BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 15-12-01-05

IN THE MATTER OF ANNEXING TERRITORY TO THE
LOWELL RURAL FIRE PROTECTION DISTRICT TO
PROVIDE FIRE PROTECTION SERVICE TO THE
ANNEXED TERRITORY; ASSESSOR’S MAP 19-15-16-00
Tax Lots 1100 and 1201 (FILE NO. F-LO-2015-ANX-2)

WHEREAS, a petition initiating the annexation of territory to the Lowell Rural Fire Protection District was filed with Lane County on August 25, 2015 (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 Lowell Rural Fire Protection District voted to approve the proposed annexation on August 11, 2015 as evidenced by Lowell Rural Fire Protection District Board Order Number 2015-10, contained in the record; and

WHEREAS, legal notice was published on November 18 and November 25, 2015, announcing a December 1, 2015, public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on December 1, 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 Lowell Rural Fire Protection District and that this annexation is effective as of December 1, 2015.

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 1st day of December, 2015.

Jay Bozievich, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM
Date Nov 18, 2015
Office of Legal Counsel
Exhibit "A"

Property to be annexed into the Lowell RFPD

Two parcels of land located in Section 16, Township 19 South, Range 01 East W.M. Lane County Oregon, described as follows according to the information found on the Lane County assessors map (19151600) Taxlots 1100 and 1201 last Rev: 4/14/2009

Parcel 1:
Beginning at a point lying on the Eastern r.o.w. of Winberry Creek Rd, said point being N87°22'14"W, 679.6 ft from the SW corner of the SE1/4 of the NE1/4 of sec 16;
Thence S87°22'14"E, 274.6';
Thence N02°03'W, 510.29';
Thence S70°23'W, 245.20' to the Eastern r.o.w. of Winberry Creek Rd;
Thence Southerly along said r.o.w. back to the POB

Parcel 2:
Beginning at the SW corner of the SE1/4 of the NE1/4 of sec 16;
Thence N87°22'14"W, 405';
Thence N02°03'W, 588.7';
Thence S86°35'E, 469.18 to the West line of the SE1/4 of the NE1/4 of sec 16;
Thence S04°19'W, 361.96' along said West line of SE1/4 of the NE1/4 back to the POB
Subject Property:
19-15-16  TL: 1100 and 1201
FINDINGS OF FACT AND CONCLUSION OF LAW

1. The annexation of territory to the Lowell Rural Fire Protection District was initiated on August 25, 2015, by a petition by the property owner of the proposed territory to be annexed, as authorized by ORS 198.857.

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 November 18 and November 25, 2015 for a December 1, 2015, public hearing and was posted in 2 separate locations.

4. The public hearing required by ORS 198.857(4) was held on December 1, 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 Lowell Rural Fire Protection District (Principle Act 478) 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 of 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 benefitted.

   (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 Rural Comprehensive Plan (RCP). The subject property is located in the Rural Residential Zone (RR-5). Residential Annexation to the Lowell Rural Fire Protection District will provide an essential service to a use allowable within the zone and consistent with the Rural Comprehensive Plan.

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