

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 19-04-30-08

In the Matter of Annexing Territory to the McKenzie Fire and Rescue District to Provide Fire Protection Service to the Annexed Territory, Consisting of a 19.2 acre Portion of Assessor's Map 16-25-27, Tax Lot 400 (File No. F-MK-2019-ANX-1)

WHEREAS, a petition initiating the annexation of territory to the McKenzie Fire & Rescue District was filed with Lane County on February 13, 2019 (the "Petition for Annexation"), in accordance with ORS 198.857; 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 McKenzie Fire & Rescue District voted to approve the proposed annexation on April 12, 2018 as evidenced by Resolution #10, contained in the record; and

WHEREAS, legal notice was published on April 15 and April 25, 2019, and posted in two public locations and mailed to the owners and fire district on April 15, 2019, for an April 30, 2019 public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on April 30, 2019 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 McKenzie Fire & Rescue District and that this annexation is effective as of April 30, 2019, in accordance with ORS 198.747.
2. That the findings set forth in Exhibit C are hereby adopted and incorporated herein by reference.
3. That based on the findings and evidence submitted and applicable law, the Petition for Annexation is hereby approved.

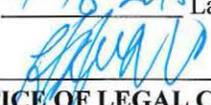
ADOPTED this 30th day of April, 2019.



Peter Sorenson, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM

Date 4-18-2019 Lane County



OFFICE OF LEGAL COUNSEL

LEGAL DESCRIPTION

TO: elections.customer@co.lane.or.us

RE: ANNEXATION TO MCKENZIE FIRE AND RESCUE DISTRICT

**PETITIONER: Sharon M. Giddings, Trustee of the Charles R. Giddings
Family Trust**

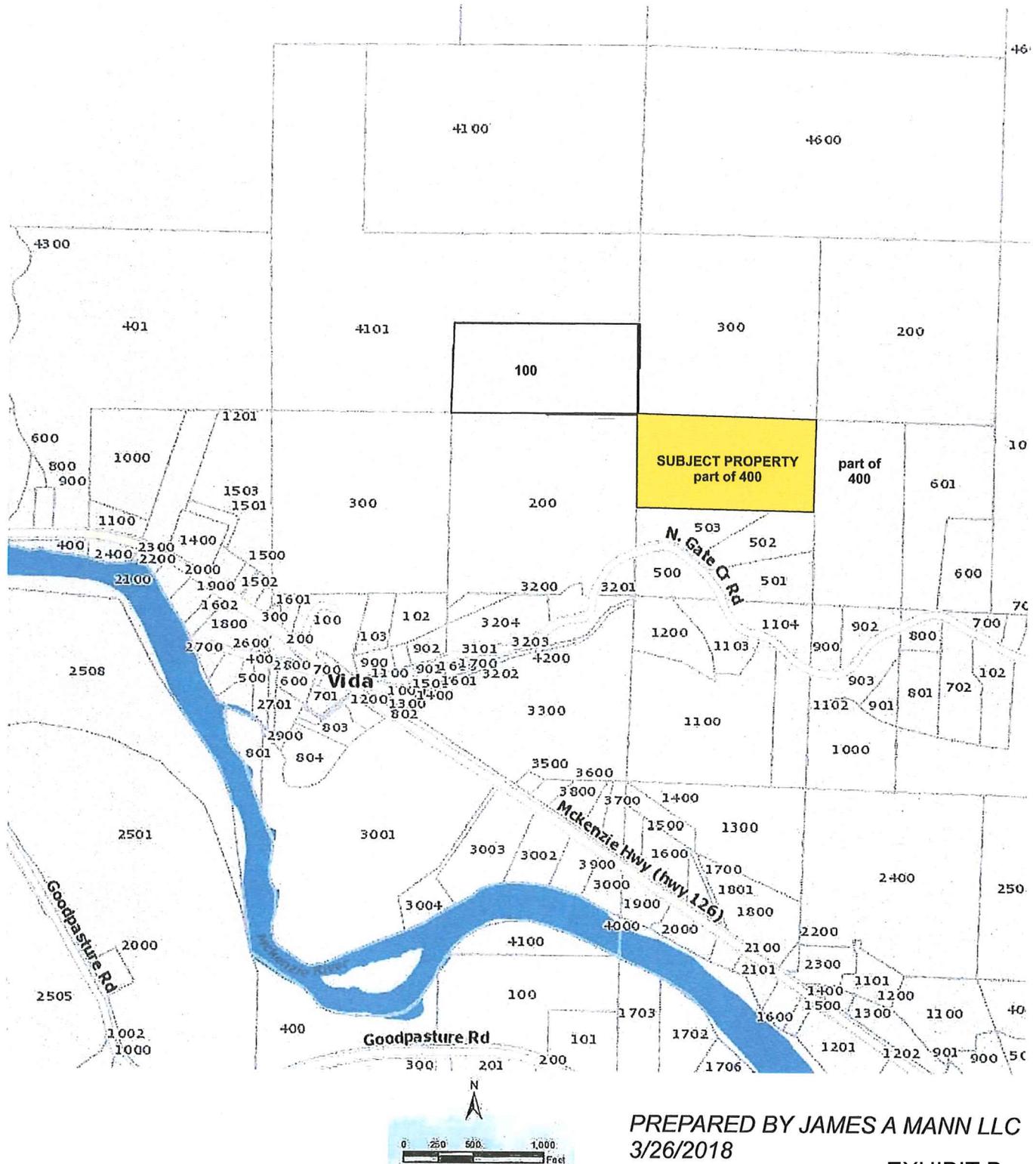
The legal description of the property to be annexed to the district is as follows:

**The North one-half of the Southwest quarter of the Northwest quarter of
Section 27, Township 16 South, Range 2 East of the Willamette Meridian, in
Lane County, Oregon.**

Vicinity Map for Annexation Petition into the McKenzie Fire and Rescue District ("MFRD") for the "Subject Property" in Map 16-25-27 and a part of Tax Lot 400 in the N1/2 of SW1/4 of NW1/4 Sec. 27

Owner:
Charles R. Giddings Family Trust
C/O Sharon M. Giddings, Trustee
P.O. Box B, Vida, OR 97488
541-915-3291

Petitioner's Representative:
Paul V. Vaughan
Hershner Hunter LLP
P.O. Box 1475, Eugene, OR 97440
541-686-8511



PREPARED BY JAMES A MANN LLC
3/26/2018

EXHIBIT B

Cadastral Map for Annexation Petition into the McKenzie Fire and Rescue District ("MFRD") for the "Subject Property" in Map 16-25-27 and a part of Tax Lot 400 in the N1/2 of SW1/4 of NW1/4 Sec. 27

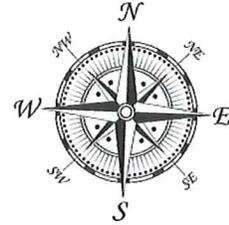
Owner:
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Petitioner's Representative:
Paul V. Vaughan
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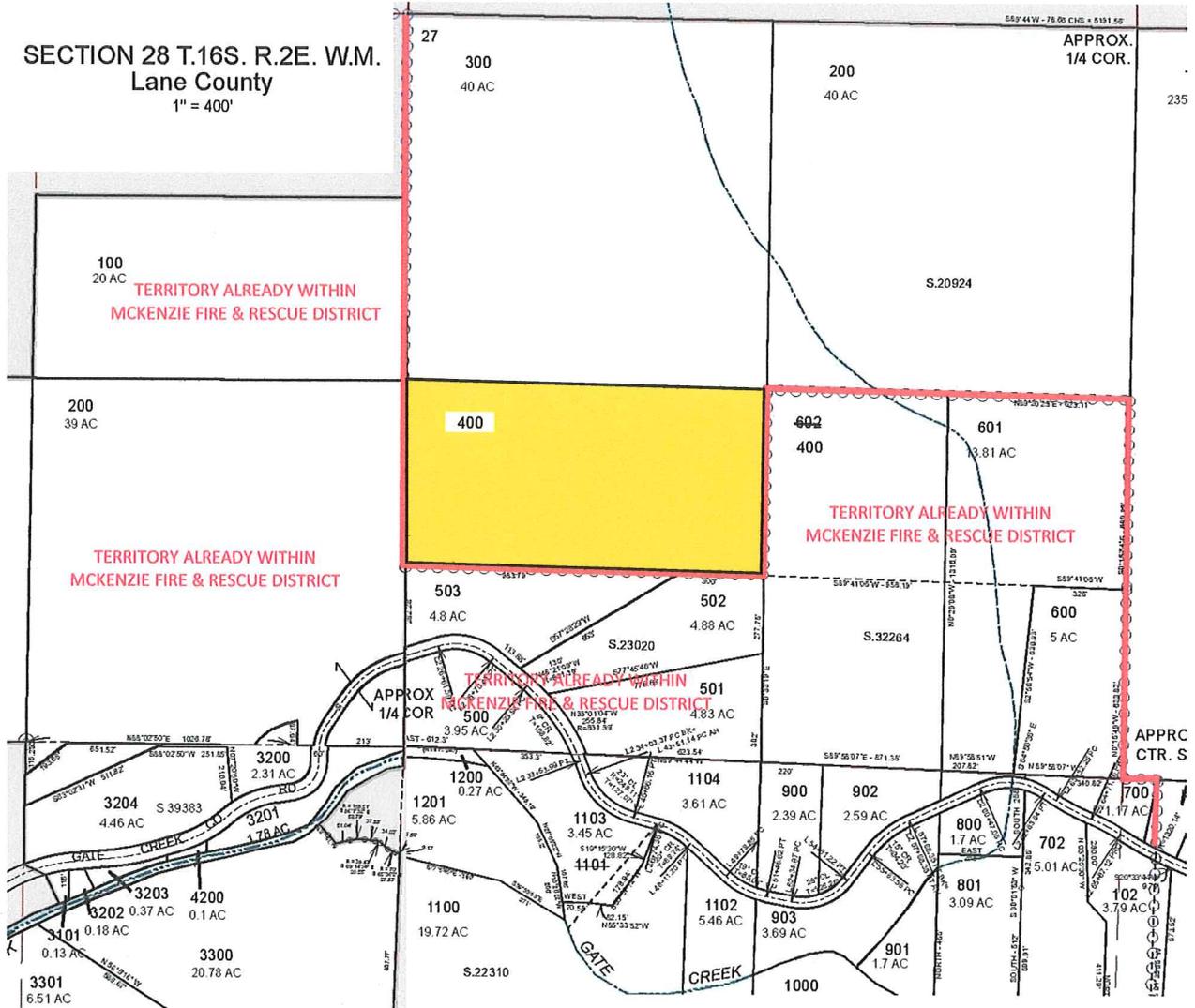
MAP INDEX

Boundary of the MFRD

Boundaries of the Subject Property Proposed for Annexation into the MFRD



SECTION 27 T.16S. R.2E. W.M.
Lane County
1" = 400'



NOTES: This map was prepared using Cadastral Maps from the Lane County Assessment and Taxation office. The MFRD boundary shown on this map is from the Lane County Fire District Maps at www.lanecounty.org.

PREPARED BY JAMES A. MANN LLC 3/26/2018

EXHIBIT B

FINDINGS OF FACT AND CONCLUSION OF LAW

1. The annexation of territory to the McKenzie Fire and Rescue was initiated on February 13, 2019 through a petition by the property owners of the proposed territory to be annexed, as authorized by ORS 198.857.
2. The application for annexation, cadastral and vicinity maps, and legal description indicate that the territory proposed for annexation is currently not within an existing fire district boundary.
3. On April 15, 2019, hearing notice was posted at the entrance to Harris Hall, Lane County Public Services Building and at the Vida Post Office. Additionally, notice was mailed to the petitioners and South Lane County Fire & Rescue. Legal notice was published on April 15 and April 25, 2019 in the Register Guard.
4. The public hearing required by ORS 198.800 was held on April 30, 2019.
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 principal Act; (ORS 198.720(2))

Staff Finding 1: The proposal meets this criterion. The property proposed for annexation to the McKenzie Fire and Rescue District is not 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, McKenzie Fire and Rescue District provides fire protection services to properties in the immediate vicinity of the subject property, including adjacent lands to the east, west and south. McKenzie Fire and Rescue Station 16-4 is located at 45625 McKenzie Highway in Vida, Oregon. The station is located less than a mile from the subject property's access on North Gate Creek Road. The McKenzie Fire District Board of Directors approved the annexation with Resolution #10 adopted on April 12, 2018. Based on this information, staff find it reasonable that the territory can be served by the district.

(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.

EXHIBIT C

(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))

Staff Finding 4: The subject property is located within the rural unincorporated area of Lane County and is subject to the Lane County RCP. The subject property is located in the Impacted Forest Lands zone (F-2/RCP). Dwellings are conditionally allowed in this zone as provided in RCP Goal 4 and Lane Code 16.211(2)-2.4. 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) and Lane Code 16.211(5) and (6), which implements these rules. Lane Code 16.211(6), Fire-Siting Standards for Dwellings and Structures requires the dwelling or manufactured home to be located within a rural fire protection district or must be provided with residential fire protection by contract. Alternatively, if inclusion within a fire protection district or contracting for residential fire protection is impracticable, the property owner can implement and maintain a fire protection plan that meets certain requirements.

The subject property received conditional land use approval to allow a dwelling in the F-2 zone in accordance with Lane Code 16.211(5) and (8) (the application was submitted prior to recent code updates to Lane Code Chapter 16, effective on February 14, 2019. However, the fire and siting requirements cited using updated code sections are generally the same in content as the previous code sections under which the application was approved). The dwelling was approved with LMD File No. 509-PA18-05344. As a condition of approval, the applicant must demonstrate compliance with the fire-siting standards.

Annexation to the McKenzie Fire and Rescue District will provide an essential service to the conditionally approved dwelling. This is consistent with RCP Goal 4, Policy 15(c)(4), which recognizes provision of public facilities and services intended primarily for direct services to rural residences 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. Based on the above information, staff find that the proposal is consistent with the Lane County RCP.

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