

**WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
ANX-21-01**

**IN THE MATTER OF A PROPOSAL TO ANNEX 2.3 ACRES
OF REAL PROPERTY AT 19676 KAPTEYNS STREET**

I. Overview

At its meeting on February 8, 2021, the West Linn City Council (Council) held a public hearing to consider the City-initiated proposal to annex 2.3 acres of real property at 19676 KapteyNS Street (Taxlot 1500, Clackamas County Assessor Map 2S 1E 23BC). The approval criteria for this annexation are found in West Linn Community Development Code Chapter 8, West Linn Municipal Code Chapter 2.930, Metro Code 3.09, and Oregon Revised Statute 222.050 and 222.750. The hearing was conducted pursuant to the provisions of Community Development Code Chapter 99.

The hearing commenced with a staff report presented by Darren Wyss on behalf of the City as the applicant. Three citizens (Karie Oakes on behalf of the Marylhurst Neighborhood Association, Katie Wellehan, Andrew Riehle) submitted oral testimony at the hearing. The Marylhurst Neighborhood Association, Alice Richmond, and Jesse Jimenez submitted written comments prior to the public hearing and the comments were submitted into the record. The hearing was closed and a motion was made and seconded to approve first reading of Ordinance 1721, applying a zoning designation of R-7 to the property. The motion passed unanimously. A motion was made to approve second reading of Ordinance 1721. The motion passed unanimously. A motion was made and seconded to approve first reading of Ordinance 1722, approving the annexation of real property at 19676 KapteyNS Street (Taxlot 1500, Clackamas County Assessor Map 2S 1E 23BC) with a zoning designation of R-7 into the City of West Linn and withdraw the property from the Clackamas County Enhanced Law Enforcement District. The motion passed unanimously. A motion was made to approve second reading of Ordinance 1722. The motion passed unanimously.

II. The Record

The record was finalized at the February 8, 2021, hearing. The record includes the entire file from ANX 21-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is the City of West Linn and the property owner is the Oregon Department of Transportation.
- 3) The Council finds that it has received all information necessary to make a decision based on the Staff Report and attached findings, public comment, and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

The Council adopts the Staff Report for February 8, 2021, with attachments, including specifically the Addendum, as its findings, which are incorporated by this reference. The Council concludes that all of

the required approval criteria of Community Development Code Chapter 81, which refers to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes, are met.

V. Order

The Council concludes that ANX-21-01 is approved based on the Record, Findings of Fact and Findings above.



JULES WALTERS, MAYOR

February 9, 2021

DATE

This decision is final upon the date of the signature on this notice. Those parties with standing may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) according to the rules adopted by LUBA.

Mailed this 9 day of February, 2021.