

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 15-05-05-10

IN THE MATTER OF ANNEXING TERRITORY TO THE
LANE RURAL FIRE & RESCUE DISTRICT TO PROVIDE
FIRE PROTECTION SERVICE TO THE ANNEXED
TERRITORY; ASSESSOR'S MAP 16-06-31-00 TAX LOT
00600 (FILE NO. F-LA-2015-ANX-1)

WHEREAS, a petition initiating the annexation of territory to the Lane Rural Fire & Rescue District was filed with Lane County on January 28, 2015 (the "Petition for Annexation"), in accordance with ORS 198.857(3); and

WHEREAS, the territory proposed for annexation is described in Exhibit A and depicted on the map shown on Exhibit B, both of which are attached and incorporated by this reference; and

WHEREAS, the Board of the Lane Rural Fire & Rescue District voted to approve the proposed annexation on December 17, 2014 as evidenced by a letter dated January 7, 2015 from the Lane Fire Authority Fire Chief, contained in the record; and

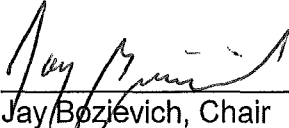
WHEREAS, legal notice was provided on April 15 and April 16, 2015 for a May 5, 2015 public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on May 5, 2015, to receive and consider both oral and written evidence.

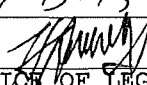
NOW, THEREFORE, IT IS ORDERED as follows:

1. That the territory described on Exhibit A and depicted on Exhibit B is hereby annexed to Lane Rural Fire & Rescue District and that this annexation is effective as of June 5, 2015, in accordance with ORS 198.747(2).
2. That the findings set forth in Exhibit C are hereby adopted and incorporated by this reference.
3. That based on the findings and evidence submitted, and the applicable law, the Petition for Annexation is hereby approved.

ADOPTED this 5th day of May, 2015.



Jay Bozjevich, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM
Date 4-13-15 Lane County


OFFICE OF LEGAL COUNSEL

NORTHWEST TIMBERLAND CONSULTING & SURVEYING, INC.

LICENSED PROFESSIONAL LAND SURVEYOR

37036 HWY #58, PLEASANT HILL, ORE 97455-9785

PHONE OR FAX (541) 461-4076

A FINAL LEGAL DESCRIPTION FOR TL 600
LOCATED IN THE
SE ¼ OF THE NE ¼ OF THE SE ¼ OF SECTION 31, T16S, R6W, W.M.
LANE COUNTY, OREGON
JANUARY 20, 2015

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 31, TOWNSHIP 16 SOUTH, RANGE 6 WEST, W.M., SAID CORNER IS MONUMENTED WITH A 1978 LANE COUNTY SURVEYORS OFFICE (LCSO), 3.0" BRASS CAP, THENCE SOUTH 00° 19' 17" EAST FOR 897.37 +/- FEET ALONG THE EAST LINE OF SAID SECTION 31 TO A POINT, THENCE SOUTH 89° 48' 49" WEST FOR 60.00 +/- FEET TO A 5/8" X 30" REBAR WITH YELLOW PLASTIC CAP (YPC) STAMPED "NTCI PLS 2603" AS SET IN CSF #42224 AS FILED IN SAID LCSO AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE SOUTH 00° 19' 17" EAST FOR 108.16 +/- FEET TO A 5/8" X 30" REBAR WITH YPC AS SET IN SAID CSF #42224;

THENCE SOUTH 28° 58' 08" WEST FOR 206.74 +/- FEET TO A 5/8" X 30" REBAR WITH YPC AS SET IN SAID CSF #42224;

THENCE SOUTH 61° 01' 52" EAST FOR 90.00 +/- FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY (R-O-W) OF COUNTY ROAD #1312, SAID POINT IS MONUMENTED WITH A 5/8" X 30" REBAR WITH YPC AS SET IN SAID CSF #42224;

THENCE CONTINUING ALONG SAID WESTERLY R-O-W, SOUTH 28° 58' 08" WEST FOR 100.00 +/- FEET TO THE SOUTH LINE OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 31 TO A 5/8" X 30" REBAR WITH YPC AS SET IN SAID CSF #42224, SAID POINT BEARS SOUTH 32° 39' 01" WEST 2.24 +/- FEET FROM A 1/2" REBAR BY RANDALL AND ALSO SAID POINT BEARS SOUTH 89° 48' 49" WEST 131.57 +/- FEET FROM THE SOUTH 1/16 CORNER MONUMENTED WITH A 3/4" IRON PIPE BY PETERSON IN CSF # 21675 AS FILED IN SAID LCSO;

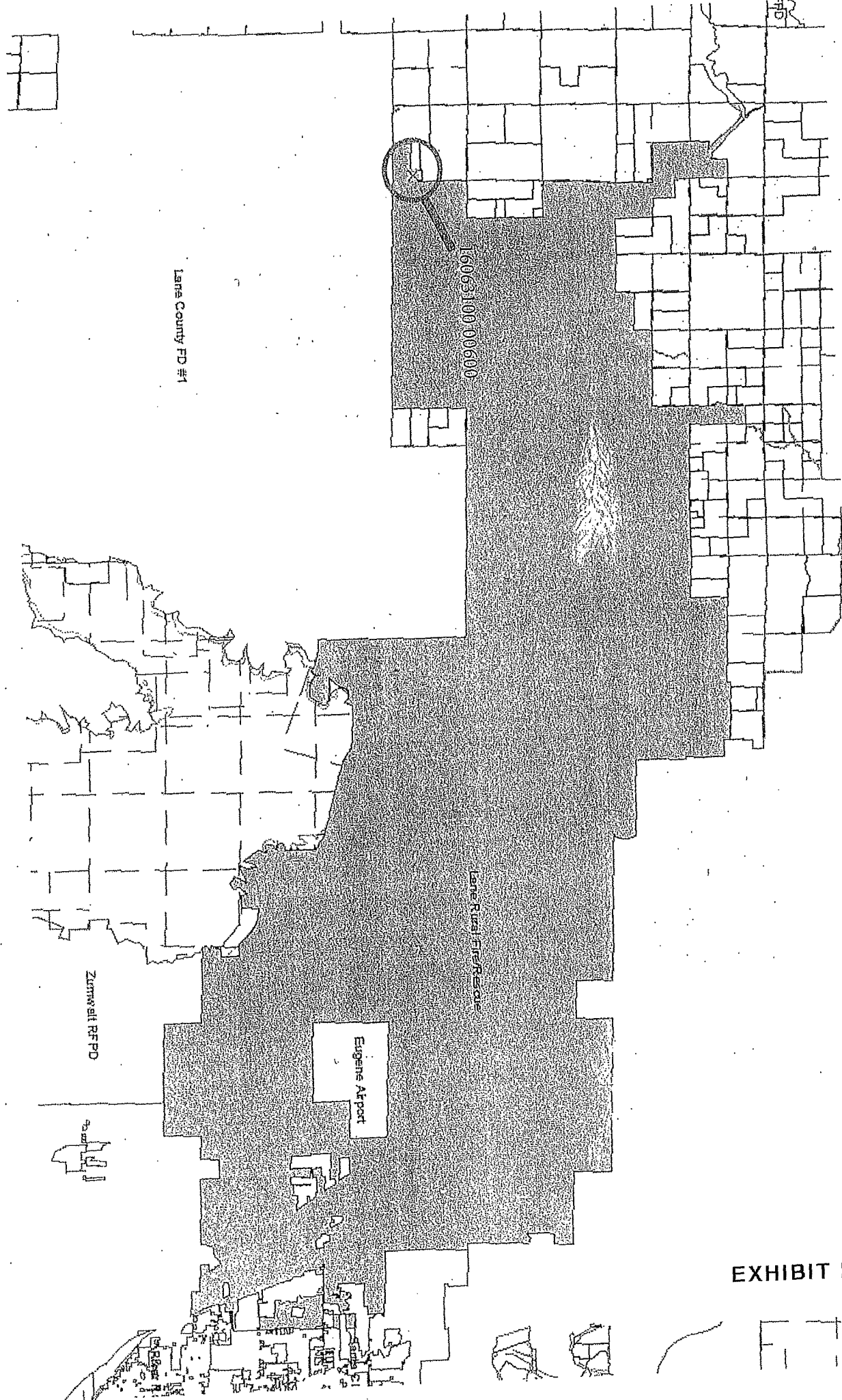
THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 89° 48' 49" WEST FOR 584.73 +/- FEET TO A 5/8" X 30" REBAR WITH YPC AS SET IN SAID CSF #42224;

THENCE NORTH 00° 19' 17" WEST FOR 419.88 +/- FEET TO A 5/8" X 30" REBAR WITH YPC AS SET IN SAID CSF #42224;

THENCE NORTH 89° 48' 17" EAST FOR 656.30 +/- FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

THE AREA OF THIS PARCEL BEING 5.96 +/- ACRES.

EXHIBIT A



Lane County FD #1

16063100109600

Lane Rural Fire-Rescue

Eugene Airport

Junction City RFPD

Zornville RFPD

EXHIBIT B

FINDINGS OF FACT AND CONCLUSION OF LAW

1. The annexation of territory to the Lane Rural Fire & Rescue (LRFR) District was initiated on January 28, 2015, by a petition by the property owner of the proposed territory to be annexed, as authorized by ORS 198.857(3).
2. The application for annexation, map and legal description indicate that the territory proposed for annexation is currently not within an existing fire district boundary.
3. Legal notice was made on April 15 and April 16, 2015 for a May 5, 2015 public hearing and was posted in 2 separate locations.
4. The public hearing required by ORS 198.800 was held on May 5, 2015.
5. The decision criteria analysis considered by the Board of County Commissioners follows:

- (1) The land is not within a district formed under the same principle ACT; (ORS 198.720(2))**

Staff Finding 1: The proposal meets this criterion. The property proposed for annexation to LRFR District (Principle Act 487) is not currently located within any other fire district boundaries.

- (2) The affected territory can reasonably be served or continued to be served by the facilities or services provided by the district; and (ORS 198.720(3))**

Staff Finding 2: The proposal meets this criterion. Currently the LRFR District provides fire protection services to properties in the immediate vicinity, including adjacent lands to the east and south. The LRFR Alderwood fire station is located on Hwy 36 approximately three miles from the subject property. Further the LRFR District Board voted to approve annexation of the subject property.

- (3) No land included in the affected territory will be removed if the land is benefited; (ORS 198.805(1));**

Staff Finding 3: The proposal meets this criterion. As proposed, no land in the annexation area will be removed if the land is benefited.

- (4) The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable refinement plans, and other adopted land use regulations or agreements. (ORS 198.850(2))**

EXHIBIT C

Staff Finding 4: The subject property is located within the rural unincorporated area of Lane County and is subject to the Lane County Rural Comprehensive Plan (RCP). The subject property is located in the Impacted Forest Lands zone (F-2/RCP). Dwellings are allowed in this zone as provided in RCP Goal 4, Policy 6. New structures must comply with the Siting and Fire Safety Standards of OAR 660-06-029 and 660-06-035 (RCP Goal 4, Policy 8). Lane Code 16.211(8)(c)(ii), Siting Standards for Dwellings, Structures and Other Uses, requires the dwelling or manufactured home to be located within a rural fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district. This proposal is consistent with the above referenced policies and standards.

The subject property received land use approval to allow a dwelling in the F-2 zone in accordance with Lane Code 16.211(5) & (8). As a condition of approval for allowing the dwelling it is required that the property owner annexes the subject property into the fire district or otherwise provides rural fire protection in accordance with the applicable standards.

Annexation to the LRFR District will provide an essential service to the conditionally approved dwelling that is consistent with RCP Goal 4, Policy 15(c)(4) which recognized public facilities and services directly serving rural residents as a characteristic of F-2 zoned lands.

No other refinement plans, adopted land use regulations or agreements have been identified that conflict with this proposal.

6. Based on these findings the Board concludes that the proposed annexation is consistent with all applicable laws.