

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-06-26-07

In the Matter of Annexing Territory to the Dexter Sanitary District to Provide Sewer Service to the Annexed Territory; Assessor's Map 19-01-16-20 Tax Lot 00100 (File No. S-DE-2018-ANX-1)

WHEREAS, a petition initiating the annexation of territory to the Dexter Sanitary District was filed with Lane County on January 23, 2018 (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 Dexter Sanitary District voted to approve the proposed annexation on December 11, 2017 as evidenced by Resolution 01-2017, contained in the record; and

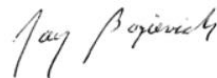
WHEREAS, legal notice was published on June 11 and June 21, 2018, and posted in two public locations and mailed to the owners and sanitary district on June 11, 2018, for a June 26, 2018 public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on June 26, 2018 to receive and consider both oral and written evidence.

NOW, THEREFORE, IT IS ORDERED as follows:

1. That the territory described in Exhibit A and depicted on Exhibit B is hereby annexed to Dexter Sanitary District and that this annexation is effective as of June 26, 2018, 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 26 day of June, 2018.



Jay Bozievich, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM

Date 6/14/18 Lane County



OFFICE OF LEGAL COUNSEL

#21640

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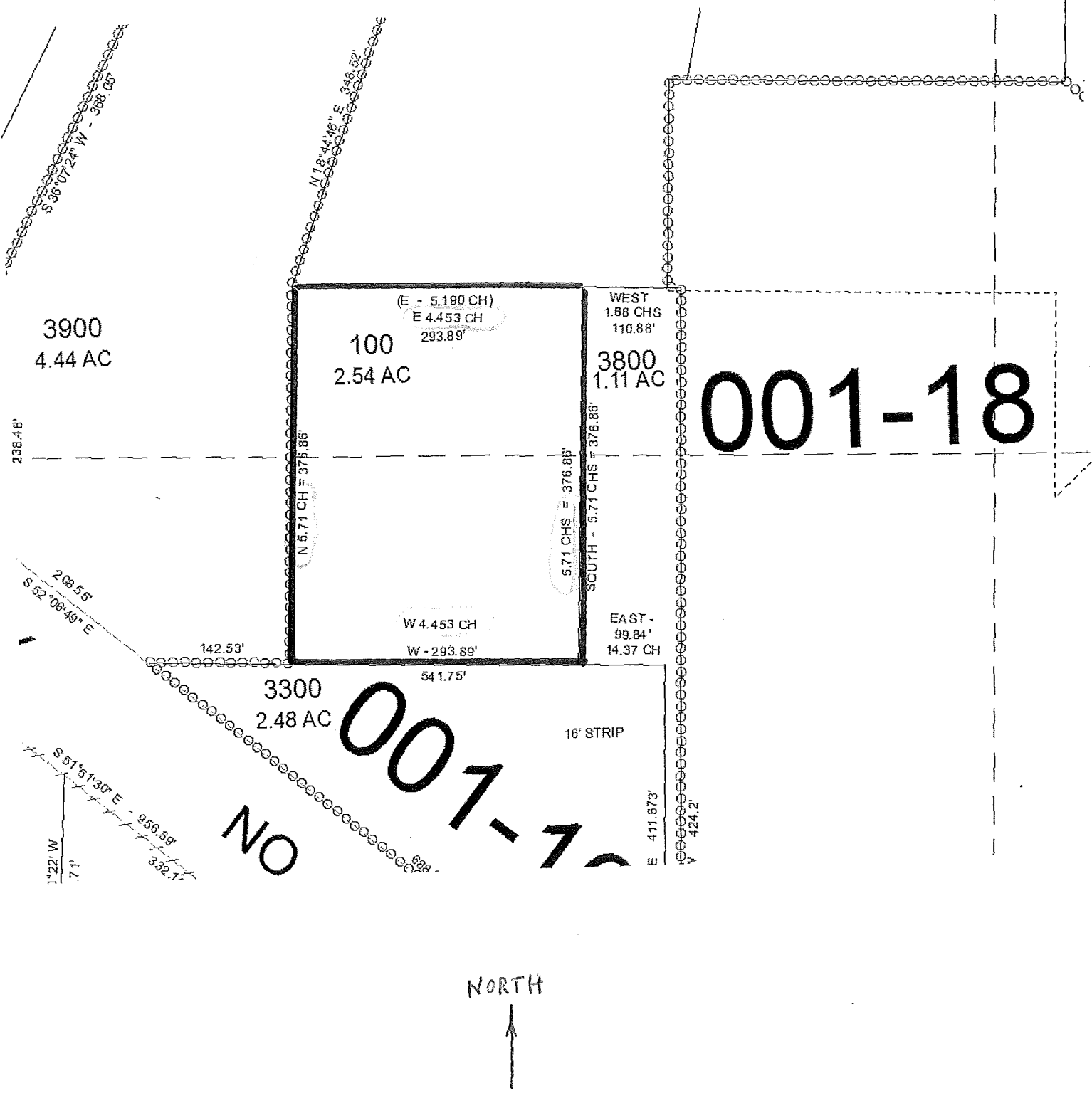
OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES 19-01-16-2

OFFICE OF COUNTY ASSESSOR, LANE COUNTY, OREGON 71-02

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YEAR	TAX LOT	SECTION	TOWNSHIP	S.	RANGE E.	OR W.	1	W. M.	DEED RECORD		ACRES REMAINING
	No. 18								16	19	
BEARING		DISTANCE	BEARING REFERENCE OR LEGAL SUBDIVISION								
1941			Part of the following:								
1945			Begin at a point on Military Road at Southeast corner of land owned by E R Parkers said point being 5.83 chains South 39 1/2° East of a point 17.55 chains South of Southeast corner of Claim 41, Notf. 6505 in Section 16, Township 19 South, Range 1 West W M run thence								
	North East	1198.40 ft. 17.40 chs	to a point directly North of North west corner of land owned by William Williams, thence								
	South		to said Williams corner and following down said road								
	NW 1/4		to the beginning.								
			Containing more or less								
1964			Beg. at a point 4.341 South & 29.470 chains East of the SE corner of the John D. Stoops D.C. #41, Twp. 19S R. 1W, WM. in LCO. & running thence								
	East	5.190 ch.	thence								
	South	5.71 ch.	"								
	West	5.190 ch.	"								
	North	5.71 ch.	to the POB., Cont. 2.96 acres								
			Parcel 5:								
1964			Beg. at a point 4.341 ch. South & 29.470 ch. East of the SE. corner of the John D. Stoops D.C., Twp. 19S, R. 1W WM. in LCO. & running thence								
1966			thence								
	East	4.453 ch.	"								
	South	5.71 ch.	"								
1981			to the POB. Cont. 2.54 acres								
	West	4.453 ch.	"								
	North	5.71 ch.	"								
			Cont. m/l								
2002	WD										

* Right of Survivorship



FINDINGS OF FACT AND CONCLUSION OF LAW

1. The annexation of territory to the Dexter Sanitary District was initiated on January 23, 2018 by 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 sanitary district boundary.
3. On July 11, 2018, hearing notice was posted at the entrance to Harris Hall and at the Dexter Post Office. Additionally, notice was mailed to the petitioners and the Dexter Sanitary District. Legal notice was published on June 11 and June 21, 2017 in the Register Guard.
4. The public hearing required by ORS 198.800 was held on June 26, 2018.
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 territory proposed for annexation to Dexter Sanitary District (Principle Act 450.005 to 450.245) is not currently located within any other sanitary sewer 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, Dexter Sanitary District provides sanitary sewer services to properties in the immediate vicinity, including an adjacent property to the west. The Dexter Sanitary District Board of Directors approved the annexation. See the resolution from the Dexter Sanitary District Board of Directors dated December 11, 2017.

- (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 an urban 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/RCP). One single family dwelling is permitted outright on properties designated as this zone as provided in Lane Code 16.290(2)(a). Per Lane Code Chapter 16.290, legal and habitable dwellings are identified as those that conform to building code standards and have indoor plumbing connected to a sanitary waste disposal system. Annexation of the subject property to the Dexter Sanitary District will ensure that the existing dwelling meets building code requirements and habitability standards for dwellings. Lane Code Chapter 11, Buildings, and Chapter 16, Land Use and Development Code, are instrumental in achieving the goals of the Rural Comprehensive Plan. Specifically, this annexation is consistent with RCP Goal 6, Policy 5, which aims to prevent degradation of ground and surface water quality by onsite sewage disposal systems. Therefore, annexation of the subject property is consistent with the Lane County Rural Comprehensive Plan.

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

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