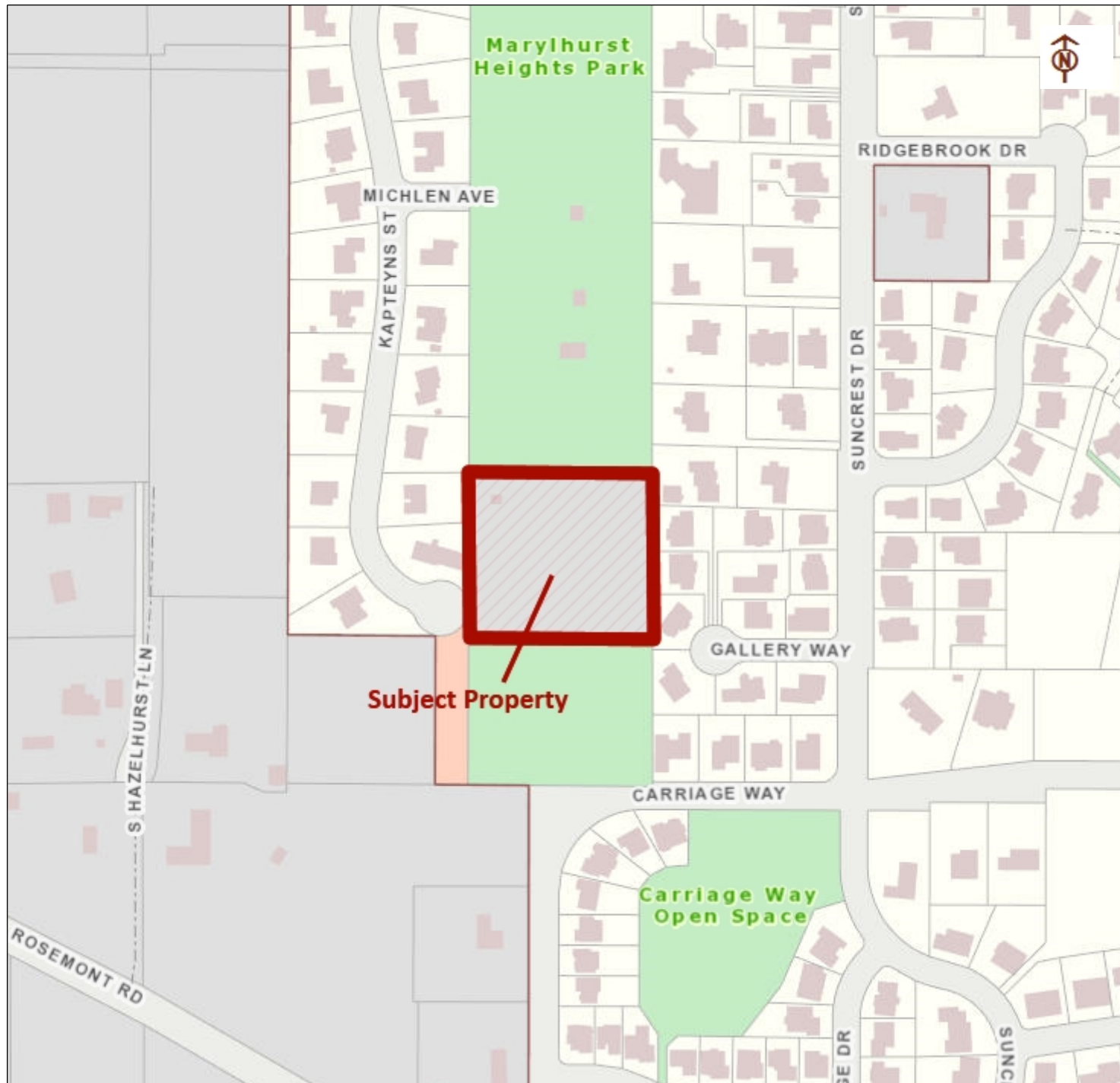


1: 4,514



Notes

ANX-21-01



Subject Property

Maryhurst Heights Park

Carriage Way Open Space



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Annexation
Legal Description

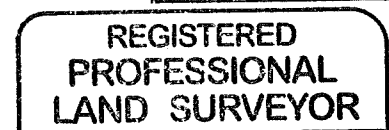
A Tract of land being Parcel 1 of Final Judgement filed in the Circuit Court of Clackamas County, Oregon on August 24, 1966, Case Number 62637, being that exception portion of Deed Document Number 2000-009937, Deed records of Clackamas County, located in the Southwest one-quarter of Section 15, Township 3 South, Range 2 East of the Willamette Meridian, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at a point on the West line of that property described in Deed Document Number 2000-009937, Deed records of Clackamas County, said point bears N00°06'09"W, 265.05 feet from the Southwest corner thereof, a 5/8 inch iron rod bears S89°56'19"E, 0.23 feet from said corner; thence continuing along the Northerly extension of said West line, being coincident with the East line of the Plat of "Kapteyns Krest", Plat records of Clackamas County, N00°06'09"W, 300.01 feet to a 5/8inch iron rod with a red plastic cap inscribed "CENTERLINE CONCEPTS, INC"; Thence leaving said lines, N89°56'19"E, 330.57 to a point on the East line of said Deed Document Number 2000-009937, being coincident with the West line of the Plat of "Centurion Estates", said records, a 5/8inch iron rod bears S89°56'19"E, 0.23 feet from said point; thence along said coincident lines, S00°06'12"E, 300.01 feet to a 5/8 inch iron rod; thence leaving said coincident lines, S89°56'19"W, 330.58 feet to the **POINT OF BEGINNING**.

Contains 99,175 Square Feet.

Basis of Bearings for this description is per record of Survey Number 29541, Clackamas County Survey Records

SIGNED ON: 1-4-2021



KAPTEYNS STREET

LOT 8

LOT 9

KAPTEYNS

KREST

LOT 10

LOT 11

DOCUMENT NO.
2000-009937

LOT 3

LOT 2

CENTURION
ESTATES

LOT 1

PARCEL 1 OF FINAL
JUDGEMENT FILED IN CIRCUIT
COURT OF CLACKAMAS COUNTY,
OREGON ON AUGUST 24TH,
1966, CASE NUMBER 62637

CONTAINS 99,175 S.F.

S89°56'19"W 330.58'

N00°06'09"W 300.01'

S00°06'12"E 300.01'

POINT OF
BEGINNING

DOCUMENT NO.
2000-009937

GALLERY
PLACE

LOT 1

TRACT "A"

N00°06'09"W 265.05'

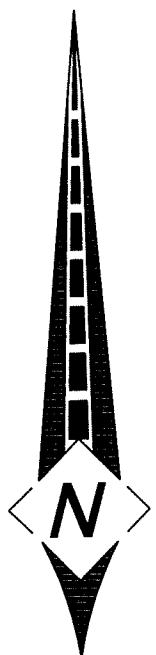
SW CORNER, DOCUMENT NO.
2000-009937

SIGNED ON: 1-4-2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

RENEWS: DECEMBER 31, 2021



GRAPHIC SCALE



(IN FEET)
1 INCH = 100 FT.

CLIENT: WEST LINN
ORIG. DATE: 12/16/2020
DRAWN BY: MPW
SHEET No. 1 OF 1

EXHIBIT "B"
ANNEXATION
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
Scale: 1"=100'

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189