

PASSED

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: ~~XXXX2009~~
09-9-30-9

IN THE MATTER OF ANNEXING TERRITORY, IDENTIFIED AS T17S R12W S24 TAX LOT 415, TO SIUSLAW VALLEY FIRE AND RESCUE UNDER ORS 198.857 (FILE NO. F SV 2009 - ANX 2, ESCH)

WHEREAS, a petition requesting annexation to Siuslaw Valley Fire and Rescue, a rural fire protection district, was validly filed on August 25, 2009 by the property owner, Lorraine Esch; and

WHEREAS, the property proposed for annexation consists of approximately 4.43 acres and is identified as T17S R12W S24 Tax Lot 415, 89890 Ben Bunch Road, Florence, 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, is designated Residential, and zoned RR-5, Rural Residential with 5-acre minimum lot size; and

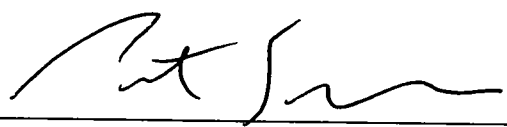
WHEREAS, legal notice was provided on September 9, 2009; and

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 Siuslaw Valley Fire and Rescue.

DATED this 30th day of September, 2009.



Pete Sorenson, Chairperson
Lane County Board of Commissioners

9-22-09


EXHIBIT A
Legal Description

Parcel 2, Land Partition No. 93-P-350, Lane County Oregon Plat Records, in Lane County, Oregon.

EXHIBIT B
Map

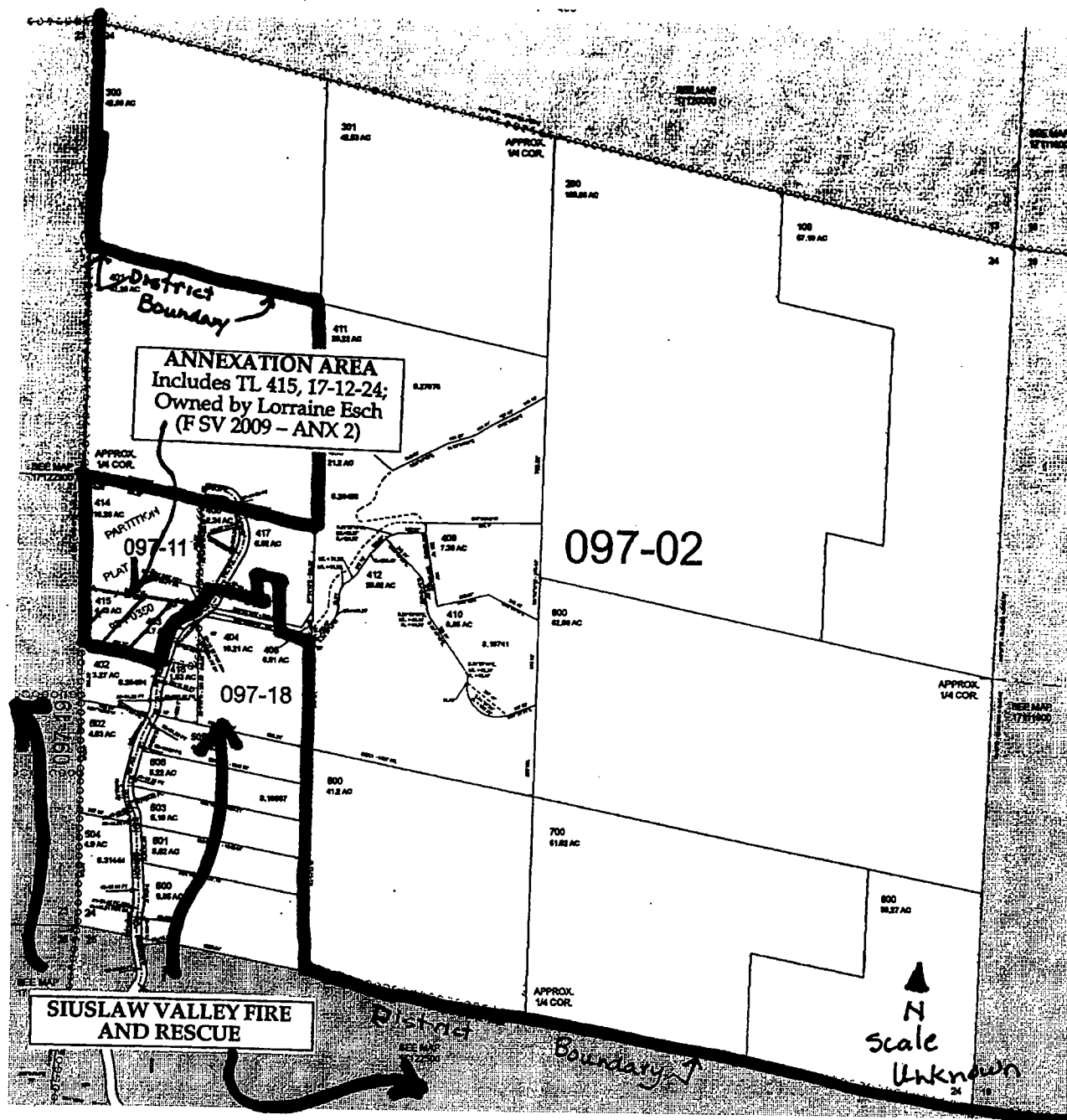


EXHIBIT C
Findings of Fact

1. The annexation of land to Siuslaw Valley Fire and Rescue was initiated by the owner as authorized by ORS 198.857. Lorraine Esch consented in writing as the owner of parcel T17S R12W S24 Tax Lot 415 (89890 Ben Bunch Road, Florence).
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 Siuslaw Valley Fire and Rescue. The fire district board of directors endorsed the annexation on July 15, 2009, by adopting Resolution No. 2009-05. The district indicated the area is contiguous to the district boundaries and it can reasonably be serviced. Siuslaw Valley 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 Siuslaw Valley Fire and Rescue, no property is proposed for removal from the affected territory.

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 Residential in the RCP and is zoned RR-5, rural residential with 5-acre minimum lot size. The provision of structural fire protection is consistent with plan policies (Goal Two: Land Use Planning, 18 and 19; and Goal Eleven: Public Facilities and Services, 6.e.) identifying a rural level of fire service as an appropriate level of service for properties designated rural residential.

6. Annexation to Siuslaw Valley Fire and Rescue is consistent with the Decision Criteria, Lane County Rural Comprehensive Plan, Lane Code, and Oregon Law.

Single Property Owner Aff.

PETITION SIGNATURE SHEET / DISTRICT ANNEXATION

App # F-SV-2009-ANX-2
(Completed by County Staff)

Proposed Annexation to JUGSLAW VALLEY 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 #	Land Owner	Acres (qty)	Reg Voter
<u>Berraine M. Esch</u>	<u>6-3-09</u>	<u>BERRAINE M. ESCH</u>	<u>89890 BEN BUNCH RD.</u>	<u>17-10-38-00-00415</u>	<input checked="" type="checkbox"/>	<u>5.2</u>	<input checked="" type="checkbox"/>

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, LEO J. STAPLETON
Leo J. Stapleton (printed name of circulator, hereby certify that every person who signed this sheet did so in my presence. (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 1 (qty). This petition reflects that 1 (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.

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

8/12/09
Date Certified

097-11

0.02 AC

PLAT

62+16.77 POT AH=
62+35.22 PT BK

S89°10'W
687.62'

415
4.43 AC

93-P0350

403
0.7 AC

100.68'

62+93.44 PT

62+18.21

S81°03'38"E - 700.19'

N81°03'38"W - 700.35'

S1°51'15"E - 655.11'



402
3.27 AC

472.29'
S81°11'11"E

698.32'

S.28464

416
1.53 AC

55+11.13 PT

53+94.22 PT

54+001.62 PC

60°
60+10.52 POT AH=
59+52.89 PT BK

404
10.21 AC

408
0.51 AC

097-18

5°E - 655.11'

★ subject property

7
10
20
LEGAL DESCRIPTION
9415144

TITLE NO. FTE-1647
ESCROW NO. FL94-0642
TAX ACCT. NO. PTD 1437902
TAX MAP NO. 17-12-24-00-00413

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL or CORPORATION)

JOEL A. GOLDSTEIN and MARY A. M. GOLDSTEIN, husband and wife,
Grantor,

conveys and warrants to

JOHN E. ESCH and LORRAINE M. ESCH, husband and wife, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

Parcel 2, LAND PARTITION PLAT NO. 93-P-350, Lane County Oregon Plat
Records, in Lane County, Oregon.
REZONAR.01'94ND4REC 5.00
REZONAR.01'94ND4PFUND 10.00
REZONAR.01'94ND4AT FUND 20.00

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practice: as defined in ORS 30.390.

Encumbrances: Covenants, conditions, restrictions and easements of record

The true consideration for this conveyance is \$59,000.00 (Here comply with the requirements of ORS 93.030*).

Dated this 28 day of February, 1994; if a corporate grantor, it has caused its name to be signed by order of its board of directors.



Joel A. Goldstein
JOEL A. GOLDSTEIN
Mary A. M. Goldstein
MARY A. M. GOLDSTEIN

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on 2/28, 1994, by JOEL A. GOLDSTEIN and MARY A. M. GOLDSTEIN

Sherry L. Jessler
Notary Public for Oregon
My commission expires: 12/13/96

JOEL A. GOLDSTEIN
89970 BKN BUNCH RD.
FLORENCE, OR 97439
GRANTOR'S NAME AND ADDRESS

Until a change is requested
all tax statements shall be
sent to the following address:
*** SAME AS GRANTEE ***

JOHN E. ESCH
PO BOX 65
FLORENCE, OR 97439
GRANTEE'S NAME AND ADDRESS

After recording return to:
FLORENCE TITLE AND ESCROW, INC. OF OREGON
1225 HIGHWAY 101 STREET
FLORENCE, OR 97439

RETURN TO FLORENCE TITLE & E

BTM

For the said
but the within
record at

ds.

LAND PARTITION PLAT NO. **93-P0350**

IN PLAT

LANE COUNTY SURVEYORS OFFICE
C.S. FILE NO. 31265
FILING DATE 5-21-98 **C**

Y A.M. GOLDSTEIN
, R 12 W, W.M.
EGON

I, THE UNDERSIGNED HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE FINAL PLAT AS SHOWN.

Eugene M. Wobbe

OWNER & PARTITIONER: JOEL A. GOLDSTEIN AND MARY A.M. GOLDSTEIN
89970 BEN BUNCH ROAD
FLORENCE, OR 97439

SURVEYOR: EUGENE M. WOBBE, PLS, WRE.
WOBBE & ASSOCIATES, INC.
510 KINGWOOD ST./ P.O. BOX 1136
FLORENCE, OREGON 97439

ZONING: SINGLE FAMILY RESIDENTIAL / RR5

DATE SUBMITTED: APRIL 14, 1993

FILED
MAY 8 1993
COUNTY CLERK
Travis White

LANE COUNTY APPROVALS:

K. Robert Egell 5-19-93
LANE COUNTY SURVEYOR DATE

John S. Lebeck MAY 18, 1993
DIRECTOR LAND MANAGEMENT DIVISION DATE
FOR ROY BURNE

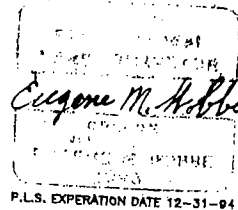
\$33496

SURVEYORS CERTIFICATE:

I, EUGENE M. WOBBE, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED AND MARKED WITH PROPER MONUMENTS THE FOLLOWING DESCRIBED PLAT AND THAT THE INITIAL POINT IS MARKED BY A BRASS CAP.

BEGINNING AT THE WESTERLY 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 12 WEST, W.M., THENCE SOUTH 80°47'57" EAST 704.58 FEET; THENCE SOUTH 2°08'49" EAST 650.29 FEET TO THE WESTERLY RIGHT OF WAY OF BEN BUNCH ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH 59°34'06" WEST 64.27 FEET; THENCE ALONG THE ARC OF A 268.59 FOOT RADIUS LEFT (THE CHORD OF WHICH BEARS SOUTH 36°58'51" WEST 206.33 FEET) A DISTANCE OF 211.77 FEET; THENCE SOUTH 14°23'36" WEST 123.99 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH 81°11'11" WEST 472.29 FEET TO THE WEST LINE OF SAID SECTION 24; THENCE ALONG SAID WEST LINE NORTH 2°26'00" WEST 1008.51 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON.

CORNERS PARCEL 3124324 3545. THE OM MAP FOR 22-76. THE ED BEARING. Y LINE



DW PLASTIC

OWNERS DECLARATION:

KNOW ALL MEN THAT JOEL A. GOLDSTEIN AND MARY A.M. GOLDSTEIN ARE THE OWNERS OF THE LAND DESCRIBED HEREON AND DID CAUSE THE SAME TO BE PARTITIONED AND PLATTED AS HEREON SHOWN ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES, CHAPTER 92.

Joel A. Goldstein
JOEL A. GOLDSTEIN

Mary A.M. Goldstein
MARY A.M. GOLDSTEIN

CH ROAD)

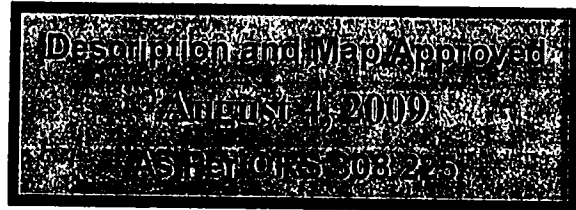
Notice to Taxing Districts

ORS 308.225



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

Siuslaw Valley Fire and Rescue
2625 Highway 101 North
Florence, OR 97439



Description Map received from: John D. Buchanan
On: 6/5/2009

This is to notify you that your boundary change in Lane County for

Annexation into Siuslaw Valley Fire and Rescue

RES #2009-02

has been: Approved 8/4/2009
 Disapproved

Notes:

Department of Revenue File Number: 20-1822-2009

Prepared by: Matthew Taylor 503-947-2162

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge
- Establishment of Tax Zone

SIUSLAW VALLEY FIRE AND RESCUE
"Protection with Pride"

Resolution No. 2009-05

A Resolution Approving a Petition to Annex

WHEREAS, Lorraine Esch has filed a petition with Siuslaw Valley Fire and Rescue (District) to annex to the District the property, more particularly described as:

Exhibit 'A' Attached

WHEREAS, the petitioner is the legal owner of the property; and

WHEREAS, the property is contiguous to the District; and

WHEREAS, the Fire Chief has determined that the District can reasonably provide services to the property.

THEREFORE BE IT RESOLVED THAT the Board of Directors of Siuslaw Valley Fire and Rescue does hereby approve the above referenced petition for annexation, and does hereby authorize the Fire Chief or other personnel to provide a copy of this resolution to the petitioners and appropriate officials with Lane County.

PASSED AND ADOPTED this 15th day of July, 2009.


Steve Olienyk, Board President

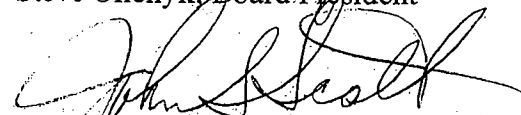

John S. Scott, Board Member

Exhibit 'A'

LEGAL DESCRIPTION

BEGINNING AT THE WESTERLY $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 12 WEST, W.M., THENCE SOUTH $80^{\circ}47'57''$ EAST 704.58 FEET; THENCE SOUTH $2^{\circ}08'49''$ EAST 650.29 FEET TO THE WESTERLY RIGHT OF WAY OF BEN BUNCH ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH $59^{\circ}34'06''$ WEST 64.27 FEET; THENCE ALONG THE ARC OF A 268.59 FOOT RADIUS LEFT (THE CHORD OF WHICH BEARS SOUTH $36^{\circ}58'51''$ WEST 206.33 FEET) A DISTANCE OF 211.77 FEET; THENCE SOUTH $14^{\circ}23'36''$ WEST 123.99 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH $81^{\circ}11'11''$ WEST 472.29 FEET TO THE WEST LINE OF SAID SECTION 24; THENCE ALONG SAID WEST LINE NORTH $2^{\circ}26'00''$ WEST 1008.51 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON.

To whom it may concern:

When we purchased the property we assumed it was in the Siuslaw Valley Fire and Rescue District. I just found out that my property is not in the district, and I have a large desire to get into the Siuslaw Valley and Rescue District. My property is not in the city or even in the urban growth boundary , it's in a rural area.

1. This land is not within a district formed under the same principal

Act.

2. This land can reasonably be served by the Siuslaw Fire and Rescue

District. There is a fire hydrant within 300 ft. of the home.

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

4. The boundary change is consistant with the lane county rural comprehensive

Plan, other applicable refinement plans, or other adopted land

Use regulations or agreements.

Yours Truly,

Lorraine M. Esch

**Lorraine Esch
PO Box 65
Florence, Oregon 97439**

**Resident Address
89890 Ben Bunch Rd.**

*Florence, OR
97439*

**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: LORRAINE M. ESCH
Mailing Address: P.O. BOX 65
City/Zip: Florence, OR 97439
Phone #: 541-997-2649
E-Mail: NONE

The attached petition is for annexation to Siuslaw ^{VALLEY FIRE & RESCUE} ~~State~~ (district name).

Supply the following information regarding the annexation area.

- Estimated Population (**at present**): 1
- Number of Existing Residential Units: 1
- Land Area: 5.02 total acres
- Existing Plan Designation(s): NONE
- Existing Zoning(s): RR5
- Existing Land Use(s): Rural Residential
- Existing improvements (public or private); water; streets; ~~sanitary sewer; storm drainage~~; parks; fire protection (both structural and timberland); electrical:
Fire Patrol Emergency West
- Applicable Comprehensive Plan(s): RR5 RESIDENCE
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans.
This tax lot was not existing when fire district annexation existed
- Are there development plans associated with this proposed annexation?
Yes _____ No
If yes, describe.

- Is the proposed use or development allowed on the property under the current plan designation and zoning?
Yes 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 ✓
 Conditional Use Permit: Yes _____ No ✓
 Special Use Permit: Yes _____ No ✓

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

Yes ✓ 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.

LORRAINE M. ESCH
 (Name)
89890 Ben Bunch Rd.
 (Address)
Florence, OR 97439
 (City) (Zip)

LEO STAPLETON
 (Name)
89839 BEN BUNCH Rd.
 (Address)
FLORENCE OR 97439
 (City) (Zip)

 (Name)

 (Address)

 (City) (Zip)

 (Name)

 (Address)

 (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: 8-14-09

Annexation Request Applies to Land Use:

- YES
- NO

Stephanie Schub
 Planner, Land Management Division

9/11/09
 Date Signed

App # FSV 2009-ANX 2
 (completed by County Staff)

