

W. 11.a.

AGENDA COVER MEMO



Memo Date: September 14, 2009
Public Hearing Date: September 30, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Planner
AGENDA ITEM TITLE: Order No. - -2009 In the Matter of Annexing Territory, Identified as T21S R03W S29 Tax Lots 501 and 1100, to South Lane County Fire and Rescue Under ORS 198.857 (File No. F SL 2009 – ANX 1, Vaverka)

I. MOTION

Move to adopt the Order.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the proposed annexation and adopt an Order that represents the Board’s final decision on File No. F SL 2009 – ANX 1 (Vaverka).

III. BACKGROUND

A. Board Action and Other History

The Board has had the authority to process and make decisions on boundary changes to special districts since January 2008, after passage of Senate Bill (SB) 417 moving the authority for boundary changes from ORS Chapter 199 to ORS Chapter 198. ORS Chapter 198 is used throughout the remainder of the state to process special district boundary changes. Board Order 07-12-12-19 was adopted by the Board on December 10, 2007, to provide guidance for processing applications related to special district boundaries pursuant to SB 417 and ORS Chapter 198. Lane Manual Section 60.812 was amended (February 20, 2008) to include fees for processing special district boundary applications. An annexation instruction packet was developed by staff and is posted on the Lane County website (www.lanecounty.org/Elections/District_Annexations.htm).

This annexation request was initiated by the owner of a parcel of land as authorized by ORS 198.857. Jerry and Marjie Vaverka own the parcel of land proposed for annexation. The parcel includes two tax lots (Map 21-03-29 Tax lots 501 and 1100). A validly signed petition, including all other information required for filing, was submitted by the Vaverka’s and was deemed complete on August 25, 2009. As required by this section of ORS Chapter 198, a public hearing date was set within the required timeframe—not sooner than 20 days (September 14) nor later than 50 days (October 14) from the date the petition, including all submittal materials, was deemed complete. All legal notices were completed by Lane County Land Management Division on September 9, 2009, including legal notice published in *The Register Guard*, notice to all owners within 750 feet of the annexation area, interested parties and agencies. On

September 10, 2009, a letter acknowledging application completeness and notification of the date of the public hearing was sent to the owners (Jerry and Marjie Vaverka), also the initiators of the annexation. The affected special district (South Lane County Fire and Rescue) received a copy of the notice.

South Lane County Fire and Rescue serves other properties in this area located east and south of the annexation area. The parcel proposed for annexation is not adjacent to the existing boundaries of the rural fire protection district. Oregon special district law allows districts to include territory that is not immediately adjacent to the district's boundary. Other owners of land in this area, if so desired, can petition to be annexed to the fire district.

Location, Plan Designation, and Zoning

The proposed annexation is located adjacent to and west of Williams Road, along Nighthawk Lane. Williams Road located off of London Road (County Road No. 1232), which runs along the west boundary of the Cottage Grove Reservoir. The property is identified as 31713 Nighthawk Lane, Cottage Grove (Map 21-03-29 Tax Lots 501 and 1100). Tax lot 501 is 0.84 acres in size and is undeveloped. Tax lot 1100 is 16.96 acres in size and is developed with one single family dwelling. The applicable plan designation is Forest and the zoning is F-2, Impacted Forest Lands. The property is not located within any city or urban growth boundary.

Site Characteristics

The annexation area is located adjacent to F-1, Non-Impacted Forest Lands, zoned public and privately owned timber lands to the west, north, and south. It is adjacent to Williams Road to the east and Nighthawk Lane to the south. F-2 zoned properties are located to the south and east and several are developed with single family residential units.

The annexation area is a forested site developed with one manufactured home. The owners are in the process of constructing a new home on the site. Access to the site is via Nighthawk Lane.

Refer to the map in Attachment 1 (Board Order, Exhibit B).

Referral Comments Received

Comments from the property owner and affected district supporting the annexation are included in the owners' petition/submittal (refer to Attachment 2). Should additional written materials or testimony be produced concerning this item, the information will be delivered to the Board in a supplemental memo or delivered at the hearing.

B. Board Goals

Adoption of this Order after conducting a public hearing supports the following Lane County Strategic Goal adopted by the Board:

- Provide opportunities for citizen participation in decision making, voting, volunteerism, and civic and community involvement.

C. Financial Considerations

The petitioners' submitted the applicable filing fee to Lane County required for processing a special district boundary change for an annexation area consisting of 10 acres or more but less than 25 acres (\$4,480.00).

After annexation to the fire district, the annexed territory will be taxed for South Lane County Fire and Rescue beginning in the tax year 2010. The annexed territory will continue to receive timber land coverage from the Eastern Lane District of the State Forestry Department.

D. Analysis

Decision Criteria – ORS Chapter 198 and Order No. 07-12-12-19

1. *The land is not within a district formed under the same principal Act; (ORS 198.720(2))*

The annexation area is not within a rural fire protection district formed under the same principal Act (ORS Chapter 478 – Rural Fire Protection Districts).

Annexation of the affected territory to South Lane County Fire and Rescue is consistent with this criteria.

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))*

The annexation area is located in an area that is already provided fire services by South Lane County Fire and Rescue. The fire district board of directors endorsed the annexation on July 9, 2009, by adopting Resolution 09-02; refer to Attachment 2 (the applicants' petition and submittal materials). The district indicated the area is within one-quarter of a mile from other properties already in the district. South Lane County Fire and Rescue is the only provider of structural fire protection in this area and can reasonably serve the affected territory.

Annexation of the affected territory to South Lane County Fire and Rescue is consistent with this criteria.

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

Since the entire annexation area will benefit from being annexed to South Lane County Fire and Rescue, no properties are proposed for removal.

Annexation of the affected territory, as submitted, to South Lane County Fire and Rescue is consistent with this criteria.

4. *The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable comprehensive plans, and other adopted land use regulations or agreements as required for the county board to adequately evaluate the proposed boundary change. (ORS 198.857(4))*

The Lane County Rural Comprehensive Plan (RCP) is the applicable comprehensive plan. The annexation area is designated Forest in the RCP and is zoned F-2, Impacted Forest Lands. RCP policy 8 (Goal 4, Forest Lands) requires structural fire protection for forest dwellings. This policy is supported by Lane Code Chapter 16.211(8)(c)(ii), which requires forest dwellings to receive structural fire protection either through being in a rural fire protection district or through

an approved Fire Protection Plan. The owners requested annexation to a rural fire protection district as the means of providing structural fire protection.

Annexation of the affected territory to South Lane County Fire and Rescue is consistent with this criteria.

E. Alternatives/Options

Option 1. Approve the Order as presented.

Option 2. Revise the Order as directed by the Board and return for approval of the revised Order on a date certain set by the Board.

Option 3. Do not approve the Order and deny the application.

IV. TIMING AND IMPLEMENTATION

After the public hearing, the Board can determine whether to approve the petition based on the Decision Criteria. If the petition is approved, a Board Order will be filed with the necessary filing agencies (e.g., Secretary of State, Department of Revenue, Lane County Assessor, Lane County Clerk, and the affected special district) declaring the land annexed to the district.

Passage of the proposed Board Order will become effective when it is fully signed. Filing of the Order will result in this parcel becoming part of South Lane County Fire and Rescue and the property will receive the requested public safety service for rural property.

The annexation Order is not impacted by the provisions of ORS 198.747, which causes a delay in the effective date of an annexation due to upcoming elections.

V. RECOMMENDATION

Staff recommends Option 1.

VI. FOLLOW-UP

The Board Order will be sent as required by Oregon law to the Secretary of State, Department of Revenue, Lane County Assessor, Lane County Clerk, and South Lane County Fire and Rescue (the affected district). Should the Board choose Option 3, an Order with findings setting forth the Board's reasons for denying the Order would be prepared and returned to the Board for adoption on a date certain.

VII. ATTACHMENTS

1. Order No. - -2009
Exhibit A Legal Description
Exhibit B Map
Exhibit C Findings
2. Owners' Petition and Submittal Filing Materials
3. Summary of written comments received into the public record (a supplemental distribution).

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: - -2009 IN THE MATTER OF ANNEXING TERRITORY IDENTIFIED AS T21S R03W S29 TAX LOTS 501 AND 1100, TO SOUTH LANE COUNTY FIRE AND RESCUE UNDER ORS 198.857 (FILE NO. F SL 2009 – ANX 1, VAVERKA)

WHEREAS, a petition requesting annexation to South Lane County Fire and Rescue, a rural fire protection district, was validly filed on August 25, 2009 by the property owner, Jerry and Marjie Vaverka; and

WHEREAS, the property proposed for annexation consists of approximately 17.8 acres and is identified as T21S R03W S29 Tax Lots 501 and 1100, 31713 Nighthawk Lane, Cottage Grove, more particularly described in Exhibit A attached and shown in Exhibit B attached; and

WHEREAS, the property proposed for annexation is developed with one manufactured home, and is designated Forest and zoned F-2, Impacted Forest Lands; and

WHEREAS, legal notice was provided on September 9, 2009; and

WHEREAS, the Board of County Commissioners conducted a public hearing on September 30, 2009; and

WHEREAS, based on the public record, comments received, and staff recommendation, the Board of County Commissioners approved the annexation and made the findings of fact attached as Exhibit C.

NOW, THEREFORE, IT IS ORDERED that the property identified in the petition for annexation is annexed to South Lane County Fire and Rescue.

DATED this _____ day of _____, 2009.

Pete Sorenson, Chairperson
Lane County Board of Commissioners

9-22-09


EXHIBIT A
Legal Description

All that certain property lying W of the W li of Williams Creek Logging Road, described as follows:

The SW ¼ SW ¼ and the SE ¼ SW ¼ S29 T21S R03W WM, in Lane County, Oregon.

EXCEPTING THEREFROM: That portion lying S of the following described centerline of an existing roadway:

Beg at the brass monument marking the SW cor of S29 T21S R03W WM;

Th N00°02'W 660.00 ft alg the W li sd S29 to a pt marked by an iron pin and the TPOB;

Th N89°02'39"E 441.99 ft alg a li parallel wi the S li of sd S29;

Th N69°58'14"E 35.20 ft to a pt;

Th alg the arc of a curve to the ri having a radius of 279.84 ft to a pt wh bears N77°58'44"E 77.97 ft fr the last described pt;

Th alg the arc of a curve to the left having a radius of 324.11 ft to pt wh bears N75°59'13"E 112.56 ft from the last described pt;

Th N65°59'13"E 87.29 ft to a pt;

Th alg the arc of a curve to the left having a radius of 115.92 ft to a pt wh bears N44°17'46"E 85.69 ft from the last described pt;

Th alg the arc of a curve to the ri having a radius of 51.83 ft to a pt wh bears N61°44'56"E 65.44 ft fr the last described pt;

Th S79°06'27"E 152.28 ft to a pt;

Th alg the arc of a curve to the left having a radius of 59.85 ft to a pt wh bears N76°14'42"E 49.92 ft from the last described pt;

Th N51°35'51"E 32.61 ft to a pt;

Th alg the arc of a curve to the left having a radius of 292.60 ft to a pt wh bears N40°05'30"E 116.73 ft fr the last described pt;

Th N28°35'10"E 2.63 ft to a pt;

Th alg the arc of a curve to the ri having a radius of 71.32 ft to a pt wh bears N57°27'18"E 68.87 ft fr the last described pt;

Th N86°19'26"E 269.12 ft a pt;

Th alg the arc of a curve to the ri having a radius of 129.98 ft to the ending pt in the cen of the public rd wh bears S62°42'32"E 133.76 ft fr the last described pt, all in Lane County, Oregon.

EXHIBIT B
Map

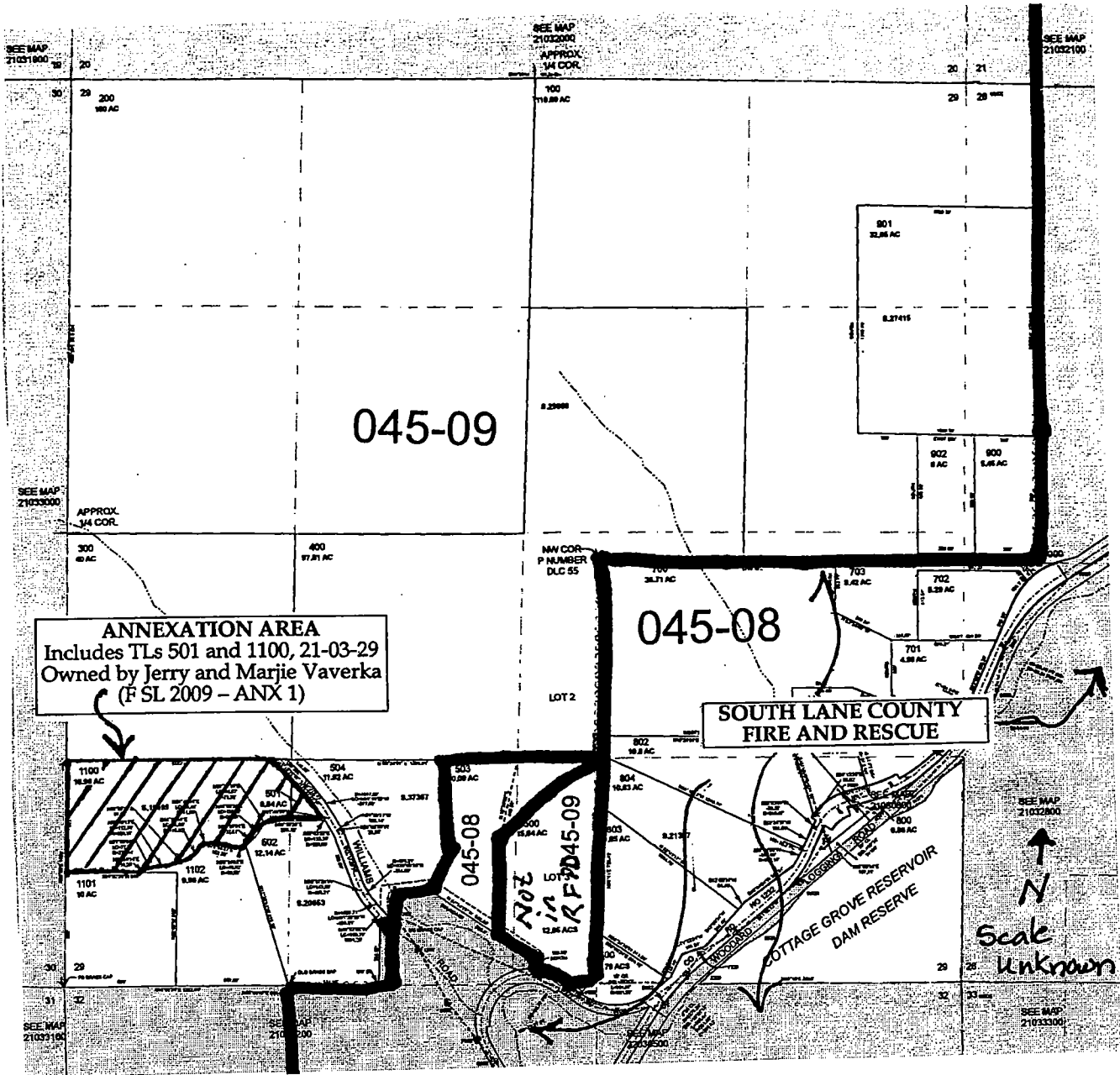


EXHIBIT C
Findings of Fact

1. The annexation of land to South Lane County Fire and Rescue was initiated by the owner as authorized by ORS 198.857. Jerry and Marjie Vaverka consented in writing as the owner of parcel T21S R03W S29 Tax Lots 501 and 1100 (31713 Nighthawk Lane, Cottage Grove).
2. The annexation application was deemed complete by Lane County Land Management Division on August 25, 2009.
3. Legal notice of the public hearing occurred on September 9, 2009.
4. The public hearing required by ORS 198.857 was held on September 30, 2009.
5. The Decision Criteria analysis considered by the Board of County Commissioners follows.

The land is not within a district formed under the same principal Act; (ORS 198.720(2))

The annexation area is not within a rural fire protection district formed under the same principal Act (ORS Chapter 478 – Rural Fire Protection Districts).

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))

The annexation area is located in an area that is already provided fire services by South Lane County Fire and Rescue. The fire district board of directors endorsed the annexation on July 9, 2009, by adopting Resolution 09-02. The district indicated the area is within one-quarter of a mile from other properties already in the district and services can be provided. South Lane County Fire and Rescue is the only provider of structural fire protection in this area and can reasonably serve the affected territory.

No land included in the affected territory will be removed if the land is benefited. (ORS 198.805(1))

Since the entire annexation area will benefit from being annexed to South Lane County Fire and Rescue, no properties are proposed for removal.

The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable comprehensive plans, and other adopted land use regulations or agreements as required for the county board to adequately evaluate the proposed boundary change. (ORS 198.857(4))

The Lane County Rural Comprehensive Plan (RCP) is the applicable comprehensive plan. The annexation area is designated Forest in the RCP and is zoned F-2, Impacted Forest Lands. RCP policy 8 (Goal 4, Forest Lands) requires structural fire protection for forest dwellings. This policy is supported by Lane Code Chapter 16.211(8)(c)(ii), which requires forest dwellings to receive structural fire protection either through being in a rural fire protection district or through an approved Fire Protection Plan. The owners requested annexation to a rural fire protection district as the means of providing structural fire protection.

6. Annexation to South Lane County Fire and Rescue is consistent with the Decision Criteria, Lane Code, and Oregon law.

BEFORE THE LANE COUNTY BOARD OF COMMISSIONERS, OREGON

This PETITION is filed pursuant to ORS 198.705 to 198.955.

PETITION FOR ANNEXATION to the South Lane County Fire + Rescue (District Name)

- The principle Act of this district is ORS Chapter 478
- The names of all other governments that provide services within the annexing district: (example: Lane County, Community College, School, or other special districts)

District/County Name	Principle Act
<u>Lane County</u>	<u>451</u>
<u>South Lane School District</u>	<u>327</u>
<u>Lane Community College</u>	<u>341</u>
<u>Lane Education DISTRICT</u>	<u>334</u>

- Proposed territory to be annexed is:
 - Inhabited Uninhabited
- Any known terms and conditions associated with this petition:

NONE

- Is any of the annexation area within any city? YES NO (If yes, city resolution required.)

- The following petitioner(s) request that annexation proceedings be taken for the territory proposed.

<u>Jerry Vavarka</u>	<u>31713 Nighthawk Ln Cottage Grove OR 97424</u>	
Name	Address	Date
<u>Marjie Vavarka</u>	<u>31713 Nighthawk Ln Cottage Grove OR 97424</u>	
Name	Address	Date
Name	Address	Date

App # F SL 2009- ANX 1
(completed by County Staff)

PETITION SIGNATURE SHEET / DISTRICT ANNEXATION

App # F 512009-ANX1
(completed by County Staff)

Proposed Annexation to South Lane County Fire & Rescue
(Name of District)

To give consent to annex a particular piece of property, persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with Lane County, must sign the annexation petition. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition. (Do not collect signatures prior to written approval by County Clerk. Applicant to only complete top half of form.)

Signature	Date Signed m/d/y	Print Name	Residence Address street, city, zip code	Map & Tax Lot # township/range/section/lot #	Land Owner	Acres (qty)	Reg Voter
<u>Marye Saved</u>	<u>7/5/09</u>	<u>Marye Javarka</u>	<u>31713 Night Hawk Ln</u>	<u>21-03-29-00-01100</u>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
<u>Jerry Novick</u>	<u>7/5/09</u>	<u>Jerry A. Javarka</u>	<u>Cottages Grove 9704</u>	<u>21-03-29-00-00501</u>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
			<u>31713 Night Hawk Ln</u>	<u>21-03-29-00-01100</u>			
			<u>Co ITA 566 Mill St</u>	<u>21-03-29-00-00501</u>			

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, MARIE JAVARCA
X Marye Javarka (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
(signature of circulator)

Completed by County Staff "Only"
CERTIFICATION OF ELECTORS
The total number of active registered voters in the proposed district annexation are 2. I hereby certify that this petition includes 2 valid signatures representing 100 (%) of the total active registered voters that reside in the proposed annexation.

Roxanne Javarka
Lane County Clerk or Deputy Signature
July 15, 2009
Date Certified

CERTIFICATION OF PROPERTY OWNERS
According to the Lane County Assessment and Taxation records, the total number of landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total percent of 100 (%) landowners and 100 (%) acres as determined by the map and tax lots attached to the filed petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.
Roxanne Javarka
Lane County Department of Assessment and Taxation or Lane County Clerk or Deputy on behalf of A&T

July 15, 2009
Date Certified

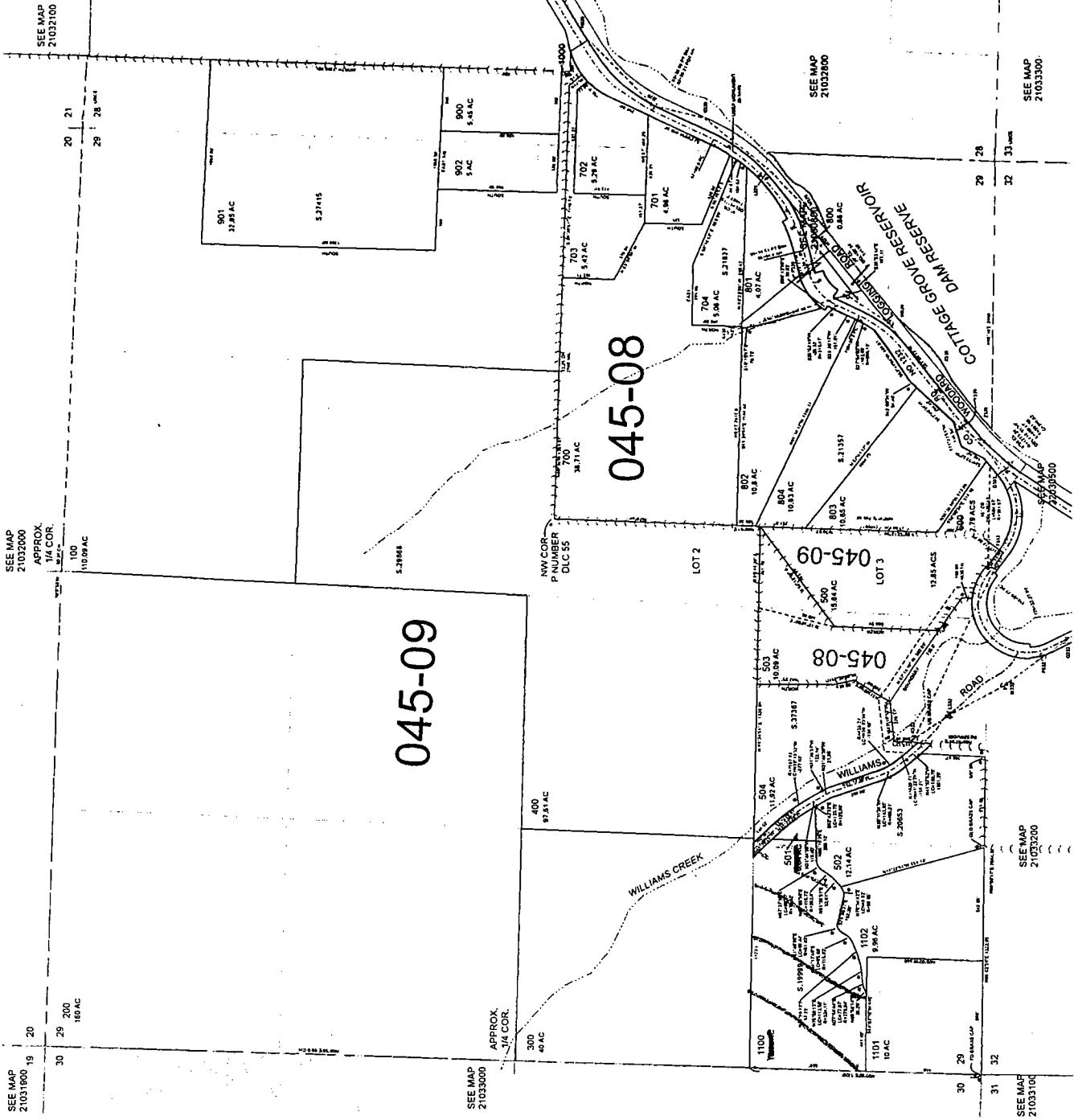
GIS DATA
3/18/2008 11:41:56 AM KARP
CANCELLED
600
1000

Cadastral
Map

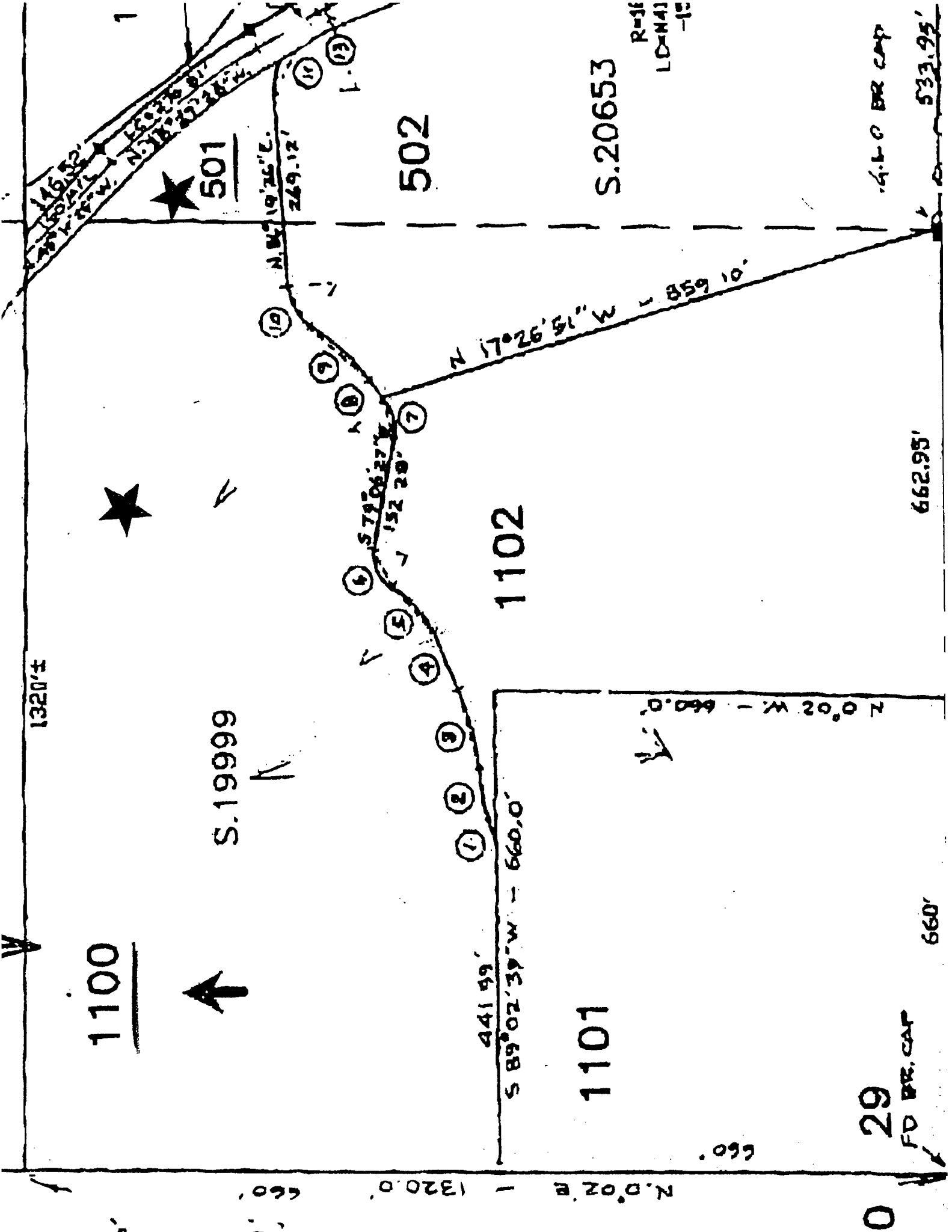
Vavarka

Annexation

to
South Lane County
Fire + Rescue



REVISIONS
1. 11/20/08 (11/20/08) 11:00 AM KARP
2. 11/20/08 (11/20/08) 11:00 AM KARP



1100

S.19999



1320'±

★ 501

502

S.20653

R=11
LD=N41
-12

29

FD BR. CAP

660'

1101

441.99'
S 89°02'39" W - 660.0'

1102

152.20'

S 79°06'27" W

N 17°26'51" W - 859.10'

N 45°19'26" E
269.12'

662.95'

G.L.O BR. CAP
533.95'

- 13
- 12
- 11
- 10
- 9
- 8
- 7
- 6
- 5
- 4
- 3
- 2
- 1

N 0°02' W - 660.0'



660'

N.D.02 E - 1320.0'

660'

30

Vaverka - Jerry +
Marjie

APN: 1134905

Statutory Warranty Deed
- continued

File No.: 7192-1061431 (JLS)
Date: 08/20/2007

EXHIBIT A

LEGAL DESCRIPTION:

ALL THAT CERTAIN PROPERTY LYING WEST OF THE WEST LINE OF WILLIAMS CREEK LOGGING ROAD, DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON.

EXCEPTING THEREFROM: THAT PORTION LYING SOUTH OF THE FOLLOWING DESCRIBED CENTERLINE OF AN EXISTING ROADWAY:

BEGINNING AT THE BRASS MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 0° 02' WEST 660.00 FEET ALONG THE WEST LINE OF SAID SECTION 29 TO A POINT MARKED BY AN IRON PIN AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 02' 39" EAST 441.99 FEET ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 29; THENCE NORTH 69° 58' 14" EAST 35.20 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 279.84 FEET TO A POINT WHICH BEARS NORTH 77° 58' 44" EAST 77.97 FEET FROM THE LAST DESCRIBED POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 324.11 FEET TO A POINT WHICH BEARS NORTH 75° 59' 13" EAST 112.56 FEET FROM THE LAST DESCRIBED POINT; THENCE NORTH 65° 59' 13" EAST 87.29 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 115.92 FEET TO A POINT WHICH BEARS NORTH 44° 17' 46" EAST 85.69 FEET FROM THE LAST DESCRIBED POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 51.83 FEET TO A POINT WHICH BEARS NORTH 61° 44' 56" EAST 65.44 FEET FROM THE LAST DESCRIBED POINT; THENCE SOUTH 79° 06' 27" EAST 152.28 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 59.85 FEET TO A POINT WHICH BEARS NORTH 76° 14' 42" EAST 49.92 FEET FROM THE LAST DESCRIBED POINT; THENCE NORTH 51° 35' 51" EAST 32.61 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 292.60 FEET TO A POINT WHICH BEARS NORTH 40° 05' 30" EAST 116.73 FEET FROM THE LAST DESCRIBED POINT; THENCE NORTH 28° 35' 10" EAST 2.63 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 71.32 FEET TO A POINT WHICH BEARS NORTH 57° 27' 18" EAST 68.87 FEET FROM THE LAST DESCRIBED POINT; THENCE NORTH 86° 19' 26" EAST 269.12 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 129.98 FEET TO THE ENDING POINT IN THE CENTER OF THE PUBLIC ROAD WHICH BEARS SOUTH 62° 42' 32" EAST 133.76 FEET FROM THE LAST DESCRIBED POINT.

DOR 20-P2-2009
Preliminary Review



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

South Lane Fire and Rescue
Budget Officer
233 Harrison Ave
Cottage Grove, OR 97424

Date: 6/9/2009

This letter is to inform you that the map and description for your PLANNED Annexation into South Lane Fire and Rescue district (Jerry & Marjie Vaverka) in Lane County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted in final form before March 31, 2010 per ORS 308.225.

PRELIMINARY REVIEW

If you have any questions please contact: Matthew Taylor 503-947-2162



SOUTH LANE COUNTY FIRE & RESCUE

233 Harrison Avenue
Cottage Grove. OR

Phone: (541) 942-4493
Fax: (541) 942-3367

Resolution of the Board of Directors 09-02

Approving the proposed annexation into the South Lane Fire and Rescue Fire District, of the property of Marjie and Jerry Vaverka, located at 31713 Nighthawk Lane, Cottage Grove, Oregon

Whereas, Marjie and Jerry Vaverka have made application to Lane County for the annexation of their property located at 31713 Nighthawk Lane, Cottage Grove, Oregon, to become a part of the South Lane County Fire and Rescue fire district, and

Whereas, after a review of the application and an inspection of the property proposed to be annexed by the South Lane Fire and Rescue, and finding that the application and the property meet the requirements for annexation and that the property can be serviced by the fire district,

Therefore, in a meeting of the Board of Directors of the South Lane County Fire and Rescue fire district on July 9, 2009, the Board of Directors have approved the annexation by a unanimous vote.

Signed July 9, 2009 by:

Cynthia Knight, Board President

Handwritten signature of Cynthia Knight in cursive, written over a horizontal line.

Thomas Carroll, Board Vice-President

Handwritten signature of Thomas Carroll in cursive, written over a horizontal line.

Nancy Hocker, Board Secretary

Handwritten signature of Nancy Hocker in cursive, written over a horizontal line.



SOUTH LANE COUNTY FIRE & RESCUE

233 Harrison Avenue
Cottage Grove, OR

Phone: (541) 942-4493
Fax: (541) 942-3367

July 10, 2009

Annette Newingham
Chief Deputy County Clerk
275 West 10th Avenue
Eugene OR 97401

Dear Ms. Newingham,

I am writing to you to in regard to the annexation application submitted by Marjie and Jerry Vaverka who reside at 31713 Nighthawk Lane, Cottage Grove, Oregon. Mr. and Ms. Vaverka wish to be annexed into the South Lane Fire and Rescue fire district.

I have reviewed the application, discussed the matter at length with Ms. Vaverka, and conducted a physical inspection of the property proposed to be annexed. It is my view that the annexation request is in compliance with the Lane County annexation requirements and ORS Chapter 198.

Specifically,

- The property is not, to my knowledge, within another district formed under the same principal Act (ORS Chapter 198).
- The property to be annexed will continue to be reasonably served by the South Lane County Fire and Rescue fire district. The property is less than one quarter of a mile from current district boundaries.
- To my knowledge, the property will not be removed from the district if the land is benefited, and the boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable refinement plans, and other adopted land use regulations or agreements.

Attached, is a copy of the resolution of the Board of Directors of the South Lane Fire and Rescue fire district which approves the requested boundary change.

Please contact me if there are any questions regarding this matter, or if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "David H. Nielson".

David H. Nielson
Fire Chief

7/1/09

To: Lane County

From: Jerry & Marjie Vaverka
31713 Nighthawk Ln
Cottage Grove OR 97424

Re: Application for Annexation to South Lane County Fire &
Rescue District

The land is not within a district formed under the same principal Act

Our property can be served by South Lane County Fire & Rescue
District. The fire district has said that our property is accessible.

No land included in the annexation area will be removed if the land
is benefited.

The boundary change is consistent with the Lane County Rural
Comprehensive Plan

The property is not within the city limits.

Marjie Vaverka
Jerry Vaverka

**LANE COUNTY
SUPPLEMENTAL ANNEXATION
INFORMATION FORM**

(Complete all the following questions and provide all the requested information. This form will be used to determine whether or not the application can be considered a land use decision and for the purpose of analysis and decision making by the Lane County Board of Commissioners. Attach any responses that require additional space, restating the question or request for information on additional sheets.)

Contact Person: Marjie Vaverka
 Mailing Address: 31713 Nighthawk Lane
 City/Zip: Cottage Grove, OR 97424
 Phone #: 541-942-1117
 E-Mail: Marjie.GG50@surfmk.com

The attached petition is for annexation to South Lane County Fire & Rescue (district name).

Supply the following information regarding the annexation area.

- Estimated Population (at present): 3
- Number of Existing Residential Units: 1
- Land Area: 17.41 total acres 17.80 - per A+T acreage
- Existing Plan Designation(s): NA Forest
- Existing Zoning(s): F2
- Existing Land Use(s): 1150 Mobile Home Residential, timber lands
- Existing improvements (public or private); water; streets; sanitary sewer; storm drainage; parks; fire protection (both structural and timberland); electrical:
well water, private road + driveway, septic system, electricity
- Applicable Comprehensive Plan(s): NA Lane County Rural Comp Plan
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans.
NA RCP plan policies support structural fire protection for rural residents.
- Are there development plans associated with this proposed annexation?
 Yes _____ No X
 If yes, describe.

- Is the proposed use or development allowed on the property under the current plan designation and zoning?
 Yes X No _____

- Indicate whether a change of zoning, a Conditional Use Permit or a Special Use Permit is required to allow the proposed use or development.

Zone Change: Yes _____ No X
 Conditional Use Permit: Yes _____ No X
 Special Use Permit: Yes _____ No X

- Does this application include all contiguous property under the same ownership?

Yes X No _____
 If no, state the reasons why all property not included?

- Names of persons to whom staff notes and notices should be sent, in addition to applicant(s), such as an agent or legal representative.

NA
 (Name) _____ (Name) _____
 (Address) _____ (Address) _____
 (City) _____ (Zip) _____ (City) _____ (Zip) _____
 (Name) _____ (Name) _____
 (Address) _____ (Address) _____
 (City) _____ (Zip) _____ (City) _____ (Zip) _____

(The Section Below is for Land Management Staff Use *Only*)

Application Initiated by (refer to Instructions for Filing Application by Individuals):

- A-Single Property Owner [ORS 198.857]
- B-All Property Owners [ORS 198.855(3)]
- C-Electors and Owners [ORS 198.855(3)]
- D-Electors and Owners [ORS 198.855(1)]

Date received from Lane County Clerk: 7/16/2009

Annexation Request Applies to Land Use:

- YES
- NO

Paul Taylor for LMD
 Planner, Land Management Division

8/25/09
 Date Signed

App # FSL 2009-ANX 1
 (completed by County Staff)

The following form is a sample.
 All applications must include a hard copy of this completed form reflecting all properties and owners with the annexation area.
 An electronic copy in Excel must also be submitted whenever there are 10 or more owners or tax lots within the annexation area.
 An electronic copy of this form can be obtained from the County Clerk.

Sample Map & Tax Lots List for proposed annexation to South Lane County Fire + Rescue DISTRICT NAME

(completed by County Staff)

*All persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with Lane County, are to be listed separately on each line, even if the same property is listed more than once.
 *Generally, this means that both husband and wife would be listed separately, if both names on the deed. In the case of a corporation or business, all owners listed on the Assessment and Taxation records or current recorded property transactions should be listed.

Property Owner*	Site Address (indicate if vacant land)		T	Map & Tax Lot #s			Acres (qty)	Assessed Value Current Tax Rolls	Land Owner	Reg Voter
	Street #	Street Name		City, Zip, and Unit	R	S				
Jerry Vaverka	31713	Nighthawk LN	21	03	29	00034	16.96	31,897	✓	✓
Jerry Vaverka	31713	Nighthawk LN	21	03	29	00034	.84	1,641	✓	✓
Marije Vaverka	31713	Nighthawk LN	21	03	29	00034	16.96	31,897	✓	✓
Marije Vaverka	31713	Nighthawk LN	21	03	29	00034	.84	1,641	✓	✓

PETITION SIGNATURE SHEET / DISTRICT ANNEXATION

App # _____

(completed by County Staff)

Proposed Annexation to South Lane County Fire & Rescue

(Name of District)

To give consent to annex a particular piece of property, persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with Lane County, must sign the annexation petition. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition.

	Signature	Date Signed m/d/y	Print Name	Residence Address street, city, zip code	Map & Tax Lot # township/range/section/lot #	<input checked="" type="checkbox"/> Land Owner	Acres (qty)	<input checked="" type="checkbox"/> Reg Voter
1.								
2.								
3.	RECEIVED FOR CIRCULATION							
4.	THU 15 th DAY OF JULY 2008							
5.	<i>R. J. [unclear]</i>							
6.								
7.								
8.								
9.								
10.								

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

1. Margie Laverka (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X Margie Laverka (signature of circulator)

CERTIFICATION OF ELECTORS

The total number of active registered voters in the proposed district annexation are _____. I hereby certify that this petition includes _____ valid signatures representing _____ (% of the total active registered voters that reside in the proposed annexation).

Lane County Clerk or Deputy Signature _____

Date Certified _____

CERTIFICATION OF PROPERTY OWNERS

According to the Lane County Assessment and Taxation records, the total number of landowners in the proposed annexation are _____. (qty) This petition reflects that _____ (qty) landowners (or legal representatives) listed on this petition represent a total percent of _____ (% of landowners and _____ (%) acres as determined by the map and tax lots attached to the filed petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

Lane County Department of Assessment and Taxation or Lane County Clerk or Deputy on behalf of A&T _____

Date Certified _____