DATE: April 15, 2015

FROM: Laurie E. Craghead. Legal Phone # 6593

TITLE OF AGENDA ITEM:
Public Hearing and Consideration of Signature of Order No. 2015-026 Approving the Kerr Annexation into Deschutes County Rural Fire Protection District #2.

PUBLIC HEARING ON THIS DATE? Yes.

BACKGROUND AND POLICY IMPLICATIONS:
On April 1, 2015, the Board signed Order 2015-019 Accepting Petition and Scheduling Public Hearing on the Kerr Annexation petition by Cameron and Hodge Kerr to annex petitioner's property located at 59700 Scale House Road, Bend, OR 97702 into the Deschutes County Rural Fire Protection District #2. The Board must hold a hearing on the annexation. The Board must approve the annexation if the Board finds that the property can be served by the district and the annexation complies with the County's comprehensive plan and land use regulations. Attached is a memo from Paul Blikstad, Deschutes County Senior Planner, stating his opinion that the annexation is in compliance with the County's comprehensive plan and land use regulations.

Because the petition for the annexation was signed by 100% of the land owners, no election regarding the annexation request is required.

FISCAL IMPLICATIONS:
The County provides all the staff costs for all special district formations and boundaries changes. For district formations and other boundary changes that are approved, the County bills the district for the publication costs. For those that are not approved, the County bills the chief petitioners.

RECOMMENDATION & ACTION REQUESTED:
Motion. Approval and signature of Order 2015-026

ATTENDANCE: Laurie E. Craghead.

DISTRIBUTION OF DOCUMENTS:
Legal Department. Because these are time-sensitive and Legal needs certified copies, please provide the documents to the Legal Department as soon as they are signed and prior to recording them in the Commissioners Journals. Legal will make sure they are recorded.
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

Order Approving the Kerr Annexation into the Deschutes County Rural Fire Protection District #2

ORDER NO. 2015-026

WHEREAS, a petition requesting annexation of territory into the Deschutes County Rural Fire Protection District #2 was duly filed with the Deschutes County Board of County Commissioners ("Board") on or about March 20, 2015; and

WHEREAS, the Deschutes County Clerk’s Office verified that the annexation petition was signed by the real property owner within the areas to be annexed; and

WHEREAS, the Board held a public hearing on April 22, 2015, to hear the petition and any objections thereto, and to determine whether, in accordance with the Comprehensive Plan, applicable Land Conservation and Development Goals and the criteria prescribed by ORS 199.462 and 198.805, the affected areas would be benefited by annexations of said territory into the Deschutes County Rural Fire Protection District #2; now, therefore

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDAINS as follows:

Section 1. The Kerr petition for annexation into the Deschutes County Rural Fire Protection District attached to and referenced in Order No. 2015-019 is hereby incorporated by reference and is approved.

Section 2. The boundaries of the territory annexed to the said district are as set forth in Exhibit “A” and depicted on the map marked Exhibit “B,” both exhibits attached and incorporated by reference herein, shall be known as the “Kerr Annexation.”

Section 3. The applicable land use criteria pertinent to the proposed Annexation, the facts found by the Board and the reasons why the Board believes those facts to bring the proposal within the requirements of the applicable land use criteria are described in Exhibit “C,” attached to the petition hereto and by this reference incorporated herein.

Section 4. The territory included in the Kerr Annexation is declared to be annexed into the Deschutes County Rural Fire Protection District #2 as of the date of this Order.

Section 5. After signature, the Legal Department shall forward a copy of this Order to the Oregon Department of Revenue, Oregon Secretary of State Archives Division, Deschutes County Assessor’s Office, Deschutes County 911, County Service District, the Deschutes County Rural Fire Protection District #2 and the Petitioners.

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Section 6. The purpose of this District is to provide fire protection services within the District.

Dated this ___ day of April, 2015

BOARDS OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, CHAIR

ATTEST:

ALAN UNGER, VICE CHAIR

Recording Secretary

TAMMY BANEY, COMMISSIONER
EXHIBIT A

Cameron Kerr and Hodge Kerr
59700 Scale House Road, Bend, OR 97702
Tax Lot Nos. 99 and 4412

The East one-half of the West one-half of the East one-half of the Southwest one-quarter (E\%W\%E\%SW\%), the East one-half of the East one-half of the Southwest one-quarter (E\%E\%SW\%), and the Southeast one-quarter (SE\%) of Section 31, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.
PROPERTY LINE ADJUSTMENT LL 13-40
FOR HODGE AND DEBORA KERR
LOCATED IN THE E 1/2 OF THE SW 1/4 OF SECTION 31, T.18 S., R.12 E., W.M., DESCHUTES COUNTY, OREGON

LOT OF RECORD 1
SE 1/4

SURVEYOR'S NARRATIVE
THE PURPOSE OF THIS SUBMIT WAS TO ADJUST THE PROPERTY LINES OF LOT OF RECORD 2 AND LOT OF RECORD 3.
1. PERFORMED A CLOSED FIGURE ON THE PROPERTY AND FOUND THE EXISTING MORTGAGES TO BE MEASURED AT THE RECORD
   MORTGAGES AND DISTANCES.
2. MEASURED THE NEW PROPERTY LINES OF LOT 3.
   a. 1/4 CORNER - FOUND 2.5' BRASS DISC SET BY M.M. PER (P1 & R2)
   b. 1/4 CORNER - FOUND 2.5' BRASS DISC STAMPED "1842 - 1942" PER (P1 & R2)
   c. SECTION CORNER - FOUND 2.5' BRASS DISC SET BY M.M. PER (P1 & R2)
   d. FOUND 1/2" NEAR ROG PER (P1 & R2)
   e. FOUND 1/2" NEAR ROG WITH A YELLOW PLASTIC CAP STAMPED "AXIS MAPPNG AND SURVEY" AND A 1/2" TIP ROG.PERM. SET PER (P1 & R2)
   f. RECORD MORTGAGE AND DISTANCES ARE PER SUBMIT OF RECORD BY ROBERT KARR, JR., 1842.
   g. RECORD MORTGAGE AND DISTANCES ARE PER SUBMIT OF RECORD BY ROBERT KARR, JR., 1842.
   h. RECORD MORTGAGE AND DISTANCES ARE PER SUBMIT OF RECORD BY ROBERT KARR, JR., 1842.
   i. MEASURED MORTGAGE AND DISTANCES
LO1 = 3224.51' E5°52'(N17°03' L 3215.37"
LO2 = 2406.81' E5°52'(N17°03' L 2307.67"
LO3 = 3475.01' E5°52'(N17°03' L 3376.27"

AXIS MAPPNG AND SURVEY COMPANY
70 SW CENTURY DRIVE, BEND, OR 97702

CS18774
MEMORANDUM

DATE: April 14, 2015
TO: Treana Henley, County Legal Counsel, Legal Assistant
FROM: Paul Blikstad, Senior Planner
RE: Annexation to Deschutes County Rural Fire Protection District No. 2; Kerr Annexation, Your file no. 16/6-027

The Deschutes County Comprehensive Plan, which is acknowledged to be in compliance with the Statewide Planning Goals, encourages the formation of special service districts to serve rural needs.

Under the Public Facilities and Services section of the County Comprehensive Plan (Section 3.6 under the Rural Growth Management Chapter, Policies, is the following policy:

3.61. Encourage the formation of special service districts to serve rural needs rather than having the County serve those needs.

Fire protection is an important part of rural development, as evidenced by chapter 3.5 on natural hazards, which includes fire. It is clear that the ability to acquire fire protection is a valuable public resource. Staff finds that the proposed annexation to the Deschutes County Rural Fire Protection District #2 is consistent with the County Comprehensive Plan and Statewide Planning Goals.