



## AGENDA

### CANBY CITY COUNCIL MEETING

October 7, 2015

7:30 PM

Council Chambers

155 NW 2<sup>nd</sup> Avenue

*Mayor Brian Hodson*

*Council President Tim Dale*

*Councilor Clint Coleman*

*Councilor Tracie Heidt*

*Councilor Traci Hensley*

*Councilor Greg Parker*

*Councilor Todd Rocha*

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### WORK SESSION

6:00 PM

City Hall Conference Room

182 N Holly

The City Council will hold a Work Session to meet with the General Canby Days, Inc. Board of Directors to discuss this year's event and at 6:45 p.m. the City Attorney will provide an update on legislation regarding marijuana.

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### CITY COUNCIL MEETING

#### 1. CALL TO ORDER

A. Invocation

B. Pledge of Allegiance

C. Public Power Week Proclamation

Pg. 1

D. Walk & Bike to School Day Proclamation

Pg. 2

#### 2. COMMUNICATIONS

#### 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

*(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)*

#### 4. MAYOR'S BUSINESS

#### 5. COUNCILOR COMMENTS & LIAISON REPORTS

#### 6. CONSENT AGENDA

*(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)*

A. Approval of Minutes of the September 16, 2015 City Council Regular Meeting

**7. PUBLIC HEARING**

- A. CPA 15-02/TA 15-01 North Redwood Development Concept Plan (Continued from September 16, 2015) Pg. 3

**8. RESOLUTIONS & ORDINANCES**

- A. Res. 1226, Adopting the Oregon Department of Transportation's Disadvantaged Business Enterprise (DBE) Program, Policy and Goals Pg. 18  
B. Ord. 1422, Adopting the N Redwood Development Concept Plan, and Amending Canby's Comprehensive Plan and Title 16 of the Canby Municipal Code Pg. 4  
C. Ord. 1423, Amending Canby's Comprehensive Plan Land Use Map and Zoning Map from Heavy Industrial (HI & M-2) to High Density Residential (HDR & R-2) Respectively for an Approximate 7.6 Acre Portion of Tax Lots 2101 and 4900 of Tax Map 31E34C as Adjusted by LLA 15-04 at 235 S Sequoia Parkway (2<sup>nd</sup> Reading) Pg. 36

**9. NEW BUSINESS**

- A. Findings, Conclusion & Order CPA 15-01/ZC 15-0/LLA 15-04 Pg. 39  
B. Request from Bike & Pedestrian Committee to Increase Committee Membership from Five to Seven Pg. 45

**10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

**11. CITIZEN INPUT**

**12. ACTION REVIEW**

**13. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation**

**14. ADJOURN**

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://www.ci.canby.or.us). City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

# Proclamation

## RECOGNIZING PUBLIC POWER WEEK, OCT. 4-10: A WEEK-LONG CELEBRATION OF CANBY UTILITY'S YEAR-ROUND ELECTRIC AND POWER SERVICE TO CANBY

WHEREAS, we, the citizens of Canby, place high value on local control over community services and therefore have chosen to operate a community owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, Canby Utility provides our homes, businesses and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, Canby Utility is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, Canby Utility is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live and work, and contributes to protecting the global environment; and

WHEREAS, Canby Utility will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1970, the year when the utility was created to serve all the citizens of Canby.

NOW THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim that the week of October 4-10, 2015 be designated Public Power Week to recognize Canby Utility for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power. We call upon our community to joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community, and the nation.

Given unto my hand this 7<sup>th</sup> day of October 2015 in the City of Canby, Oregon.

Brian Hodson







Office of the Mayor

# Proclamation

## Walk & Bike to School Day

WHEREAS, for more than a century the bicycle has been an utilitarian, economical, environmentally sound and effective means of personal transportation, recreation and fitness; and

WHEREAS, the City of Canby encourages the use of bicycles and walking as a means of transportation; and

WHEREAS, the City of Canby recognizes the bicycle as a legitimate roadway vehicle and therefore is entitled to legal and responsible use of all public roadway facilities in Oregon except highways constructed to interstate standards; and

WHEREAS, the City of Canby encourages the increased use of the bicycle and walking - benefiting all citizens of Canby by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering physical fitness; and

WHEREAS, the City of Canby recognizes the use of bicycles and walking as viable modes of transportation, endeavors to promote safe and responsible bicycling and walking and is committed to incorporating the development of bicycle and pedestrian facilities in the vision for revitalizing downtown Canby; and

WHEREAS, the City of Canby's Bicycle and Pedestrian Committee and the Mayor encourage all citizens to ride their bicycles or walk to work, to the store, to the park, to school, and around their neighborhoods with friends, family, and neighbors in order to promote the personal and societal benefits achieved from bicycling and walking and to experience to joy and fun of bicycling and walking.

NOW THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the second Wednesday in October, October 14, 2015, as:

### WALK & BIKE TO SCHOOL DAY

in the City of Canby and do urge all those in the Canby area to support and promote this observance.

Given unto my hand this 7<sup>th</sup> day of October 2015 in the City of Canby, Oregon.

Brian Hodson  
Mayor





**TO:** *Mayor Hodson and City Councilors*  
**FROM:** *Matilda Deas, AICP, Senior Planner*  
**THROUGH:** *Rick Robinson, City Administrator*  
**DATE:** *September 4, 2015 for Council Meeting October 7, 2015*

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**Issue:**

Adoption of the North Redwood Development Concept Plan (NRDCP) which will update the Comprehensive Plan text, and modify several sections of the City's Land Development and Planning Ordinance in order to implement the Plan.

**Summary:**

The recommended North Redwood Development Concept Plan (NRDCP) was recently completed by the City of Canby and will provide guidance, at the time of development, on the provision of public infrastructure for properties located within the boundaries of the NRDCP

The NRDCP was prepared with public and agency participation and received guidance and input from the Technical Advisory Committee (TAC), the Stakeholder Advisory Committee (SAC), property owners, stakeholder interviews, the Project Management Team (PMT), public workshops with the Planning Commission and City Council, and public meetings.

**Recommendation:**

The Planning Commission held a public hearing on the Plan at their September 28, 2015 meeting and voted unanimously to forward a recommendation of approval to the Council. Staff recommends the Council Adopt the N Redwood Development Concept Plan and proposed amendments to the Comprehensive Plan and Land Development and Planning Ordinance.

**Motion:** *"I move to adopt the North Redwood Development Concept Plan and amendments to the Comprehensive Plan and Land Development and Planning Ordinance"*

The September 28, 2015 Planning Commission Packet with the North Redwood Staff Report and attachments are on the City's website at [http://www.ci.canby.or.us/CityGovernment/planning\\_commission/planningcommission.htm](http://www.ci.canby.or.us/CityGovernment/planning_commission/planningcommission.htm)

**Attached:**

A: Ordinance 1422

## **ORDINANCE NO. 1422**

### **AN ORDINANCE ADOPTING THE N REDWOOD DEVELOPMENT CONCEPT PLAN, AND AMENDING CANBY'S COMPREHENSIVE PLAN AND TITLE 16 OF THE CANBY MUNICIPAL CODE.**

**WHEREAS**, the N Redwood Development Concept Plan (NRDCP) Technical and Stakeholder Advisory Committees recommended that the Planning Commission approve the NRDCP and approve certain amendments to the Comprehensive Plan and to the Land Development and Planning Ordinance; and

**WHEREAS**, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing on said plan and amendments, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes; and

**WHEREAS**, the Planning Commission found that the standards and criteria of Section 16.88.160 and 16.88.180 of the Land Development and Planning Ordinance, concerning Text Amendments and Comprehensive Plan Amendments, were met, and recommended approval to the City Council on a unanimous vote after making certain modifications; and

**WHEREAS**, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendment itself are appropriate.

#### **THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:**

- (1) CPA15-02/TA 15-01 is hereby approved, the N Redwood Development Concept Plan is adopted, and the Land Development and Planning Ordinance and Comprehensive Plan are hereby amended as detailed in Exhibit A.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 7, 2015, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the City Council at a regular meeting thereof on October 21, 2015, commencing after the hour of 7:30 p.m. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.

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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on October 21, 2015, by the following vote:

YEAS\_\_\_\_\_ NAYS\_\_\_\_\_

\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

# Memorandum

**Date:** September 2, 2015  
**To:** Matilda Deas, City of Canby  
**cc:** Ken Pirie, Walker Macy  
Seth Brumley, Oregon Department of Transportation  
**From:** Matt Hastie and Serah Breakstone  
**Re:** **Canby North Redwood Development Concept Plan – Comprehensive Plan and Zoning Code Amendments**

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## Overview

This memo presents recommended Comprehensive Plan and Zoning Code amendments intended to implement the Canby North Redwood Development Concept Plan (DCP). Where new language is suggested, it is presented in underline format. Where irrelevant language has been omitted, an ellipsis (...) is used.

## Comprehensive Plan Amendments

### LANDUSE ELEMENT

...

### **POLICY NO. 7: CANBY SHALL STRIVE TO ENSURE THE EFFICIENT AND EFFECTIVE PROVISION OF INFRASTRUCTURE TO SERVE NEWLY ANNEXED AREAS.**

### **IMPLEMENTATION MEASURES:**

- A) The City of Canby's annexation Development Map shall be used to identify properties required to adopt a Development Concept Plan (DCP) or Development Agreement (DA) prior to annexation

## Code Amendments

### *New Plan District*

The following presents a new North Redwood Plan District for adoption as Section 16.13 of the Canby Zoning Code. As this represents an entirely new section of code, the underline format is not used.



## **Chapter 16.13 PLAN DISTRICTS**

### **Sections**

#### **16.13.010 North Redwood Plan District**

#### **16.13.020 Placeholder for future plan districts**

#### **16.13.010 North Redwood Plan District**

##### **A. Purpose**

The North Redwood Plan District implements the North Redwood Development Concept Plan (NRDCP) and is intended to ensure that development within the North Redwood area is consistent with the land use pattern and transportation network established by the NRDCP. The North Redwood Plan District is also intended to provide some flexibility for new development in order to protect natural resources and emphasize the Willow Creek corridor as a community amenity.

##### **B. Applicability**

The standards and regulations in this chapter apply to all land within the North Redwood Plan District as shown on the City of Canby's North Redwood Plan District Map.

The provisions in this chapter apply in addition to standards and regulations established in the base zone and other applicable sections of the Canby Zoning Code. Where standards in this chapter conflict with standards in other sections of the Canby Zoning Code, this section will supersede.

##### **C. Approval criteria**

The following criteria must be satisfied prior to approval of any new subdivision or Planned Unit Development within the North Redwood Plan District as they apply to the area proposed for development.

1. Generally, new road alignments should be consistent with those identified on Figure 9 of the DCP. Changes to the identified road alignments may be approved to allow for topographic or other conditions.
2. There shall be a minimum of five connections to existing roads on the east side of North Redwood Street, built to the City's Local Street standard. To the extent possible, additional connections should not create offset intersections and should meet spacing standards in the Transportation System Plan.
3. A cul-de-sac shall only be allowed when environmental or topographical constraints, or compliance with other standards in this code preclude street extension and through circulation. The map in Figure 9 of the DCP identifies three locations where cul-de-sacs could be allowed.
4. One loop road shall be built through the North Redwood community, connecting NE 18th Place to NE 12th Avenue. The loop road shall be built to the City's Neighborhood Route standards. Where possible, the loop road should travel adjacent to Willow Creek and provide access to Willow Creek trailheads and open space.
5. Where possible, other local streets in North Redwood should intersect with the loop road identified in (3) above.
6. At least one additional local street shall traverse the study area from north to south, connecting the area zoned for low density residential with the area zoned for high density residential.

7. Future local streets should be located to split parcel lines where feasible.
8. The land east of Willow Creek shall be accessed from an extension of North Teakwood Street and terminate in a cul-de-sac, hammerhead, or other appropriate turnaround.
9. Block size shall be consistent with the following:
  - i. Block widths should be approximately 280 feet whenever possible. Alternate block widths may be approved to allow for topographical variations
  - ii. Overall block length shall not exceed 600 feet
  - iii. A bicycle/pedestrian connection shall be provided at least every 330 feet, consistent with provisions in the Canby Transportation System Plan (TSP)
10. The park and open space corridor along Willow Creek, as identified in Figure 7 of the DCP, shall be provided through required land dedication for parks.
11. Applicants must demonstrate that future adjacent projects will be able to connect to proposed roads and other infrastructure in a way that will be consistent with the North Redwood DCP.

**D. Lot area exceptions and lot size averaging.**

The following exceptions to the City's lot size standards and lot size averaging provisions will be allowed for developments in the North Redwood Plan District.

1. The Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources.
2. The resulting average lot size shall not be less than 5,000 square feet in the R1 zone.
3. The resulting average lot size shall not be less than 4,000 square feet in the R1.5 zone.
4. Individual lot sizes may be less than prescribed in Sections 16.16.030 and 16.18.030 alternative lot layout option provided in Section 16.64.040 is used.

### *Lot Size Averaging*

#### **Section 16.16.030 Development Standards for the R-1 (low density) Zone**

##### ***B. Lot area exceptions:***

***1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:***

***a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted***

under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

### **Section 16.18.030 Development Standards for the R-1.5 (medium density) Zone**

#### **B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:

a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;

b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

## **Annexation**

### **Section 16.84.040 Standards and Criteria for Annexation**

A. The following criteria shall apply to all annexation requests.

...

8. Statement indicating the type and nature of any comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development. Proposed zoning must be consistent with zoning identified in any applicable adopted Development Concept Plan.

The North Redwood Development Concept  
Plan is available to view on the City's  
website  
at [http://www.ci.canby.or.us/N\\_Redwood/north\\_redwood\\_plan.htm](http://www.ci.canby.or.us/N_Redwood/north_redwood_plan.htm)

# North Redwood Development Concept Plan

## Infrastructure Cost Sharing Options – Draft

Date 3 August 2015  
To Ken Pirie, Walker Macy  
From Brian Vanneman and April Chastain, Leland Consulting Group  
Project 5496 Canby North Redwood

This memo summarizes a proposed preliminary infrastructure funding strategy for the North Redwood (NR) Planning Area in Canby, and was prepared by Leland Consulting Group, a member of the NR planning team.

### Local, Developer-Built infrastructure.

Most infrastructure within the NR area can be considered “local infrastructure” and is expected to be built and paid for by individual developers.

This includes most of the roads, sanitary sewer, water, and stormwater infrastructure that are shown in the concept plans. Local infrastructure is required as a condition of development in order for homes to be built on that property, is approximately the same size and cost as the infrastructure on other properties, and largely benefits an individual's property. A road on an individual's property is an example, since that road would be required in order for development to occur.

By contrast, the focus of this funding strategy is on “district infrastructure”—infrastructure that will benefit property owners throughout the NR area but tends to be concentrated on certain properties in the area. The main district infrastructure funding issue in NR is parks.

Some cost-sharing measures for local infrastructure are also discussed at the end of this memo.

### Parks Infrastructure

The neighborhood parks in the NR planning area can be thought of as “district infrastructure” since the parks will benefit the entire NR “district” as well as other parts of the City. However, if not addressed through a funding strategy, it is possible that the cost of providing parks could be borne by a small number of property owners along Willow Creek, while the benefits would be enjoyed by all. Therefore the project team recommends this strategy in order to more equitably spread the costs.

LCG's assumption is that the NR area will include the following parks:

- Willow Creek Pathway Park: This park will encompass Willow Creek and the surrounding wetlands, sloped area, and other “natural areas”—generally as defined by the Development Concept Plan (DCP), though the precise boundaries can be modified by future wetland delineations. It is likely to include a trail and a pedestrian path over the creek, and be about 8 acres in size. It is important to note that the future Willow Creek Park will be comprised almost



entirely of natural or *undevelopable* land—i.e. land that could not be developed as housing. The value of undevelopable land is less than developable land.

- Neighborhood (or Mini) Park: This will be an “improved” or “developed” neighborhood park. While the specific improvements have yet to be designed, they may include a field, play structure, etc. The Neighborhood Park is expected to be approximately one acre in size. The Neighborhood Park will be comprised almost entirely of *developable* land—i.e. land that could be developed as housing.

## City Policy for Developers’ Contribution to Parks

The City’s established development policy is that developers are required to contribute to the City’s parks system either by paying a Parks Systems Development Charge (SDC) or by dedicating parks land or improvements that are equal to the value of the SDCs owed. The City determines how the contribution will be met. SDCs are fees paid at the time of development (typically building permit application) and are currently \$5,265.06 per single family unit.

The City does not always accept unbuildable or wetlands area dedications in lieu of SDC fees; however, in the case of Willow Creek Park the City’s preliminary determination is that this is reasonable given the quality and importance of the wetland, and the creek’s role in encouraging responsible development of the NR area.

Consistent with this policy, NR area developers shall contribute either SDC fees, park land, or improvements, as determined by the City.

## Parks Infrastructure – Basic Strategy

The basic strategy recommended here is that Parks SDC fees paid by property owners who are not dedicating land be collected into a “NR Parks SDC Account” or similar, and that these funds be used to compensate property owners who dedicate land. In order for this mechanism to work, the value of property owners’ land contributions need to be established, and this process is explained below.

## Density Transfer

The City and NR consultant team are also recommending that a “density transfer” mechanism be used in NR in order to compensate property owners for the value of developable land that they are dedicating to the City. This transfer works can be summarized as follows and is described further in subsequent sections:

- The City will make a calculation of the amount of developable land that each property owner is required to dedicate to the City and the number of homes (rounding down) that could be built on that land given existing zoning and comprehensive plan designations.
- Property owners can then transfer and build this number of additional units onto another part of their property, or on another contiguous property in NR that they own. If property owners disagree with the City’s calculation of developable land, they can propose an alternative calculation via the delineation and appraisal process described immediately below.

Note that this calculation applies to developable land only, since property owners will be compensated for the value of undevelopable land separately (see below) are not forgoing the opportunity to develop housing by dedicating undevelopable land.

## Parks Compensation Process

LCG recommends the following process in order to establish the value of individual property owners' contributions to the NR district parks:

- Property owner obtains a wetlands delineation
- Property owner obtains an appraisal of the land to be dedicated to the City for the neighborhood parks. The appraisal should document both the area and value of natural or undevelopable land to be dedicated (including wetlands and steep slopes), and the area of developable land to be dedicated.

## Parks Compensation Formula

The following formula should be used in order to calculate individual property owners' net contribution to NR parks, and whether they owe additional SDCs after dedicating land, or are owed funds in the event that they have contributed more than their fair share:

Calculation	
	Appraised value of natural park area
+	Appraised value of developable park area
-	Value of residential transfer from developable area
=	Value of NR Parks land dedication
-	SDCs owed
=	Net NR Parks contribution

If the Net NR Parks contribution is positive—the property owner has contributed more in park land that he or she would owe in SDCs—then the property should be compensated for this surplus contribution. If this figure is negative, the property owner still owes some or all of the typical SDCs owed.

Note that two values—the appraised value of the developable park and the value of residential transfer from the developable area—are assumed to approximately offset each other since the property owner is essentially being allowed to transfer housing development rights from one part of the property to another. The first value is a contribution by the property owner to the district, and the second is a contribution by the City to the property owner. In the event that a property owner believes that these values do not offset each other, his or her appraisal should document that.

## Questions raised regarding the Parks Infrastructure Funding Process

- **Differences in appraised value.** In the event that appraisals obtained by the City and property owners differ in value, one option is for a third appraisal firm to resolve the difference. This is an established process in the valuation industry. Typically the third appraiser is selected and agreed upon by both parties, and the fee is paid equally by both parties.
- **Will early-phase developers always be able to collect SDC funds they are owed?** It is possible that “first-in” or early-phase developers could make significant land dedications before

a significant amount of SDCs have been received. In this case, the early-phase developers would need to wait to be compensated for their land dedication.

- **Additional Parks Funds required.** It is possible that the total cost of parks will exceed the amount of compensation (SDCs and/or land dedication) owed by property owners (approximately \$1.55 million or 295 units times \$5,265 per unit). If this is the case, the City is expected to secure additional funds via a variety of grants (ODFW, restoration grants, SOLV, others), by leveraging volunteer and student restoration efforts, or by using additional CIP funds. The City has been successful securing such assistance in the past.
- **Park maintenance.** Determining a source of ongoing park maintenance funding for the parks in NR is a city-wide issue and therefore beyond the scope of this plan. However, identifying sources of ongoing, city-wide parks maintenance is high on the City's priority list, and will be important in order to ensure that the NR parks remain attractive and safe neighborhood amenities following construction.

## Infrastructure Funding: Other Issues

### Infrastructure Located on Property Lines

LCG's recommendation has been that, wherever possible, road, sewer, and water infrastructure be located entirely within one property owners' property, or straddling a property line. Where possible, infrastructure that "weaves" between different properties should be avoided; however, due to slopes and other features in the NR area, this is not always possible.

Where road, sewer, and water infrastructure straddle a property line, the cost of that infrastructure should be shared, and this sharing can be addressed in several ways:

- Property ownership consolidation may occur (e.g., developers may buy multiple properties), which eliminates the need for cost sharing.
- Infrastructure routes can be adjusted slightly to move off of property lines, as long as the routes continue to meet the intent and goals of the DCP. Methods of evaluating whether altered infrastructure routes meet the intent of the plan are being developed as part of the DCP and will be adopted as part of the City's municipal code.
- The first-in property owner/developer may build a half road. This typically includes a sidewalk and a prescribed roadway width. The second-in developer then builds the remaining roadway and sidewalk.
- Property owners have the option of forming a Reimbursement District (RD) which is described below. In Canby, the term Advance Finance Districts (AFD) has been used rather than Reimbursement District; however, in LCG's experience the terms Reimbursement District or Assessment District are more common.

Note that in most of the cases described above, the City does not need to be highly involved or manage the cost sharing, however, this information is covered here nonetheless.

### Reimbursement District

A Reimbursement District is formed when one or more capital improvements are identified by a developer or City, which will benefit development on multiple properties. A district or area boundary is defined within which properties benefit from the improvement. All benefitted property owners are assessed a pro rata fee that corresponds to the benefits they will enjoy from the improvement(s),

typically on a per unit or square foot basis. These “latecomer” reimbursement fees are paid by later developers to the party that initiated the district at the time of project permitting. Districts can be initiated by either developers or the City, and must be approved by the City.

In this way, a structure can be devised whereby both first-in and later-phase developers pay the same amount. The first-in developer pays directly by building and paying for the infrastructure, and later-phase developers reimburse the initial builder.

One drawback to developer-initiated reimbursement districts is that they typically close or “sunset” after 10 to 15 years, after which no further fees can be received, and therefore the entities that pay for the capital improvement cannot be certain that they will be paid back in full; repayment depends on how fast the district develops. However, the City Council can typically extend reimbursement districts beyond this time frame. More information and municipal code describing Reimbursement Districts can be found here:

- City of Wilsonville, Section 3.116: <http://www.ci.wilsonville.or.us/DocumentCenter/View/34>
- Clackamas County, Sewer Assessment Districts: <http://www.clackamas.us/wes/faq.html#37>
- City of Grants Pass: <https://www.grantspassoregon.gov/482/Reimbursement-Districts>

## Pump Station

A wastewater pump station may be required as the project builds out. This determination is subject to variations in the specific land development patterns, site grading, and further engineering to be conducted during property development.

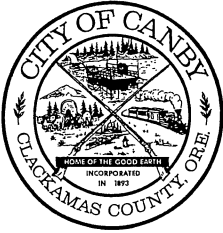
In the event that a pump station is required, it is likely to be a shared local infrastructure facility similar to the road, water, and sewer lines previously described. This is because the pump station would handle the wastewater from multiple properties in the district, but be on a specific property owners’ site and potentially be paid for by a specific property owner.

If a pump station is required, a Reimbursement District would be an appropriate mechanism to share costs.

## Stormwater

Finally, per the current DCP, property owners will likely have the option to either manage stormwater runoff via detention ponds or swales on their property, or through shared facilities that would handle runoff from multiple properties.

From a financial point of view, it will likely be simpler for developers to build their own stormwater facilities. However, property owners could create reimbursement districts or inter-property owner agreements as described above, such that later-in property owners reimburse first-in property owners for an appropriate share of the cost of stormwater detention facilities.



**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF CANBY**

**A LEGISLATIVE AND QUASI-JUDICIAL  
AMENDMENT TO ADOPT THE NORTH  
REDWOOD DEVELOPMENT CONCEPT PLAN,  
AND AMEND SECTIONS OF THE  
COMPREHENSIVE PLAN AND LAND  
DEVELOPMENT AND PLANNING  
ORDINANCE**

**FINDINGS, CONCLUSION, & FINAL ORDER  
CPA 15-02/TA 15-01  
(City of Canby)**

**NATURE OF APPLICATION**

This is a legislative and quasi-judicial amendment to adopt North Redwood Development Concept Plan, and to amend sections of the Comprehensive Plan and Land Development and Planning Ordinance in order to implement the North Redwood Development Concept Plan.

**HEARINGS**

The Planning Commission held public hearings and considered this application at its September 28, 2015 meeting.

**CRITERIA AND STANDARDS**

In judging whether or not to approve amendments to the Comprehensive Plan and the Land Development and Planning Ordinance, the Planning Commission determines whether criteria from the Land Development and Planning Ordinance are met. Applicable criteria and standards were reviewed in the September 4, 2015 staff report and presented at the September 28, 2015 meeting of the Planning Commission.

**FINDINGS AND REASONS**

The Planning Commission, after holding a public hearing on September 28, 2015, and considering the September 4, 2015 staff report, deliberated and reached a decision on September 28, 2015. The Commission adopted the findings and conclusions contained in the September 4, 2015 staff report.

**CONCLUSION**

The Planning Commission of the City of Canby concludes that based on public testimony, the recommendations and conclusions contained in the staff report, and Commission deliberations at the public hearing, that the proposal to adopt the North Redwood Development Concept Plan and amend sections of the Comprehensive Plan and Land Development and Planning Ordinance is in conformance with the applicable criteria.

**ORDER**

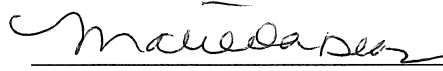
**THE PLANNING COMMISSION** of the City of Canby recommends that the City Council **approve** CPA 15-02/TA 15-01

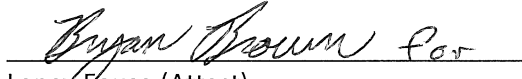


I CERTIFY THAT THIS ORDER approving CPA 15-02/TA 15-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28TH day of September, 2015

  
John Savory  
Planning Commission Chair

  
Matilda Deas, AICP  
Senior Planner

  
Laney Fouse (Attest)  
Meeting Recorder

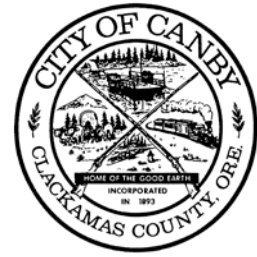
**ORAL DECISION: September 28, 2015**

Name	Aye	No	Abstain	Absent
John Savory	✓			
Shawn Hensley	✓			
John Serlet		✓		
Larry Boatright	✓			
Kristene Rocha	✓			
Tyler Smith				✓
Vacant				

**WRITTEN DECISION: September 28, 2015**

Name	Aye	No	Abstain	Absent
John Savory	✓			
Shawn Hensley	✓			
John Serlet	✓			
Larry Boatright	✓			
Kristene Rocha	✓			
Tyler Smith				✓
Vacant				

# MEMORANDUM



**TO:** *Honorable Mayor Hodson and City Council*  
**FROM:** *Julie Wehling, Transit Director*  
**DATE:** *September 18, 2015*  
**THROUGH:** *Rick Robinson, City Administrator*

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## Issue:

The City's Transit Department receives federal funding grants for its ongoing operation and for many of its capital purchases. The Federal Transit Administration requires transit providers to establish and maintain a Disadvantaged Business Enterprise (DBE) program with stated goals to avoid discrimination and ensure that Disadvantaged Business Enterprises (DBEs) are included and encouraged to participate in contracting opportunities utilizing federal funds.

Transit operations like Canby Area Transit are able to either establish their own DBE program or adopt the Oregon Department of Transportation's program. It recently came to our attention that City has not officially adopted the Oregon Department of Transportation's Disadvantaged Business Enterprise (DBE) program although we have reported applicable contract purchases twice annually to the ODOT Rail and Public Transit Division and followed the guidance of the ODOT DBE Program since our inception.

## Recommendation:

Staff recommends that the Council adopt the Oregon Department of Transportation's Disadvantaged Business Enterprise (DBE) Program and goals in order to comply with the Federal Transit Administration requirement.

## Rationale:

Program goals for a Disadvantaged Business Enterprise (DBE) program are based on the Local Market Area. With regard to contracting firms the City of Canby is within the Portland/Vancouver Metropolitan Statistical Area which is the same Local Market Area as ODOT's DBE program. Therefore ODOT DBE program and goals are appropriate for the City of Canby.

## Fiscal Impact:

Adopting the ODOT DBE Program will save the cost in staff time and potential consultant cost for developing a compliant DBE plan specifically for the City and also save the cost in staff time for maintaining a City specific plan.

## Recommended Motion:

**"I move to adopt Resolution 1226, A RESOLUTION ADOPTING THE OREGON DEPARTMENT OF TRANSPORTATION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM, POLICY AND GOALS".**

Attachments:

Resolution 1226

Exhibit A - provides an overview of ODOT's DBE Goal for Federal Fiscal Year 2015-2017, the General DBE Program Requirements, and background on the development of the program and its goals.

**RESOLUTION NO. 1226**

**A RESOLUTION ADOPTING THE OREGON DEPARTMENT OF  
TRANSPORTATION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PROGRAM, POLICY AND GOALS**

**WHEREAS**, the City of Canby is required per 49 Code of Federal Regulations Part 26 to establish a goal for its Disadvantaged Business Enterprise Plan; and

**WHEREAS**, the Oregon Department of Transportation (ODOT) is committed to a Civil Rights Program for the participation of Disadvantaged Business Enterprises (DBEs) in Federal Transportation Administration (FTA) funded contracting opportunities in accordance with 49 Code of Federal Regulations (CFR) Part 26, thus satisfying this requirement for ODOT; and

**WHEREAS**, it has been determined that the Local Market Area for the City of Canby with regard to contracting firms is the Portland/Vancouver Metropolitan Statistical Area; and

**WHEREAS**, the City of Canby is committed to the same goals as the Oregon Department of Transportation with regard to nondiscrimination on the basis of race, color, sex or national origin and the protection of these civil rights in contracting opportunities with the City.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Canby City Council that it is the official policy of the City of Canby to adopt the Oregon Department of Transportation DBE Program's policy and program goals, attached hereto as Exhibit "A" and shall be in effect for the period of time that the City is required by federal law to maintain a DBE Policy and Plan.

This Resolution shall take effect on October 7, 2015.

**ADOPTED** this 7<sup>th</sup> day of October 2015 by the Canby City Council.

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Brian Hodson  
Mayor

ATTEST

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Kimberly Scheafer, MMC  
City Recorder

Exhibit "A"

**Oregon Department of Transportation**  
**Proposed Overall DBE Goal FFY 2015 – 2017**  
**FTA-Funded Contracting**

**Summary Rationale:**

The Oregon Department of Transportation (ODOT) proposes an overall Disadvantaged Business Enterprise (DBE) goal for its Federal Transit Administration (FTA) funded contracting of 8% for each of the Federal Fiscal Years (FFY) 2015 through 2017. ODOT expects that the overall goal can be achieved through race and gender neutral (RN) participation.

The proposed overall goal is based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all business ready, willing, and able to participate in USDOT FTA - assisted contracts. The Project Chart lists the public transit projects used to determine the DBE overall goal of 8%. Subrecipients of FTA funding are required to report DBE usage and encouraged to use other small businesses as appropriate.

Contracting Opportunity	2015-2017	NAICS	DBE	Non DBE	ESB	MWB	WBE
Signage	75,000	423990	8	123	4	5	10
Prev. Maintenance	7,320,475.5	811198	0	16	3	1	0
Purchased Service	17,936,673	485991	7	75	3	3	2
Hardware/Software	12,336	541512	28	451	25	44	30
Shelters	33,858	236220	34	503	147	38	29
Planning	888,276	541618	53	64	104	47	106
Marketing	403,108.5	541810	5	490	15	8	28
Transp. Equipment	173,238	423860	2	36	1	3	1
<b>TOTAL</b>	<b>\$26,842,965</b>		<b>137</b>	<b>1,758</b>	<b>172</b>	<b>149</b>	<b>86</b>



# **1. DBE PROGRAM GENERAL REQUIREMENTS**

## **1.1 Objectives (§§ 26.1, 26.23)**

The Disadvantaged Business Enterprise (DBE) Program objectives are found in the DBE Policy statement on the first page of this program.

To achieve the objectives of the Oregon Department of Transportation (ODOT) DBE policy, ODOT will circulate the DBE policy as follows:

To The Oregon Transportation Commission (OTC) – The Office of Civil Rights (OCR) provides annual updates to the OTC and as required. OCR will include the DBE policy with each annual update.

To the Business Community – OCR will circulate the DBE Policy statement at key stakeholder events. Examples of key events include, the annual ODOT-AGC (Association of General Contractors) meeting, and “Doing Business with ODOT” small business workshops. Additionally, when the DBE Program plan update is posted to the OCR webpage, OCR will announce the plan update to the OCR list-serve and include the DBE Policy statement in the announcement. The policy will also be sent electronically to all sub-recipients of Federal Transit Authority (FTA) funded grants and included in the FTA required State Management Plan (SMP). Also, OCR will work with the Office of Procurement (OPO) and Office of Project Letting (OPL) to include the policy statement with project and proposal DBE provisions.

To ODOT Personnel – OCR will coordinate an annual update on Inside ODOT (the agency’s internal newsletter) and periodic updates in the agency’s internal Diversity Newsletter. OCR will also circulate the DBE Policy statement at internal OCR and DBE-related training sessions.

## **1.2 Applicability (§ 26.3)**

This program applies to all US Department of Transportation (USDOT) financial assistance where ODOT expends federal funds as the recipient of:

Federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107 and Titles I, III, and V of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: Legacy for Users (SAFETEA-LU),

Federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240, SAFETEA-LU, Titles I, III, V, and VI, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the TEA-21, Pub. L. 105-178,

Federal-aid highway and Federal transit funds authorized under Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Pub. L. 112-141.

Projects funded by Federal Aviation Administration are administered by Oregon Department of Aviation (ODA). For more information on ODA’s DBE Program, see:

<http://www.oregon.gov/aviation/Pages/Affirmative-Action-.aspx>

### **1.3 Definitions (§ 26.5)**

ODOT adopts the definitions contained in 49 CFR 26.5 for this program (see Exhibit A for Part 26).

### **1.4 Non-discrimination Requirements (§ 26.7)**

ODOT will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, ODOT will not directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the purpose of this program with respect to individuals of a particular race, color, sex, or national origin.

### **1.5 Assurances (§ 26.13)**

#### **A. Federal Financial Assistance Agreement Assurance (§ 26.13(a))**

ODOT has received federal financial assistance from USDOT, and as a condition of receiving this assistance, has signed the following assurance that it will comply with 49 CFR 26:

[Recipient] shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the [Recipient] of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear verbatim in financial assistance agreements between ODOT and sub-recipients.

#### **B. Contract Assurance (§ 26.13(b))**

ODOT will ensure that the following clause is placed verbatim in every USDOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

ODOT physically incorporates FHWA Form 1273 into each highway construction contract that is partly or completely funded under Title 23 and requires that contractors physically incorporate the form into each subcontract.

## **1.6 Authority and Applicable Law (§ 26.3)**

The USDOT Regulations (49 CFR 26) published in the Federal Register, as amended January 28, 2011, established a requirement that all recipients of USDOT funds establish a Disadvantaged Business Enterprise Program. The regulations are applicable both to ODOT's Federal-aid construction and to its non-construction activities including transit and personal service contracts.

The USDOT's legal authority for its DBE regulations includes Executive Order 11625 (October 13, 1971), which required that federal executive agencies develop comprehensive plans and programs to encourage minority business participation. USDOT requires ODOT to establish a DBE Program as a condition for receiving USDOT federal funds.

The Title VI, Civil Rights Act of 1964 requires non-discrimination in federally assisted programs or activities on the grounds of race, color, sex, or national origin.

The Program is also subject to the following laws: Section 30 of the Airport and Airway Development Act of 1970 and Section 520 of the Airport and Airway Improvement Act of 1982, as amended by the Airport and Airway Safety Capacity Expansion Act of 1987; Section 905 of the Railroad Act of 1978 (45 USC 903); and Section 19 of the Urban Mass Transportation Act of 1964, as amended (Public Law 95-599).

## **1.7 DBE Financial Institutions (§ 26.27)**

It is ODOT policy to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on USDOT-assisted contracts to make use of these institutions. OCR has reviewed the Federal Reserve Board's statistical release on minority-owned financial institutions at the following the Federal Reserve website:

<http://www.federalreserve.gov/releases/mob/>

The Federal Reserve Board releases this information quarterly. The current release at the time of this program update showed there were no minority-owned financial institutions in Oregon (see Exhibit B). OCR will annually re-evaluate the availability of DBE financial institutions.

## **2. PROGRAM RESPONSIBILITIES**

### **2.1 Oregon Department of Transportation (ODOT)**

As a recipient of US Department of Transportation (USDOT) financial assistance, the Oregon Department of Transportation (ODOT) is required to implement a Disadvantaged Business Enterprise (DBE) program according to the requirements explained in 49 CFR 26. As provided under 49 CFR 26, only firms owned and controlled by socially and economically disadvantaged persons are to benefit from the DBE Program.

The Director of ODOT is responsible for establishing the DBE policy for the Department and is responsible to ensure adherence to this policy. The Manager of the Office of Civil Rights (OCR), in coordination with all ODOT Officers, Division Managers, District Managers, and Procurement Office staff, is responsible for the development, implementation and monitoring of the DBE Program for contracts in accordance with the Department's nondiscrimination policy.

### **2.2 ODOT Office of Civil Rights**

ODOT's OCR is responsible for ensuring compliance with federal regulations in determining the eligibility of applicant firms seeking participation in the program. OCR is also responsible for establishing a minimum expected participation goal on a triennial basis and determining credit towards meeting the assigned DBE participation goal on federally assisted contracts the department awards.

#### **Roles and Responsibilities: Overview**

##### **A. DBE Liaison Officer**

The following individual is the designated DBE Liaison Officer:

Tiffany Hamilton  
Disadvantaged Business Enterprise Program Manager  
Phone: (503) 986-4355  
Fax: (503) 986-6382  
Tiffany.Hamilton@odot.state.or.us

The DBE Liaison Officer is delegated by the Director the responsibility of developing and implementing policy and directing the DBE Program. The DBE Program Manager, who has direct independent access to the Director concerning DBE program matters, has responsibility for the day-to-day operation and oversight of the DBE Program as it applies to meeting Federal Highway (FHWA) and Federal Transit Authority (FTA) requirements for USDOT-assisted contracts and activities. The DBE Liaison Officer is responsible for implementing all aspects of the DBE program. The agency must have adequate staff to administer the program in compliance with 49 CFR 26. OCR reporting policy and the ODOT organization chart are attached as Exhibit C.

##### **B. DBE Program Manager**

The DBE Program Manager develops and implements program functions based on federal rules and regulations to provide opportunities for DBEs. The position establishes the overall ODOT goal, identifies ODOT contracts for DBE goal evaluation, establishes goals on identified contracts, monitors and evaluates contractual progress of DBE contractors, gathers and reports statistical data, and other information as required by FHWA. This position also provides support and guidance in developing the overall ODOT goal calculations and program outreach for transit-related activities as required by FTA.

Additionally, this position provides technical assistance and advice to ODOT personnel, outside contractors and consultants, and other agencies that perform contract administration and compliance in accordance with 49 CFR 26. This position assists in the design, monitoring, training, evaluation, and reporting of the DBE program consistent with current federal law. The program manager will recommend actions to be taken by staff in conducting reviews and investigations to assure contractor compliance with DBE contract requirements. This position reports directly to the Manager of the Office of Civil Rights.

C. Rail and Transit Civil Rights Manager

The Rail and Transit Civil Rights Manager establishes the overall ODOT goal, monitors and evaluates DBE compliance by sub-recipients, and gathers and reports statistical data and other information as required by FTA and Federal Rail Administration (FRA), as required.

D. Civil Rights Field Coordinators

Civil Rights Field Coordinators provide technical assistance and advice to the project management and field personnel who perform contract administration and compliance in accordance with 49 CFR 26. These positions assist in the design, monitoring, training, evaluation and reporting of the DBE program consistent with current federal and state laws. Field Coordinators will recommend action to be taken by field personnel in conducting reviews and investigations to assure contractor compliance with DBE contract requirements. They also provide regional DBE program outreach to contractors and small businesses. These positions report directly to the Field and Business Support Manager.

E. Field and Support Business Manager

Field and Support Business Manager supervises and coordinates the work of the staff in the Field Coordination Unit and the Business Support Unit. This position manages the ongoing development and design of the Civil Rights Compliance Tracking system database to support operations and strategies of the Small Business programs for the state of Oregon internal and external customers.

F. Emerging Small Business Program Manager

Emerging Small Business Manager oversees the Supportive Services Programs such as the Small Contracting Program, ESB/DBE Mentor-Protégé program, and, in concert with the DBE Program Manager, acts as the DBE Program liaison to the small business community at industry and partner organizations' meetings.

G. Office of Minority, Women and Emerging Small Business (OMWESB)

In accordance with an Interagency Agreement signed between OCR and OMWESB, OMWESB is responsible for carrying out the DBE certification and maintaining a database of currently certified DBEs (as well as of women- and minority-owned and emerging small businesses). OMWESB certifies DBEs in accordance with Code of Federal Regulations and Oregon Statutes. Section 6 of this document details the certification process as well as requirements for the DBE certification.

## **2.3 Other Support Personnel**

Personnel from other offices within ODOT share responsibility for ensuring the effective implementation of the DBE Program. They will give full cooperation and active support to the OCR and designees in this effort.

A. Project Delivery and Procurement Staff



- (1) Provide OCR with draft scopes of work/specifications for projects and Requests for Proposals (RFPs) with federal funding to enable goal setting. Outreach to DBEs and, where applicable, development of appropriate DBE language.
- (2) Provide OCR with copies of all final Invitation to Bids (ITBs), RFPs, mailing lists, and advance notices.
- (3) Incorporate DBE goal and appropriate DBE language into ITBs and RFPs
- (4) Inform the OCR of any changes to ITBs or RFPs that are subject to DBE goals.
- (5) Forward copies of bids to the OCR for evaluation of compliance with DBE requirements.
- (6) Allocate appropriate resources when needed, upon mutual agreement, to participate with OCR staff at major trade fairs and outreach events targeting DBEs and other small businesses.
- (7) Incorporate all applicable DBE provisions for procurements with goals. This information can be obtained from the DBE Program Manager.
- (8) Ensure that ITBs and RFPs do not contain unnecessary requirements which could unduly restrict or eliminate small businesses from competition.

**B. Project Management Staff**

- (1) Monitor and enforce DBE program requirements included in contracts, giving DBE Program compliance the same priority as compliance with all other legal obligations incurred by ODOT under its financial assistance agreements with USDOT. (See also, Section 5, Monitoring Performance and Contractor Compliance, and ODOT Construction Manual - Chapter 18, Workforce and Small Business Equity Programs.)
- (2) Enforce DBE contract goal commitments, payment and reporting obligations, DBE termination and substitution limitations, good faith efforts requirements, and commercially useful function and crediting requirements.
- (3) Ensure Paid Summary Reports (available on the DBE Forms page) and other DBE compliance-required documents are sent to the OCR Field Coordinator for each project on a monthly basis.
- (4) Perform Commercially Useful Function (CUF) reviews on DBEs performing work on a project.
- (5) Alert OCR to potential problems concerning DBE utilization during contract administration and document such efforts. Secure OCR technical assistance and concurrence on DBE contract and subcontract matters in accordance with this DBE Program Plan, the DBE contract provisions, regulations, and ODOT Construction Manual - Chapter 18, as appropriate.

**C. Oregon Department of Justice - Office of the Attorney General**

- (1) Address legal matters relating to DBE program implementation.
- (2) Render legal opinions regarding the interpretation of DBE bid specifications and contract provisions.
- (3) Advise OCR regarding matters dealing with imposition of administrative sanctions against contractors who violate DBE provisions.

- (4) Represent ODOT in all legal actions involving DBE issues.
- (5) Provide OCR and the Office of Minority, Women, and Emerging Small Business (OMWESB) with legal opinions concerning DBE certification involving complex issues of ownership and control.

## **2.4 Sub-recipients (including Local Public Agencies)**

A sub-recipient is defined for the purposes of this DBE Program Plan as any entity, public or private, who receives USDOT financial assistance through ODOT. All sub-recipients that let USDOT assisted contracts must follow the requirements of 49 CFR 26, (including insertion of DBE clauses in grant agreements and contracts).

Sub-recipients will develop a DBE Program where required by federal law, or endorse and abide by ODOT's DBE Program Plan. ODOT will make an effort to ensure the sub-recipients comply with all requirements. An agreement will be executed with sub-recipients which will bind sub-recipients to place appropriate DBE clauses in federally assisted contracts and to devise an appropriate DBE Program covering those contracts where required.

Upon FHWA approval, and as required, FTA approval, of the ODOT DBE Program Plan, or upon modifications to the Plan, all sub-recipients shall be notified in writing by ODOT that they must adopt the revised plan. Any ODOT sub-recipients who will award more than \$250,000 in FTA funds to primes (excluding transit vehicle purchases) per annum must prepare their own DBE Program Plan and submit it to ODOT for approval within a reasonable time period.

### **A. Sub-recipient Adoption of FHWA Approved ODOT DBE Program Plan**

Sub-recipients adopting the ODOT Program Plan shall submit to ODOT written confirmation of such action signed by the appropriate executive officer having legal authority to obligate the sub-recipient. ODOT will notify sub-recipients of all Plan amendments.

### **B. Sub-recipient Submission of Program Document to ODOT for Approval**

Sub-recipients that prepare their own DBE program plan shall submit the plan (signed by the appropriate executive officer) to ODOT Office of Civil Rights for review and approval. ODOT will provide written notice to sub-recipients of any document deficiencies to be corrected prior to approval. Once approved by ODOT, the sub-recipient's document will be forwarded to the appropriate federal operating authority for concurrence.

ODOT will conduct an annual review of all sub-recipients having their own program plan to ensure program compliance prior to submitting annual updates to the appropriate federal operating authority. ODOT's annual updates will include a status statement regarding sub-recipients' performance and compliance with their program documents.

After approval of the plan by ODOT, sub-recipients shall submit written requests to ODOT for approval of all proposed amendments. Sub-recipients shall be required to submit annual updates to ODOT reflecting program activities for the reporting period.

### **C. Local Public Agency Certification**

Currently, local public agencies (LPAs) certified to manage FHWA-funded projects contract back to ODOT all civil rights-related work, including DBE program requirements. More information on Local Public Agency Certification

can be found at the Statewide Programs Unit – Certification Program Website of ODOT.

The civil rights section of the Local Agency Guidance (LAG) Manual tells LPAs how to request contract goal assignments from ODOT OCR, when to include DBE and other civil rights provisions in LPA contracts, what project compliance monitoring and documentation is required, and how to cooperate with OCR Field Coordinators on FHWA-funded projects.

### 3. DBE GOAL DEVELOPMENT

#### 3.1 Overall Annual DBE Goal

As a recipient of US Department of Transportation (USDOT) financial assistance, and per 49 CFR Part 26, the Oregon Department of Transportation (ODOT) is required to set an overall goal for Disadvantaged DBE participation in USDOT assisted contracts. Unless indicated by a valid disparity study and USDOT-approved waiver, the overall goal will not be subdivided into group specific goals, or be established as a quota system.

ODOT OCR will establish an overall annual goal on a triennial basis for the participation of DBEs in all budgeted contracts utilizing Federal-aid highway funds. ODOT OCR will establish a separate overall annual goal on a triennial basis for the participation of DBEs in all budgeted contracts utilizing Federal Transit Administration (FTA) funds. The overall annual goals will be expressed as a percentage of the total amount of Federal-aid funds the Department anticipates spending in the fiscal year.

ODOT's overall goal is based on demonstrable evidence of ready, willing and able DBEs available to participate on USDOT assisted contracts. To the maximum extent feasible, ODOT intends to meet the established goals through the race- and gender-neutral measures described in Section 4.3 of ODOT's DBE Program Plan. Where race- and gender-neutral measures are inadequate to meet an overall goal, ODOT will establish contract-specific goals for particular projects with subcontracting opportunities (race- and gender-conscious method) as provided under a current, valid waiver from USDOT.

In setting the overall annual goal for ODOT, the USDOT requires that the goal setting process begin with a base figure for the relative availability of DBEs. The overall goal must be based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on USDOT-assisted contracts. In particular, recipients must follow the USDOT's two-step methodology for goal setting to determine the level of DBE participation they expect absent the effects of discrimination:

**Step 1** – Compute the base figure using data from one of the of the following options set out in 49 CFR 26.45(c) to determine relative availability: (1) DBE directories and census reports, (2) bidders list, (3) disparity study, (4) the goal of another DOT, or (5) other alternatives.

**Step 2** – Adjust the base figure to make it as precise as possible utilizing the guidelines established in 49 CFR Part 26.45 and the goal-setting tips published by the USDOT's Office of Small and Disadvantaged Business Utilization.

In establishing this goal, ODOT is also required to do the following:

- Provide for public participation in the establishment of the overall goal;
- Specify the relevant market area used for the calculation;
- Project the portions of the overall goal it expects to be met through race- neutral and race-conscious measures, respectively (see 49 CFR Part 26.51).

See, USDOT publication [Tips for Goal-Setting in the DBE Program](#) at:

<http://www.dot.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise>

A. Establishing Base Figure - Determining Relative DBE Availability

For FHWA-funded contracts and grants, ODOT will use a percentage figure derived from a valid, applicable disparity study to determine the base figure of DBE relative availability in accordance with option (3) under 49 CFR 26.45(c) to determine DBE relative availability.

Beginning in 2007, and again in 2011 and 2013 ODOT hired a consultant to conduct a disparity study, a disparity study update, and DBE availability update respectively to analyze data on DBE, minority-owned, and women-owned business availability, utilization, and disparity in FHWA-assisted contracting data.. See each study on the [OCR DBE Program – Disparity Studies](#) webpage for a detailed description of the data collection and management processes.

For FTA-funded contracts and grants, ODOT will use the OMWESB DBE Directory and census reports.

B. Adjustment to Base Figure

ODOT will consider any reasonable adjustment to the base figure based on demonstrable evidence indicating that the availability of DBEs for USDOT assisted contracts for the fiscal year may be higher or lower than the base figure indicates, past performance, verifiable barriers to success, adjustments indicated by studies (including disparity and availability studies), and any other relevant factors which can be supported with data. At a minimum, the OCR will analyze the results of ODOT's efforts to contract with DBEs for the most recent five federal fiscal years, any available and relevant disparity studies (to the extent that they are not accounted for in the base figure), and any available and relevant results of efforts by other DOTs or similar agencies to contract with DBEs.

C. Race-neutral Analysis

Once the overall annual goal is proposed, the OCR will analyze and project the maximum feasible portion of that goal that can be achieved by using race-neutral methods. Where the projected portion of the goal using race-neutral methods is less than the overall annual goal, the remaining portion will be achieved by establishing contract goals for particular projects that have subcontracting opportunities. This analysis is a review of past contracting history with information including, but not limited to:

- (1) DBE participation as prime contractors on USDOT assisted contracts;
- (2) DBE participation on projects where no DBE goals have been established;
- (3) DBE Participation on prime contracts exceeding contract goals;
- (4) DBE participation on projects as non-committed DBE subcontractors.

OCR will monitor and adjust the use of contract-specific goals in accordance with 49 CFR Part 26.51 (f). When projecting the percentage of the overall annual goal to be achieved through establishing contract-specific goals, OCR will analyze the actual achievement of the overall annual goal through race-neutral methods in the current and previous five years. When establishing contract-specific goals during the current fiscal year, the OCR shall analyze the progress towards achieving the overall annual goal and increase or reduce the use of contract-specific goals accordingly. ODOT will adjust the ratio of race- and gender-conscious and race- and gender-neutral methods to comply with court

decisions, legal challenges and guidance from USDOT, FHWA, or FTA as applicable.

In cases where an Availability and Disparity Study has provided evidence that some, but not all, presumptive groups should be included in race- and gender-conscious goals, ODOT will request a waiver from USDOT to allow the goals to be applied only to those groups identified as having a substantial or significant disparity in contracting.

#### D. Public Participation and Outreach Efforts

In establishing overall DBE goals, ODOT will provide for public participation. This will include: Public Notices published in trade and minority circulars; notices posted on the ODOT OCR website; public meetings; and, announcements and discussion at organizational and industry meetings.

Prior to finalizing the Overall Goals Analysis Report, ODOT will notify USDOT recipients, and other USDOT grantees, minority, women, and general contractors groups, community organizations, or other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and ODOT's efforts to establish a level playing field for the participation of DBEs, of the proposed goal.

ODOT will publish a notice announcing its proposed overall goal and the race-neutral/race-conscious breakout, informing the public that ODOT's Overall Goals Analysis Report is available for inspection during normal business hours at the Office of Civil Rights for a period of thirty (30) days, and that ODOT and the USDOT will accept comments on the proposed goals for forty-five (45) days from the date of the notice. The notice will be distributed in general circulation media, local minority-focused media, and trade association publications.

In conjunction with ODOT's activities to meet its overall DBE goals, ODOT conducts various public participation and outreach activities designed to broaden awareness of ODOT's Office of Civil Rights Program for Contracts. The measures described in 49 CFR 26.51, focusing on race-neutral means will be actively pursued; ODOT also encourages its contractors to make similar outreach efforts to include DBE participation in subcontracting opportunities. ODOT will continue to organize and offer training programs for to help businesses meet DBE eligibility requirements, to familiarize potential contractors with procurement procedures and requirements, and to otherwise develop effective programs to further DBE participation in ODOT's contracting activities.

#### E. Goal Submissions

- (1) The three-year overall goal report will be submitted to the appropriate operating authority (FHWA or FTA), for review on August 1 of the relevant year. The goal is published on the [ODOT Civil Rights DBE Resource Documents](#) page.
- (2) A description of the methodology used to establish the goal, including the Base Figure, and the supporting data from which it was calculated, with any adjustment, will be included.
- (3) A projection of the portions of the overall goal which will be met by race- and gender-neutral means and basis for that projection will be included.
- (4) The overall goal for ODOT Transit activities will be submitted to FTA every three years by August 1. This goal is based on non-vehicle monies

only and is specific to agencies which receive greater than \$250,000 in contracting, operating and/or planning in a FFY.

**F. Transit Vehicle Manufacturers Certification**

The Department shall require any transit vehicle manufacturers to certify that they have established an overall annual DBE participation goal that has been approved by FTA before they can bid on any Authority contracts. Expenditures for FTA-assisted transit vehicle procurements are not included in the funding base to which the overall goal for other FTA-assisted contract expenditures apply.

**3.2 Contract-Specific Goals**

**A. Contract Goal Setting**

DBE participation goals may be assigned on Federal-aid highway (construction and professional services) projects that have subcontracting possibilities. Unless prohibited, contract goals will be established to meet any portion of the overall goal not met by using race-neutral means (49 CFR §26.51(d)). Contract goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals, unless verified data (for example, through a disparity study) supports the need to more narrowly tailor the goals for specific groups, and a waiver has been approved by USDOT.

In May 2005, the U.S. Ninth Circuit Court ruled that a state department of transportation could not establish a race- and gender-conscious DBE program without evidence showing that discrimination and inequity in contracting opportunities in that state's transportation industry had occurred. Consequently, ODOT hired a consultant to conduct a disparity study in 2007 and an update in 2011. Based on the results of these studies, ODOT sought and obtained a waiver from the requirement of 49 CFR §26.51(d) from the USDOT to allow ODOT to assign contract goals only for those DBE groups shown to have experienced substantial disparities in contracting with ODOT. For current information, see the ODOT Office of Civil Rights [DBE Program Waiver](#) page.

For ODOT's FHWA-funded construction contracts and architecture and engineering and related services (A&E) contracts, prior to solicitation of bids, all proposed projects are reviewed by the OCR to identify work that could be performed by DBEs. The procedure and criteria used in assigning project goals include:

- (1) Project location, size, duration, and dollar value.
- (2) The nature of project, (type of work and potential scheduling and coordination work).
- (3) Availability of certified DBE firms within a reasonable distance from the project location that perform items identified capable of being subcontracted.
- (4) Any other relevant criteria, including court decisions and DBE Program Waivers or directives from USDOT.

OCR assigns the goal and forwards it to the appropriate unit (construction specifications or procurement office) or local public agency for inclusion in the project plans and specifications as applicable.

For FTA-funded grants and contracts, ODOT has an entirely race- and gender-neutral DBE program. No contract goals will be assigned.

**B. Aspirational Targets**

DBE Aspirational Target participation evaluations have been performed in the past, but will no longer be included for federal-aid projects. No other race- or gender conscious aspirational targets will be set for small business participation on projects with federal funding.

**C. Design-Build**

When projects are let using the Design-Build method and when federal monies are utilized, the original RFQ and RFP will specify that there will be a DBE goal. The exact goal will be determined in the final stage of the selection process as the scope of work becomes clearer. The design and construction phases of the project will be evaluated separately.

**D. Construction Management General Contractor (CM/GC)**

CM/GC projects will be evaluated in the same manner as Design-Build.

**3.3 Counting DBE Participation towards Meeting Annual Goals**

DBE participation is credited using the following procedures (see Section 7.2, Reporting to USDOT for information on DBE participation reporting):

**A. Work Actually Performed**

Only the work actually performed by a DBE, (according to section 4.1.C.) will be counted toward the DBE goal. Only the type of work in which the DBE is certified, will be counted as long as the DBE performs a Commercially Useful Function (CUF). The cost of supplies and materials obtained by the DBE, or equipment leased (except from prime contractor or its affiliate), may also be counted.

**B. DBE Subcontracts to non-DBE**

Work that a DBE subcontracts to a non-DBE firm does not count towards the DBE goal, with the exception of trucking firms leasing additional trucks in compliance with the one-for-one rule. Expenditures may only be counted if the DBE is performing a CUF. A DBE shall perform at least thirty percent of the total cost of its contract with its own work force.

**C. Materials & Supplies**

If materials or supplies are obtained from a DBE manufacturer, one hundred percent of the cost will be counted. If the materials and supplies are purchased from a DBE regular dealer, sixty percent of the cost will be counted. If services are brokered, or materials or supplies are purchased from a broker, only the brokerage fee will be credited.

**D. Achievement**

DBE achievement will not be counted toward the overall goal until the DBE has been paid. OCR will track race-conscious DBE participation separately from race-neutral DBE participation. All DBE participation achieved on projects with no contract-specific goal and all participation over the amount required to meet contract-specific goals will be considered race-neutral participation. Additionally, OCR will not count the portion of DBE participation that is achieved after a DBE has been decertified during the performance of a contract.



### **3.4 Counting DBE Participation to Meet Annual Goals of Sub-recipients**

#### **A. Sub-recipients Adopting the ODOT Program Plan**

Credit shall be authorized or deducted per the requirements of Section 3.3 regardless of whether or not the ODOT or the Sub-recipient is the contracting agency. Certified Local Public Agency sub-recipients of Federal-aid highway program funds are required to submit bid, award, payment, and compliance reports to ODOT OCR in accordance with the civil rights section of the Local Agency Guidelines (LAG) Manual. ODOT shall include in its semi-annual reports to FHWA the status of sub-recipient DBE participation activities falling within this category (see Section 7.2, Reporting to USDOT).

FTA recipients shall be required to report semiannually demonstrating their goal attainment to-date in a manner consistent with the requirements of 49 CFR 26 reporting requirements.

#### **B. Sub-recipients with an ODOT Approved Program Plan**

As per FHWA guidance, no sub-recipients of Federal-aid highway funds fall into this category. Recipients of FTA funds shall be required to report semiannually demonstrating their goal attainment to-date in a manner consistent with the requirements of 49 CFR 26 reporting requirements. Sub-recipients shall authorize or deduct credit for work performed by DBEs per the requirements of 3.3 above regardless of whether they or ODOT is the contracting agency.

## **ORDINANCE NO. 1423**

### **AN ORDINANCE AMENDING CANBY'S COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP FROM HEAVY INDUSTRIAL (HI & M-2) TO HIGH DENSITY RESIDENTIAL (HDR & R-2) RESPECTIVELY FOR AN APPROXIMATE 7.6 ACRE PORTION OF TAX LOTS 2101 AND 4900 OF TAX MAP 31E34C AS ADJUSTED BY LLA 15-04 AT 235 S SEQUOIA PARKWAY.**

**WHEREAS**, an application was filed with the City by Urban IDM, the owner of said Tax Lots to amend the Comprehensive Plan Land Use Map and Zoning Map from Heavy Industrial (HI & M-2) to High Density Residential (HDR & R-2) respectively; and

**WHEREAS**, a concurrent Lot Line Adjustment application to adjust the two said Tax Lots in a manner to rezone approximately 7.6 acres for High Density Residential with the remaining adjusted Tax Lot of approximately 5 acres retaining the existing Heavy Industrial designation and zoning; and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on August 24, 2015 and the Canby City Council on September 16, 2015 on said amendments, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes after public notice was posted and printed in the Canby *Herald*, as required by law; and

**WHEREAS**, the Canby City Council considered the matter and the recommendation and hearing proceedings of the Planning Commission in relation to the applicable approval standards and criteria of CMC Section 16.88.180(D), 16.88.190, and 16.54.040 of the Land Development and Planning Ordinance concerning whether the Comprehensive Plan Quasi-judicial Plan Amendments, Transportation System Plan and Transportation Planning Rule, and Zoning Map Amendments were met; and

**WHEREAS**, the City Council, after concluding its review and discussion of the record on this matter and by motion duly made and seconded, voted to approve the Comprehensive Plan Land Use Map Amendment and Zone Change Map Amendment subject to specific zone conditions; now therefore,

### **THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1.** The comprehensive plan land use map designation and official zoning map district for the adjusted Tax Lots from the concurrently approved application for LLA 15-04 for Tax Lots 2101 and 4900 of Tax Map 31E34C are changed from Heavy Industrial (HI & M-2) to High Density Residential (HDR & R-2) respectively for approximately 7.6 acres as determined by the final Lot Line Adjustment survey or plat.

**Section 2.** The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change to the City's Comprehensive Plan Land Use Map and Zoning Map in accordance with the dictates of Section 1 above.

**2nd Reading**

**Section 3.** The change in land use plan map designation and zone map district are subject to the following conditions of the map approvals:

- 1) A 25-foot wide landscape buffer shall be required as part of the subsequent approved site development plan adjacent to the commonly owned 5 acre parcel retaining M-2 zoning and the railroad spur boundary except where garage units or internal drive and parking is provided within this landscape area in which case the required minimum landscape buffer shall be 15-foot wide to allow for screening plant material. Either required landscape screening/buffer area width provided shall be required to plant appropriate evergreen plant materials that will provide visually opaque privacy screening from the ground up to approximately 20 feet in height at plant maturity.
- 2) The applicant shall provide planning staff a list of specific heightened level of building construction standards to be utilized in conjunction with their building plan submittal that addresses noise attenuation, and will hire a licensed engineer to measure the level of vibration generated by the rail line as part of the process of determining whether any construction mitigation measures are warranted to mitigate adverse vibration impacts.
- 3) The applicant shall record a deed restriction to limit the allowed uses on the M-2 zone 5 acre commonly owned industrial tract to restrict uses to those indicated to be “outright permitted” as indicated in the current or future M-1 Light Industrial Zone within the Canby Planning and Zoning Ordinance without option for uses otherwise listed in the same ordinance in both the M-1 and M-2 zone as allowed by Conditional Use.
- 4) The applicant shall record a deed restriction to prohibit any future Comprehensive Plan Map Amendment or Zoning Map Amendment to allow any residential or commercial zone district on the remaining adjacent commonly owned parcel retaining the M-2 zone unless property on both adjacent sides along the Sequoia Parkway frontage are also to be rezoned or have already been rezoned to the same proposed zone district.
- 5) Driveway access to Sequoia Parkway for the applicant’s two legally existing parcels shall be limited to no more than two between and amongst the two properties unless the applicant can adequately demonstrate full compliance with the 200-foot spacing standard which applies between all new driveways and existing driveways as determined at the time of development application approval.
- 6) The applicant shall contribute 4% of the final estimate for the installation of a traffic signal and associated improvements recommended by ODOT and contained in the supplemental Traffic Memorandum prepared by DKS Associates. This would amount to a rough proportional share contribution to the City for future funding of the signalization project as identified by

condition of approval to be added to the City's TSP and SDC capital improvement list by approval of this rezone.

7) City agreement with the rezone to pursue amendment of the Canby Transportation System Plan to include a traffic signal at S Sequoia Parkway/S Hazel Dell Way intersection in the financially constrained project list, and to amend the System Development Charge (SDC) project list to include a traffic signal at the same intersection by removing a less critical similar cost project due to this projects more immediate higher importance.

8) The applicant shall record a deed restriction in favor of all industrial zoned lots in the Canby Pioneer Industrial Park acknowledging the industrial uses on the industrial zoned properties are pre-existing and do not constitute a nuisance and the apartment owners and residents waive any future claims for nuisance arising out of the current or future industrial uses of those properties.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 16, 2015, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the City Council at a regular meeting thereof on October 7, 2015, commencing after the hour of 7:30 p.m. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.

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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on October 7, 2015, by the following vote:

YEAS\_\_\_\_\_ NAYS\_\_\_\_\_

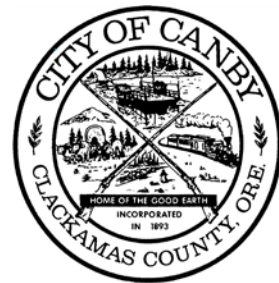
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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder



## **BEFORE THE CITY COUNCIL OF THE CITY OF CANBY**

**A REQUEST TO APPROVE A ) FINDINGS, CONCLUSIONS & ORDER  
COMPREHENSIVE PLAN LAND USE MAP ) CPA 15-01/ZC 15-01/LLA 15-04  
AND ZONE CHANGE MAP AMENDMENTS )  
FROM HEAVY INDUSTRIAL (HI & M-2) TO )  
HIGH DENSITY RESIDENTIAL (HDR & R-2) )  
RESPECTIVELY FOR AN APPROXIMATE )  
7.6 ACRE PROTION OF TAX LOTS 2101 AND )  
4900 OF TAX MAP 31E34C AS ADJUSTED BY )  
LLA 15-04 AT S SEQUOIA PARKWAY. )**

### **NATURE OF APPLICATION**

Urban IDM seeks to amend the Comprehensive Plan Land Use Map from Heavy Industrial (HI) to High Density Residential (HDR) designation and corresponding Zone Change Map amendment from Heavy Industrial (M-2) to High Density Residential (R-2) for approximately 7.6 acres, and necessary Lot Line Adjustment to reconfigure the size of the two existing commonly owned parcels so the boundary will match the area of the zone change leaving a reconfigured parcel of approximately 5 acres with the existing industrial zoning at 235 S Sequoia Parkway.

### **HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting on August 24, 2015. The Planning Commission forwarded their recommendation to City Council. The City Council held a second public hearing to consider the application and the Planning Commission's recommendation at its September 16, 2015 meeting. The planning director presented the staff report and the Mayor opened the public hearing receiving testimony from the applicant and then the public. After closing the public hearing and deliberation, the Council voted to approve the Comprehensive Plan Amendment, Zone Change, and Lot Line Adjustment applications on a 4 to 3 vote by approving the associated Ordinance No. 1423 as amended.

### **CRITERIA AND STANDARDS**

The Canby Comprehensive Plan and Section 16.88, 16.54.040, and 16.58.030 of the Canby Municipal Code states the applicable review criteria when reviewing a quasi-judicial comprehensive plan land use map amendment, zone change map amendment, and lot line adjustment for which the Council shall give consideration, including the following:

The Comprehensive Plan (Updated January, 2007 and Statewide Planning Goals:

1. Goal 2 – Land Use Planning
2. Goal 9 – Economic Development
3. Goal 12 – Transportation

For a Comprehensive Plan Land Use Map Amendment:  
(Section 16.88.180(D))

In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and

City Council shall consider:

1. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments;
2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.

(Section 16.88.180

- E.. For proposed comprehensive plan amendments, which must consider the long-term adequacy of the transportation system for TPR 660-10-060 compliance, ODOT must be consulted to determine whether a highway project is “reasonably likely to be funded” based on funding projections at that time.

Section 16.88.190

- A. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660- it:
1. Changes the functional classification of an existing or planned transportation facility;
  2. Changes standards implementing a functional classification system’
  3. As measured at the end of the planning period identified in the adopted plan:
    - a. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or,
    - b. Would reduce the performance of the facility below the minimum acceptable performance standard identified in the Transportation System Plan.
    - c. Would worsen the performance of a facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.
- B. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standards (i.e., level of service, volume to capacity ratio, etc.) of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section – 0060 of the TPR. Such amendments shall include a funding plan or other mechanism so that the facility, improvement or service will be provided by the end of the planning period.
  3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
  4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
  5. Providing other measures as a condition of development, including transportation system management measures, demand management or minor transportation improvements.

For A Map Amendment (Zone Change):

(Section 16.54.040)

In judging whether or not the zoning map should be amended or changed, the Planning Commission

and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

(Section 16.54.060)

- A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zoned change.
- B. The city will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs or required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.

For A Lot Line Adjustment:

(Section 16.58.030)

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III.
- B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C. If the City Planner or City Engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.
- D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

## **FINDINGS AND REASONS**

The staff report was presented by staff including review of applicable approval criteria, the major issues involved, staff's recommended conditions of approval of the zone change to ensure conformance with approval criteria, and the primary reasons leading to the recommendation of the Planning Commission.

After holding their own public hearing where oral testimony was received from the applicant and others in attendance; the City Council closed their public hearing and moved into deliberation where they utilized the findings of the overall written record materials along with the overall presentation record from the public hearings to make the following findings beyond those contained in the applicant's submittal and staff report to arrive at their decision and support their decision and recommended conditions of approval:

- Approval should include a supplemental rezone condition of approval as suggested by a nearby industrial property owner and developer as follows: “The applicant shall record a deed restriction in favor of all the industrial zoned lots in the Canby Pioneer Industrial Park acknowledging the industrial uses in the industrial zoned properties are pre-existing and do not constitute a nuisance and the apartment owners and residents waive any future claims for nuisance arising out of the current or future industrial uses of those properties”.

## CONCLUSION

In summary, the City Council concludes by vote that, based on the findings contained in the applicant’s submittal and the staff report dated August 11, 2015, together with the remaining written record and testimony received at both public hearings that:

1. The application processing is in conformance with applicable provisions set forth in CMC 16.89.
2. Statewide Planning Goals 2, 9, and 12 in particular have been satisfactorily addressed.
3. The Comprehensive Plan Land Use Plan Map Amendment meets the approval criteria set forth in CMC 16.88 making the requested change in the Land Use Plan Map designation from Heavy Industrial (HI) to High Density Residential (HDR) is appropriate.
4. The Map Amendment rezone from the Heavy Industrial (M-2) to the High Density Residential (R-2) zoning district as requested is suitable at this point in time for this location.
5. That the conditions of approval recommended by staff along with an additional condition suggested by a nearby industrial property owner are necessary.
6. All conditions of the Lot Line Adjustment will be met and is necessary to set the exact rezoning boundary.
7. There are sufficient public and private utility and service capacity to serve the site at the anticipated development intensity.
8. The proposed land use plan map change and zoning change can be made to conform to the adopted Transportation System Plan and Transportation Planning Rule with follow through by the City on Amending the Transportation System Plan in a manner to satisfactorily address the TPR mitigation measure as approved by condition.

## ORDER:

The City Council, of the City of Canby hereby **APPROVES**, Comprehensive Plan Land Use Map Amendment, Zone Change Map Amendment and Lot Line Adjustment applications **CPA 15-01/ZC 15-01/ZC 15-04** with the following zone change conditions:

1. A 25-foot wide landscape buffer shall be required as part of the subsequent approved site development plan adjacent to the commonly owned 5 acre parcel retaining M-2 zoning and the railroad spur boundary except where garage units or internal drive and parking is provided within this landscape area in which case the required minimum landscape buffer shall be 15-foot wide to allow for screening plant material. Either required landscape screening/buffer area width provided shall be required to



plant appropriate evergreen plant materials that will provide visually opaque privacy screening from the ground up to approximately 20 feet in height at plant maturity.

2. The applicant shall provide planning staff a list of specific heightened level of building construction standards to be utilized in conjunction with their building plan submittal that addresses noise attenuation, and will hire a licensed engineer to measure the level of vibration generated by the rail line as part of the process of determining whether any construction mitigation measures are warranted to mitigation adverse vibration impacts.
3. The applicant shall record a deed restriction to limit the allowed uses on the M-2 zone 5 acre commonly owned industrial tract to restrict uses to those indicated to be “outright permitted” as indicated in the current or future M-1 Light Industrial Zone within the Canby Planning and Zoning Ordinance without option for uses otherwise listed in the same ordinance in both the M-1 and M-2 zone as allowed by Conditional Use.
4. The applicant shall record a deed restriction to prohibit any future Comprehensive Plan Map Amendment or Zoning Map Amendment to allow any residential or commercial zone district on the remaining adjacent commonly owned parcel retaining the M-2 zone unless property on both adjacent sides along the Sequoia Parkway frontage are also to be rezoned or have already been rezoned to the same proposed zone district.
5. Driveway access to Sequoia Parkway for the applicant’s two legally existing parcels shall be limited to no more than two between and amongst the two properties unless the applicant can adequately demonstrate full compliance with the 200-foot spacing standard which applies between all new driveways and existing driveways as determined at the time of development application approval.
6. The applicant shall contribute 4% of the final estimate for the installation of a traffic signal and associated improvements recommended by ODOT as indicated in the supplemental traffic memorandum prepared by DKS dated August 7, 2015. This would amount to a rough proportional share contribution to the City specifically for future funding of the signalization project as identified by condition of approval to be added to the City’s TSP and SDC capital improvement list by approval of this rezone.
7. City agreement with approval of the rezone to pursue amendment of the Canby Transportation System Plan to include a traffic signal at S Sequoia Parkway/S Hazel Dell Way intersection in the financially constrained project list, and to amend the System Development Charge (SDC) project list to include a traffic signal at the same intersection by removing a less critical similar cost project due to this projects more immediate higher importance.
8. The applicant shall record a deed restriction in favor of all the industrial zoned lots in the Canby Pioneer Industrial Park acknowledging the industrial uses in the industrial zoned properties are pre-existing and do not constitute a nuisance and the apartment owners and residents waive any future claims for nuisance arising out of the current or future industrial uses of those properties.

**I CERTIFY THAT THIS ORDER** approving **CPA 15-01/ZC 15-01/LLA 15-04** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 7<sup>th</sup> day of October, 2015

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Brian Hodson  
Mayor

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Bryan Brown  
Planning Director

**ORAL DECISION - September 16, 2015**

AYES: Parker, Heidt, Coleman, & Hodson

NOES: Rocha, Hensley, Dale

ABSTAIN: None

ABSENT: None

**WRITTEN FINDINGS - October 7, 2015**

AYES:

NOES:

ABSTAIN:

ABSENT:

**ATTEST:**

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Kimberly Scheafer, MMC  
City Recorder

To: City of Canby Councilors & Mayor  
From: Bicyclist & Pedestrian Advisory Committees  
Re: Memo to increase the committee membership  
Date: 28 September 2015

Dear Councilors and Mayor:

After discussion with the Bicyclist & Pedestrian Committee members, Matilda Deas, city staff liaison, and Councilor Greg Parker, and at the request of Mayor Brian Hodson to compose a memo to the Canby City Council, the committee would like to increase the membership to seven for the following reasons:

- We have citizens interested in joining. It would be unfortunate to turn a volunteer away when current members have limited time to be involved. Limited time is nothing new to organizations and civic government in our current times. We would like the committee to have a diverse and well balanced membership: male/female, full-time/retired, ethnicity, etc.
- Increased membership will allow us to better serve the community because the tasks before us would be more evenly distributed and completed in a timely fashion.
- The Council would benefit because you will more regularly hear from the committee and have current information regarding B&P concerns and ideas. Currently, the committee has no one that can attend council meetings due to personal schedules. In person testimonies are generally much more effective than written. Questions of the Council or clarifications can't be answered by a piece of paper.
- I [Liz] believe you [Mayor Hodson] are correct in saying "There is always a reason things get laid out the way they do." However, there is also a time when codes and numbers need to be reviewed, even changed. Times have changed since the start of the B&P Committee. Civic volunteers want to be involved, but the amount of time they have is limited. I'm sure you have seen the results of this; vacant seats on other committees, vacant election seats, etc.
- The committee will not be too big with seven members, nor will it be unwieldy when moderated properly, of which, I [the Chair] can manage effectively.
- Finally, the other advisory committees, Park & Rec., Transit, and Traffic Safety, all have seven members.

Sincerely,  
Liz Belz-Templeman, B&P Chair

**CHAPTER 2.64: BICYCLE AND PEDESTRIAN COMMITTEE**

Section

- 2.64.010 Established.
- 2.64.020 Bicycle and Pedestrian Committee.
- 2.64.030 Terms of office; vacancies.
- 2.64.040 Officers; procedures.
- 2.64.050 Duties and powers.
- 2.64.060 Location of meetings.

**§ 2.64.010 Established.**

A Bicycle and Pedestrian Advisory Committee shall be appointed to serve in an advisory role to the Council.

**§ 2.64.020 Bicycle and Pedestrian Committee.**

The Bicycle and Pedestrian Committee shall consist of 5 members appointed by the City Council upon recommendation of the Committee Chairperson and the City Council liaison to the Committee. The Mayor may vote only to break a tie, if necessary. No member of the Committee shall receive a salary or any payment for any services rendered by the Committee. Committee members may be reimbursed by the city for expenses incurred and pre-approved in the performance of their duties.

(Am. Ord. 1136, passed 4-21-2004)

**§ 2.64.030 Terms of office; vacancies.**

Appointees shall hold office for 3-year terms from July 1 in the year of their appointment. At the expiration of the term of a Committee member, the City Council shall appoint a new member or may reappoint a member for a term of 3 years. If a vacancy occurs, the City Council shall appoint a new member to complete the unexpired term. Procedure for all appointments by the City Council shall follow § 2.64.020 above. Any Committee member failing to attend 3 consecutive Committee meetings without approval of the Committee Chairperson may be removed by the City Council and a new member appointed to complete the unexpired term. Bicycle and Pedestrian Committee members serve at the

pleasure of the City Council and are subject to removal at any time by the Council with or without cause.

(Am. Ord. 1136, passed 4-21-2004)

**§ 2.64.040 Officers; procedures.**

At the first meeting of each year, the Committee will elect a Chairperson and Vice-Chairperson who shall serve for a term of 1 year. Three members of the Committee shall comprise a quorum. The Committee shall have authority to make and alter rules, with approval of the City Council, for its own governance and procedures.

**§ 2.64.050 Duties and powers.**

The duties of the Committee shall include:

A. Recommending policies and procedures conducive to efficient and effective operation of the bicycle and pedestrian transportation system;

B. Keeping informed about current trends in bicycle and pedestrian services and administration;

C. Studying growth and needs in the city and its vicinity for bicycle and pedestrian facilities;

D. Developing long-range plans for bicycle and pedestrian services and facilities, consistent with city priorities;

E. Investigating sources of funding for bicycle and pedestrian services and facilities;

F. Recommending policies for the acceptance and use of gifts for bicycle and pedestrian purposes;

G. Participating in the annual budgetary process of the city as that process pertains to the bicycle and pedestrian facilities and services;

H. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding bicycle and pedestrian facilities and services;

I. Encouraging widespread public support and use of bicycle and pedestrian facilities and services; and

J. Performing other duties as authorized by the City Council.

(Am. Ord. 1372, passed 3-20-2013)

**§ 2.64.060 Location of meetings.**

Meetings shall be held at least once a quarter,

**BIKE AND PEDESTRIAN COMMITTEE**

5 members, 3 year terms.

**BUDGET COMMITTEE**

City Council plus 6 members at large, 3 year terms.

**CANBY PUBLIC LIBRARY BOARD**

5 members, 4 year terms.

**CANBY UTILITY BOARD**

5 members, 3 year terms. (Two term limit)

**HISTORICAL REVIEW BOARD**

3-5 members, 3 years terms. Majority must live or work within UGB.

**MUNICIPAL AUDIT AND FINANCIAL OVERSIGHT COMMITTEE**

Up to 3 citizen members, Mayor, and up to 2 councilors, 2 years terms. Must be same number of citizens as Mayor and Councilors.

**PARKS AND RECREATION ADVISORY BOARD**

7 members, 3 year terms.

**PLANNING COMMISSION.**

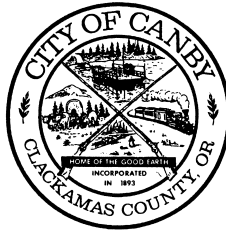
7 members, 3 year terms.

**TRAFFIC SAFETY COMMISSION**

7 members, 3 year terms.

**TRANSIT ADVISORY COMMITTEE**

7 members, 3 year terms.



## MEMORANDUM

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**DATE:** SEPTEMBER 29, 2015  
**TO:** HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL  
**FROM:** HALEY FISH, FINANCE DIRECTOR  
**THROUGH:** RICK ROBINSON, CITY ADMINISTRATOR  
**RE:** 4<sup>TH</sup> QUARTER FINANCIAL REPORT FISCAL YEAR 2015

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**Report Format:** The Fund Summary Report attached summarizes activity for the fiscal year (FY) through June 30, 2015 by Fund and Category: Personal Services, Materials and Services, Capital Outlay, Debt Service, Transfers and Contingency. This is consistent with the level at which funds were appropriated and therefore how compliance is assessed, except for the General Fund which is appropriated at the department level. As of the date of this report **100% of the year had elapsed**. Please note accounts are still being reconciled; therefore these are preliminary figures that will be verified, compiled into the City's Comprehensive Annual Report (CAFR), and then audited. Final audit fieldwork is scheduled for the week of November 9-13<sup>th</sup> and the CAFR will be presented to the MAFOC at the meeting scheduled December 17<sup>th</sup>, 2015.

Please contact Haley Fish, Finance Director, at [FishH@ci.canby.or.us](mailto:FishH@ci.canby.or.us) if you have any questions resulting from your review of this report.

### **Additional Financial Analysis by Fund:**

***Note** - Per a recommendation if there are no exceptions noted for a fund/department no reference will be made to it in this summary.*

No known noncompliance with budget appropriations noted.

**General Fund:** Preliminarily general fund revenue exceeds expense by approximately \$43,000. During the FY16 budget process we projected a \$36,000 deficit.

**Street Fund** – Miscellaneous income was primarily generated because work force was allocated to maintain the cemetery (services provided at the public works hourly rate of \$40 and charged based on actual hours worked). A large capital outlay encumbrance related to the FY16 Street Maintenance Program contracted in spring of 2015 that was substantially completed subsequent to June 30, 2015 (FY16).

**Additional Discussion:**

**Draft Investment Policy** - The MAFOC reviewed a draft Investment Policy tailored from the Oregon Short Term Fund Board (the Board) template and supported sending the draft to the Board for review in accordance with ORS 294.135. It has been submitted for review at the boards meeting October 8<sup>th</sup>, 2015. Subsequent to the meeting the Board will send a letter of recommendations to the City Council which we can consider prior to recommending that the Council adopt the draft policy. Currently the only investment the City utilizes is the Local Government Investment Pool (LGIP) which averaged an annualized rate ranging from .5000% to .5400% during FY15.

**Retirement and Separation Reserve** – Retirement payouts in FY15 exceeded the amount held in reserve and budgeted by approximately \$45,000. Through the FY16 budget, management proposed replenishing the reserve in an initial amount of \$75,000 and outlined a methodology to fund this reserve and allocate payouts in excess of reserve (if realized) equitably across operating units as a percentage of personnel service expense in order to make it sustainable overtime.

**PERS Contribution Stabilization Reserve** – Funding established in FY14 of \$237,896 was maintained throughout FY15 and retained in the FY16 budget.

**CITY OF CANBY  
FUND SUMMARY  
FOR THE PERIOD ENDING:  
June 30, 2015  
Preliminary**

**GENERAL FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<b>GENERAL REVENUES</b>						
PROPERTY TAXES	115,622	4,055,245	-	4,046,557	(8,688)	100.2%
FRANCHISE FEES	77,773	479,347	-	462,000	(17,347)	103.8%
INTERGOVERNMENTAL	80,502	406,719	-	395,500	(11,219)	102.8%
IN LIEU OF TAXES	99,637	637,231	-	638,000	769	99.9%
CHARGES FOR SERVICES	3,382	18,049	-	15,265	(2,784)	118.2%
PASS THRU REVENUE	4,600	28,317	-	57,300	28,983	49.4%
SPECIAL ASSESSMENTS	-	4,170	-	1,200	(2,970)	347.5%
MISCELLANEOUS REVENUE	518	8,277	-	8,200	(77)	100.9%
INTEREST REVENUES	596	8,343	-	7,000	(1,343)	119.2%
REVENUE TRANSFERS	22,568	260,728	-	260,000	(728)	100.3%
CASH CARRYOVER	-	-	-	1,234,770	1,234,770	0.0%
	<u>405,198</u>	<u>5,906,427</u>	<u>-</u>	<u>7,125,792</u>	<u>1,219,365</u>	<u>82.9%</u>
<b>ADMINISTRATION REVENUE</b>						
CHARGES FOR SERVICES	11,380	64,400	-	56,950	(7,450)	113.1%
	<u>11,380</u>	<u>64,400</u>	<u>-</u>	<u>56,950</u>	<u>(7,450)</u>	<u>113.1%</u>
<b>COURT REVENUES</b>						
CHARGES FOR SERVICES	43,956	549,843	-	369,082	(180,761)	149.0%
PASS THRU REVENUE	192	1,287	-	1,000	(287)	128.7%
MISCELLANEOUS REVENUE	1,271	26,568	-	22,900	(3,668)	116.0%
	<u>45,419</u>	<u>577,698</u>	<u>-</u>	<u>392,982</u>	<u>(184,716)</u>	<u>147.0%</u>
<b>PLANNING REVENUES</b>						
CHARGES FOR SERVICES	9,741	73,227	-	46,600	(26,627)	157.1%
MISCELLANEOUS REVENUE	-	394	-	130	(264)	303.2%
	<u>9,741</u>	<u>73,621</u>	<u>-</u>	<u>46,730</u>	<u>(26,891)</u>	<u>157.5%</u>
<b>PARKS REVENUE</b>						
CHARGES FOR SERVICES	-	535	-	500	(35)	107.0%
MISCELLANEOUS REVENUE	264	4,554	-	3,360	(1,194)	135.5%
DONATIONS	194	194	-	5,000	4,806	3.9%
TRANSFERS IN	-	-	-	521,700	521,700	0.0%
	<u>458</u>	<u>5,283</u>	<u>-</u>	<u>530,560</u>	<u>525,277</u>	<u>1.0%</u>
<b>BUILDING REVENUES</b>						
CHARGES FOR SERVICES	4,885	12,003	-	15,000	2,997	80.0%
	<u>4,885</u>	<u>12,003</u>	<u>-</u>	<u>15,000</u>	<u>2,997</u>	<u>80.0%</u>
<b>POLICE REVENUES</b>						
GRANT REVENUE	575	4,773	-	6,000	1,227	79.6%
CHARGES FOR SERVICES	3,505	30,047	-	23,850	(6,197)	126.0%
MISCELLANEOUS REVENUE	13,898	92,664	-	84,030	(8,634)	110.3%
DONATIONS	-	11,490	-	500	(10,990)	2298.0%
	<u>17,978</u>	<u>138,974</u>	<u>-</u>	<u>114,380</u>	<u>(24,594)</u>	<u>121.5%</u>
<b>CEMETERY REVENUES</b>						
CHARGES FOR SERVICES	450	36,614	-	66,025	29,411	55.5%
MISCELLANEOUS REVENUE	-	3,940	-	3,300	(640)	119.4%
DONATIONS	44	100	-	-	(100)	0
	<u>494</u>	<u>40,654</u>	<u>-</u>	<u>69,325</u>	<u>28,671</u>	<u>58.6%</u>
<b>FINANCE REVENUES</b>						
OPERATIONAL TRANSFERS IN	63,321	759,857	-	759,857	-	100.0%
	<u>63,321</u>	<u>759,857</u>	<u>-</u>	<u>759,857</u>	<u>-</u>	<u>100.0%</u>



**CITY OF CANBY**  
**FUND SUMMARY**  
**FOR THE PERIOD ENDING:**  
**June 30, 2015**  
*Preliminary*

**GENERAL FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE (CONT)</b>						
<b>ECONOMIC DEVELOPMENT REVENUE</b>						
CHARGES FOR SERVICES	-	1,440	-	500	(940)	288.0%
TRANSFERS	48,519	473,937	-	544,835	70,898	87.0%
	<u>48,519</u>	<u>475,377</u>	<u>-</u>	<u>545,335</u>	<u>69,958</u>	<u>87.2%</u>
<b>TOTAL FUND REVENUE</b>	<u>607,393</u>	<u>8,054,294</u>	<u>-</u>	<u>9,656,911</u>	<u>1,602,617</u>	<u>83.4%</u>

**CITY OF CANBY**  
**FUND SUMMARY**  
**FOR THE PERIOD ENDING:**  
**June 30, 2015**  
*Preliminary*

**GENERAL FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>EXPENDITURES</b>						
<b>ADMINISTRATION DEPT</b>						
PERSONNEL SERVICES	50,387	576,044	-	576,884	840	99.9%
MATERIAL SERVICES	28,448	542,902	1,950	581,432	36,580	93.7%
CAPITAL OUTLAY	24,316	55,687	-	62,217	6,530	89.5%
DEBT	-	74,826	-	74,964	138	99.8%
CONTINGENCY/OTHER	-	-	-	788,221	788,221	0.0%
	<u>103,151</u>	<u>1,249,459</u>	<u>1,950</u>	<u>2,083,718</u>	<u>832,309</u>	<u>60.1%</u>
<b>COURT DEPT</b>						
PERSONNEL SERVICES	23,217	233,875	-	241,657	7,782	96.8%
MATERIAL SERVICES	8,421	84,526	-	84,242	(284)	100.3%
	<u>31,637</u>	<u>318,401</u>	<u>-</u>	<u>325,899</u>	<u>7,498</u>	<u>97.7%</u>
<b>PLANNING DEPT</b>						
PERSONNEL SERVICES	10,724	102,469	-	143,221	40,752	71.5%
MATERIAL SERVICES	8,250	74,522	-	73,413	(1,109)	101.5%
	<u>18,974</u>	<u>176,991</u>	<u>-</u>	<u>216,634</u>	<u>39,643</u>	<u>81.7%</u>
<b>PARKS DEPT</b>						
PERSONNEL SERVICES	33,509	334,129	-	342,098	7,969	97.7%
MATERIAL SERVICES	12,682	132,246	4,407	159,028	22,375	85.9%
CAPITAL OUTLAY	994	7,127	-	527,900	520,773	1.4%
	<u>47,186</u>	<u>473,502</u>	<u>4,407</u>	<u>1,029,026</u>	<u>551,117</u>	<u>46.4%</u>
<b>BUILDING DEPT</b>						
PERSONNEL SERVICES	3,050	29,531	-	38,578	9,047	76.5%
MATERIAL SERVICES	379	4,204	-	5,607	1,403	75.0%
TRANSFERS OUT	1,584	19,010	-	19,010	-	100.0%
	<u>5,013</u>	<u>52,745</u>	<u>-</u>	<u>63,195</u>	<u>10,450</u>	<u>83.5%</u>
<b>POLICE DEPT</b>						
PERSONNEL SERVICES	376,507	3,819,365	-	3,868,048	48,683	98.7%
MATERIAL SERVICES	39,023	844,302	-	914,158	69,856	92.4%
CAPITAL OUTLAY	-	20,000	-	26,000	6,000	76.9%
	<u>415,530</u>	<u>4,683,668</u>	<u>-</u>	<u>4,808,206</u>	<u>124,538</u>	<u>97.4%</u>
<b>CEMETERY DEPT</b>						
PERSONNEL SERVICES	403	3,992	-	4,058	66	98.4%
MATERIAL SERVICES	18,361	112,949	-	114,141	1,192	99.0%
	<u>18,764</u>	<u>116,941</u>	<u>-</u>	<u>118,199</u>	<u>1,258</u>	<u>98.9%</u>
<b>FINANCE DEPT</b>						
PERSONNEL SERVICES	33,882	334,830	-	338,467	3,637	98.9%
MATERIAL SERVICES	6,503	93,528	-	100,554	7,027	93.0%
	<u>40,385</u>	<u>428,358</u>	<u>-</u>	<u>439,021</u>	<u>10,663</u>	<u>97.6%</u>
<b>ECONOMIC DEVELOPMENT DEPT</b>						
PERSONNEL SERVICES	38,357	356,620	-	386,412	29,792	92.3%
MATERIAL SERVICES	4,797	82,436	-	114,234	31,798	72.2%
TRANSFERS OUT	6,031	72,367	-	72,367	-	100.0%
	<u>49,185</u>	<u>511,422</u>	<u>-</u>	<u>573,013</u>	<u>61,591</u>	<u>89.3%</u>
<b>TOTAL FUND EXPENDITURES</b>	<u>729,826</u>	<u>8,011,486</u>	<u>6,357</u>	<u>9,656,911</u>	<u>1,639,068</u>	<u>83.0%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>(122,433)</u>	<u>42,808</u>	<u>(6,357)</u>	<u>-</u>	<u>(36,451)</u>	

**CITY OF CANBY**  
**FUND SUMMARY**  
**FOR THE PERIOD ENDING:**  
**June 30, 2015**  
*Preliminary*

**LIBRARY FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUE</i>						
PROPERTY TAXES	71,688	783,269	-	749,246	(34,023)	104.5%
GRANT REVENUE	3,000	11,689	-	8,689	(3,000)	134.5%
CHARGES FOR SERVICES	569	4,969	-	4,500	(469)	110.4%
MISCELLANEOUS REVENUE	2,585	23,849	-	23,000	(849)	103.7%
INTEREST REVENUES	594	6,587	-	6,000	(587)	109.8%
DONATIONS	220	18,828	-	18,553	(275)	101.5%
CASH CARRYOVER	-	-	-	1,390,022	1,390,022	0.0%
	<u><b>78,656</b></u>	<u><b>849,191</b></u>	<u><b>-</b></u>	<u><b>2,200,010</b></u>	<u><b>1,350,819</b></u>	<u><b>38.6%</b></u>
<b>EXPENDITURES</b>						
<i>LIBRARY EXPENDITURES</i>						
PERSONNEL SERVICES	60,247	602,514	-	615,832	13,318	97.8%
MATERIAL & SERVICES	19,939	162,068	-	175,647	13,579	92.3%
TRANSFERS OUT	8,595	103,142	-	103,142	-	100.0%
CONTINGENCY/OTHER	-	-	-	1,305,389	1,305,389	0.0%
	<u><b>88,781</b></u>	<u><b>867,724</b></u>	<u><b>-</b></u>	<u><b>2,200,010</b></u>	<u><b>1,332,286</b></u>	<u><b>39.4%</b></u>
<b>REVENUE OVER EXPENDITURE</b>	<u><i>(10,125)</i></u>	<u><i>(18,533)</i></u>	<u><b>-</b></u>	<u><b>-</b></u>	<u><b>18,533</b></u>	

**CITY OF CANBY**  
**FUND SUMMARY**  
**FOR THE PERIOD ENDING:**  
**June 30, 2015**  
*Preliminary*

**STREETS FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
INTERGOVERNMENTAL	372,808	1,387,442	-	1,430,486	43,044	97.0%
CHARGES FOR SERVICES	45,319	590,344	-	566,775	(23,569)	104.2%
SPECIAL ASSESSMENTS-SDC'S	1,458	21,658	-	34,033	12,375	63.6%
MISCELLANEOUS REVENUE	9,244	59,116	-	1,350	(57,766)	4378.9%
INTEREST REVENUES	411	2,991	-	4,500	1,509	66.5%
TRANSFERS	-	39,000	-	40,000	1,000	97.5%
CASH CARRYOVER	-	-	-	358,375	358,375	0.0%
	<u>429,240</u>	<u>2,100,552</u>	<u>-</u>	<u>2,435,519</u>	<u>334,967</u>	<u>86.2%</u>
<b>EXPENDITURES</b>						
<i>STREETS EXPENDITURES</i>						
PERSONNEL SERVICES	55,306	531,509	-	587,748	56,239	90.4%
MATERIAL & SERVICES	21,278	316,526	-	375,519	58,993	84.3%
CAPITAL OUTLAY	72,247	430,759	337,229	828,940	60,952	92.6%
CONTINGENCY/OTHER	-	-	-	544,025	544,025	0.0%
TRANSFERS OUT	8,859	99,287	-	99,287	-	100.0%
	<u>157,690</u>	<u>1,378,081</u>	<u>337,229</u>	<u>2,435,519</u>	<u>720,209</u>	<u>70.4%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>271,550</u>	<u>722,470</u>	<u>(337,229)</u>	<u>-</u>	<u>(385,241)</u>	

**CITY OF CANBY**  
**FUND SUMMARY**  
**FOR THE PERIOD ENDING:**  
**June 30, 2015**  
*Preliminary*

**SYSTEMS DEVELOPMENT FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
SPECIAL ASSESSMENTS-SDC'S	24,526	262,784	-	306,183	43,399	85.8%
INTEREST REVENUES	741	7,568	-	5,200	(2,368)	145.5%
TRANSFERS	638	638	-	638	-	100.0%
CASH CARRYOVER	-	-	-	1,463,363	1,463,363	0.0%
	<u>25,905</u>	<u>270,989</u>	<u>-</u>	<u>1,775,384</u>	<u>1,504,395</u>	<u>15.3%</u>
<b>EXPENDITURES</b>						
<i>SYSTEMS DEVELOP EXPENDITURES</i>						
TRANSFERS OUT	21,208	21,208	-	546,700	525,492	3.9%
CONTINGENCY/OTHER	-	-	-	1,228,684	1,228,684	0.0%
	<u>21,208</u>	<u>21,208</u>	<u>-</u>	<u>1,775,384</u>	<u>1,754,176</u>	<u>1.2%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>4,697</u>	<u>249,781</u>	<u>-</u>	<u>-</u>	<u>(249,781)</u>	

**CITY OF CANBY**  
**FUND SUMMARY**  
**FOR THE PERIOD ENDING:**  
**June 30, 2015**  
*Preliminary*

**CEMETERY PERPETUAL CARE FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
CHARGES FOR SERVICES	700	12,170	-	13,000	830	93.6%
INTEREST REVENUES	379	4,363	-	5,000	637	87.3%
CASH CARRYOVER	-	-	-	858,099	858,099	0.0%
	<u>1,079</u>	<u>16,533</u>	<u>-</u>	<u>876,099</u>	<u>859,566</u>	<u>1.9%</u>
<b>EXPENDITURES</b>						
<i>CEMETERY PERPETUAL CARE EXPEND</i>						
CONTINGENCY/OTHER	-	-	-	876,099	876,099	0.0%
	<u>-</u>	<u>-</u>	<u>-</u>	<u>876,099</u>	<u>876,099</u>	<u>0.0%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>1,079</u>	<u>16,533</u>	<u>-</u>	<u>-</u>	<u>(16,533)</u>	

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**FORFEITURE FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
MISCELLANEOUS REVENUE	5,799	25,329	-	-	(25,329)	100%
INTEREST REVENUES	20	220	-	-	(220)	100%
CASH CARRYOVER	-	-	-	36,950	36,950	0.0%
	<u>5,819</u>	<u>25,549</u>	<u>-</u>	<u>36,950</u>	<u>11,401</u>	<u>69.1%</u>
<b>EXPENDITURES</b>						
<i>FORFEITURE EXPENDITURES</i>						
MATERIAL & SERVICES	10,056	18,174	-	36,950	18,776	49.2%
	<u>10,056</u>	<u>18,174</u>	<u>-</u>	<u>36,950</u>	<u>18,776</u>	<u>49.2%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>(4,237)</u>	<u>7,375</u>	<u>-</u>	<u>-</u>	<u>(7,375)</u>	

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**TRANSIT FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
GRANT REVENUE	55,822	626,237	-	722,617	96,380	86.7%
PAYROLL TAX	294,335	1,259,598	-	1,111,000	(148,598)	113.4%
MISCELLANEOUS REVENUE	-	2,797	-	20,000	17,203	14.0%
INTEREST REVENUES	356	4,144	-	3,200	(944)	129.5%
DONATIONS	160	668	-	600	(68)	111.3%
CASH CARRYOVER	-	-	-	877,760	877,760	0.0%
	<u><b>350,673</b></u>	<u><b>1,893,444</b></u>	<u><b>-</b></u>	<u><b>2,735,177</b></u>	<u><b>841,733</b></u>	<u><b>69.2%</b></u>
<b>EXPENDITURES</b>						
<i>TRANSIT EXPENDITURES</i>						
PERSONNEL SERVICES	26,092	252,880	-	292,243	39,363	86.5%
MATERIAL & SERVICES	141,146	1,117,109	13,500	1,332,393	201,784	84.9%
CAPITAL OUTLAY	9,962	313,343	1,579	330,000	15,078	95.4%
TRANSFERS OUT	12,935	155,216	-	155,216	-	100.0%
CONTINGENCY/OTHER	-	-	-	625,325	625,325	0.0%
	<u><b>190,135</b></u>	<u><b>1,838,549</b></u>	<u><b>15,079</b></u>	<u><b>2,735,177</b></u>	<u><b>881,550</b></u>	<u><b>67.8%</b></u>
<b>REVENUE OVER EXPENDITURE</b>	<u><b>160,538</b></u>	<u><b>54,895</b></u>	<u><b>(15,079)</b></u>	<u><b>-</b></u>	<u><b>(39,816)</b></u>	



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**SWIM CENTER LEVY**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUE</i>						
PROPERTY TAXES	16,323	568,151	-	565,795	(2,356)	100.4%
CHARGES FOR SERVICES	42,633	219,118	-	180,700	(38,418)	121.3%
INTEREST REVENUES	175	1,905	-	1,200	(705)	158.7%
DONATIONS	500	643	-	-	(643)	0
CASH CARRYOVER	-	-	-	280,562	280,562	0.0%
	<u>59,631</u>	<u>789,817</u>	<u>-</u>	<u>1,028,257</u>	<u>238,440</u>	<u>76.8%</u>
<b>EXPENDITURES</b>						
<i>SWIM CENTER EXPENDITURES</i>						
PERSONNEL SERVICES	57,068	502,933	-	509,685	6,752	98.7%
MATERIAL & SERVICES	13,524	111,596	-	126,960	15,364	87.9%
CAPITAL OUTLAY	-	-	9,985	15,000	5,015	66.6%
TRANSFERS OUT	6,393	76,712	-	76,712	-	100.0%
CONTINGENCY/OTHER	-	-	-	299,900	299,900	0.0%
	<u>76,986</u>	<u>691,241</u>	<u>9,985</u>	<u>1,028,257</u>	<u>327,031</u>	<u>68.2%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>(17,354)</u>	<u>98,575</u>	<u>(9,985)</u>	<u>-</u>	<u>(88,590)</u>	

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**URBAN RENEWAL GENERAL FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>URD PROGRAM REVENUE</i>						
GRANT REVENUE	-	7,240	-	3,000	(4,240)	241.3%
SPECIAL ASSESSMENTS	855	10,255	-	10,255	(0)	100.0%
MISCELLANEOUS REVENUE	1,808	1,808	-	25	(1,783)	7233.8%
INTEREST REVENUES	3,515	43,619	-	35,000	(8,619)	124.6%
OPERATIONAL TRANSFERS IN	41,667	500,000	-	500,000	-	100.0%
CASH CARRYOVER	-	-	-	9,194,291	9,194,291	0.0%
	<u>47,845</u>	<u>562,923</u>	<u>-</u>	<u>9,742,571</u>	<u>9,179,648</u>	<u>5.8%</u>
<b>EXPENDITURES</b>						
<i>URD EXPENDITURES</i>						
MATERIAL & SERVICES	51,489	500,362	-	556,310	55,948	89.9%
CAPITAL OUTLAY	237,571	1,268,838	6,788,250	8,922,161	865,073	90.3%
CONTINGENCY/OTHER	-	-	-	264,100	264,100	0.0%
	<u>289,060</u>	<u>1,769,199</u>	<u>6,788,250</u>	<u>9,742,571</u>	<u>1,185,122</u>	<u>87.8%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>(241,215)</u>	<u>(1,206,277)</u>	<u>(6,788,250)</u>	<u>-</u>	<u>7,994,527</u>	

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**URBAN RENEWAL DEBT SVC. FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>URD DEBT SERVICE REVENUE</i>						
PROPERTY TAXES	70,942	2,462,027	-	2,461,000	(1,027)	100.0%
SPECIAL ASSESSMENTS	(7,430)	40,432	-	47,862	7,430	84.5%
INTEREST REVENUES	(3,252)	78,554	-	81,224	2,670	96.7%
CASH CARRYOVER	-	-	-	406,773	406,773	0.0%
	<u>60,260</u>	<u>2,581,013</u>	<u>-</u>	<u>2,996,859</u>	<u>415,846</u>	<u>86.1%</u>
<b>EXPENDITURES</b>						
<i>URBAN RENEWAL DEBT EXPENDITURE</i>						
DEBT	-	1,899,393	-	2,496,859	597,466	76.1%
TRANSFERS OUT	41,667	500,000	-	500,000	-	100.0%
	<u>41,667</u>	<u>2,399,393</u>	<u>-</u>	<u>2,996,859</u>	<u>597,466</u>	<u>80.1%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>18,593</u>	<u>181,620</u>	<u>-</u>	<u>-</u>	<u>(181,620)</u>	

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**FLEET SERVICES FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
MISCELLANEOUS REVENUE	538	4,159	-	2,300	(1,859)	180.8%
INTEREST REVENUES	55	1,180	-	1,500	320	78.6%
CASH CARRYOVER	-	-	-	235,556	235,556	0.0%
CHARGES FOR SERVICES	3,965	12,605	-	9,300	(3,305)	135.5%
INTERNAL CHARGES FOR SERVICES	-	546,625	-	724,290	177,665	75.5%
	<u>4,558</u>	<u>564,568</u>	<u>-</u>	<u>972,946</u>	<u>408,378</u>	<u>58.0%</u>
<b>EXPENDITURES</b>						
<i>FLEET EXPENDITURES</i>						
PERSONNEL SERVICES	22,491	228,552	-	241,890	13,338	94.5%
MATERIAL & SERVICES	36,831	429,467	-	515,846	86,379	83.3%
CAPITAL OUTLAY	11,193	51,093	6,411	57,654	150	99.7%
CONTINGENCY/OTHER	-	-	-	157,556	157,556	0.0%
	<u>70,515</u>	<u>709,112</u>	<u>6,411</u>	<u>972,946</u>	<u>257,423</u>	<u>73.5%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>(65,957)</u>	<u>(144,544)</u>	<u>(6,411)</u>	<u>-</u>	<u>150,955</u>	

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**FACILITIES FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
MISCELLANEOUS REVENUES	2,868	3,786	-	-	(3,786)	0.0%
INTEREST REVENUES	71	640	-	300	(340)	213.4%
CASH CARRYOVER	-	-	-	69,148	69,148	0.0%
CHARGES FOR SERVICE	141	958	-	1,900	942	50.4%
INTERNAL CHARGES FOR SERVICE	24,921	299,047	-	299,047	(0)	100.0%
	<u>28,000</u>	<u>304,431</u>	<u>-</u>	<u>370,395</u>	<u>65,964</u>	<u>82.2%</u>
<b>EXPENDITURES</b>						
<i>FACILITIES EXPENDITURES</i>						
PERSONNEL SERVICES	9,871	97,856	-	100,222	2,366	97.6%
MATERIAL & SERVICES	13,681	138,562	-	171,300	32,738	80.9%
CAPITAL OUTLAY	-	19	-	27,800	27,781	0.1%
CONTINGENCY/OTHER	-	-	-	71,073	71,073	0.0%
	<u>23,552</u>	<u>236,436</u>	<u>-</u>	<u>370,395</u>	<u>133,959</u>	<u>63.8%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>4,448</u>	<u>67,995</u>	<u>-</u>	<u>-</u>	<u>(67,995)</u>	

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**TECH SERVICES FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
INTEREST REVENUES	56	706	-	500	(206)	141.2%
CASH CARRYOVER	-	-	-	121,851	121,851	0.0%
INTERNAL CHARGES FOR SERVICES	24,751	297,011	-	297,011	0	100.0%
	<u>24,807</u>	<u>297,717</u>	<u>-</u>	<u>419,362</u>	<u>121,645</u>	<u>71.0%</u>
<b>EXPENDITURES</b>						
<i>TECH SERVICE EXPENDITURES</i>						
PERSONNEL SERVICES	8,110	90,043	-	95,369	5,326	94.4%
MATERIAL & SERVICES	31,040	181,204	-	183,375	2,171	98.8%
CAPITAL OUTLAY	9,657	25,974	-	71,589	45,615	36.3%
CONTINGENCY/OTHER	-	-	-	69,029	69,029	0.0%
	<u>48,807</u>	<u>297,221</u>	<u>-</u>	<u>419,362</u>	<u>122,141</u>	<u>70.9%</u>
<b>REVENUE OVER EXPENDITURE</b>	<u>(24,001)</u>	<u>495</u>	<u>-</u>	<u>-</u>	<u>(495)</u>	

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**SEWER COMBINED FUND**

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>ENCUMBERED</u>	<u>BUDGET</u>	<u>(OVER)/UNDER</u>	<u>PCNT</u>
<b>REVENUE</b>						
<i>PROGRAM REVENUES</i>						
MISCELLANEOUS REVENUE	5,910	35,652	-	6,000	(29,652)	594.2%
INTEREST REVENUES	1,912	26,785	-	10,000	(16,785)	267.8%
CASH CARRYOVER	-	-	-	5,358,682	5,358,682	0.0%
CHARGES FOR SERVICES	364,088	3,766,369	-	3,700,000	(66,369)	101.8%
SPECIAL ASSESSMENTS	4,064	89,958	-	65,414	(24,544)	137.5%
TRANSFER FROM SDC FUND	21,208	21,208	-	25,000	3,792	84.8%
<b>TOTAL FUND REVENUE</b>	<b>397,182</b>	<b>3,939,972</b>	<b>-</b>	<b>9,165,096</b>	<b>5,225,124</b>	<b>43.0%</b>
<b>EXPENDITURES</b>						
<b>SEWER/WWTP EXPENDITURES</b>						
PERSONNEL SERVICES	59,764	572,524	-	665,798	93,274	86.0%
MATERIAL & SERVICES	51,131	411,168	39,128	582,531	132,235	77.3%
CONTINGENCY/OTHER	-	-	-	295,413	295,413	0.0%
TRANSFERS OUT	34,876	408,417	-	408,689	272	99.9%
	<b>145,771</b>	<b>1,392,109</b>	<b>39,128</b>	<b>1,952,431</b>	<b>521,194</b>	<b>73.3%</b>
<b>SEWER COLLECTIONS EXPENDITURES</b>						
PERSONNEL SERVICES	27,079	259,074	-	326,050	66,976	79.5%
MATERIAL & SERVICES	4,369	86,081	-	87,358	1,277	98.5%
TRANSFERS OUT	3,749	44,988	-	44,988	-	100.0%
	<b>35,197</b>	<b>390,144</b>	<b>-</b>	<b>458,396</b>	<b>68,252</b>	<b>85.1%</b>
<b>STORMWATER EXPENDITURES</b>						
PERSONNEL SERVICES	24,992	241,036	-	293,727	52,691	82.1%
MATERIAL & SERVICES	4,671	71,508	-	78,638	7,130	90.9%
TRANSFERS OUT	3,507	42,084	-	42,084	-	100.0%
	<b>33,171</b>	<b>354,628</b>	<b>-</b>	<b>414,449</b>	<b>59,821</b>	<b>85.6%</b>
<b>SEWER DEBT</b>						
DEBT	-	291,891	-	594,176	302,285	49.1%
	<b>-</b>	<b>291,891</b>	<b>-</b>	<b>594,176</b>	<b>302,285</b>	<b>49.1%</b>
<b>SEWER RESERVE</b>						
CAPITAL OUTLAY	911,521	2,030,680	70,752	5,705,644	3,604,212	36.8%
TRANSFERS OUT	-	39,000	-	40,000	1,000	97.5%
	<b>911,521</b>	<b>2,069,680</b>	<b>70,752</b>	<b>5,745,644</b>	<b>3,605,212</b>	<b>37.3%</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>1,125,660</b>	<b>4,498,451</b>	<b>109,881</b>	<b>9,165,096</b>	<b>4,556,765</b>	<b>50.3%</b>
<b>REVENUE OVER EXPENDITURE</b>	<b>(728,477)</b>	<b>(558,479)</b>	<b>(109,881)</b>	<b>-</b>	<b>668,359</b>	