BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 20-09-15-05

In the Matter of Annexing Territory to Lane Fire Authority to Provide Fire Protection Service to the Annexed Territory, Consisting of a 6.03 Acre Parcel Identified as Assessor’s Map 16-06-31, Tax Lot 500 (File No. F-LFA-2020-ANX-1)

WHEREAS, a petition initiating the annexation of territory to Lane Fire Authority was filed with Lane County on June 3, 2020 (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 Lane Fire Authority voted to approve the proposed annexation on May 21, 2020, as evidenced by Resolution 2019-20 #9, contained in the record; and

WHEREAS, legal notice was published on August 31 and September 10, 2020, and posted in two public locations and mailed to the owners and fire district on August 31, 2020, for a September 15, 2020 public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on September 15, 2020 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 Fire Authority and that this annexation is effective as of September 15, 2020, 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 15th day of September, 2020.

________________________________
Heather Buch, Chair
Lane County Board of Commissioners
East 1/2 of the Northeast 1/4 of Section 31, Township 16 South, Range 6 West, W.M., said corner is monumented with a 1978 Lane County Surveyor’s Office (LCSO) 3” Brass cap, thence along the East Line of said Section 31, South 0°19’ 17” East for 897.37 ± feet to a point, thence South 89°48’ 49” West for 60.00 feet to the True Point of Beginning of this description:

Thence South 89°48’ 49” West for 656.30 feet to a ¾” x 30” rebar with yellow plastic cap (YPC) stamped “NTCI PLS 2603” as set in CSF #42224 as filed in said LCSO: Thence North 0°19’ 17” West for 400.03 feet to a ¾” x 30” rebar with yellow plastic cap (YPC) stamped “NTCI PLS 2603” as set in CSF #42224: Thence North 89°48’ 49” East for 656.30 feet to a ¾” x 30” rebar with yellow plastic cap (YPC) stamped “NTCI PLS 2603” as set in CSF #42224: Thence South 0°19’ 17” East for 400.13 feet ± to the True Point of Beginning and the end of this description.

Legal Description

EXHIBIT A
1. The annexation of territory to Lane Fire Authority was initiated on June 3, 2020 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 August 31, 2020, hearing notice was posted at Lane County Public Services Building and at the US Post Office at Noti Market. Additionally, notice was mailed to the petitioners and Lane Fire Authority. Legal notice was published on August 31 and September 10, 2020 in the Register Guard.

4. The public hearing required by ORS 198.800 was held on September 15, 2020.

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 Lane Fire Authority 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, Lane Fire Authority provides fire protection services to properties in the immediate vicinity of the subject property, including the adjacent property to the south. The Lane Fire Authority Board of Directors approved the annexation with Resolution 2019-20 #9 adopted on May 21, 2020. 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.

   (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 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 to be provided with residential fire protection by contract.

The subject property received conditional land use approval to allow a dwelling in the F-2 zone. The dwelling was approved with LMD File No. 509-PA17-015365. As a condition of approval, the applicant must demonstrate compliance with the fire-siting standards of Lane Code 16.211.

Annexation to Lane Fire Authority 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.