

## March 9, 2004 Special Election Voter Pamphlet

MEASURE NO. 24-114

City of Gates

### Referendum Order by Petition of the People

Repeals Gates City Ordinance 166 (Transient Room Tax)

**Question:** Shall Gates Ordinance 166 providing for an 8% transient room tax be repealed?

**Summary:** Repeals Ordinance 166. This measure would eliminate the requirement for an 8% tax on transients, which tax is imposed on the rent charged by operators of "hotels" as defined in the ordinance. This measure would also eliminate all administrative procedures for collection of the tax, including the requirements that operators register with the City and pay the taxes to the City on a quarterly basis.

No arguments in favor of or opposed to this measure were filed.

## MEASURE NO. 24-115

City of Stayton

### Referendum Order by Petition of the People

Measure Annexing, Zoning and Subdividing Land Near Santiam/Jefferson Streets

**Question:** Shall land near East Santiam/Jefferson Streets be annexed, then zoned and subdivided to provide 23 lots for single family homes?

**Summary:** By Ordinance 852 the City Council has approved annexation of a 6.35 acre tract of land located adjacent to East Santiam and East Jefferson Streets, re-zoning it and subdividing it into 23 lots to allow the construction of a residential subdivision known as Benchmark Addition, adopting findings and conclusions that the request met all the approval criteria stated in the city's land use regulations, and embodied desirable "smart development" features. This decision is now submitted to the electors by the referendum process for final determination of the matter.

An affirmative vote on this referendum measure states approval for the annexation, re-zone and subdivision, and a negative vote states disapproval thereof.

The subject property is located inside the Stayton Urban Growth Boundary, and is designated Low Density Residential in the Stayton Comprehensive Plan. The applicants for this change are Lawrence Grames and Daniel Brammer of Benchmark Enterprises, LLC. The major effect of this measure is to convert an undeveloped tract to 23 home-sites; and the extension of city infrastructure (sewer, water and streets) thereto.

### Explanatory Statement:

The Stayton Municipal Code (SMC), and state law, require that if certain criteria are met, the City of Stayton must approve an annexation request. The Stayton Planning Commission, on June 9, 2003, and subsequently the Stayton City Council, on July 21, 2003, after public hearings, determined the applicable criteria for the "Benchmark Addition" application had been met, therefore approval of the annexation was granted.

Approval criteria for an annexation include: a) whether a need exists for the annexation; b) whether the site can be serviced by adequate city services, often referred to as "infrastructure"; c) whether the proposed annexation is contiguous

to the existing city limits; d) whether the proposed annexation is compatible with the surrounding area; and e) whether the annexation complies with applicable state laws. The Stayton Planning Commission and subsequently the Stayton City Council determined the criteria were met and approved the annexation subject to certain conditions.

The City has determined that the first criterion is met for this annexation. The City broadly interprets the concept of need as not only for more housing, but also to correct or supplement infrastructure issues that may only be addressed by including the site into the city limits. In this case annexation would include infrastructure enhancements and street connections that are added as a result of the annexation, which would benefit a broader area than just the annexed property itself.

Among the more significant infrastructure enhancements, required by this approval to be constructed and substantially paid for by the developers, are the extension of E. Jefferson St. for the entire length of the annexed territory with half street improvements (curb and sidewalk on north side) per SMC 12.04.080(2); full width improved extension of Highland Drive to the new portion of E. Jefferson St.; and, replacement of 800 feet of undersized 8" water main along E. Santiam St. with a new 12" line which should substantially improve fire flow pressure in the area.

City services were found adequate to serve the subject property. The site is contiguous to the existing city limits of the City of Stayton. The proposed annexation was determined to be compatible with the surrounding area on the basis that the residential nature and density of the annexation proposal is consistent with nearby properties and in keeping with the City's comprehensive plan map. Finally, the annexation was determined to be in compliance with applicable state laws, and the annexation was then approved with conditions.

Estimate of Financial Effect: the City would be responsible for the cost of perpetual maintenance of the infrastructure improvements once dedicated as part of the annexation. If fully developed as a subdivision, the City may receive some \$196,000 or more in one-time system development charges and some \$11,500 or more in annual property taxes.

As stated in the ballot measure, a "yes" vote signifies approval of the proposed annexation and a "no" vote signifies disapproval of the proposed annexation.

Submitted by, Chris Childs, City Administrator

*No arguments in favor of this measure were filed.*

### **Argument in Opposition:**

The Question: Does a need exist in Stayton for the proposed land to be annexed?

The Answer: NO

Does a need exist in the community for the proposed land to be annexed? This is one of the 6 criteria that the city council uses to decide whether land outside of the city gets annexed into the city. The city council has been struggling with this annexation for more than 9 years. They rejected the annexation 4 times. Not much has changed.

At the July 21, 2003 Stayton City Council Meeting, councilors voted 2-2. The mayor broke the tie with a yes vote. The process drew criticism from citizens and from the Stayton Mail's August 20, 2003 "We say..." editorial. The reason for approval seemed to be unanswered by the councilors. What need existed for the approval?

The city historically focused on two issues in regard to need. One was if there was a problem to be fixed and that created a need for the land to be annexed. There isn't an argument focused on the need to fix a problem only for enhancing infrastructure. The other issue was if there was a need to provide housing and annexing the land would satisfy that need. The applicant's summary from the July 21, 2003 Stayton City Council meeting minutes states: "...if the need was solely based on housing need, this application probably doesn't meet the requirement."

You, the citizens of Stayton have expressed concern over growth in our community and the effect it has and will have on our schools and city services. As a citizen of Stayton, I am concerned too. We do not need this annexation.

The cost of perpetual maintenance to streets, water lines, police and other services would be ours.

There doesn't seem to be any problems to be fixed or housing need, only the desire to develop this property.

We have the final voice.

I urge you to vote NO on this annexation.

*(This information provided by Steven H. Frank)*

*No arguments in favor of this measure were filed.*

## **MEASURE NO. 24-116**

City of Gates

### **Referred to the People by the City Council**

Amends City of Gates Charter

**Question:** Shall the City of Gates Charter be amended to allow the city to contract with Mid-Willamette Valley Council of Governments?

**Summary:** Amends the City of Gates Charter to delete Section 39, which currently prohibits the city from entering into agreements accepting services from, providing services to, or conducting any business with the Mid-Willamette Valley Council of Governments. Beginning with the 2004 fiscal budget year, the city would be permitted to expend city funds to or for the benefit of Mid-Willamette Valley Council of Governments.

### **Explanatory Statement:**

The City of Gates wishes to amend Section 39 of the Gates City Charter by deletion. Deletion of this section will allow the City to enter into an agreement with, accept services from and conduct business with the Mid-Willamette Valley Council of Governments beginning with the 2004 fiscal budget year.

Submitted by

Kathy Sherman

Mayor, City of Gates

No arguments in favor of or opposed to this measure were filed.