

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of a Preliminary Order Approving the )  
Formation of the McMinnville Fire District and ) BOARD ORDER 22-367  
Related Matters; Setting the Final Hearing for )  
January 12, 2023 )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on December 1, 2022, Commissioners Lindsay Berschauer, Casey Kulla and Mary Starrett being present.

THE BOARD MAKES THE FOLLOWING FINDINGS.

- A. Formation of special districts in general is governed by ORS 198.705 to 198.955. Formation of fire protection districts is governed by ORS Chapter 478.
- B. The Board received a request from the City of McMinnville, supported by the McMinnville Rural Fire Protection District, to initiate formation of a rural fire protection district (the “McMinnville Fire District”).
- C. The proposed McMinnville Fire District would be located entirely within Yamhill County.
- D. The proposed formation is subject to the following proposed terms and conditions:
  - Formation of the McMinnville Fire District is subject to the voter approval, with the questions presented at the May 16, 2023, election.
  - Formation of the McMinnville Fire District is subject to the concurrent voter approval of the dissolution of the existing McMinnville Rural Fire District.
  - Effective Date: The final order forming the McMinnville Fire District (the “Final Order”) will take effect on June 30, 2023, at 11:30 p.m. PST.
  - Employees: Subject to the provisions of ORS 236.605 to 236.640, the employees of the City of McMinnville Fire Department shall be transferred to McMinnville Fire District.
  - Asset Transfer: All real and personal property and other assets of the

McMinnville Rural Fire District and those assets of the City of McMinnville necessary for provision of fire and EMS services shall be transferred to and become the property of the McMinnville Fire District, including transfer of the main fire station and a lease of the training area for a period of 99 years.

- Debt Distribution: The McMinnville Fire District will assume all fire protection related debt obligations of the City of McMinnville Fire Department and McMinnville Rural Fire Protection District. The City of McMinnville has an outstanding municipal loan for \$588,000 for fire apparatus. No other long term debt obligations will be assumed by the new McMinnville Fire District.
- E. The boundary of the proposed McMinnville Fire District includes the City of McMinnville. As required by ORS 198.720, the Resolution of the City of McMinnville approving the formation of the proposed McMinnville Fire District is made in conjunction with this petition. The City of McMinnville is the only incorporated city within the boundary of the proposed McMinnville Fire District. City of McMinnville consideration and approval by resolution of the Final Order of the Board will occur contemporaneously with the County process, and must be attached to the County's Final Order.
- F. On December 1, 2022 the Board conducted a public hearing on formation of a new fire district, the McMinnville Fire District, under ORS 198.805. After public testimony was concluded, the Board considered the criteria in ORS 199.462 to determine if the area could be benefitted by formation of the McMinnville Fire District. After deliberation, the Board determined the petition met the requirements of ORS 198.805 and the criteria in ORS 199.462.
- G. Based on the results of the December 1, 2022 hearing, the Board finds it appropriate to set a second hearing on formation as required by ORS 198.810(2). The second hearing should be held January 12, 2023. At the second hearing, the Board will consider adoption of an order to submit the questions proposed by the petition to the electors. NOW, THEREFORE,

**IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:**

1. The formation of the McMinnville Fire District as initiated by the Board on October 27, 2022 should proceed in the process. The Board recognizes that in addition to formation of the McMinnville Fire District, the petition seeks approval of a new permanent tax rate of \$2.00 per thousand assessed valuation. Voter approval is required before taxes may be levied for the permanent tax rate.
2. A second hearing on formation of the McMinnville Fire District is set for 10:00 am January 12, 2023 in Room 32 of the Yamhill County Courthouse. The boundaries of the proposed new district are set forth in Exhibit "A." If final approval of the petition is

granted after the January 12, 2023 hearing, the Board will refer the questions posed by the petition to the electors.

DONE this 1<sup>st</sup> day of December, 2022, at McMinnville, Oregon.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON  
County Clerk

Handwritten signature of Lindsay Berschauer in black ink.

Chair

LINDSAY BERSCHAUER

By: Carolina Rook  
Deputy CAROLINA ROOK

Commissioner

Casey Kulla  
CASEY KULLA

FORM APPROVED BY:

Christian Boenisch  
CHRISTIAN BOENISCH  
Yamhill County Counsel

Commissioner

Mary Starrett  
MARY STARRETT

## EXHIBIT A – LEGAL DESCRIPTION

Legal Description For:  
McMinnville Fire District  
Resultant Boundary as Modified  
By ORDER NO. 76-174

Beginning at the Southeast corner of the Carlton Rural Fire District in the Northeast one-quarter of Section 1, Township 4 South, Range 4 West of the Willamette Meridian, Oregon; and running thence:

West with South line of said Carlton District to and along County road 70.0 chains to angle in road;  
thence Northwesterly along County road and over bridge 15.0 chains to angle in road;  
thence Westerly and Southwesterly along road 85.0 chains to the center of State Highway No. 47;  
thence Northwesterly following center of State Road No. 47, 72.0 chains to the North line of the J. W. Carse property, said point being 128.0 chains South of Main Street in the City of Carlton, Oregon;  
thence West 85.0 chains to the center of the North Yamhill river;  
thence Northerly following center of North Yamhill river to where said river intersects the East line of the J. W. Shelton D.L.C.;  
thence North 15.0 chains;  
thence West 35.0 chains to a County road;  
thence North 3.0 chains to angle in County Road;  
thence West along County road 40.0 chains to intersection of roads;  
thence South 16.0 chains to angle in road;  
thence West along County road 100.0 chains more or less to the Southeast corner of the August Romike property;  
thence North 12.0 chains to angle in Romike property;  
thence West 6.00 chains to angle in Romike property;  
thence North 28.0 chains to the Northeast corner of Romike property and the South line of the W. L. Adams D.L.C.;  
thence South 82° 00' West along South line of the Adams D.L.C., 40.0 chains to angle in South boundary of said Claim;  
thence North 77° 00' West along South boundary of Adams Claim, 25.0 chains to the line between Sections 25 and 26 in Township 3 South, Range 5 West;  
thence South along Section line, 81.0 chains to the 1/4 post between Sections 35 and 36;  
thence West 80.0 chains to the 1/4 post between Sections 34 and 35;  
thence South 20.0 chains to the Northeast corner of the Howard Bixler land;  
thence West 80.0 chains to the Section line between Sections 33 and 34;  
thence South 50.0 chains along Section line to where the Section line between Sections 3 and 4 crosses the County road;  
thence Southeasterly following County road approximately 40.0 chains to where county road crosses section line between Sections 3 and 10, in Township 4 South, Range 5 West, and being an angle corner of the Forrest Fire Patrol District;  
thence West 60.0 chains to the 1/4 post between Sections 4 and 9;  
thence South 40.0 chains to the center of Section 9;  
thence West 40.0 chains to the 1/4 post between Sections 8 and 9;  
thence South 40.0 chains to the southeast corner of Section 8;  
thence West 40.00 chains to the 1/4 post between Sections 8 and 17;

## EXHIBIT A – LEGAL DESCRIPTION

thence South 40.0 chains to the center of Section 17;  
thence West 40.0 chains to the 1/4 post between Sections 17 and 18;  
thence South 60.0 chains;  
thence East 40.0 chains to an angle in county road 20 chains South of the 1/4 post on the North line of Section 20 in Township 4 South, Range 5 West;  
thence following county road Easterly and Southerly approximately 1-3/4 miles to the line between Sections 21 and 22;  
thence South 90.0 chains to the southeast corner of Section 28;  
thence West 100.0 chains to where Section line intersects the North line of the R. C. Combs D.L.C.;  
thence North 60° 45' West along North line of the Combs Claim, 13.0 chains to the northwest corner of said Combs Claim;  
thence South 21° 30' West with West line of said Combs claim, 81.0 chains to the S. W. corner of said Combs claim;  
thence South 60° 45' East along South line of Combs claim and extending to County road, approximately 82.0 chains and being the Northeast corner of the Sheridan Rural Fire Patrol District;  
thence Southerly along county road and the East line of the Sheridan District, 90.0 chains to the Southerly line of the James Coleman D.L.C.;  
thence South 54° 00' East along said Claim line 15.0 chains to the Southerly corner of said Coleman claim;  
thence South 38.0 chains to the southwest corner of Lot #7 of Section 9 in Township 5 South, Range 5 West, and the S. W. corner of Dave Waddell property;  
thence East 40.0 chains to the southeast corner of the Waddell property;  
thence North 40.0 chains to the East and West center line of Section 9;  
thence East 28.0 chains to the 1/4 post between Sections 9 and 10;  
thence North 20.0 chains;  
thence East 20.0 chains;  
thence South 84.0 chains to the North line of the Andrew Baker claim;  
thence East 12.0 chains to the northeast corner of the Andrew Baker D.L.C.;  
thence South 48.0 chains to the S. E. corner of the Andrew Baker D.L.C.;  
thence Easterly along the county road approximately 70.0 chains to the intersection of county roads;  
thence East along the north line of the Robert Henderson D.L.C. 49.56 chains more or less to the northeast corner of said claim;  
thence South along the East line of the Henderson Claim to the section line between Sections 23 and 14 in Township 5 South, Range 5 West;  
thence East along said section line between Sections 23 and 14, and Sections 13 and 24, Township 5 South, Range 5 West to a point in the center of the South Yamhill River;  
thence Northerly following the center of the South Yamhill River to the west line of the A. E. Garrison D.L.C. at a point which bears North 23° West 23 chains from the southwest corner of said claim;  
thence North 23° West along the west line of said Garrison D.L.C., to the Northwest Corner of said Garrison claim;  
thence North 62° East along the North line of said Garrison claim to the west line of the John Monroe D.L.C.;  
thence North along the west line of said Monroe claim to the south line of Lot 6 of County Survey No. 2476;  
thence East along the south line of Lot 6, 837.41 feet to the Southeast Corner of Lot 6, also being the Southwest corner of Lot 5 of said County Survey No. 2476;

## EXHIBIT A – LEGAL DESCRIPTION

thence North 1456.82 feet to the Northwest corner of said Lot 5, said point also being the northwest corner of that tract conveyed to Yamhill County as recorded in Film Volume 83, Page 8788, Deed and Mortgage Records, said point also being on the North Line of said Monroe Claim;

thence East along the North line of said Monroe claim to a point in the center of the South Yamhill River;

thence Easterly along the center of the South Yamhill River to the Northeast corner of said Yamhill County tract, said point being on the west line of the John William Crawford and Viola M. Crawford property as recorded in Film Volume 47, Page 1347, Deed and Mortgage Records;

thence North along said west line to the Northwest corner of said Crawford property, said point being on the North line of said Monroe claim;

thence South 88°41'48" East 115.69 feet along said north line;

thence North 49°28' East 23.55 chains to the most Northerly northeast corner of the Elmer E. and Hazel Shaver Property;

thence East along the north line of said Shaver property and along the section line between Section 6 and Section 7, Township 5 South, Range 4 West, being the north line of the McPhillips Farm, Inc. Property, 59.00 chains to the west line of U.S. Lot 3 of Section 6, Township 5 South, Range 4 West;

thence North along the West line of said Lot 3 to the Northwest corner thereof;

thence East along the North line of said Lot 3 to the Northeast corner thereof;

thence South along the East line of said Lot 3 and the West line of the William Garrison D.L.C to the intersection with the center of Salt Creek;

thence in a Southeasterly direction down the meanderings of the center of Salt Creek to the West line of the Maude Kneeder Robbins Tract as recorded in Volume 170, Page 670, Deed and Mortgage Records in and for Yamhill County;

thence North 8° East along the West line of the said Robbins Tract to the intersection with the West line of the Southern Pacific Railroad;

thence Southeasterly along the West line of said Railroad to the Westerly extension of the North line of the Lois M. and Huron W. Clough Tract, also being the South Line of Yamhill Street of Whites Addition to Whiteson;

thence South 89° 22' East along the South line of said Yamhill Street and North line of said Clough Property to the Northeast corner of said Clough Property, said point also being at the center of County Road 450;

thence Northwesterly along the center of said County Road 450 to the intersection with the center of Market Road No. 34;

thence Easterly along the center of said Market Road No. 34 to the northeast corner of the John Stephens D.L.C.;

thence South 75°34' East 5.72 chains along said center of Market Road No. 34 to the East line of a tract conveyed to George Joseph Goss and Rosalin Goss and Veral Goss and Lena Goss recorded in Volume 154, Page 756, Deed and Mortgage Records;

thence North along the East line of said Goss tract 14.15 chains to the northeast corner thereof;

thence South 57° 45' West 5.72 chains along the north line of said Goss tract to a point 10.275 chains North of the Northeast corner of said Stephens Claim;

thence North to the corner of Sections of 3, 4, 9, and 10 in Township 5 South, Range 4 West;

thence North 17° East 18.25 chains;

thence East 4.94 chains;

thence North 31.64 chains;

thence South 85° West 13.37 chains to a point on the East line of the Henry Hyde D.L.C that is North 16° West 8.00 chains from quarter section corner on the section line between Section 3 and Section 4, Township 5 South, Range 4 West of the Willamette Meridian;

thence North 18° 30' West along the East line of said Henry Hyde Claim to the Northeast corner thereof;

## EXHIBIT A – LEGAL DESCRIPTION

thence North 87°30' West 325.79 Feet along the North line of said Henry Hyde Claim to the southwest corner of U.S. Lot 8 in Section 33, Township 4 South, Range 4 West;

thence North 7 Chains along the line between U.S. Lots 2, 7, and 8 in said Section 33 to the Northeast corner of said U.S. Lot 2, said point being on the South line of the Ephriam Ford D.L.C.;

thence East along the South line of said Ephriam Ford claim 23.70 chains to the Southeast corner thereof;

thence North 12° West 18 chains more or less along the East line of said Ephriam Ford Claim to the center of the South Yamhill River;

thence Easterly with the meanders of said South Yamhill River downstream to a point which bears North 17°30' East from the Northwest Corner of the Cyrus B. Hawley D.L.C. No. 67, being also an angle corner in the Richard Boothe D.L.C.;

thence South 17°30' West to the aforementioned northwest corner of the Cyrus B. Hawley D.L.C.;

thence South 23° 30' East along the West line of said Hawley Claim to an angle corner of said Hawley Claim, being also an angle corner in the County Road 463;

thence Easterly along the center of said County Road 463 to the West line of the William Graham D.L.C. No. 55;

thence South 4° 30' West along the West line of said Graham Claim to the center line of Star Quarry Road, County Road No.421;

thence Southwesterly along the center of said County Road 421 to the West line of the Plat of Woodland Heights Subdivision;

thence South 5°50'58" East along the west line of said Woodland Heights Subdivision to the Southwest corner thereof, said point being on the South line of the James McDonald D.L.C.;

thence South 85°30' East along said South line of McDonald Claim 48.54 chains to the S. E. corner of said claim;

thence North 4°00' East along the East line of said McDonald Claim 20.0 chains to the N. W. corner of Lot #1 of Walnut Hill Plat;

thence East 15.0 chains to the N. E. corner of Lot #15 Walnut Hill Plat;

thence South along East line of Walnut Hill Plat 65.0 chains to center line of county road;

thence Easterly along center of county road 40.0 chains to the intersection of County road and Secondary State Highway;

thence Northerly and following center of Secondary State Highway No. 154 and county road approximately 8 miles to center of South Yamhill River;

thence Westerly up center of Yamhill river to a point in line with the Westerly boundary of the City of Lafayette produced Southerly;

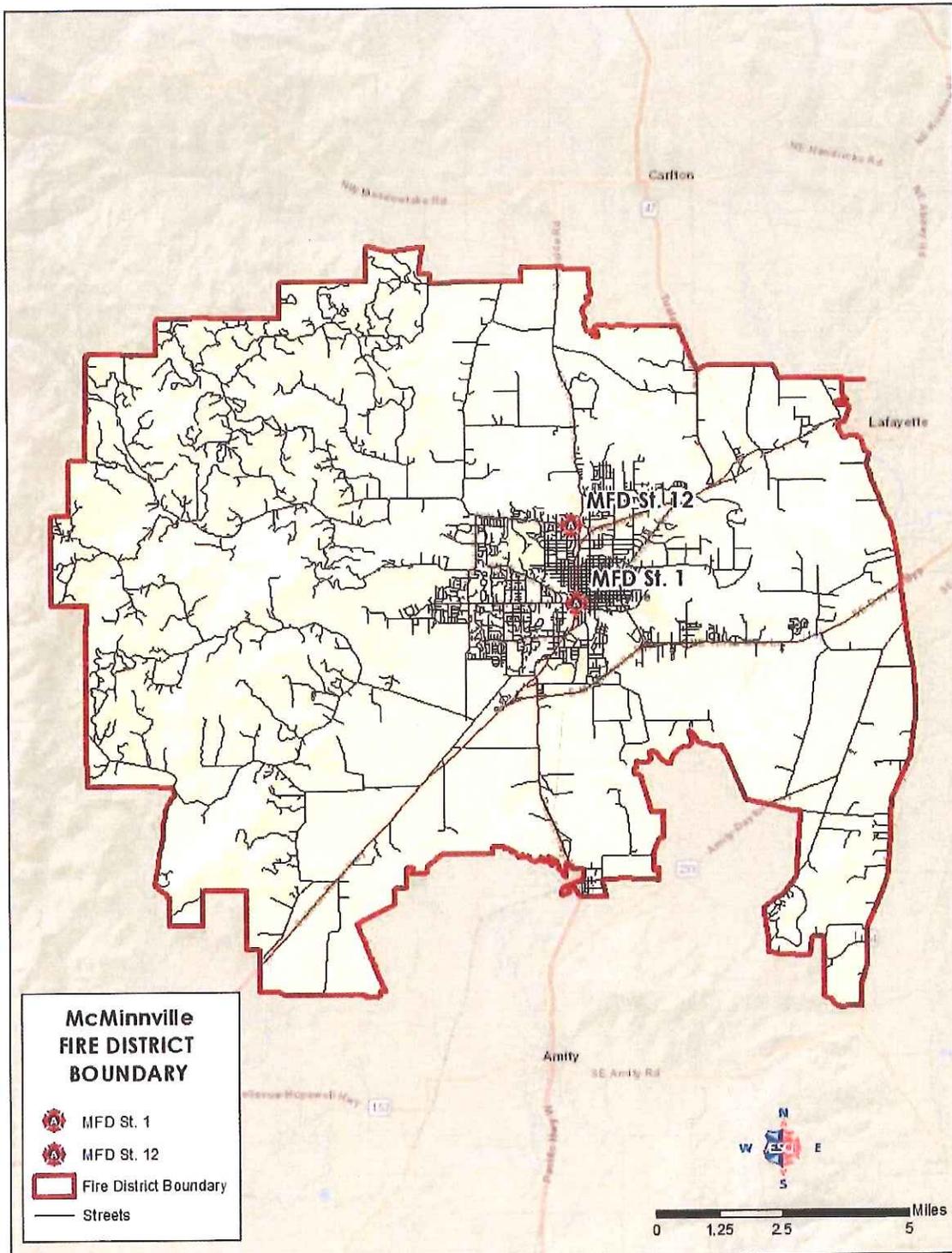
thence Northerly to and with the Westerly boundary of the City of Lafayette to the Northwest corner of City of Lafayette;

thence Easterly along the Northerly boundary of the City of Lafayette to center of Market road from Lafayette to Chehalem Valley;

thence Northerly along center of Market road 30.0 chains more or less to point due East of beginning;

thence West 10.0 chains more or less to the point of beginning.

# EXHIBIT A – LEGAL DESCRIPTION



**Honorable Members of the Yamhill County Board of Commissioners:**

As an item for the agenda for the Board meeting of December 1, 2022, is a statutorily required initial hearing regarding the proposal to form a McMinnville Fire District (District) pursuant to Chapter 478 of the Oregon Revised Statutes (ORS) and the provisions of ORS 198.705 to 198.845. At the conclusion of the hearing, the Board will consider a proposed Order continuing with the District formation process and setting a final hearing on the formation of the District.

**Synopsis and Benefit to Yamhill County**

**Background:**

Since 2018 the City of McMinnville (City) has been working through studies to determine the feasibility of consolidating fire services. The Fire Department Consolidation Feasibility Report has determined that consolidation is operationally and fiscally feasible.

The City and its partners completed the Fire Department Consolidation Feasibility and Implementation Study. The report identifies that consolidating departments is feasible. After conducting strategic planning, stakeholder focus meetings and public meetings, it was identified that the McMinnville Rural Fire Protection District and the City of McMinnville were interested in moving the consolidation question forward to a vote of the public.

The McMinnville City Council adopted Resolution 2022-63 on October 11, 2022, petitioning the Board of Commissioners to initiate formation of the McMinnville Fire District. This action was supported by resolution by the McMinnville Rural Fire District board.

At a Board of Commissioners' meeting on October 27, 2022, the Board approved Order No. 22-337 which, among other things: a) initiated the statutory process to form the McMinnville Fire District; and b) set an initial hearing on the formation of the District to be held at the Board's regular meeting for today, December 1, 2022. The proposed boundary for the District will include all territory within the existing McMinnville Rural Fire District and the boundary of the City of McMinnville, and Order No. 22-337 more particularly identified the proposed boundary by legal description and maps.

**Purpose of the Initial Hearing:** The purpose of today's hearing is for the Board to receive information and public comment on the proposed formation of the District, including information about the services to be provided by the District, the economic feasibility of the

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District, and the permanent tax rate limit. At the conclusion of the hearing, the Board will determine, in accordance with criteria described in ORS 198.805 and 199.462:

- Whether Yamhill County, and specifically the people and property within the proposed McMinnville Fire District, could be benefited by the formation of a new fire district; and
- Whether the County should continue with the formation process.

If the Board determines the District will be beneficial to the citizens of Yamhill County, the Board will consider approving the proposed Order to set a final hearing.

**Statutory Process:** Following the proceedings today, the remaining steps in the statutory process for creating a fire district, as set forth in ORS 198.705 to 198.845, are summarized below:

- Set a final hearing date, by Order, at a time that is not less than 20 nor more than 50 days from the date of the Order. Publication of notice of this hearing is required. At the final hearing, the Board will consider issuing an Order of Election that: refers to voters the single question of forming the District and approving a permanent tax rate limit.
- The McMinnville City Council will need to adopt a resolution approving the Board's Order and a certified copy of that resolution must be attached to the Order.
- A legal description of the proposed District's boundaries is to be submitted to the Oregon Department of Revenue (DOR) and the County Assessor's Office prior to March 31 of the calendar year in which tax revenue collection will begin (in this case, 2023).
- An Order of Election would be entered for the special district election to be held on May 16, 2023. Within 30 days of the election, the Board will enter an Order Establishing and Forming the District (if passed by voters) or an Order dismissing the issue (if defeated by voters). Copies of this Order are forwarded to the DOR, County Assessor, and Secretary of State.
- The existing McMinnville Rural Fire District board intends to initiate a dissolution process which also will be submitted to the voters at the May 16, 2023, election. Formation of the new District is contingent on voter approval of both the new District and dissolution of the existing district.

**Proposed Order:** If approved, today's proposed Order will accomplish the following:

- Confirm that statutory district formation procedures have been followed, including compliance with ORS 198.800(2) and 198.730, by providing notice of the time and place for the initial public hearing to interested persons by posting notices that were continuously present in at least three public places in Yamhill County from November 10, 2022, through December 1, 2022, including the Courthouse, offices of the Board of

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Commissioners, and McMinnville Fire Station 1, and by publishing notice in *The News Register* on November 15, 2022, and November 18, 2022.

- Confirm the name of the proposed District is the McMinnville Fire District.
- Confirm the boundaries of the District shall be identified as shown in Exhibit A (legal description) and Exhibit B (assessment maps) of the Order setting the final hearing. The proposed District follows the existing McMinnville Rural Fire District and the City of McMinnville boundary. .
- Confirm that Yamhill County voters within the proposed District will be asked to consider establishing a permanent property tax rate limit of \$2.00 per \$1,000 of assessed value for the District as authorized by ORS 451.547.
- Set a final public hearing on the formation of the McMinnville Fire District to be held at the Board's regular meeting on January 12, 2023, beginning at 10:00 a.m., in Room 32 of the Yamhill County Courthouse.
- Require that published notice of the final hearing be made in accordance with ORS 198.810(2) and 198.730.

Board approval of the proposed Order before you today does not represent a final decision of the Board regarding formation of the District. That decision will be made following the final, statutorily required, hearing that will occur on January 12, 2023.

**Benefit to Citizens of Yamhill County**

The purpose of the two hearings held in this matter is to receive public input on the benefits and disadvantages to our citizens of forming the District. Formation of the District will provide a dedicated funding source for operation of the District. These services are currently provided by the City of McMinnville fire department which also provides contracted services to the McMinnville Rural Fire District.

**McMinnville Fire District Service Area**

The district shall provide fire protection and emergency medical services for all inhabitants within the 95+/- square mile area of the new fire district. The permanent population for the district is approximately 39,896.

The district will provide fire protection, fire suppression, rescue, emergency medical, fire prevention, and public education services to approximately 6,000+/- commercial buildings. Fire and emergency medical services will be provided on Oregon State Highways including 12-miles Hwy. 18, 10-miles of Hwy. 99W, 3-miles of Hwy. 47, and 6-miles of Hwy. 233.

Fire Stations and Fire Apparatus

District offices will be in the existing City of McMinnville main fire station. The new district will have a total of two stations, with two of those stations having career personnel 24-hours per day. Plans include additional substations to improve response times throughout the new district.

Career Personnel and Volunteers

The new fire district will continue to heavily rely on its volunteers. All career and volunteer firefighters will meet State of Oregon and national standards in such areas as hazardous materials, rescue, emergency driving, safety equipment, first aid, building construction, incident command, and structural and wildland firefighting. The new district will add career staff to have a fully staffed 3-person engine and staffed 3-person truck company.

Calls for Service:

The City of McMinnville Fire Department and McMinnville Rural Fire Protection District respond to over 9,000 fire and medical response calls per year. A large percentage of all calls are responses are for emergency medical incidents, traffic accidents, and fire related emergencies. McMinnville Fire District career and volunteer staff have firefighters who have received training in specialized areas, such as vehicle extrication, rope rescue, wildland firefighting, and all hazards.

The new district will continue to rely on volunteers to supplement the efforts of career staff. Many of the volunteer firefighters support the creation of a new district.

**Financial Impact**

There is no direct financial impact resulting from the initiation of the District creation process or the possible referral of this matter to the voters of Yamhill County. If the issue is referred to voters, a portion of the total election costs will be allocated to the County by statute. By an IGA, the City of McMinnville has agreed to reimburse Yamhill County for expenses directly incurred in this process.

If the permanent tax rate limit is approved by voters, information from the County Assessor office indicates: a) the \$2.00 per \$1,000 of assessed value would generate approximately \$8,073,054 throughout the District (based on an assessed value of \$4,036,526,867); and b) based on the current average assessed value in the proposed District for residential properties in the amount of \$212,496 (average real market value is \$450,213), the average homeowner would pay \$ 424.99 per year in taxes (individual property amounts will vary).

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Beginning balance, user fees, miscellaneous, contracted services and grants will provide an additional \$5,084,704 in revenue.

**Conclusion**

The initial hearing is statutorily required if the Board intends to pursue formation of a McMinnville Fire District. If approved by the Board, the proposed Order would, among other things: a) continue with the statutory process to form a McMinnville Fire District in Yamhill County; and b) set a final hearing on the formation of the District at the Board's regular meeting on January 12, 2023.

Respectfully submitted,

Truman A. Stone  
Attorney of Counsel  
Representing the City of McMinnville