



Scanned Document Cover Sheet

**Title:** 1999\_Baker Rock Company, Rogers Landing\_Election File

**Year:** 1999

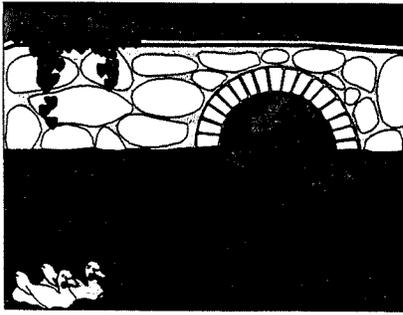
**Description:** Election File: Rogers Landing Levy

**Scanning Date:** 2/21/24

**Page Count:** 30

**Format Single Sided:**

**Format Double Sided:**

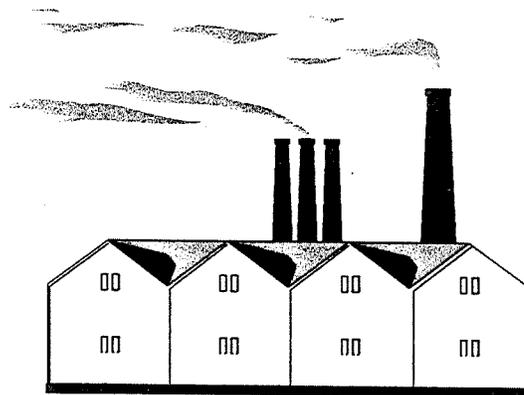


## Willamette River Front - Industry or Open Space?

On November 2, 1999 Newberg voters will be asked:

**SHALL THE CITY LEVY UP TO \$1,000,000 TO  
PURCHASE AND PLAN APPROXIMATELY 20.18  
ACRES PROPERTY OWNED BY BAKER ROCK  
CRUSHING COMPANY?**

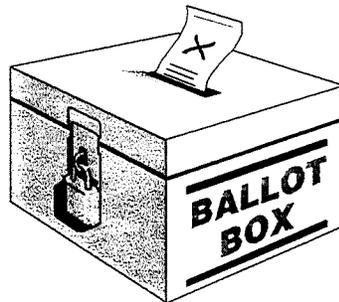
The voters will decide whether Newberg will have an asphalt plant on the Willamette River Front or Open Space. This is the community's opportunity to decide the future.

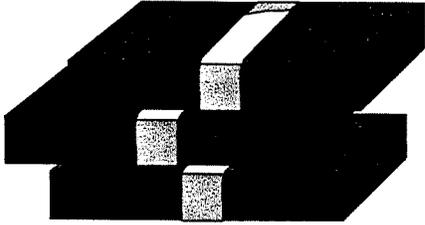


# Willamette River Front - The Proposal?

**W**hat is proposed? **The City would purchase the property owned by Baker Rock Products along the Willamette River Front. This would stop the development of an asphalt plant being proposed for this site.**

- ▶ **Up to \$1 million dollars -- the City would only collect the funds needed to pay for the property and produce a plan**
- ▶ **Collected over 5 years (\$200,000) per year**
- ▶ **Estimated Tax Rate of \$.2978 per \$1,000 Assessed Value**
- ▶ **This equals \$29.78 per year for a \$100,000 home; or, \$44.67 per year for a \$150,000 home**
- ▶ **50% turn-out to vote and 50% approval by voters**





## Willamette River Front - The Price

- ▶ **Tax Records state property value of about \$200,000 or \$10,000 per acre.**
- ▶ **Negotiation process to determine price.**
- ▶ **Failed negotiation and the Courts decide the price.**
- ▶ **Some may say it is not enough, others may say it is too much.**
- ▶ **If \$1 million is not enough, the City can authorize another election to ask for an increase in the amount.**
- ▶ **If \$1 million is too much, the City will not levy the additional funds.**
- ▶ **Levy includes funds for completing a plan for the River front.**
- ▶ **Preliminary estimates suggest the study may cost \$100,000 — Geology, hydrology, land scape, public involvement, fish, plants etc.**



**CITY OF NEWBERG  
BALLOT TITLE**

**Authorized by Resolution No. 99-2197  
November 2, 1999, Special Election**

**Caption: (10 word maximum)**

PURCHASE AND PLAN RIVER FRONT PROPERTY OWNED BY BAKER ROCK. (10 words)

**Question: (20 word maximum)**

Shall City levy up to \$1,000,000.00 to purchase and plan approximately 20.18 acre property owned by Baker Rock Crushing Company? (20 words)

This measure may cause property taxes to increase more than three percent.

The proposed local option tax is to be imposed for five (5) years.

**Summary: (175 word maximum)**

This measure may be passed only at an election with at least a 50 percent voter turnout.

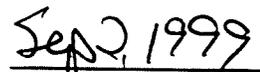
This levy will be used to purchase the property located along the Willamette River front which is owned by Baker Rock Crushing Company and includes a parcel of approximately 20.18 acres. The funds will provide a River front master plan which will include all of the property in the area. The plan will incorporate existing plans by Yamhill County for Rogers Landing and areas up and down the Willamette River, as well as neighborhoods and industries located along the river. The purchase is proposed to preserve the river front and to not allow the development of an asphalt plant proposed by Baker Rock Crushing Company. The City would only levy the amount necessary to pay for the negotiated price of the property and the cost of the Master plan. The levy would be a 5-year Local Option Levy. The estimated rate per \$1,000.00 assessed value during the first year is \$.2978, or increased property taxes for a home assessed at \$100,000.00 which would be a yearly amount of \$29.78. (170 words)

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The following authorized local government official hereby certifies the above Ballot Title is true and complete.

**CITY OF NEWBERG**

  
\_\_\_\_\_  
**Terrence D. Mahr, City Attorney / Acting City Manager**  
**City of Newberg**

  
\_\_\_\_\_  
**Date**

**EXPLANATORY STATEMENT**  
**A MEASURE PROPOSING A LEVY OF UP TO ONE MILLION**  
**(\$1,000,000.00) TO FUND A PLAN AND PURCHASE A PARCEL**  
**APPROXIMATELY 20.18 ACRES - PROPERTY OWNED BY**  
**BAKER ROCK CRUSHING COMPANY**

Measure No. \_\_\_\_\_

Word Total 318 (500 max)

**APPLICANT:** City of Newberg  
**OWNERS:** Baker Rock Crushing Company  
**DESCRIPTION:** 20.18 Acres at the southern boundary of the City of Newberg Urban Growth Boundary borders on the Willamette River.  
**LOCATION:** Tax Lot No. 3230-100

The southern boundary of the City of Newberg Urban Growth Boundary borders on the Willamette River. Roger's Landing, a local boat landing and recreational facility is located on the Willamette River near the site where Newberg Sewer Treatment Plant was located prior to the building of the new site. Baker Rock Crushing Company owns property which is adjacent to Roger's Landing and to the old sewer plant site owned by the City of Newberg.

The City wishes to do a River Front Master Plan for this area. The Master Plan would incorporate existing plans by Yamhill County for Roger's Landing as well as neighborhoods and industries located along the river.

At the present time, Baker Rock Crushing Company is proposing to locate an asphalt plant on their property. This asphalt plant would be located on a parcel that is approximately 20.18 acres. The City has appealed the decision to allow the asphalt plant to be located on this property and that decision has been remanded to Yamhill County.

The fund provided this five (5) year local option levy would be used to provide the River Front Master Plan. The funds would also be used to purchase the parcel of approximately 20.18 acres from Baker Rock Crushing Company. The City would only levy the amount necessary to pay for the negotiated price of the property and the cost of the Master Plan. The levy would be a five (5) year local option levy. The estimated rate per One Thousand Dollars (\$1,000.00) assessed value during the first year is \$.2978 or increased taxed for a home assessed at One Hundred Thousand Dollars (\$100,000.00) which would be a yearly amount of Twenty-nine Dollars and Seventy-eight Cents (\$29.78).

---

**CITY OF NEWBERG**



Terrence D. Mahr, City Attorney / Acting City Manager  
Authorized by Resolution No. 99-2197

Sep 2, 1999  
Date



## REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 9, 1999		MOTION
DATE ACTION REQUESTED: December 6, 1999	X	RESOLUTION NO. 99-2212
SUBJECT: Canvass of Votes for the November 2, 1999, Special Election.		ORDINANCE
		INFORMATION

**RECOMMENDATION:**

Approve **Resolution No. 99-2212** accepting the canvass of votes for the November 2, 1999, Special Election.

**BACKGROUND:**

1. At the November 2, 1999, Special Election, the City had placed on the ballot before the voters of the City the following item:

**MEASURE**

Purchase River Front Property of Baker Rock (Measure 36-96)

2. On November 9, 1999, the City received from Charles Stern, County Clerk of Yamhill County, a Certificate certifying the true, actual, and final results of the ballots cast in the November 2, 1999, Special Election.
3. In accordance with the City Ordinances and state law, the City should accept the results as presented by the County Clerk.

**FISCAL IMPACT:**

*This election is to be paid for by the City. As of 11/23/99, the Yamhill County Clerk's Office does not know the election cost for the Measure. They will be mailing the invoice out in the near future. If the City gets the bill before this (12/06/99) meeting, then the City Attorney will advise the Council of the cost verbally.*

**STRATEGIC ASSESSMENT:**

N/A.

*Dawn M. Wilson*

Dawn M. Wilson, Legal Secretary

*Duane R. Cole*

Duane R. Cole, City Recorder

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**RESOLUTION NO. 99-2212**

**RESOLUTION ACCEPTING THE RESULTS OF THE BALLOTS CAST FOR THE NOVEMBER 2, 1999, SPECIAL ELECTION AS PROVIDED BY CHARLES STERN, YAMHILL COUNTY CLERK, FOR THE FOLLOWING MEASURE: PURCHASE AND PLAN RIVER FRONT PROPERTY OWNED BY BAKER ROCK (MEASURE 36-96).**

**RECITALS:**

1. At the November 2, 1999, Special Election, the City had placed on the ballot before the voters of the City the following item:

**MEASURE**

Purchase River Front Property of Baker Rock (Measure 36-96)

2. On November 9, 1999, the City received from Charles Stern, County Clerk of Yamhill County, a Certificate certifying the true, actual, and final results of the ballots cast in the November 2, 1999, Special Election.
3. In accordance with the City Ordinances and state law, the City should accept the results as presented by the County Clerk.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEWBERG, AS FOLLOWS:**

1. The City accepts the Canvass of Votes from the Yamhill County Clerk certifying the true, actual, and final results of the ballots cast in the November 2, 1999, Special Election; a copy is attached as Exhibit "A."
2. Based upon these results, the City declares the following measure to have failed.

**MEASURE**

Purchase River Front Property of Baker Rock (Measure 36-96) **FAILED**.

3. The unofficial Yamhill County election results were obtained from the Internet and posted on November 3, 1999. A Certificate of Posting is attached.

**ADOPTED** by the Newberg City Council this 6th day of December, 1999.

\_\_\_\_\_  
Duane R. Cole, City Recorder

**ATTEST** by the Mayor this \_\_ day of December, 1999.

\_\_\_\_\_  
Charles Cox, Mayor

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OFFICIAL FINAL  
16:25:49 8-Nov-1999

SPECIAL ELECTION

NOVEMBER 2, 1999

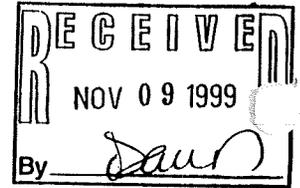
CHARLES STERN  
YAMHILL COUNTY CLERK  
YAMHILL COUNTY, OREGON

36-96 NEWBERG-PURCHASE RIVER FRNT PROPERTY OF BAKER ROCK  
VOTE FOR 1

53 NO  
54 Overvotes  
55 Undervotes

52 YES

	52.....	53.....	54.....	55
0002 NEWBERG CITY N.	240	280	0	26
0003 NEWBERG CITY NW	162	271	0	12
0004 NEWBERG CITY SW	193	193	0	10
0005 NEWBERG CITY SE	289	338	0	16
0031 NEWBERG CITY NE	219	337	0	23
0036 NEWBERG CITY N	346	556	0	15
TOTAL	1,449	1,975	0	102



I CERTIFY THAT THE VOTES RECORDED ON THIS  
ABSTRACT CORRECTLY SUMMARIZE THE TALLY  
OF VOTES CAST AT THE ELECTION INDICATED.

*Charles Stern*  
SIGNATURE OF COUNTY CLERK:

*November 8, 1999*  
DATE OF ABSTRACT

Exhibit "A"  
Resolution No. 99-2212  
Page 1 of 1

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**CERTIFICATE OF POSTING**  
**CANVASS OF VOTES**  
**CITY OF NEWBERG ELECTION RESULTS**  
**Special Election: November 2, 1999**

I, Dawn M. Wilson, Legal Secretary, Legal Department, hereby acknowledge that the Canvass of Votes was posted the concerning the City of Newberg Special Election results on November 2, 1999, at the following location on November 10, 1999:

**Newberg City Hall Annex, 115 S. Howard Street, Newberg, Oregon**

**DATED** this 10th day of November, 1999.

  
\_\_\_\_\_  
Dawn M. Wilson, Legal Secretary

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# Memorandum

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To: Newberg Graphic  
CC:  
From: Terrence D. Mahr  
Date: September 13, 1999  
Subject: Publication of Notice of Receipt of Ballot Titles /  
Measures

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Attached is a Notice of Election and Receipt of Ballot Titles concerning one (1) Measure scheduled to be placed before the voters at the November 2, 1999, General Election. Please publish the Notice in the Wednesday, September 15, 1999 edition of the Newberg Graphic.

Please forward your billing statement to this office. Thank you.

ACKNOWLEDGED AND RECEIVED:

NEWBERG GRAPHIC

By Beth Nistler

September 13, 1999  
Date

*From the desk of . . .*

**Terrence D. Mahr, City Attorney**  
City of Newberg  
PO Box 970  
Newberg, OR 97132  
(503) 537-1206  
Fax (503) 537-1277

# NOTICE OF ELECTION AND RECEIPT OF BALLOT TITLES

Notice is hereby given that a ballot title for the measure referred by the City Council of the City of Newberg has been filed with the City Election Officer, for an election to be held on Tuesday, November 2, 1999. The text of the measure meets the one subject requirement. The caption is:

PURCHASE AND PLAN RIVER FRONT PROPTERTY OWNED BY BAKER ROCK.

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A complete copy of the ballot title and text of the measure can be obtained at the City Attorney's Office, 115 S. Howard Street, Newberg, Oregon.

An elector of the City who is dissatisfied with the ballot title, may file a petition for review for the ballot title in the Yamhill County Circuit Court no later than 5:00 p.m., September 21, 1999.

Duane R. Cole  
City of Newberg Election Officer / City Recorder

Date of Publication in Newberg Graphic: **September 15, 1999.**

# NOTICE OF CITY MEASURE ELECTION

ORS 250.035  
ORS 250.041  
ORS 250.275  
ORS 250.285  
ORS 254.095  
ORS 254.465

City of Newberg

(Name of city)

Notice is hereby given that on Tuesday, November 2, 1999  
(Day of week) (Date of election)

a measure election will be held in Newberg, Yamhill County, Oregon.  
(Name of city) (Name of county)

The county clerk has advised us (SELECT ONE):

- The election will be conducted at the polls. The polls will be open from 7:00 a.m. to 8:00 p.m.
- The election will be conducted by mail.

The following shall be the ballot title of the measure to be submitted to the city's voters on this date:

CAPTION (10 Words)

QUESTION (20 Words)

SUMMARY (175 Words)

PLEASE SEE ATTACHMENT.

99 SEP -3 P1:13

The following authorized city official hereby certifies the above ballot title is true and complete.

Terrence D. Mahr

Signature of authorized city official (not required to be notarized)

Terrence D. Mahr

Printed name of authorized city official

September 3<sup>rd</sup>, 1999

Date signed

City Attorney / Acting City Manager

Title

**CITY OF NEWBERG  
BALLOT TITLE**

**Authorized by Resolution No. 99-2197  
November 2, 1999, Special Election**

**Caption: (10 word maximum)**

PURCHASE AND PLAN RIVER FRONT PROPERTY OWNED BY BAKER ROCK. (10 words)

**Question: (20 word maximum)**

Shall City levy up to \$1,000,000.00 to purchase and plan approximately 20.18 acre property owned by Baker Rock Crushing Company? (20 words)

This measure may cause property taxes to increase more than three percent.

The proposed local option tax is to be imposed for five (5) years.

**Summary: (175 word maximum)**

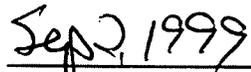
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This levy will be used to purchase the property located along the Willamette River front which is owned by Baker Rock Crushing Company and includes a parcel of approximately 20.18 acres. The funds will provide a River front master plan which will include all of the property in the area. The plan will incorporate existing plans by Yamhill County for Rogers Landing and areas up and down the Willamette River, as well as neighborhoods and industries located along the river. The purchase is proposed to preserve the river front and to not allow the development of an asphalt plant proposed by Baker Rock Crushing Company. The City would only levy the amount necessary to pay for the negotiated price of the property and the cost of the Master plan. The levy would be a 5-year Local Option Levy. The estimated rate per \$1,000.00 assessed value during the first year is \$.2978, or increased property taxes for a home assessed at \$100,000.00 which would be a yearly amount of \$29.78. (170 words)

The following authorized local government official hereby certifies the above Ballot Title is true and complete.

CITY OF NEWBERG

  
\_\_\_\_\_  
Terrence D. Mahr, City Attorney / Acting City Manager  
City of Newberg

  
\_\_\_\_\_  
Date

**EXPLANATORY STATEMENT  
A MEASURE PROPOSING A LEVY OF UP TO ONE MILLION  
(\$1,000,000.00) TO FUND A PLAN AND PURCHASE A PARCEL  
APPROXIMATELY 20.18 ACRES - PROPERTY OWNED BY  
BAKER ROCK CRUSHING COMPANY**

Measure No. \_\_\_\_\_

Word Total 318 (500 max)

**APPLICANT:** City of Newberg  
**OWNERS:** Baker Rock Crushing Company  
**DESCRIPTION:** 20.18 Acres at the southern boundary of the City of Newberg Urban Growth Boundary borders on the Willamette River.  
**LOCATION:** Tax Lot No. 3230-100

The southern boundary of the City of Newberg Urban Growth Boundary borders on the Willamette River. Roger's Landing, a local boat landing and recreational facility is located on the Willamette River near the site where Newberg Sewer Treatment Plant was located prior to the building of the new site. Baker Rock Crushing Company owns property which is adjacent to Roger's Landing and to the old sewer plant site owned by the City of Newberg.

The City wishes to do a River Front Master Plan for this area. The Master Plan would incorporate existing plans by Yamhill County for Roger's Landing as well as neighborhoods and industries located along the river.

At the present time, Baker Rock Crushing Company is proposing to locate an asphalt plant on their property. This asphalt plant would be located on a parcel that is approximately 20.18 acres. The City has appealed the decision to allow the asphalt plant to be located on this property and that decision has been remanded to Yamhill County.

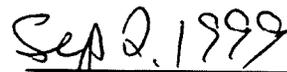
The fund provided this five (5) year local option levy would be used to provide the River Front Master Plan. The funds would also be used to purchase the parcel of approximately 20.18 acres from Baker Rock Crushing Company. The City would only levy the amount necessary to pay for the negotiated price of the property and the cost of the Master Plan. The levy would be a five (5) year local option levy. The estimated rate per One Thousand Dollars (\$1,000.00) assessed value during the first year is \$.2978 or increased taxed for a home assessed at One Hundred Thousand Dollars (\$100,000.00) which would be a yearly amount of Twenty-nine Dollars and Seventy-eight Cents (\$29.78).

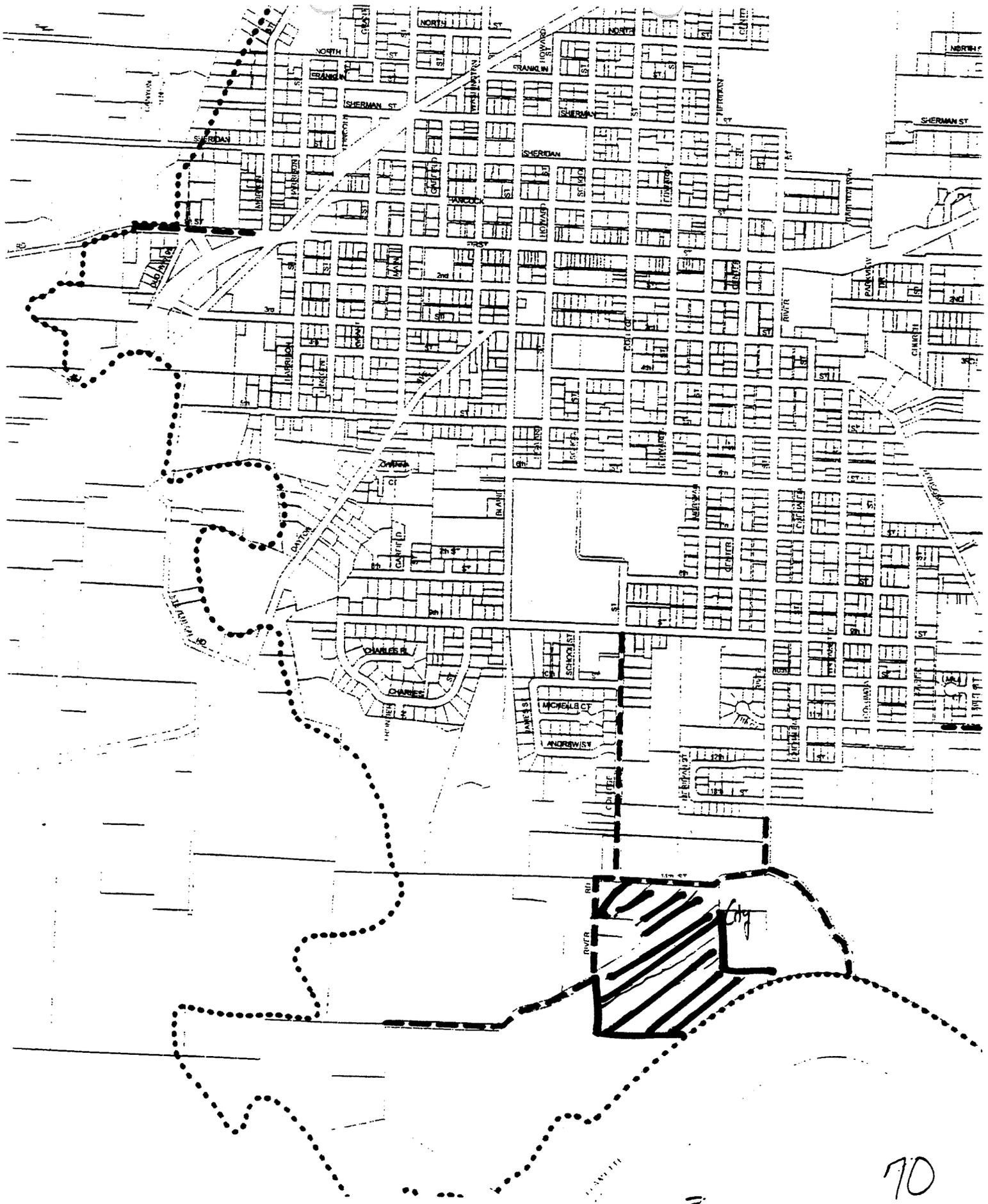
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**CITY OF NEWBERG**



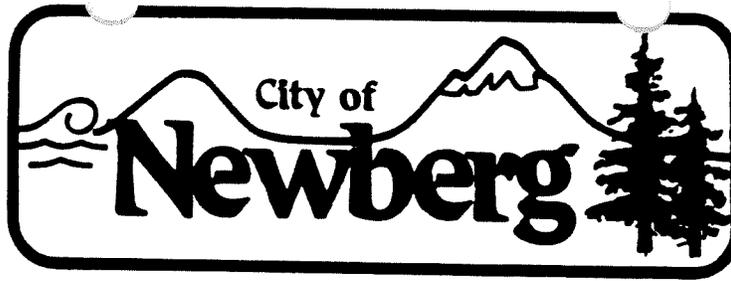
Terrence D. Mahr, City Attorney / Acting City Manager  
Authorized by Resolution No. 99-2197

  
Date



VIII-3

70



Three confirmed  
4pg fax upon  
9/2/99 4:59p  
- confirmed ea  
pg. individual

City Manager  
(503) 538-9421

City Attorney  
(503) 537-~~XXXX~~ 1206

PO Box 970  
115 S. Howard St  
~~XXXX EXXXXX~~  
Newberg, Oregon 97132

City FAX  
(503) 538-5393

**F A X COVER SHEET**

TRANSMITTING TO:

Charles Stern  
County Clerk's Office

FAX NUMBER:

503-434-7520

FROM:

Terrence D. Mahr  
City Attorney  
FAX No.: (503)537-1277

DATE:

09/02/99

TIME:

4:55 pm

NUMBER OF PAGES:

4  
(Including Cover Sheet)

*Please call 503-537-1206 if you do NOT receive ALL pages.*

Message:

Ballot title and Explanatory  
Statement for Filing.

**DISCLAIMER**

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F:\LEGAL\WP5FILES\FORMS\FAXCVR

Building: 537-1240 • Community Development: 537-1210 • Finance: 537-1201 • Fire: 537-1230  
Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1214 • Utilities: 537-1205  
Municipal Court Fax: 537-1277 • Community Development Fax: 537-1272 • Library Fax: 538-9720

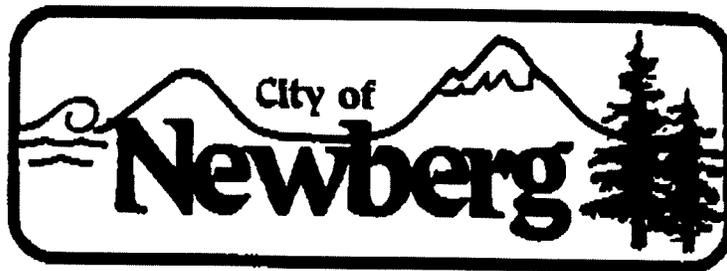
"Working Together For A Better Community-Serious About Service"

THE FOLLOWING FILE(S) ERASED

FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
015	MEMORY TX		9-15034347520	04/04	OK

ERRORS

- 1) HANG UP OR LINE FAIL
- 2) BUSY
- 3) NO ANSWER
- 4) NO FACSIMILE CONNECTION



PO Box 970  
 115 S. Howard St  
~~XXXXXXXXXX~~  
 Newberg, Oregon 97132

City Manager  
 (503) 538-9421

City Attorney  
 (503) 537-~~XXXX~~ 1206

F A X COVER SHEET

City FAX  
 (503) 538-5393

TRANSMITTING TO:

Charles Stern  
County Clerk's Office

FAX NUMBER:

503-434-7520

FROM:

Terrence D. Mahr  
 City Attorney  
 FAX No.: (503)537-1277

DATE:

09/02/99

## Request for City Council Action

<b>Date Submitted:</b> August 19, 1999		<b>MOTION</b>
<b>Date Action Requested:</b> September 7, 1999	XX	<b>RESOLUTION</b>
<b>Subject:</b> A RESOLUTION AUTHORIZING THE CITY RECORDER TO CERTIFY TO YAMHILL COUNTY A BALLOT TITLE TO ASK THE VOTERS TO VOTE ON THE PURCHASE AND MASTER PLANNING OF APPROXIMATELY 20.18 ACRE PARCEL OF PROPERTY AT ROGERS LANDING (TAX LOT NO. 3230 - 100) EFFECTIVE UPON ADOPTION. <i>Resolution No. 99-2197</i>		<b>ORDINANCE</b>
		<b>INFORMATION</b>

**RECOMMENDATION:** Approve Resolution No. 99-2197 authorizing the City Recorder to certify to Yamhill County a Ballot Title to ask the voters to vote on the purchase and master planning of approximately 20.18 acre parcel of property at Rogers Landing (Tax Lot No. 3230 - 100) effective upon adoption.

**BACKGROUND:**

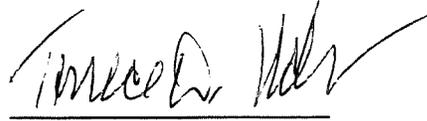
1. The City of Newberg appealed to the Land Use Board of Appeals the decision by the Yamhill County Board of Commissioners authorizing a zone change on the property located along the Willamette River near Rogers Landing.
2. The Land Use Board of Appeals remanded the Yamhill County Board of Commissioners' and the City Council decided to not appeal the remand to the Oregon Court of Appeals.
3. It is likely that Baker Rock Products, the applicant, will request a remand hearing by the Board and resolve the remaining issue, although the City will request that the record of the proceedings be opened to provide for new testimony on the whole issue.
4. In order to preserve and protect the Willamette River front area of Newberg, the City Council is proposing that the City purchase the property and provide funds for a detailed master plan of the area.
5. The ballot title, question, summary and explanation attached to this resolution are intended to provide a reasonably complete description of the proposed uses of the proceeds of the ballot measure

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VIII-3

**FISCAL IMPACT:** First, the city staff is estimating up to \$1 million since the purchase price has not been identified. Condemnation may be necessary to place the property in the city's ownership. Second, the estimated cost per \$1,000 of assessed value is \$.2978 which equals about \$29.78 per year for a Newberg household. The levy as proposed would be for five years.

**SUBMITTED BY:**



**Terrence Mahr**  
**City Attorney/Acting City Manager**

**RESOLUTION NO. 99-2197**

**RESOLUTION AUTHORIZING THE CITY RECORDER TO CERTIFY TO YAMHILL COUNTY A BALLOT TITLE TO ASK THE VOTERS TO VOTE ON THE PURCHASE AND MASTER PLANNING OF APPROXIMATELY 20.18 ACRE PARCEL OF PROPERTY AT ROGERS LANDING (TAX LOT NO. 3230 - 100) EFFECTIVE UPON ADOPTION.**

**RECITALS:**

1. The City of Newberg appealed to the Land Use Board of Appeals the decision by the Yamhill County Board of Commissioners authorizing a zone change on the property located along the Willamette River near Rogers Landing.
2. The Land Use Board of Appeals remanded the Yamhill County Board of Commissioners' and the City Council decided to not appeal the remand to the Oregon Court of Appeals.
3. It is likely that Baker Rock Products, the applicant, will request a remand hearing by the Board and resolve the remaining issue, although the City will request that the record of the proceedings be opened to provide for new testimony on the whole issue.
4. In order to preserve and protect the Willamette River front area of Newberg, the City Council is proposing that the City purchase the property and provide funds for a detailed master plan of the area.
5. The ballot title, question, summary and explanation attached to this resolution are intended to provide a reasonably complete description of the proposed uses of the proceeds of the ballot measure

**NOW, THEREFORE, BE TO RESOLVED BY THE NEWBERG CITY COUNCIL AS FOLLOWS:**

1. The City Council authorizes the City Recorder to certify to the Yamhill County Clerk to be placed on the ballot for an election to be held on November 2, 1999, a ballot asking the City electorate to levy \$1,000,000.00 to fund the purchase and master planning of the property owned by Baker Rock Crushing Company. This would be a five-year levy which will cost \$200,000.00 per year with an estimated tax rate of \$.2978 (or \$29.78 for an average house of \$100,000.00; a \$150,000.00 house would cost \$44.67 per year).
2. The attached ballot title is approved by the City Council and authorizes the City Recorder to refer such ballot title to the Yamhill County Clerk. The City Attorney shall approve the ballot title and is authorized to make any necessary changes as to form and content.

3. The City Council authorizes the City Elections Officer to place the proper notices of election and advertise them according to State Statute.
4. The City Council authorizes the City Manager, or designee, to prepare an explanation to be placed in the voter's pamphlet. Such explanation shall be approved by the City Attorney.

**ADOPTED** by the Newberg City Council this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Duane R. Cole, City Recorder

**ATTEST** by the Mayor this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Charles Cox, Mayor

# CITY OF NEWBERG BALLOT TITLE

**Authorized by Resolution No. 99-2197  
November 2, 1999, Special Election**

**Caption: (10 word maximum)**

PURCHASE AND PLAN RIVER FRONT PROPERTY OWNED BY BAKER ROCK. (10 words)

**Question: (20 word maximum)**

Shall City levy up to \$1,000,000.00 to purchase and plan the approximately 20.18 acre property owned by Baker Rock Products? (20 words)

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This measure may cause property taxes to increase more than three percent.

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The proposed local option tax is to be imposed for five (5) years.

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**Summary: (175 word maximum)**

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This measure may be passed only at an election with at least a 50 percent voter turnout.

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This levy will be used to purchase the property located along the Willamette River front which is owned by Baker Rock products and includes a parcel of approximately 20.18 acres. The funds will provide a River front master plan which will include all of the property in the area. The plan will incorporate existing plans by Yamhill County for Rogers Landing and areas up and down the Willamette River, as well as neighborhoods and industries located along the river. The purchase is proposed to preserve the river front and to not allow the development of an asphalt plant proposed by Baker Rock Products. The City would only levy the amount necessary to pay for the negotiated price of the property and the cost of the Master plan. The levy would be a 5-year Local Option Levy. The estimated rate per \$1,000.00 assessed value during the first year is \$.2978, or increased property taxes for a home assessed at \$100,000.00 which would be a yearly amount of \$29.78. (168 words)

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The following authorized local government official hereby certifies the above Ballot Title is true and complete.

**CITY OF NEWBERG**

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**Duane R. Cole, City Manager**  
City of Newberg

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**Date**



**\* UPDATE \***

**Request for City Council Action**

<b>Date Submitted:</b> August 19, 1999		MOTION
<b>Date Action Requested:</b> September 7, 1999		INFORMATION
<b>Subject:</b> <i>Resolution ratifying the City Recorder certification to Yamhill County of a Ballot Title and Explanatory Statement to ask the voter's to pick voters to vote on the purchase of the Master Plan of approximately 20.18 acres at Roger's Landing effective upon adoption.</i>		ORDINANCE
	X	RESOLUTION No. 99-2197

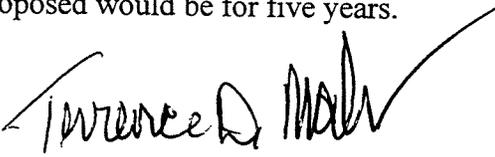
**RECOMMENDATION:** Approve **Resolution No. 99-2197.**

**BACKGROUND:**

1. The City of Newberg appealed to the Land Use Board of Appeals the decision by the Yamhill County Board of Commissioners authorizing a zone change on the property located along the Willamette River near Rogers Landing.
2. The Land Use Board of Appeals remanded the Yamhill County Board of Commissioners' and the City Council decided to not appeal the remand to the Oregon Court of Appeals.
3. It is likely that Baker Rock Crushing Company, the applicant, will request a remand hearing by the Board and resolve the remaining issue, although the City will request that the record of the proceedings be opened to provide for new testimony on the whole issue.
4. In order to preserve and protect the Willamette River front area of Newberg, the City Council is proposing that the City purchase the property and provide funds for a detailed master plan of the area.
5. The ballot title, question, summary and explanation attached to this resolution are intended to provide a reasonably complete description of the proposed uses of the proceeds of the ballot measure

**FISCAL IMPACT:** First, the city staff is estimating up to \$1 million since the purchase price has not been identified. Condemnation may be necessary to place the property in the city's ownership. Second, the estimated cost per \$1,000 of assessed value is \$.2978 which equals about \$29.78 per year for a Newberg household. The levy as proposed would be for five years.

**SUBMITTED BY:** \_\_\_\_\_

  
**Terrence D. Mahr**  
**City Attorney/Acting City Manager**

**RESOLUTION NO. 99-2197**

**RESOLUTION RATIFYING THE CITY RECORDER'S CERTIFICATION TO YAMHILL COUNTY OF A BALLOT TITLE AND EXPLANATORY STATEMENT TO ASK THE VOTERS TO VOTE ON THE PURCHASE AND MASTER PLANNING OF APPROXIMATELY 20.18 ACRE PARCEL OF PROPERTY EFFECTIVE UPON ADOPTION.**

**TAX LOT NO. 3230 - 100**

**RECITALS:**

1. The City of Newberg appealed to the Land Use Board of Appeals the decision by the Yamhill County Board of Commissioners authorizing a zone change on the property located along the Willamette River near Rogers Landing.
2. The Land Use Board of Appeals remanded the Yamhill County Board of Commissioners' and the City Council decided to not appeal the remand to the Oregon Court of Appeals.
3. It is likely that Baker Rock Crushing Company, the applicant, will request a remand hearing by the Board and resolve the remaining issue, although the City will request that the record of the proceedings be opened to provide for new testimony on the whole issue.
4. In order to preserve and protect the Willamette River front area of Newberg, the City Council is proposing that the City purchase the property and provide funds for a detailed master plan of the area.
5. The deadline for filing the Ballot Title and Explanatory Statement was September 2, 1999, for the November 2, 1999, election. The Ballot Title and Explanatory Statement was filed with the Yamhill County Clerk.

**NOW, THEREFORE, BE TO RESOLVED BY THE NEWBERG CITY COUNCIL AS FOLLOWS:**

1. The City Council ratifies City Recorder's certification to the Yamhill County Clerk the Ballot Title and Explanatory Statement for an election to be held on November 2, 1999, asking the City electorate to levy One Million Dollars (\$1,000,000.00) to fund the purchase and master planning of the property owned by Baker Rock Crushing Company. This would be a five-year levy which will cost Two Hundred Thousand Dollars (\$200,000.00) per year with an estimated tax rate of \$.2978 (or \$29.78 for an average house of \$100,000.00; a \$150,000.00 house would cost \$44.67 per year).

2. The attached Ballot Title and Explanatory Statement is ratified by the City Council and the filing by the City Recorder is ratified by the Council.
3. The City Council authorizes the City Elections Officer to place the proper notices of election and advertise them according to State Statute.

**ADOPTED** by the Newberg City Council this \_\_\_ day of September, 1999.

\_\_\_\_\_  
Duane R. Cole, City Recorder

**ATTEST** by the Mayor this \_\_\_ day of September, 1999.

\_\_\_\_\_  
Charles Cox, Mayor

**CITY OF NEWBERG  
BALLOT TITLE**

**Authorized by Resolution No. 99-2197  
November 2, 1999, Special Election**

**Caption: (10 word maximum)**

PURCHASE AND PLAN RIVER FRONT PROPERTY OWNED BY BAKER ROCK. (10 words)

**Question: (20 word maximum)**

Shall City levy up to \$1,000,000.00 to purchase and plan approximately 20.18 acre property owned by Baker Rock Crushing Company? (20 words)

This measure may cause property taxes to increase more than three percent.

The proposed local option tax is to be imposed for five (5) years.

**Summary: (175 word maximum)**

This measure may be passed only at an election with at least a 50 percent voter turnout.

This levy will be used to purchase the property located along the Willamette River front which is owned by Baker Rock Crushing Company and includes a parcel of approximately 20.18 acres. The funds will provide a River front master plan which will include all of the property in the area. The plan will incorporate existing plans by Yamhill County for Rogers Landing and areas up and down the Willamette River, as well as neighborhoods and industries located along the river. The purchase is proposed to preserve the river front and to not allow the development of an asphalt plant proposed by Baker Rock Crushing Company. The City would only levy the amount necessary to pay for the negotiated price of the property and the cost of the Master plan. The levy would be a 5-year Local Option Levy. The estimated rate per \$1,000.00 assessed value during the first year is \$.2978, or increased property taxes for a home assessed at \$100,000.00 which would be a yearly amount of \$29.78. (170 words)

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The following authorized local government official hereby certifies the above Ballot Title is true and complete.

**CITY OF NEWBERG**

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**Terrence D. Mahr, City Attorney / Acting City Manager  
City of Newberg**

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**Date**

111-3

**EXPLANATORY STATEMENT**  
**A MEASURE PROPOSING A LEVY OF UP TO ONE MILLION**  
**(\$1,000,000.00) TO FUND A PLAN AND PURCHASE A PARCEL**  
**APPROXIMATELY 20.18 ACRES - PROPERTY OWNED BY**  
**BAKER ROCK CRUSHING COMPANY**

Measure No. \_\_\_\_\_

Word Total 318 (500 max)

**APPLICANT:** City of Newberg  
**OWNERS:** Baker Rock Crushing Company  
**DESCRIPTION:** 20.18 Acres at the southern boundary of the City of Newberg Urban Growth Boundary borders on the Willamette River.  
**LOCATION:** Tax Lot No. 3230-100

The southern boundary of the City of Newberg Urban Growth Boundary borders on the Willamette River. Roger's Landing, a local boat landing and recreational facility is located on the Willamette River near the site where Newberg Sewer Treatment Plant was located prior to the building of the new site. Baker Rock Crushing Company owns property which is adjacent to Roger's Landing and to the old sewer plant site owned by the City of Newberg.

The City wishes to do a River Front Master Plan for this area. The Master Plan would incorporate existing plans by Yamhill County for Roger's Landing as well as neighborhoods and industries located along the river.

At the present time, Baker Rock Crushing Company is proposing to locate an asphalt plant on their property. This asphalt plant would be located on a parcel that is approximately 20.18 acres. The City has appealed the decision to allow the asphalt plant to be located on this property and that decision has been remanded to Yamhill County.

The fund provided this five (5) year local option levy would be used to provide the River Front Master Plan. The funds would also be used to purchase the parcel of approximately 20.18 acres from Baker Rock Crushing Company. The City would only levy the amount necessary to pay for the negotiated price of the property and the cost of the Master Plan. The levy would be a five (5) year local option levy. The estimated rate per One Thousand Dollars (\$1,000.00) assessed value during the first year is \$.2978 or increased taxed for a home assessed at One Hundred Thousand Dollars (\$100,000.00) which would be a yearly amount of Twenty-nine Dollars and Seventy-eight Cents (\$29.78).

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**CITY OF NEWBERG**

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Terrence D. Mahr, City Attorney / Acting City Manager  
Authorized by Resolution No. 99-2197

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Date

VIII-3

