BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 16-05-03-07

IN THE MATTER OF ANNEXING TERRITORY TO THE
MCKENZIE FIRE AND RESCUE DISTRICT TO PROVIDE
FIRE PROTECTION SERVICE TO THE ANNEXATION
TERRITORY, CONSISTING OF PORTIONS OF TRS 17-01-
32-40 TAXLOTS 1006, 1011, & 1012, AND SETTING THE
FINAL HEARING. (FILE NO. F-MK-2016-ANX-1)

WHEREAS, a petition initiating the annexation of territory to the McKenzie Fire and Rescue District was filed with Lane County on March 18, 2016 (the "Petition for Annexation"), in accordance with ORS 198.855(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 Directors of the McKenzie Fire and Rescue District adopted two resolutions approving the proposed annexation, one on March 18, 2008 (Resolution 07/08 - 4) and February 16, 2016 (2015/2016 Resolution #7); and

WHEREAS, legal notice was provided on April 13, 2016 and April 22, 2016, for a May 3, 2016, public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on May 3, 2016, to receive and consider both oral and written evidence.

NOW, THEREFORE, IT IS ORDERED as follows:

1. That the findings set forth in Exhibit C are hereby adopted and incorporated by this reference.

2. That based on the findings and evidence submitted, and the applicable law, the Petition for Annexation is hereby approved.

3. That a final hearing be held before the Board of County Commissioners of May 24, 2016, for the purpose of determining whether a sufficient number of requests for election have been filed in accordance with ORS 198.810(3) such that election on the annexation is required as provided by ORS 198.855.

4. That notice of the final hearing on May 24, 2016, be published according to law.

5. That if a sufficient number of requests for an election have not been filed in accordance with ORS 198.810(3) by the time of the final hearing on May 24, 2016, the Board of County Commissioners will issue its final order approving the annexation of the territory described on Exhibit A and depicted on Exhibit B to the McKenzie Fire and Rescue, effective as of May 24, 2016, in accordance with ORS 198.747(2).

ADOPTED this 3rd day of May 2016.

Faye Stewart, Chairperson
Lane County Board of Commissioners

APPROVED AS TO FORM

Data May 2, 2016, Lane County
OFFICE OF LEGAL COUNSEL
Legal Description

That portion of Land Partition Plat No. 2008-P2247, as recorded in the Lane County Plat Records, that lies East of the West line of the Southeast ¼ of Section 32, Township 17 South, Range 1 West of the Willamette Meridian.

ALSO that portion of that property described in Statutory Warranty Deed recorded April 4, 2016, Instrument No. 2016-015179, Lane County Oregon Deed Records, that lies East of the West line of the Southeast ¼ of Section 32, Township 17 South, Range 1 West of the Willamette Meridian.
EXHIBIT C for ORDER NO: 16-05-03-07  
BOARD FINDINGS

1. The annexation of territory to the McKenzie Fire and Rescue District was initiated on March 18, 2016 by a petition by all property owners of the proposed territory to be annexed, as authorized by ORS 198.855(3).

2. The application for annexation, map and legal description indicate that the territory proposed for annexation is the remainder of Assessor’s Map 17-01-32-40 tax lots 1006, 1011, and 1012 that are currently not within the existing fire district boundary.

3. Legal notice was made on April 13, 2016 and April 22, 2016 for the initial public hearing on May 3, 2016.

4. The first public hearing required by ORS 198.800 was held on May 3, 2016.

5. The final public hearing to consider whether an election is necessary as required by ORS 198.810(3) is scheduled to be held on May 24, 2016.

6. The decision criteria analysis considered by the Board of County Commissioners follows.

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

   Finding 6(A): 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.

   (B) The annexation area can reasonably be served or continued to be served by the facilities or services provided by the district;

   Finding 6(B): The proposal meets this criterion. The McKenzie Fire and Rescue District verified in Resolution No.’s 07/08 – 4 and 2015/2016 - #7 that the properties can be served by the fire district.

   (C) No land included in the annexation area will be removed if the land is benefited; and

   Staff Finding 6(C): The proposal meets this criterion. As proposed, no land in the annexation area will be removed if the land is benefited.

   (D) The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable refinement plans, and other adopted land use regulations or agreements.
Staff Finding 6(D): The proposal meets this criterion. The subject properties are located within a Developed and Committed Exception area (514-2) and zoned Rural Residential (RR-5), which allows for single family dwellings. Lane County Rural Comprehensive Goal 11, Policy 6.e. states that rural fire protection should be a public facility provided to Rural Residential zoned properties located outside of a community designation. Annexation to the District will provide an essential public service to the existing and future dwellings.

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