

# AGENDA

## CANBY CITY COUNCIL MEETING

December 5, 2007, 7:30 P.M.

Council Chambers

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

*Mayor Melody Thompson*

*Council President Walt Daniels*

*Councilor Teresa Blackwell*

*Councilor Paul Carlson*

*Councilor Randy Carson*

*Councilor Tony Helbling*

*Councilor Wayne Oliver*

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## CITY COUNCIL MEETING

### 1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

B. Canby Kiwanis Food & Toy Drive Proclamation

Pg. 1

C. Measure 3-271 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 November 21, 2007 City Council Regular Meeting

B. Appointment to Library Board

Pg. 4

### 7. PUBLIC HEARING

A. Street Maintenance Fee and Motor Vehicle Fuel Tax

Pg. 5

### 8. RESOLUTIONS & ORDINANCES

A. Res. 966, In Support of the Clackamas County Board of Commissioners' Proposal to Establish a Library District for the Provision of Library Services to All County Citizens

Pg.63

B. Res. 967, Authorizing Issuance of Sewer System Refunding Bonds

Pg.67

C. Res. 968, Accepting Dedication of Land from Jean M. Rover for Right-of-Way Purposes

Pg.72

- D. Ord. 1261, Creating and Imposing a Tax on Motor Vehicle Fuel Dealers; Providing for Enforcement, Administration, and Collection of the Tax; and Amending the Canby Municipal Code by Adding a New Chapter 3.40 “Motor Vehicle Fuel Tax” Pg. 9
- E. Ord. 1262, Amending the Canby Municipal Code by Adding a New Chapter 3.30, “Street Maintenance Program,” and Requiring Payment of a Street Maintenance Fee Pg.21
- F. Ord. 1263, Authorizing Contract with Henderson Turf and Wear, Inc. of Milwaukie, Oregon for Purchase of One Excel Hustler 4800 Diesel Mower with High Lift Kit for the Canby Parks Department (2<sup>nd</sup> Reading) Pg.78

## **9. NEW BUSINESS**

- A. Discussion Regarding Failure of Measure 3-271 Adopting a Revised Home Rule Charter
- B. Discussion Regarding Construction Excise Tax Pg.80
- C. Discussion Regarding Logging Road Bridge Maintenance Plan Pg.88
- D. Recertification of Canby Pioneer Industrial Park Pg.90

## **10. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS**

## **11. CITIZEN INPUT**

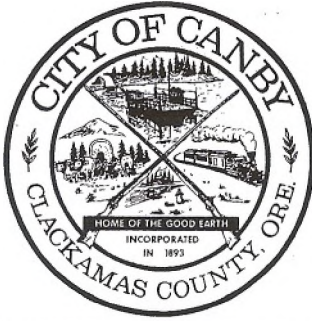
## **12. ACTION REVIEW**

## **13. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending Litigation and ORS 192.660(3) Labor Negotiations**

## **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 503.266.4021 ext. 233. 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 OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.





Office of the Mayor

# Proclamation

## Canby Kiwanis Food & Toy Drive

WHEREAS, Canby Kiwanis Food & Toy Drive originated for the purpose of providing toys and food for less fortunate families in our community; and

WHEREAS, by way of this Proclamation, the City of Canby recognizes that greater public awareness and involvement is needed in order for such programs to achieve their highest potential in providing and promoting joy to each household in this community; and

WHEREAS, the Kiwanis Club of Canby has undertaken the project of collecting and distributing toys and food to these needy families during the time from December 20 through December 21; and

WHEREAS, donations for food baskets can be collected at the warehouse located at 555 Southwest Second Avenue;

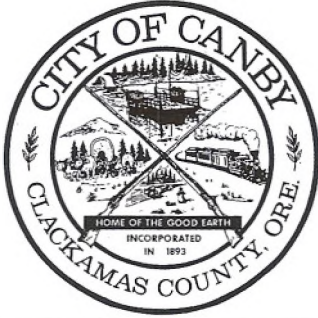
NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim December 9 through December 15, 2007 as:

### CANBY KIWANIS FOOD & TOY DRIVE WEEK

and urge all people of the City of Canby to observe this time by participating in this toy and food drive, helping to provide assurance that each family may have a twinkle in their eye this holiday season

Given unto my hand this 5<sup>th</sup> day of December, 2007.

Melody Thompson  
Mayor



Office of the Mayor

# Proclamation

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WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 6, 2007, to consider the following measure:

**MEASURE NO. 3-271**

**SHALL THE CITY OF CANBY ADOPT A REVISED HOME RULE  
CHARTER?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 6, 2007.

**YES – 1,964**

**NO – 2,203**

**Over Votes - 0**

**Under Votes - 435**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 20, 2007.

Dated this 5<sup>th</sup> day of December, 2007.

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Melody Thompson, Mayor

NUMBERED KEY CANVASS

Clackamas County, Oregon

Special Election

November 6, 2007

RUN DATE:11/19/07 02:40 PM

REPORT-EL52

PAGE 0021

3-271 CITY OF CANBY: MEASURE ADOPTING REVISED HOME RULE  
CHARTER FOR CANBY

VOTE FOR 1

01 = Yes

02 = No

VOTES PERCENT

VOTES PERCENT

1,964 47.13

03 = OVER VOTES

0

2,203 52.87

04 = UNDER VOTES

435

01 02 03 04

0122 122	506	573	0	113
0123 123	129	184	0	24
0124 124	601	596	0	133
0125 125	362	402	0	91
0126 126	366	448	0	74

RECEIVED

NOV 26 2007

CITY OF CANBY

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

NOV 20 2007



Term to exp. 6.30.08

**CITY OF CANBY  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: November 9 2007  
Name: Robert Koehler Occupation: Orchestra Teacher

Home Address: \_\_\_\_\_

Employer: Tigard-Tualatin S.D. Position: Teacher

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

For which position are you applying? Library Board Member-Fill In

What are your community interests (committees, organizations, special activities)?  
I work MANY hours RUNNING ORCHESTRAS at three schools in Tigard. I do not belong to ANY Canby community organizations

Experience and educational background: MANY positions working in libraries including periodicals circulation and assistant librarian in the Arizona State University Music Library

Reason for your interest in this position: I like run library and would like to see it better funded with more support for library staff and new computers and programs for the library system.

List any other City or County positions on which you serve or have served: None

Information on any special membership requirements: None

Referred by (if applicable): Canby Library Staff

Feel free to attach a copy of your resume and use additional sheets if necessary

**THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY**

Please return to: City of Canby  
182 N Holly Street  
PO Box 930  
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

9-30-05

RECEIVED

NOV 20 2007

CITY OF CANBY

4



# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**DATE:** *November 27, 2007*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**RE:** *Street maintenance funding project – Ordinances 1261 & 1262*

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## **Synopsis**

After a significant amount of work by the City Council, a citizen task force, staff, and professional consultants, ordinances are proposed to create two new sources for street maintenance funding: a Street Maintenance Fee and a Motor Vehicle Fuel Tax. Net new funding of approximately \$528,000 per year is anticipated through these sources (\$350,000 from the Street Maintenance Fee and \$178,000 from the Fuel Tax).

Funds would be dedicated by ordinance to the maintenance of public rights-of-way only. All net revenues will be dedicated to engineering and paving projects. This level of funding is designed to fund the "Moderate Improvement" scenario, which results in a ten-point increase of average road system condition by 2026 on the 1-100 pavement condition index. This scenario does not repair every street in Canby – indeed many streets will still be in failed condition in 2026 – but it is recommended by the Task Force as the best mix of achievable funding with results on the ground.

Residential rates for the street maintenance fee would be between \$1.04 and \$5.00 per month, depending on the type of housing unit. Most businesses would pay between \$5.00 and \$30.00 per month, though some would pay more. The motor vehicle fuel tax would cost the average driver about \$1.50 per month.

This report summarizes the process to date and the contents of Ordinances 1261 and 1262.

## **Recommendation**

Based on previous Council direction and the results of an extensive public outreach effort, but without the benefit of a final public hearing, staff recommends that the City Council adopt Ordinances 1261 and 1262.

## **Rationale**

The City has been working on this issue for over two years. This process included detailed data gathering and data analysis by staff and professional consultants. This work served as the basis for an extensive public involvement process. A thirteen-member Street Maintenance Funding Task Force was created in late 2005. This committee has met eight times since then, reviewing every aspect of the City's current street system condition, current funding, funding options, and many other related issues. The Task Force met in joint session with the City Council in April 2007 to discuss their draft recommendations. Staff worked this summer to address final issues and to set up a public involvement process this fall.



In late October and November four open house public hearings were conducted, supported by the following outreach efforts:

- A large front-page story in the *Canby Herald* describing the proposals in detail and announcing public meeting dates, plus meeting reminders in the events section of other editions;
- Two articles in the *Oregonian*, including one related to a front-cover story in the weekly Clackamas County section.
- Direct mailing of almost 6,000 full-color postcards to every address in City limits.
- Presentation in front of the Planning Commission, televised on OCTS.
- Creation of a web page on the City's site dedicated to this issue ([www.ci.canby.or.us/streets](http://www.ci.canby.or.us/streets)) . The site contains extensive background information and details on the proposals.
- Meeting announcements via email to interested parties.
- Notice to neighborhood associations.
- Notice in the HOPE Village newsletter.
- Email to all Canby Area Chamber of Commerce members plus an article in the Chamber newsletter.
- Announcements at City Council meeting, televised on OCTS.

A total of 69 individuals attended the four meetings, which featured a very detailed presentation on street maintenance funding and the Task Force's recommendations. Staff recorded comments received at the meetings, and urged those in attendance to provide comments directly to the Council. A summary of comments received at each meeting are attached to this report. There was no consistent theme to the comments, rather many questions and suggestions. Staff responses to many of the comments are included in the meeting summaries.

In addition, four written comments have been received to date and are attached. Two were very brief, one in support of the new funding, and one opposed. Two of the letters were more detailed, both submitted by individuals who attended one of the open houses. Sid and Sheila Brown had specific comments about the structure of fees for the Street Maintenance Fee. The Browns also discussed the proposed fee for churches, which was the subject of Mr. Lee Wiegand's letter. Both suggested reducing or eliminating the fee for churches. This would be a Council policy decision.

The Council will hold a public hearing on this issue on December 5 to provide an additional opportunity for public comment.

### ***Background***

The City of Canby will receive approximately \$675,000 in street funding in fiscal year 2007-2008 from the State of Oregon. This represents 88% of funds available for road maintenance in Canby. The State has not raised the fuel tax in 14 years, and revenues are not keeping pace with increased construction costs. This has led to deterioration of City streets over the past ten or more years. As no statewide solution is in sight, many communities are looking to provide increased funding locally.

Ordinances 1261 and 1262 would provide increased funding to the street maintenance program,



but a variety of other recommendations have been made by the Street Maintenance Funding Task Force. A summary of the group's recommendations follows, along with staff's progress report on each:

- Adopt "moderate improvement" scenario, which brings the system's average condition up about 10 points over 20 years. Fund this with a 3¢/gallon local gas tax plus a street maintenance fee to be billed to both businesses and residents. *This scenario would be funded by the adoption of Ordinances 1261 and 1262 as drafted.*
- Strong citizen oversight:
  - Create permanent citizen oversight committee. *Included in Ordinance 1262, which creates a seven-member Street Maintenance Advisory Committee to meet annually at least and review program funding and expenditures.*
  - Place caps on administrative costs & eligible expenses. *Ordinances 1261 and 1262 each contain lists of eligible expenses and definitions of terms that make clear revenues can only be used for construction and maintenance of public roadways.*
  - Web site/direct mailings to provide ongoing information on projects. Annual report to community. *Ordinance 1262 requires staff to prepare a detailed annual report on the Street Maintenance Program which would be made available to the Advisory Committee, City Council, and public.*
- Use as many other funding sources as possible to reconstruct streets:
  - Urban Renewal
  - System Development Charges
  - Community Development Block Grant
  - Federal fund exchange
  - Development*This will be accomplished over time by prioritization and selection of projects by the City Council and Urban Renewal Agency. The Street Maintenance Program will be shared with other agencies as well to ensure capital project coordination.*
- Create street cutting moratorium after paving projects; coordinate with utilities and property owners before paving. *Under development; staff will be returning to Council with ordinance proposal.*
- Toughen street repair ordinance, review street design standards. *New Public Works Manager Dwayne Barnes is reviewing our current standards and will be reporting back with recommendations.*
- Create multi-year traffic calming plan. *Matilda Deas is working on this project.*
- Lobby for statewide solution. *This would be a Council decision.*
- Sign & enforce truck routes. *In process, including a review of truck routes as part of the City's Transportation Plan update.*
- Public involvement process prior to adoption. *Completed.*

### Options

1. Amend ordinances to change technical details related to fee structure, rate, committee makeup, etc. *The ordinances as proposed are based on those adopted by other communities, and have been through extensive public review. Several citizens*



*commented on the issues noted above, and these changes could be made by the Council if desired.*

2. Send one or both of the ordinances to the electorate for a final decision. *The public outreach process did not reveal significant opposition to this program and so staff believes adoption by Council would be appropriate if desired.*

***Attached***

- Ordinance 1261 creating a City of Canby Motor Vehicle Fuel Tax
- Ordinance 1262 creating a Street Maintenance Program including a citizen oversight committee and a Street Maintenance Fee
- Background documents:
  - Slides from public presentation
  - Summary of proposed street maintenance fee charges
  - Street maintenance fee detailed revenue estimate
  - Motor vehicle fuel tax revenue estimate
  - List of other Oregon cities with local funding sources for street maintenance
- Summary of comments & discussion at open house public meetings
- Four citizen comments received by staff (as of 11/27)

## **ORDINANCE NO. 1261**

### **AN ORDINANCE CREATING AND IMPOSING A TAX ON MOTOR VEHICLE FUEL DEALERS; PROVIDING FOR ENFORCEMENT, ADMINISTRATION, AND COLLECTION OF THE TAX; AND AMENDING THE CANBY MUNICIPAL CODE BY ADDING A NEW CHAPTER 3.40, "MOTOR VEHICLE FUEL TAX."**

**WHEREAS**, revenues from existing sources, including the State Motor Fuel Tax and the City's Construction Excise Tax, are not adequate to maintain the City of Canby's street system; and

**WHEREAS**, the condition of the City of Canby's street system has been declining each year as demonstrated by detailed inventories performed in 2000, 2002, and 2005; and

**WHEREAS**, poorly maintained streets create a variety of problems including increased wear on vehicles and increased safety hazards; and

**WHEREAS**, regular maintenance of streets is cost-effective for the City and for citizens because deteriorated streets are expensive to repair and maintain and cause increased wear on vehicles; and

**WHEREAS**, a well-maintained street system provides for increased safety, supports property value appreciation, prolongs the life of public and private vehicles, and contributes to a more attractive community; and

**WHEREAS**, the City of Canby has prepared a Street Maintenance Program, attached as Exhibit A, working with a citizen Task Force and professional consultants, to address these issues; and

**WHEREAS**, additional funding is required in order to fund increased maintenance of the City of Canby's street system; and

**WHEREAS**, Canby is an Oregon home-rule municipal corporation having the authority and power under the terms of its Charter to exercise all the powers and authority that the Constitution, statutes, and common law of the United States and Oregon expressly or implicitly grant or allow as though each such power was specifically enumerated therein; and

**WHEREAS**, the City's authority and power includes the authority to impose a tax on the sale of motor vehicle fuel sold within the City limits of Canby; and

**WHEREAS**, the City Council wishes to exercise that power and to limit the use of any revenues generated by the tax to purposes associated with the administration, construction, reconstruction, improvement, repair, maintenance, operation, and use of the public highways, streets, and roads within the City limits of Canby; now therefore

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The City of Canby's Municipal Code is amended by adding a new Chapter 3.40, "Motor Vehicle Fuel Tax," to read as shown in the attached Exhibit A.

Section 2. This ordinance shall take effect 30 days after passage. The taxation imposed by Section 1 shall commence July 1, 2008.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 5, 2007; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, January 2, 2008, commencing at the hour of 7:30 pm at the Council Meeting Chambers at the Canby City Hall, 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

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Kimberly Scheafer, CMC  
City Recorder Pro-Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 2<sup>nd</sup> day of January, 2008, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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Melody Thompson  
Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder Pro-Tem



Chapter 3.40  
MOTOR VEHICLE FUEL TAX

Sections:

3.40.020	Definitions
3.40.030	Tax Imposed
3.40.040	Amount and Payment
3.40.050	Permit Requirements
3.40.060	Permit Applications and Issuance
3.40.070	Failure to Secure Permit
3.40.080	Revocation of Permit
3.40.090	Cancellation of Permit
3.40.100	Remedies Cumulative
3.40.110	Payment of Tax and Delinquency
3.40.120	Monthly Statement of Dealer and Fuel Handler
3.40.130	Failure to File Monthly Statement
3.40.140	Billing Purchasers
3.40.150	Failure to Provide Invoice or Delivery Tag
3.40.160	Transporting Motor Vehicle Fuel in Bulk
3.40.170	Exemption of Export Fuel
3.40.180	Sales to Armed Forces Exempted
3.40.190	Fuel in Vehicle Coming into City Not Taxed
3.40.200	Refunds
3.40.210	Examination and Investigations
3.40.220	Limitation on Credit for Refund or Overpayment and on Assessment of Additional Tax
3.40.230	Examining Books and Accounts of Carrier of Motor Vehicle Fuel
3.40.240	Records to be Kept by Dealers and Fuel Handlers
3.40.250	Records to be Kept Three Years
3.40.260	Use of Tax Revenues
3.40.270	Administration
3.40.280	Severability

**3.40.020 Definitions**

As used in this chapter, unless the context requires otherwise:

(A) "City" means City of Canby and any person, agency or other entity authorized by the City to act as its agent related to administration of the Motor Vehicle Fuel Tax Ordinance or collection of the Motor vehicle fuel tax.

(B) "Dealer" means any person who:(1) Supplies or imports motor vehicle fuel for sale, use or distribution in, and after the same reaches the City, but "dealer" does not include any person who imports into the City motor vehicle

fuel in quantities of 500 gallons or less purchased from a supplier who is permitted as a dealer hereunder and who assumes liability for the payment of the applicable motor vehicle fuel tax to the City; or (2) Produces, refines, manufactures or compounds motor vehicle fuels in the City for use, distribution or sale in the City; or (3) Acquires in the City for sale, use or distribution in the City motor vehicle fuels with respect to which there has been no motor vehicle fuel tax previously incurred.

(C) "Motor Vehicle Fuel-Handler" means any person who acquires or handles motor vehicle fuel within the City through a storage tank facility with storage tank capacity that exceeds 500 gallons of motor vehicle fuel.

(D) "Distributor" means, in addition to its ordinary meaning, the deliverer of motor vehicle fuel by a dealer to any service station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks or motor vehicles whether or not the service station, tank or storage facility is owned, operated or controlled by the dealer.

(E) "Motor Vehicle" means all vehicles, engines or machines, moveable or immovable, operated or propelled by the use of motor vehicle fuel.

(F) "Motor Vehicle Fuel" Includes gasoline, diesel, and any other flammable or combustible gas or liquid, by whatever name that gasoline, gas or liquid is known or sold, usable as fuel for the operation of motor vehicles. Propane fuel and motor vehicle fuel used exclusively as a structural heating source are excluded as a taxable motor vehicle fuel.

(G) "Person" includes every natural person, association, firm, partnership, or corporation.

(H) "Service Station" means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

### **3.40.030 Tax Imposed**

A motor vehicle fuel tax is hereby imposed on every dealer operating within the corporate limits of Canby. The City of Canby motor vehicle fuel tax imposed shall be paid monthly to the City.

(A) A person who is not a permitted dealer or permitted motor vehicle fuel-handler shall not accept or receive motor vehicle fuel in this City from a person who supplies or imports motor vehicle fuel who does not hold a valid motor vehicle fuel dealers permit in this City. If a person is not a permitted dealer or permitted motor vehicle fuel-handler in this City and accepts or receives motor vehicle fuel, the purchaser or receiver shall be responsible for all taxes, interests and penalties prescribed herein.

(B) A permitted dealer or fuel-handler who accepts or receives motor vehicle fuel from a person who does not hold a valid dealer or fuel-handler permit in this City, shall pay the tax imposed by this Ordinance to the City, upon the sale, use or distribution of the motor vehicle fuel.



### **3.40.040 Amount and Payment**

(A) Subject to subsections (B) and (C) of this section, by law, every dealer engaging in his own name, or in the name of others, or in the name of his representatives or agents in the City, in the sale, use or distribution of motor vehicle fuel, shall: (1) Not later than the 25th day of each calendar month, render a statement to the City or to its authorized agent, of all motor vehicle fuel sold, used or distributed by him in the City as well as all such fuel sold, used or distributed in the City by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month. (2) Pay a motor vehicle fuel tax computed on the basis of three (3.0) cents per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this ordinance.

(B) In lieu of claiming refund of the tax as provided in Section 3.40.200, or of any prior erroneous payment of motor vehicle fuel tax made to the City by the dealer, the dealer may show such motor vehicle fuel as a credit or deduction on the monthly statement and payment of tax.

(C) The motor vehicle fuel tax shall not be imposed wherever it is prohibited by the Constitution or laws of the United States or of the State of Oregon.

### **3.40.050 Permit Requirements**

No dealer or fuel handler, shall sell, use or distribute any motor vehicle fuel until he has secured a dealer or fuel-handler permit as required herein.

### **3.40.060 Permit Applications and Issuance**

(A) Every person, before becoming a dealer or fuel handler in motor vehicle fuel in this City shall make an application to the City or its duly authorized agent, for a permit authorizing such person to engage in business as a dealer or fuel-handler.

(B) Applications for the permit must be made on forms prescribed, prepared and furnished by the City or its duly authorized agent.

(C) The applications shall be accompanied by a duly acknowledged certificate containing: (1) The business name under which the dealer or fuel-handler is transacting business. (2) The place of business and location of distributing stations in the City and in areas adjacent to the City limits in the State of Oregon. (3) The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.



(D) The application for a motor vehicle fuel dealer or fuel-handler permit having been accepted for filing, the City, shall issue to the dealer or fuel-handler a permit in such form as the City or its duly authorized agent may prescribe to transact business in the City. The permit so issued is not assignable, and is valid only for the dealer or fuel handler in whose name issued.

(E) The City Recorder's Office shall keep on file a copy of all applications and/or permits.

(F) No fee(s) shall be charged by the City for securing said permit as described herein.

### **3.40.070 Failure to Secure Permit**

(A) If any dealer sells, distributes or uses any motor vehicle fuel without first filing the certificate and securing the permit required by Section 3.40.060, the motor vehicle fuel tax shall immediately be due and payable on account of all motor vehicle fuel so sold, distributed or used.

(B) The City shall proceed forthwith to determine, from the best available sources, the amount of such tax, and it shall assess the tax in the amount found due, together with a penalty of 200 percent of the tax, and shall make its certificate of such assessment and penalty, determined by City Administrator or the City's duly authorized agent. In any suit or proceeding to collect such tax or penalty or both, the certificate is prima facie evidence that the dealer therein named is indebted to the City in the amount of the tax and penalty therein stated.

(C) Any fuel-handler who sells, handles, stores, distributes, or uses any motor vehicle fuel without first filing the certificate and securing the permit required by Section 3.40.060, shall be assessed a penalty of \$250.00 unless modified by Section 3.40.270(a), determined by the City Manager or the City's duly authorized agent. In any suit or proceeding to collect such penalty, the certificate is prima facie evidence that the fuel-handler therein named is indebted to the City in the amount of the penalty therein stated.

(D) Any tax or penalty so assessed may be collected in the manner prescribed in Section 3.40.110 with reference to delinquency in payment of the tax or by Court action.

### **3.40.080 Revocation of Permit**

The City shall revoke the permit of any dealer or fuel-handler refusing or neglecting to comply with any provision of this Ordinance. The City shall mail by certified mail addressed to such dealer or fuel-handler at his last known address appearing on the files, a notice of intention to cancel. The notice shall give the reason for the cancellation. The cancellation shall become effective without further notice if within 10 days from the mailing of the notice the dealer or fuel-handler has not made good its default or delinquency.



### **3.40.090 Cancellation of Permit**

(A) The City may, upon written request of a dealer or fuel-handler cancel any permit issued to such dealer or fuel-handler, the cancellation to become effective 30 days from the date of receipt of the written request.

(B) If the City ascertains and finds that the person to whom a permit has been issued is no longer engaged in the business of a dealer or fuel-handler, the City may cancel the permit of such dealer or fuel-handler upon investigation after 30 days' notice has been mailed to the last known address of the dealer or fuel handler.

### **3.40.100 Remedies Cumulative**

Except as otherwise provided in Sections 3.40.110 and 3.40.130, the remedies provided in Sections 3.40.070, 3.40.080, and 3.04.090 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this Ordinance.

### **3.40.110 Payment of Tax and Delinquency**

(A) The motor vehicle fuel tax imposed by Sections 3.40.030 and 3.40.040 shall be paid on or before the 25th day of each month to the City which, upon request, shall receipt the dealer or fuel-handler therefor.

(B) Except as provided in subsection (D) of this section, to any motor vehicle fuel tax not paid as required by subsection (A) of this section, there shall be added a penalty of one percent (1.0%) of such motor vehicle fuel tax.

(C) Except as provided in subsection (D) of this section, if the tax and penalty required by subsection (B) of this section are not received on or before the close of business on the last day of the month in which the payment is due, a further penalty of ten percent (10.0%) shall be paid in addition to the penalty provided for in subsection (B) of this section.

(D) If the City, determines that the delinquency was due to reasonable cause and without any intent to avoid payment, the penalties provided by subsections (B) and (C) of this section may be waived. Penalties imposed by this section shall not apply when the penalty provided in Section 3.40.070 has been assessed and paid.

(E) If any person fails to pay the motor vehicle fuel tax or any penalty provided for by this Ordinance, the amount thereof shall be collected from such person for the use of the City. The City shall commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same.

(F) In the event any suit or action is instituted to collect the motor vehicle fuel tax or any penalty provided for by this ordinance, the City shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.



(G) No dealer who collects from any person the tax provided for herein, shall knowingly and willfully fail to report and pay the same to the City, as required herein.

#### **3.40.120 Monthly Statement of Dealer and Fuel-Handler**

Unless modified by Section 3.40.270(b), every dealer and fuel-handler in motor vehicle fuel shall render to the City, on or before the 25th day of each month, on forms prescribed, prepared and furnished by the City, a signed statement of the number of gallons of motor vehicle fuel sold, distributed, used or stored by him during the preceding calendar month. The statement shall be signed by the permit holder. All statements as required in this section are public records.

#### **3.40.130 Failure to File Monthly Statement**

If any dealer or fuel-handler fails to file the report required by Section 3.40.120, the City, shall proceed forthwith to determine from the best available sources the amount of motor vehicle fuel sold, distributed, used or stored by such dealer or fuel-handler for the period unreported, and such determination shall be prima facie evidence of the amount of such fuel sold, distributed, used or stored. The City, immediately shall assess the motor vehicle fuel tax in the amount so determined, as pertaining to the reportable dealer, adding thereto a penalty of 10 percent for failure to report. Fuel-handlers failing to file a monthly statement of motor vehicle fuel shall be assessed a penalty of \$50.00. The penalty shall be cumulative to other penalties provided in this Ordinance. In any suit brought to enforce the rights of the City under this section, the above determination showing the amount of tax, penalties and costs unpaid by any dealer or fuel-handler and that the same are due and unpaid to the City is prima facie evidence of the facts as shown.

#### **3.40.140 Billing Purchasers**

Bills shall be rendered to all purchasers of motor vehicle fuel by dealers in motor vehicle fuel. The bills shall separately state and describe to the satisfaction of the City the different products shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the City are maintained. The bills required hereunder may be the same as those required under ORS 319.210.

#### **3.40.150 Failure to Provide Invoice or Delivery Tag**

No person shall receive and accept any shipment of motor vehicle fuel from any dealer, or pay for the same, or sell or offer the shipment for sale, unless



the shipment is accompanied by an invoice or delivery tag showing the date upon which shipment was delivered and the name of the dealer in motor vehicle fuel.

### **3.40.160      Transporting Motor Vehicle Fuel in Bulk**

Every person operating any conveyance for the purpose of hauling, transporting or delivering motor vehicle fuel in bulk shall, before entering upon the public streets of the City with such conveyance, have and possess during the entire time of his hauling or transporting such motor vehicle fuel an invoice, bill of sale or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee, if any, of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by the City to inquire into or investigate such matters, produce and offer for inspection the invoice, bill of sale or other statement.

### **3.40.170      Exemption of Export Fuel**

(A) The license tax imposed by Sections 3.40.030 and 3.40.040 shall not be imposed on motor vehicle fuel: (1) Exported from the City by a dealer; or (2) Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area or areas outside the City in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the City in such detail as may be required.

(B) In support of any exemption from motor vehicle fuel taxes claimed under this section other than in the case of stock transfers or deliveries in his own equipment, every dealer must execute and file with the City an export certificate in such form as shall be prescribed, prepared and furnished by the City, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the City, and giving such details with reference to such shipment as may be required. The City may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The City may, in a case where it believes no useful purpose would be served by filing of an export certificate, waive the certificate.

(C) Any motor vehicle fuel carried from the City in the fuel tank of a motor vehicle shall not be considered as exported from the City.

(D) No person shall, through false statement, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the City motor vehicle fuel tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof not to be exported, or divert or cause to be diverted the motor vehicle fuel or any portion thereof to be used, distributed or sold in the City and fail to notify the City and the dealer from whom the motor vehicle fuel was originally purchased of his act.



(E) No dealer or other person shall conspire with any person to withhold from export, or divert from export or to return motor vehicle fuel to the City for sale or use so as to avoid any of the fees imposed herein.

(F) In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the City. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

#### **3.40.180 Sales to Armed Forces Exempted**

The motor vehicle fuel tax imposed by Sections 3.40.030 and 3.40.040 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States for use in ships, aircraft or for export from the City; but every dealer shall be required to report such sales to the City, in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

#### **3.40.190 Fuel in Vehicles Coming Into City Not Taxed**

Any person coming into the City in a motor vehicle may transport in the fuel tank of such vehicle motor vehicle fuel for his own use only and for the purpose of operating such motor vehicle without securing a license or paying the tax provided in Sections 3.40.030 and 3.40.040, or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the City is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing the fuel into the City shall be subject to all provisions herein applying to dealers.

#### **3.40.200 Refunds**

Refunds will be made pursuant to ORS. 319.280 to 319.320.

#### **3.40.210 Examination and Investigations**

The City, or its duly authorized agent, may make any examination of accounts, records, stocks, facilities and equipment of dealers, fuel-handlers, service stations and other persons engaged in storing, selling or distributing motor vehicle fuel or other petroleum products within this City, and such other investigations as it considers necessary in carrying out the provisions of this ordinance. If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the City pursuant to the



requirements herein, have shown incorrectly the amount of gallons of motor vehicle fuel distributed or the tax accruing thereon, the City may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as maybe necessary to correct the errors by its examinations or investigations.

**3.40.220      Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax**

(A) Except as otherwise provided in this ordinance, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a dealer must be so taken or filed within three years after the date on which the overpayment was made to the City or to its authorized agent.

(B) Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this ordinance shall be served on dealers within three years from the date upon which such additional taxes become due.

**3.40.230      Examining Books and Accounts of Carrier Motor Vehicle Fuel**

The City or its duly authorized agent may at any time during normal business hours examine the books and accounts of any carrier of motor vehicle fuel operating within the City for the purpose of checking shipments or use of motor vehicle fuel, detecting diversions thereof or evasion of taxes in enforcing the provisions of this ordinance.

**3.40.240      Records to be Kept by Dealers and Fuel Handlers**

Every dealer and fuel-handler in motor vehicle fuel shall keep a record in such form as may be prescribed by the City of all purchases, receipts, sales and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and purchases, and shall at all times during the business hours of the day be subject to inspection by the City or its authorized officers or agents.

**3.40.250      Records to be Kept Three Years**

Every dealer and fuel-handler shall maintain and keep, for a period of three years, all records of motor vehicle fuel used, sold and distributed within the City by such dealer or fuel handler, together with stock records, invoices, bills of lading and other pertinent papers as may be required by the City. In the event such records are not kept within the State of Oregon, the dealer shall reimburse the City or its duly authorized agents for all travel, lodging, and related expenses

incurred in examining such records. The amount of such expenses shall be an additional tax imposed hereunder.

#### **3.40.260 Use of Tax Revenues**

(A) The City Administrator shall be responsible for the disposition of the revenue from the tax imposed by this ordinance in the manner provided by this section.

(B) For the purposes of this section, net revenue shall mean the revenue from the tax imposed by this ordinance remaining after providing for the cost of administering the motor vehicle fuel tax to motor vehicle fuel dealers and any refunds and credits authorized herein. The program administration costs of revenue collection and accounting activities shall not exceed 10.5% for the first year, and 10% thereafter, of annual tax revenues.

(C) The net revenue shall be used only for the activities related to the construction, reconstruction, improvement, repair, and maintenance of public highways, roads and streets within the City of Canby.

(D) The net revenue shall be used for the street maintenance program established under Chapter 3.30.

#### **3.40.270 Administration**

The City Administrator or his designate is responsible for administering this ordinance. In addition, the City Administrator may enter into an agreement with the Motor Vehicle Division of the Department of Transportation as an authorized agent for the implementation of certain sections of this ordinance. If the Motor Vehicles Division is chosen as an authorized agent of the City, then the modifications outlined below shall apply: (a) The fuel handler's penalty of Section 3.40.070(C) shall be reduced to \$100.00. And if the Division determines that the failure to obtain the permit was due to reasonable cause and without any intent to avoid obtaining a permit, then the penalty provided in Section 3.40.070 and this section may be waived. (b) The fuel handler's monthly reporting requirements of Section 3.40.120 and 3.40.130 shall be waived.

#### **3.40.280 Severability**

If any portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.



**ORDINANCE NO. 1262**

**AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE BY ADDING A NEW CHAPTER 3.30, "STREET MAINTENANCE PROGRAM," AND REQUIRING PAYMENT OF A STREET MAINTENANCE FEE.**

**WHEREAS**, revenues from existing sources, including the State Motor Fuel Tax and the City's Construction Excise Tax, are not adequate to maintain the City of Canby's street system; and

**WHEREAS**, the condition of the City of Canby's street system has been declining each year as demonstrated by detailed inventories performed in 2000, 2002, and 2005; and

**WHEREAS**, poorly maintained streets create a variety of problems including increased wear on vehicles and increased safety hazards; and

**WHEREAS**, regular maintenance of streets is cost-effective for the City and for citizens because deteriorated streets are expensive to repair and maintain and cause increased wear on vehicles; and

**WHEREAS**, a well-maintained street system provides for increased safety, supports property value appreciation, prolongs the life of public and private vehicles, and contributes to a more attractive community; and

**WHEREAS**, the City of Canby has prepared a Street Maintenance Program, attached as Exhibit A, working with a citizen Task Force and professional consultants, to address these issues; and

**WHEREAS**, additional funding is required in order to fund increased maintenance of the City of Canby's street system; now therefore

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The City of Canby's Municipal Code is amended by adding a new Chapter 3.30, "Street Maintenance Program," to read as shown in the attached Exhibit A.

Section 2. This ordinance shall take effect 30 days after passage. The fee imposed by Section 1 shall commence July 1, 2008.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 5, 2007; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday,



January 2, 2008, commencing at the hour of 7:30 pm at the Council Meeting Chambers at the Canby City Hall, 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder Pro-Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 2<sup>nd</sup> day of January, 2008, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder Pro-Tem

Chapter 3.30

STREET MAINTENANCE PROGRAM

Sections:

- 3.30.010 Definitions
- 3.30.020 Street Maintenance Advisory Committee
- 3.30.030 Administrative Officers
- 3.30.040 Dedication of Revenues
- 3.30.050 Annual Street Maintenance Program Report
- 3.30.060 Street Maintenance Fee
- 3.30.070 Determination of Street Maintenance Fee
- 3.30.080 Administration of Street Maintenance Fee
- 3.30.090 Waiver of Street Maintenance Fee in Case of Vacancy
- 3.30.100 Street Maintenance Fee Appeal Procedure
- 3.30.110 Exceptions to Street Maintenance Fee
- 3.30.120 Severability

3.30.010 Definitions

As used in this Chapter, unless the context requires otherwise:

(A) "Community Development Director." The City of Canby Community Development Director or the Director's designee.

(B) "Developed Property." A parcel or portion of real property on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

(C) "Dwelling Unit." One or more rooms designed for occupancy by one family and not having more than one cooking facility.

(D) "Gross Square Footage." The area of all structures, located on a developed property, measured along the exterior walls of the structures, and including but not limited to enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.

(E) "Multi-unit Residential Property." Residential property consisting of two or more dwelling units. For the purposes of this ordinance, condominiums, attached single-family residences, and individual mobile home units are also classified as multi-unit residential properties.

(F) "Non-Residential Property." Any property that is not residential property.



(G) "Residential Property." A property that is primarily for personal, domestic accommodation, including single single-family, multi-unit residential property and group homes, but not including hotels and motels.

(H) "Responsible Party." The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the City, the person(s) paying the sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a sewer bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the City. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the City.

(I) "Single Family Residential." Residential property that has only detached dwelling units.

(J) "Street." A public street or right-of-way within the City of Canby that is under the jurisdiction or control of the City. For purposes of this ordinance, county, state, and federal roads are excluded.

(K) "Street Maintenance Program." Program established by this chapter to maintain, repair and reconstruct City of Canby streets. Activities include the administration and collection of the Street Maintenance Fee; preventive maintenance, rehabilitation and reconstruction projects; design and inspection of such projects; street condition monitoring and assessment, including inspection of street repairs; and staff training and consultant services in support of the above activities.

(L) "Trip Generation." The average number of vehicle trips, as determined by reference to the Manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE) ("ITE Manual"), 7th edition.

(M) "Use Category or Category of Use." The Code number and resulting trip generation estimate determined with reference to the ITE Manual, and applicable to a particular developed property.



### **3.30.020 Street Maintenance Advisory Committee**

(A) A Street Maintenance Advisory Committee is hereby created to serve in an advisory role to the Council.

(B) The Street Maintenance Advisory Committee shall comprise seven 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 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.

(C) Appointees shall hold office for three-year terms from January 1 in the year of their appointment. At the expiration of a term of a Committee member, the City Council shall appoint a new member or may reappoint a member for a term of three years. If a vacancy occurs, the City Council shall appoint a new member to complete the unexpired term. Procedure for all appointments shall follow subsection (B) above. Any Committee member failing to attend three 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. Street Maintenance Advisory 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.

(D) At the first meeting of each year, the Advisory Committee shall elect a Chairperson and Vice-Chairperson who shall serve a term of one year. A majority of the members of the committee shall constitute a quorum. The Committee shall have authority to make and alter rules, with approval of the Council, for its government and procedures.

(E) The Street Maintenance Advisory Committee shall meet at least once per year to review the annual Street Maintenance Program Report and make recommendations to the City Council regarding funding levels, program activity, and related issues.

(F) Should funding levels for street maintenance from the state of Oregon rise, the Street Maintenance Advisory Committee shall meet to review the City's Street Maintenance Program and make recommendations to the City Council regarding Program funding. Revenues from the Motor Vehicle Fuel Tax established under Chapter 3.40 shall not be considered additional monies or new revenue. Annual variations in the City share of State Gas Tax revenues absent a change in the allocation method or tax rate shall not be considered additional monies or new revenue.



### **3.30.030 Administrative Officers**

(A) Except as provided below, the Community Development Director shall be responsible for the administration of this ordinance.

(B) The Community Development Director shall annually develop and update a five-year Street Maintenance Program project schedule. This schedule shall be properly integrated into the City's Capital Improvement Program, to ensure that it is coordinated with other City capital projects and projects of other agencies.

(C) The Community Development Director shall provide an annual report on the Street Maintenance Program to City Council and the Street Maintenance Task Force.

(D) The Community Development Director shall be responsible for implementation and enforcement of steps to minimize utility cut damage to streets, including a moratorium on street cutting on recently reconstructed, rehabilitated, or newly built City streets.

(E) The Finance Director shall be responsible for the administration and collection of fees under this ordinance.

### **3.30.040 Dedication of Revenues**

(A) All funds and all proceeds from funds collected pursuant to this chapter shall be used for the Street Maintenance Program.

### **3.30.050 Annual Street Maintenance Program Report**

(A) Each year the Community Development Director shall prepare and present to the Street Maintenance Advisory Committee and City Council the "Annual Street Maintenance Program Report." This document is a public record.

(B) The report shall include a narrative description of the overall condition of the street network, the findings of any new condition assessments, a detailed project schedule for the upcoming year, an updated five-year project schedule, the project selection criteria employed, and a report on the previous year projects, workload impacts, and overall program progress. The report shall include revenues received relative to revenue projections, project cost inflation trends, and any other new developments that impact the adequacy of the program funds to meet program goals.

### **3.30.060 Street Maintenance Fee**

(A) A Street Maintenance Fee is imposed and levied upon the responsible party for all developed property within the City. The fee shall be

based on the direct and indirect use of or benefit derived from the use of public streets generated by the developed property, to be calculated as described in Section 3.30.070.

(B) The Street Maintenance Fee is also imposed and levied on the property owner of the developed property in the event of non-payment by the responsible party.

### **3.30.070 Determination of Street Maintenance Fee**

(A) Residential Fees.

1. Detached Single Family Residences shall be charged \$5.00 per month. ITE Code 210.
2. Multi-Family Residences, except for Senior Housing, mobile home parks, and Congregate Care, shall be charged \$3.34 per month for each dwelling unit. ITE Codes 220, 221, 222, 223, 224, 230, 231, 232, 233.
3. Detached Senior Housing and mobile home parks will be charged \$2.09 per month for each dwelling unit. ITE Codes 240, 250, 251.
4. Attached Senior Housing and Congregate Care facilities will be charged \$1.04 per month for each dwelling unit. ITE Codes 252, 253, 254.

(B) Non-residential fees.

1. Category Assignment. Each Non-Residential Developed Property in the City shall be assigned to a Category of Use according to the land use type listed in sub-section C.
2. Upon request of the customer, the Community Development Director shall review the Category of Use assignment. The Community Development Director shall consider evidence provided by the customer that relates to the actual trip generation patterns of the property in question. The determination of Category of Use shall not be considered a land use decision as that term is defined in ORS 197.015.
3. Fee calculation. The Street Maintenance Fee shall be calculated by multiplying the number of Units (listed in subsection C) by the trip rate per unit for that assigned Category of Use and then by the monthly per trip charge of \$0.522 to establish the monthly fee to be billed.



4. Fee minimum. The minimum monthly Street Maintenance Fee for non-residential accounts shall be \$5.00.

(C) Category of Use.

1. Category 0 shall be estimated at 1.00 trip per Unit. Land Uses include city park, state park, waterslide park, movie theater, military base, wholesale market, furniture store, general heavy industrial, mini-warehouse, high cube warehouse, utilities. ITE Codes 411, 413, 414, 444, 501, 860, 890, 120, 151, 152.
2. Category 1 shall be estimated at 2 trips per Unit. Land Uses include county park, nursing home, discount club, light rail transit station w/ parking, all suite hotel, business hotel. ITE Codes 93, 311, 312, 412, 620, 861.
3. Category 2 shall be estimated at 4 trips per Unit. Land Uses include general aviation airport, general light industrial, industrial park, manufacturing, warehouses, hotel, motel, resort hotel, regional park, golf course, prison, general office, corporate headquarters, single tenant office, office park, research center, auto care center, self-service car wash, tire store, wholesale tire store, supermarket, discount supermarket, and toy/children's superstore. ITE Codes 22, 110, 130, 140, 150, 310, 320, 330, 417, 430, 571, 710, 714, 715, 750, 760, 840, 947, 848, 849, 850, 854 and 864.
4. Category 3 shall be estimated at 8 trips per Unit. Land Uses include water port/marine terminal, truck terminals, casino/video lottery establishment, tennis club, racquet club, elementary school, middle/junior high school, high school, church, hospital, business park, building materials/lumber, specialty retail center, nursery-retail (garden center), nursery-wholesale, shopping center, factory outlet center, quality restaurant, quick lubrication, auto parts sales, gasoline/service station, gasoline/service station w/convenience market, gasoline/service station w/convenience market and car wash, convenience market (16 hr), home improvement superstore, and video rental. ITE Codes 10, 30, 473, 491, 492, 520, 522, 530, 560, 610, 770, 812, 814, 817, 818, 820, 823, 931, 837, 843, 944, 945, 946, 852, 862 and 896.
5. Category 4 shall be estimated at 16 trips per Unit. Land Uses include beach park, marina, junior/community college, day care center/preschool, library, clinic, medical-dental office building, free-standing discount superstore, free-standing discount store, hardware/paint stores, high turnover sit-down restaurant, fast food restaurant w/drive through, new car sales, convenience market (24



hr), electronics superstore, apparel store, bank/savings w/walk-in, bank savings w/drive-in, bus depot, and racquetball club. ITE Codes 415, 420, 540, 565, 590, 630, 720, 813, 815, 816, 932, 934, 841, 851, 863, 870, 911, 912.

6. Category 5 shall be estimated at 32 trips per Unit. Land Uses are fast food restaurant w/out drive-through, convenience market w/gas pump, pharmacy/drug store w/out drive through, and pharmacy/drug store w/drive-through. ITE Codes 933, 853, 880, and 881.
7. Category 6 shall be estimated at 64 trips per Unit. Land Uses include commercial airport, truck terminal, utilities, campground/recreational vehicle, multi-purpose recreational facility, government office building, US post office, and amusement (theme) park. ITE Codes 21, 30, 170, 416, 435, 730, and 732.
8. Category 7 shall be estimated at 128 trips per Unit. Land Uses include state motor vehicles department. ITE Codes 731.
9. Category 8 shall be estimated at 256 trips per Unit. Land Uses include park and ride lot with bus service. ITE Codes 90.

(D) Units. The Unit used in calculating the Non-Residential Street Maintenance Fee shall be one (1) thousand square gross square feet of building area, with the following exceptions. The Unit for parks, golf courses, park and ride facilities with bus service, cemeteries, marinas, and multi-purpose recreational facilities shall be one (1) acre. The Unit for lodges shall be one (1) member. The Unit for hotels or motels shall be one (1) room. The Unit for self-service car washes shall be one (1) wash stall. The Unit for tennis courts or racquet clubs shall be one (1) court. The Unit for quick lubrication vehicle stops or gas stations shall be one (1) fueling or service position. The Unit for movie theaters shall be one (1) seat.

(E) Unlisted uses. In the event that a property is occupied by a use that is not expressly listed in any of the above categories, the Community Development Director shall determine which category the property should be placed in, based on similarity in expected trip generation. If no category is appropriate, the Community Development Director shall determine the trips per unit shall be based on a transportation study, the Trip Generation Manual, or any other method of determining trips. Any determination by the Community Development Director under this section may be reviewed under the procedure described in section 3.30.100, sub-section (B). The result of the review may be appealed to



the City Council by filing a notice of appeal within 10 days of the date notice of the result of the review is mailed to the property owner.

### **3.30.080 Administration of Street Maintenance Fee**

(A) The Street Maintenance Fee shall be billed and collected with and as part of the monthly sewer bill for those lots or parcels utilizing City sewer and billed and collected separately for those Developed Properties not utilizing City sewer. In the event of non-payment, the City may bill the property owner or take other action as authorized by law to collect from the responsible party.

(B) In the event funds received from City utility billings are inadequate to satisfy in full all of the sanitary sewer and Street Maintenance fees, credit shall be given first to the Street Maintenance fee and second to the sanitary sewer service charges.

(C) Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this ordinance, including, but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

### **3.30.090 Waiver of Street Maintenance Fee in Case of Vacancy**

(A) When any property within the City becomes vacant and utility services are discontinued (if applicable), a waiver of the Street Maintenance Fee may be granted by the Finance Director upon written application of the person responsible, including a signed statement, affirming under penalty of perjury that the property is vacant, and upon payment of all outstanding sanitary sewer and street maintenance charges.

(B) For purposes of this section, "vacant" shall mean that an entire building or utility billing unit has become vacant or continuously unoccupied for at least 30 days. "Vacant" shall not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

(C) Fees shall be waived in accordance with this section only while the property remains vacant. The person responsible shall notify the City within 5 days of the premises being occupied, partially occupied or used, regardless of whether utility service is restored.

### **3.30.100 Street Maintenance Fee Appeal Procedure**

(A) Any owner who disputes any interpretation given by the City as to the Category of Use assigned to such owner's property pursuant to this ordinance may request a review and appeal such interpretation, but only in accordance with this section. The dispute must first be presented to the



Community Development Director for review and thereafter may be appealed to the City Council in accordance with this section. Failure to appeal an interpretation made under this ordinance within the time and in the manner provided shall be sufficient cause to deny the relief requested. Except in cases of hardship as determined by the Council, disputes which result in changes in the Street Maintenance Fee charged under this ordinance shall become effective with the next billing cycle.

(B) A utility customer may request a review of the Category of Use assigned. The Community Development Director shall conduct the review, considering all relevant evidence presented by the customer related to their actual trip generation patterns. Such evidence may include business records, parking lot usage, or traffic studies. The Community Development Director shall make a determination based on the evidence provided and provide notice to the customer.

(C) A customer who wishes to dispute an interpretation made by the Community Development Director as to the assigned Category of Use under this ordinance shall submit a written appeal to the City Administrator within 10 days from the date of notice of the Community Development Director's determination under subsection B of this section, together with a filing fee in the amount of \$300. The application for appeal shall specify the reasons therefore and include an engineering study prepared by a licensed professional engineer in conformance with the methodology outlined in the ITE Manual. Appeals shall be limited to the issue of whether the appropriate Category of Use has been assigned to the property.

(D) The City Administrator shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The Council shall conduct a hearing during a public meeting and determine whether there is substantial evidence in the record to support the interpretation given by the Community Development Director. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council shall make a tentative oral decision and shall adopt a final written decision together with appropriate findings in support. The decision of the Council with respect to the Category of Use shall be limited to whether the appellant has been assigned to the appropriate Category of Use. If the Council should determine that a different Category of Use should be assigned, it shall so order, provided no refund of prior Street Maintenance Fees shall be given. Only where the Council decision results in a change in Category of Use will the filing fee on the appeal be refunded. The Council decision shall be final.

### **3.30.110 Exceptions to Street Maintenance Fee**

The following shall not be subject to the Street Maintenance Fee:

- (A) City of Canby public parking lots.
- (B) Publicly owned parkland, open spaces, and greenways, unless public off-street parking designed to accommodate the use of such areas is provided.
- (C) Areas encompassed by railroad and public rights-of-way, except for developed railroad property such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail-transported goods to non-rail transport, which areas shall be subject to Street Maintenance Fees.

### **3.30.120 Severability**

In the event any section, subsection, paragraph, sentence or phrase of this chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this ordinance imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the Street Maintenance Fee shall be created and the remainder of the ordinance and the fees imposed thereunder shall continue to apply to the remaining properties without interruption. Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.





# City of Canby

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## Street Maintenance Funding

November 2007

## Contents

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- **Pt. 1: Current road conditions**
- Pt. 2: Current street funding & expenditures
- Pt. 3: Local funding options, Task Force Recommendation, next steps

## Canby's Street System

---

- 54 miles of streets
- Replacement cost: \$52 million

## Excellent/Very Good Pavement

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- 42% of mileage
- Crack seals, surface seals
- <\$1.70 per square yard





## Good Pavement

- 9% of mileage
- Needs thin overlay or slurry seal
- \$4.25 - \$13.50/square yard



## Fair/Poor Pavement

- 19% of mileage
- Needs grinding & thick overlay or reconstruction
- Up to \$33.00/square yard



## Very Poor/Failed Pavement

- 30% of mileage
- Needs grinding & thick overlay or reconstruction
- Up to \$54.00/square yard



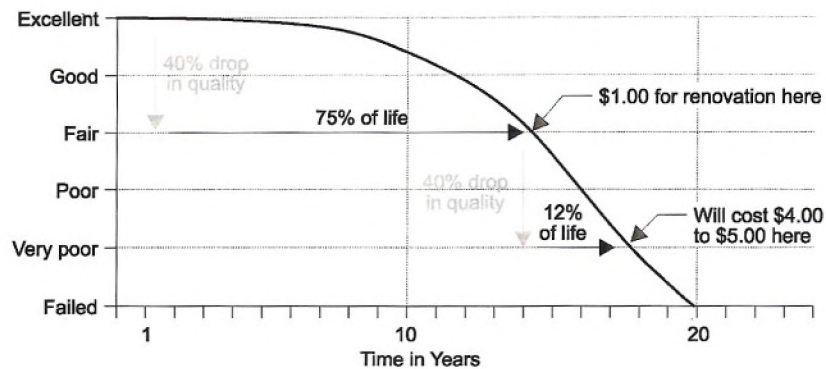
## Canby Street Conditions

Condition	PCI #	2000	2002	2005	2007 (est.)
Excellent/ Very Good	70-100	54%	47%	44%	42%
Good	55-69	26%	20%	15%	9%
Fair/Poor	25-54	18%	22%	26%	19%
Very Poor/ Failed	0-24	2%	11%	20%	30%
AVG. CONDITION		68	63	57	49



# Pavement Life Cycle

## PAVEMENT LIFE CYCLE

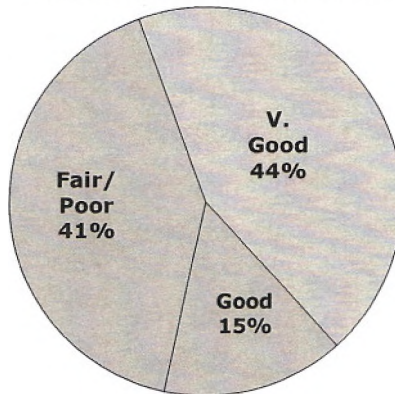


## Projected deterioration

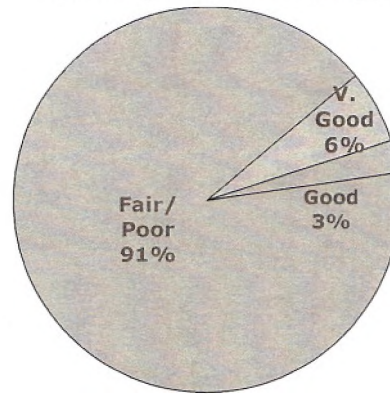
	2005	2006	2007	2008	2009
Knight's Br. Rd.	25	19	14	9	3
N. Grant (1 <sup>st</sup> to Knight's Br.)	27	20	14	8	1
N. Maple (14 <sup>th</sup> to Terr.)	52	49	44	36	31

## Condition vs. Cost

2005 street condition



Five-year needs (\$)



## Contents

- Pt. 1: Current road conditions
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- Pt. 3: Local funding options, Task Force Recommendation, next steps



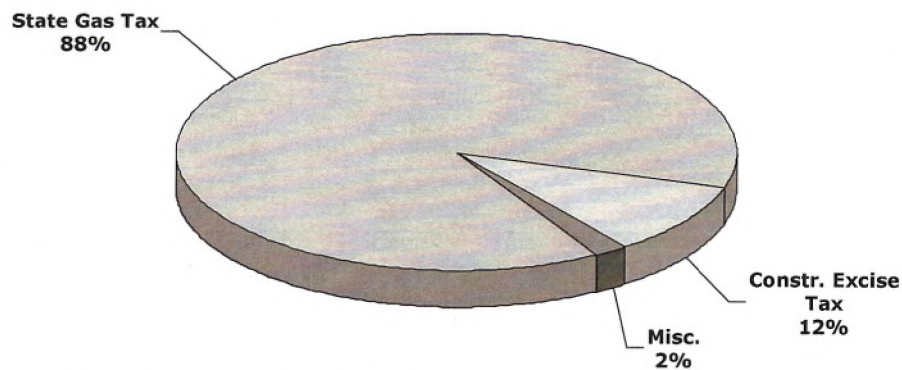
## Canby Street Funding

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- State Gas Tax
- Construction Excise Tax
- System Development Charges  
(SDCs only fund "capacity" projects)
- Federal revenues
- Grants
- URD

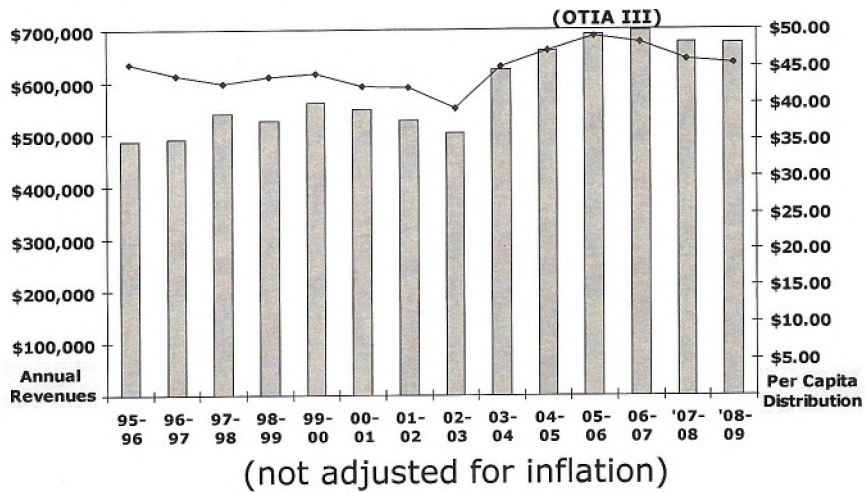
## Street Dept. Revenues

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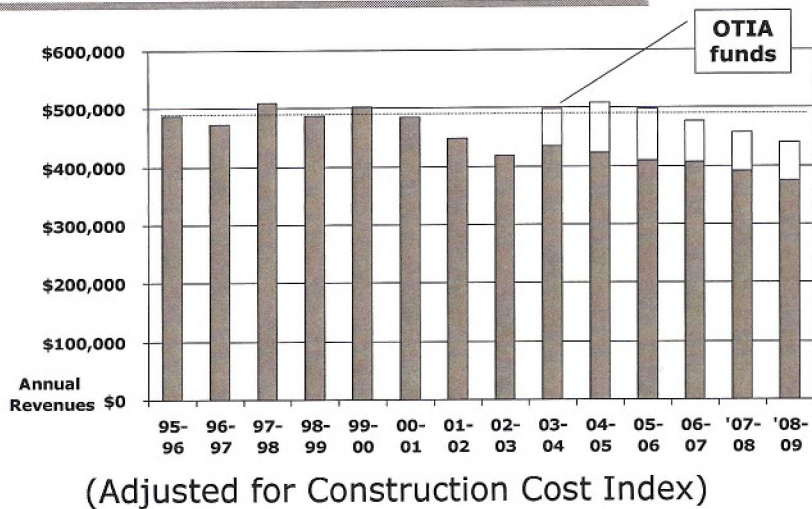


**(Does not include SDCs, etc.)**

## State Gas Tax Revenue



## State Gas Tax Revenue





**COMPARISON OF AUTOMOBILE RELATED TAXES**  
January 2007

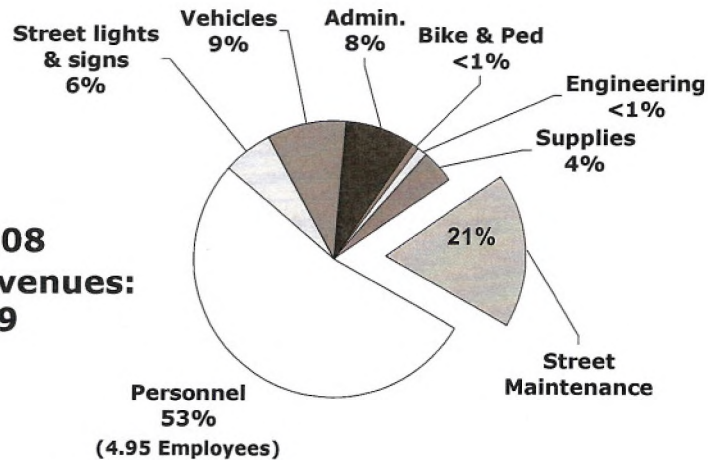
Tax:	Oregon	BORDERING STATES				OTHER WESTERN STATES	
		Washington	California	Idaho	Nevada	Montana	Utah
State Gasoline Excise Tax (a)	24.0¢	34.0¢	18.0¢	25.0¢	18.46¢	27.75¢	24.5¢
Gasoline Sales and Local Option Taxes(b)	3.0¢	0.0¢	24.1¢	0.0¢	15.35¢	0.0¢	0.0¢
Re-Registration and Related Fees (c)	\$27.00	\$55.75	\$48.00	\$55.00	\$34.00	\$100.25	\$26.50
Tax Equivalent (Cents/Gallon)	5.4¢	11.2¢	9.6¢	11.0¢	6.8¢	20.1¢	5.3¢
Median Ad Valorem Taxes (d)	\$0.00	\$13.00	\$66.00	\$0.00	\$57.96	\$66.00	\$110.00
Tax Equivalent (Cents/Gallon)	0¢	2.6¢	13.2¢	0¢	11.6¢	13.2¢	22.0¢
Prorated Automobile Sales Taxes (e)	\$0.00	\$253.00	\$237.19	\$172.50	\$201.25	\$0.00	\$189.75
Tax Equivalent (Cents/Gallon)	0¢	50.6¢	47.4¢	34.5¢	40.3¢	0¢	38.0¢
Prorated Title and Related Fees (f)	\$13.75	\$6.00	\$4.25	\$2.00	\$7.06	\$3.00	\$1.50
Tax Equivalent (Cents/Gallon)	2.8¢	1.2¢	0.9¢	0.4¢	1.4¢	0.6¢	0.3¢
<b>Total Equivalent Cents/Gallon (g)</b>	<b>35.2¢</b>	<b>99.6¢</b>	<b>113.2¢</b>	<b>70.9¢</b>	<b>93.9¢</b>	<b>61.7¢</b>	<b>90.1¢</b>

(a) California, Idaho, Nevada, Montana and Utah include petroleum clean-up taxes. Washington gas tax increases to 36 cents per gallon 7/1/07.  
 (b) Includes weighted average sales taxes and weighted average local option excise taxes. California tax assumes \$2.75 per gallon retail price.  
 (c) Includes miscellaneous and weighted average local option fees. Excludes air emissions fees.  
 (d) Applies state formula to national median age (8 years) of an average price automobile. Includes weighted average local option taxes.  
 (e) Prorated over eight years, and based on an average price of \$23,000. Includes weighted average local option taxes.  
 (f) Prorated over four years.  
 (g) Based on estimated average gallons of 500 per year (10,000 miles per year @ 20.0 mpg).

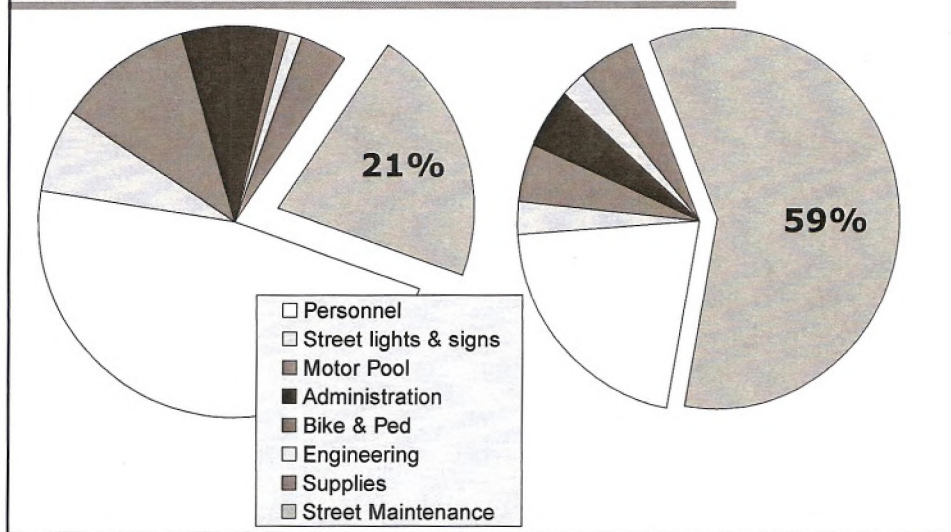
Source: Oregon Department of Transportation, Economics and Policy Analysis, January 2007

## Street Fund Expenditures

**2007-2008  
Total Revenues:  
\$768,759**



**All new \$\$ will be spent on paving**  
**\$797,000                      \$1,797,000**



## Budget Scenarios

- Current Spending (\$265,000/yr)
  - PCI = 36 in 2026
- Halt Decline (+\$400,000/yr)
  - PCI = 50 in 2026
- Moderate Improvement (+\$495,000/yr)
  - PCI = 60 in 2026
- Arterials & Collectors (+\$570,000/yr)
  - PCI = 68 in 2026
- Unconstrained (+\$1,300,000/yr)
  - PCI = 86 in 2026



## Contents

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- Pt. 1: Current road conditions
- Pt. 2: Current street funding & expenditures
- **Pt. 3: Local funding options, Task Force Recommendation, next steps**

## Street Funding Options

---

- Fuel Tax (state, regional)
- Property Taxes
- Serial levies
- Other taxes
- Grants
- User Fee
- Local Fuel Tax
- Other

## Local Motor Vehicle Fuel Tax

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- Based on use of road system
- Paid by users
- State law: may be used only for streets
- Est. net revenue \$60,000 per year per 1¢
- In use around Oregon

## Local fuel taxes in Oregon

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- |                     |                    |
|---------------------|--------------------|
| ■ Sandy 1¢          | ■ Coquille 3¢      |
| ■ Stanfield 1¢      | ■ Cottage Grove 3¢ |
| ■ Woodburn 1¢       | ■ The Dalles 3¢    |
| ■ Washington Co. 1¢ | ■ Multnomah Co. 3¢ |
| ■ Tillamook 1.5¢    | ■ Tigard 3¢        |
| ■ Dundee 2¢         | ■ Springfield 3¢   |
| ■ Pendleton 2¢      | ■ Veneta 3¢        |
| ■ Milwaukie 2¢      | ■ Warrenton 3¢     |
| ■ Astoria 3¢        | ■ Eugene 5¢        |
| ■ Coburg 3¢         |                    |



## Street Maintenance Fee

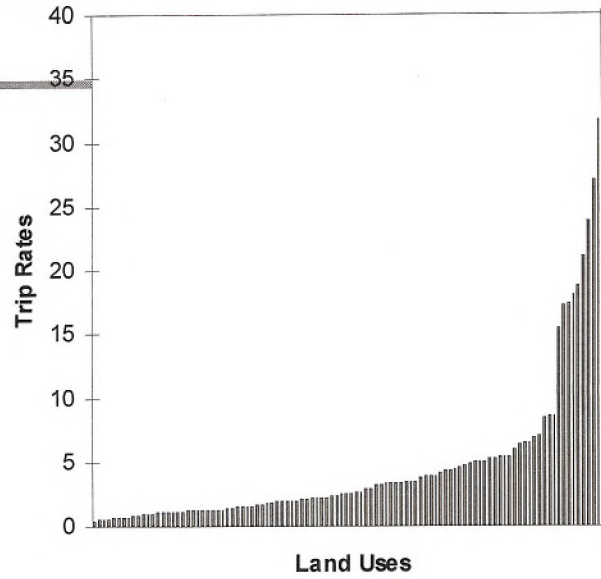
- Based on use of road system
- Paid by user
- Same basis as City SDCs
- Appeals, refinements allowed
- Used only for street maintenance
- In use around Oregon

(Medford, Tualatin, Eagle Point, Ashland,  
Wilsonville, La Grande, Hubbard, Lake Oswego,  
Tigard, Grants Pass, Corvallis, Milwaukie)

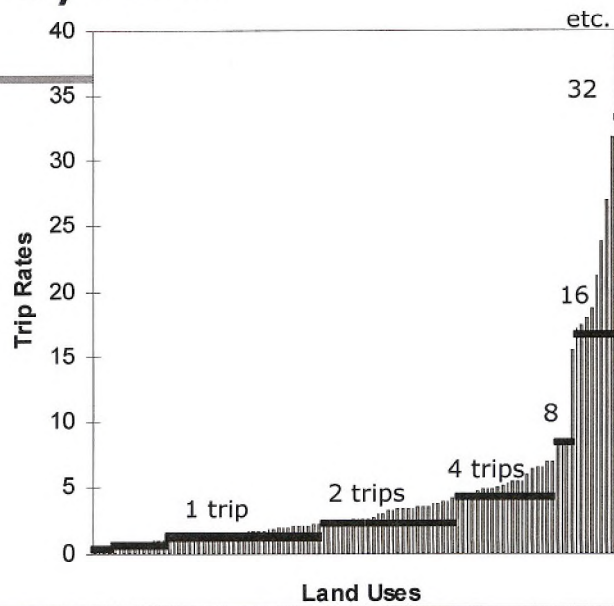
## How does it work?

Use	Trips	Length	Links	Total	Unit	Total
Single Family Home	9.6	1	1	9.6	Home	
Apartment	6.6	.97	1	6.4	Apt.	
Super-market	111	.14	.46	7.1	1,000 square ft	
Fast food	496	.09	.51	22.7	1,000 square ft	
Office	11	.65	1	7.2	1,000 square ft	
Light Industrial	6.97	1.12	1	7.8	1,000 square ft	

## Result



## Bin System

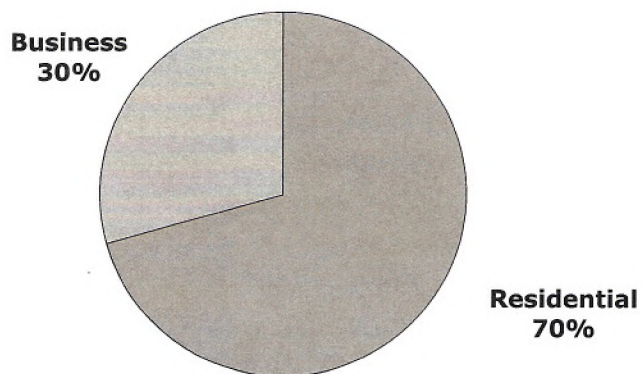




## Comparative monthly fees

Single Family Home	\$5.00
Apartment	\$3.34
60,000 s.f. supermarket	\$125.28
10,000 s.f. manufacturing	\$20.88
2,000 s.f. office	\$4.18
<b>EST. ANNUAL NET REVENUE</b>	<b>\$350,000</b>

## Canby SMF Revenue source



## Task Force Recommendation

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- Adopt "moderate improvement" scenario, which brings the system's average condition up about 10 points over 20 years.
- Fund this with a 3¢/gallon local fuel tax plus a street maintenance fee to be billed to both businesses and residents.

## Task Force Recommendation

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- Oversight:
  - Create permanent citizen oversight committee.
  - Place caps on administrative costs & eligible expenses.
  - Web site/direct mailings to provide ongoing information on projects.  
Annual report to community.



## Task Force Recommendation

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- Use as many other funding sources as possible to reconstruct streets:
  - Urban Renewal
  - System Development Charges
  - Community Development Block Grant
  - Federal fund exchange
  - Development

## Task Force Recommendation

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- Create street cutting moratorium after paving projects; coordinate with utilities and property owners before paving
- Toughen street repair ordinance
- Review street design standards
- Create multi-year traffic calming plan
- Lobby for statewide solution
- Sign & enforce truck routes

## CITY OF CANBY PROPOSED STREET MAINTENANCE FEE

To calculate the monthly fee for any property, multiply the number of units by the monthly fee per unit. For example, a 3,000 s.f. office would pay \$6.27 per month (3 x \$2.09)

<b>Land Use</b>	<b>Unit</b>	<b>Monthly fee per unit</b>
<b>RESIDENTIAL</b>		
Single Family	Dwelling Unit	\$5.00
Multi-Family (Duplexes, Apartments, etc.)	Dwelling Unit	\$3.34
Mobile Home Park	Occupied Dwelling Unit	\$2.09
Retirement Community	Occupied Dwelling Unit	\$2.09
Elderly Housing-Detached	Occupied Dwelling Unit	\$2.09
Congregate Care Facility	Occupied Dwelling Unit	\$1.04
Elderly Housing-Attached	Occupied Dwelling Unit	\$1.04
Recreational Home	Dwelling Unit	\$1.04
<b>BUSINESS &amp; COMMERCIAL</b>		
Hotel/Motel	Occupied Room	\$2.09
Building Materials/Lumber	1,000 sf GFA	\$4.18
Free-Standing Discount Store/Superstore	1,000 sf GFA	\$8.35
Specialty Retail Center	1,000 sf GFA	\$4.18
Hardware/Paint Stores	1,000 sf GFA	\$8.35
Nursery/Garden Center	1,000 sf GFA	\$4.18
Shopping Center	1,000 sf GFA	\$4.18
Quality Restaurant	1,000 sf GFA	\$4.18
High Turnover Sit-Down Restaurant	1,000 sf GFA	\$8.35
Fast Food Restaurant w/out Drive-Through	1,000 sf GFA	\$16.70
Fast Food Restaurant w/ Drive-Through	1,000 sf GFA	\$8.35
Quick Lubrication	Servicing Position	\$4.18
Auto Care Center	1,000 sf GFA	\$1.04
New Car Sales	1,000 sf GFA	\$8.35
Auto Parts Sales	1,000 sf GFA	\$4.18
Gasoline/Service Station	Fueling Position	\$4.18
Self-service Car Wash	Wash Stall	\$2.09
Tire Store	1,000 sf GFA	\$2.09
Supermarket	1,000 sf GFA	\$2.09
Convenience Market (24 Hr)	1,000 sf GFA	\$8.35
Convenience Market (16 Hr)	1,000 sf GFA	\$4.18
Convenience Market w/ Gas Pump	1,000 sf GFA	\$16.70
Discount Supermarket	1,000 sf GFA	\$2.09
Wholesale Market	1,000 sf GFA	\$0.39
Discount Club	1,000 sf GFA	\$1.04
Home Improvement Superstore	1,000 sf GFA	\$4.18
Electronics Superstore	1,000 sf GFA	\$8.35
Toy/Children's Superstore	1,000 sf GFA	\$2.09
Apparel Store	1,000 sf GFA	\$8.35
Pharmacy/Drug Store w/out Drive-Through	1,000 sf GFA	\$16.70
Pharmacy/Drug Store w/ Drive-Through	1,000 sf GFA	\$16.70
Furniture Store	1,000 sf GFA	\$0.39
Video Rental	1,000 sf GFA	\$4.18
Bank/Savings: Walk-in or Drive-through	1,000 sf GFA	\$8.35
RV Park	space	\$2.09



## CITY OF CANBY PROPOSED STREET MAINTENANCE FEE

To calculate the monthly fee for any property, multiply the number of units by the monthly fee per unit. For example, a 3,000 s.f. office would pay \$6.27 per month (3 x \$2.09)

<b>Land Use</b>	<b>Unit</b>	<b>Monthly fee per unit</b>
<b>OFFICE</b>		
General Office/Single Tenant Office	1,000 sf GFA	\$2.09
Corporate Headquarters	1,000 sf GFA	\$2.09
Medical-Dental Office Building	1,000 sf GFA	\$8.35
Clinic/Outpatient Svcs/Diagnostics	1,000 sf GFA	\$8.35
Government Office Bldg.	1,000 sf GFA	\$33.41
U.S. Post Office	1,000 sf GFA	\$33.41
Office Park	1,000 sf GFA	\$2.09
<b>INDUSTRIAL</b>		
General Light Industrial/Manufacturing	1,000 sf GFA	\$2.09
General Heavy Industrial	1,000 sf GFA	\$0.39
Warehouse	1,000 sf GFA	\$2.09
Mini-Warehouse	1,000 sf GFA	\$0.39
Utilities	Acre	\$33.41
<b>INSTITUTIONAL</b>		
Bus Depot	1000 sf GFA	\$8.35
City Park	Acre	\$0.39
Campground/Recreational Vehicle Park	Acre	\$33.41
Regional Park	Acre	\$2.09
Neighborhood (undeveloped) Park	Acre	\$2.09
Golf Course	Acre	\$2.09
Multi-Purpose Recreational Facility	Acre	\$33.41
Movie Theatre w/out Matinee	Seats	\$0.52
Movie Theatre w/ Matinee	Seats	\$0.39
Casino/Video Lottery Establishment	1,000 sf GFA	\$4.18
Tennis Club	Acre	\$4.18
Racquet Club	1,000 sf GFA	\$4.18
Elementary School	1,000 sf GFA	\$4.18
Middle/Junior High School	1,000 sf GFA	\$4.18
High School	1,000 sf GFA	\$4.18
Junior/Community College	1,000 sf GFA	\$8.35
Church	1,000 sf GFA	\$4.18
Day Care Center/Preschool	1,000 sf GFA	\$8.35
Library	1,000 sf GFA	\$8.35
Hospital	1,000 sf GFA	\$4.18
Nursing Home	1,000 sf GFA	\$1.04
<b>PORT and TERMINAL</b>		
Truck Terminal	Acre	\$33.41
Park and Ride Lot with Bus Service	Acre	\$133.63

*All fee rates are based on traffic generation data published by the Institute of Transportation Engineers  
(the same data that has been used for 15+ years by the City of Canby to determine System  
Development Charge rates).*

Bin #	Description	Total Units* (estimated)	Trip Rate	Monthly rate per unit	Revenue per month
				\$0.52	
<b>Residential</b>					
	Single family homes	3711	9.57	\$5.00	\$18,538
	Multi-family units	1960	6.4	\$3.34	\$6,548
	Detached senior housing, mobile home parks	200	4	\$2.09	\$418
	Attached senior housing, congregate care	60	2	\$1.04	\$63
<b>Commercial/ Industrial/Insitutional</b>					
0	Parks, warehouses, heavy industrial, etc.	168	0.75	\$0.39	\$66
1	Nursing homes	31	2	\$1.04	\$32
2	Light industrial, hotels, general office, most stores	1490	4	\$2.09	\$3,112
3	Schools, heavy commercial, gas stations, etc.	565	8	\$4.18	\$2,360
4	Day care, library, many restaurants, banks, etc.	375	16	\$8.35	\$3,133
5	Convenience markets, drug stores, etc.	0	32	\$16.70	\$0
6	Utilities, post office, others	26	64	\$33.41	\$854
7	Motor vehicle department	0	128	\$66.82	\$0
8	Park and ride lot	0	256	\$133.63	\$0
				<i>Total</i>	<i>\$35,123</i>

# of bills	6,431
cost per bill	\$0.65
bills per year	12
annual billing cost	\$50,162
Monthly revenue	\$35,123
Annual revenue	\$421,474
Minus billing cost	\$50,162
Minus uncollectable (5%)	\$21,074
<b>Net annual revenue</b>	<b>\$350,239</b>
billing cost	11.9%

Revenue from Business	\$9,556	27.2%
Revenue from Residential	\$25,567	72.8%

\*Different land uses are billed by different units of measurement. For example, parks are billed per acre, gas stations by number of pumps, etc. Most businesses are measured by gross square footage.



<b>Cost of 3¢ City of Canby gas tax to average driver who buys all their gas in Canby</b>		
Miles driven per year	12,000	
Gas mileage (mpg)	20	
Gallons of gas bought in Canby per year	600	
<u>Gas tax (¢/gal)</u>	<u>\$0.03</u>	
<i>Annual cost</i>	<i>\$18.00</i>	
<i>Monthly cost</i>	<i>\$1.50</i>	

<b>Estimated revenues from 3¢ City of Canby gas tax</b>		
Gallons sold per year in Canby	6,250,000	
Gas tax (¢/gal)	\$0.03	
Gross revenue	\$187,500	
ODOT annual fee to handle billing (est. 5%)	\$9,375	
<i>Net annual revenue</i>	<i>\$178,125</i>	

## Oregon Cities with local funding sources for Street Maintenance

### **Local Gas Tax**

- Sandy 1¢
- Woodburn 1¢
- Stanfield 1¢
- Washington County 1¢
- Tillamook 1.5¢
- Dundee 2¢
- Pendleton 2¢
- Milwaukie 2¢
- Astoria 3¢
- Coburg 3¢
- Coquille 3¢
- Cottage Grove 3¢
- The Dalles 3¢
- Oakridge 3¢
- Multnomah County 3¢
- Tigard 3¢
- Springfield 3¢
- Veneta 3¢
- Warrenton 3¢
- Eugene 5¢

### **Street Maintenance Fee**

- Medford
- Tualatin
- Eagle Point
- Ashland
- Wilsonville
- La Grande
- Hubbard
- Lake Oswego
- Tigard
- Grants Pass
- Corvallis
- Milwaukie



## Canby Street Maintenance Funding Public Open House Meeting Notes



Main points of discussion are summarized here. Also, for questions raised a summary of staff/Council response is provided.

### Meeting #1

Wednesday, November 14, 2007, 8:00 – 9:30 AM  
Cutsforth Thriftway Old Town Hall

Present: 9 citizens - Jarret Hamstreet, Michelle Webber, Phillip Sheperd, Brian Olson, Jeff Feller, Dale Friedemann, Bev Friedemann, Bob Prieve, Bev Doolittle  
City Council: Wayne Oliver, Randy Carson  
Staff: Mark Adcock, John Williams

Main comments/discussion points:

- Need to clearly explain why current funding is not adequate.
- Will Council send this to voters? *Councilors present stated their intention was adopt the new fee structures by Ordinance unless public outreach process revealed widespread lack of support. Also, particular issues brought up during outreach would be examined prior to adoption.*
- Motor vehicle fuel tax will result in lower sales at Canby stations. Brian Olson stated this effect is 1% decline in sales for each penny of gas tax, for first year. Effects less clear in future years.

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### Meeting #2

Wednesday, November 14, 2007, 7:00 – 9:15 PM  
Canby United Methodist Church

Present: 30 citizens including Jon Whitcomb, Lee Whitcomb, Roger Skoe, Bill Crooks, Bruce Blackledge, Leonard Walker, Paul Ashton, Bob Backstrom, Mr. & Mrs Sid Brown, Gary Hollen, Bob Henry, Sharon Henry, Carl Mead, Lloyd Mendenhall, Gordon Miller, Evelyn Miller, Del Hemphill, Jack Pendleton, Sheila Tice, Patrick Brennan, Paul Satter, Mike Swanson, Chuck Kocher, Ran Mello, Jim Frisbie, Chyane Lemasters (3 others did not sign in)  
City Council: Tony Helbling, Randy Carson  
Staff: Mark Adcock, John Williams

Main comments/discussion points:

- Franchise fees – where does the revenue go? Some cities direct this revenue to streets as that's part of the rationale for the fee. *Franchise fees in Canby have always been directed to the City's general fund to provide general services. Changing this would be a policy decision by the Budget Committee/Council.*

- City should seek out grants. *The City does look for grants, such as those that funded the Berg Parkway extension and Territorial/99E intersection, but grants are not available for routine maintenance.*
- City should consider increasing construction excise tax. *Limited now by state law.*
- New developments should pay more for damages to existing streets; conduct a before & after analysis to assess damage due to construction vehicles and charge for costs. Direct trucks to truck routes; install temporary "no trucks" signage in areas construction is taking place. *Increased signage and enforcement of truck routes is proposed as part of this process.*
- City should have better paving inspection program. *New construction and inspection standards are being developed at this time.*
- Seek increased funding from State of Oregon. *This is part of the Task Force's recommendation.*
- Charge a fee for special events held in town, for example at Fairgrounds.
- Would non-profits & schools pay and if so why? *They would, similar to utility bills, because they use the street system.*
- Prefer gas tax since overhead is lower. Overhead is too high for street maintenance fee. *Task Force agrees in general but felt that using gas tax only to fund the recommended scenario would create an unacceptably high tax that would drive too many customers to other cities.*
- Trip generation for apartments should be equal to homes; national studies may not apply in Canby. *On average, apartments are smaller with fewer bedrooms and occupants than single family homes.*

### **Meeting #3**

Thursday, November 15, 2007, 7:00 – 9:00 PM

HOPE Village Community Center

Present: 9 citizens including Jim Trost, Job Cacka, Maxine Jones, and W.H. Burnum (5 others did not sign in)

City Council: Randy Carson, Tony Helbling

Staff: John Williams

#### **Main comments/discussion points:**

- Gas tax will drive customers to other cities.
- Failed road system in 20 years not acceptable.
- Does the program account for future road system growth? *We have accounted for some system growth, but adjustments will need to be made in the future to account for this and for increased construction costs.*



- Having a local gas tax works against a statewide solution as Canby residents would be less likely to vote for a state gas tax or other funding package. Canby's ordinance should have an automatic equivalent reduction to avoid this problem. *Task Force and Council have discussed this, but are recommending no automatic provisions due to the many unknowns. Also, the chosen scenario does not solve all problems and increased funding would allow more repairs to be conducted.*
- City should look at concrete road construction for reduced maintenance costs, particularly on high-volume streets. Also, build easily accessible utilities on both sides of the street to avoid need to rip up streets.
- Downtown medallions a problem and waste of money. *Future downtown streetscapes will complement this look but will be less expensive and longer-lasting.*
- Discussion of traffic calming devices in neighborhoods.

---

#### **Meeting #4**

Tuesday, November 20, 2007, 7:00 – 9:00 PM  
Canby Adult Center

Present: 24 citizens including Gay Celente (?), Don Kylo, Marlene Elmore, Bob Cornelius, Jim Newton, Fred Postlewait, Bettie Postlewait, Jerry Grisham, Jerry Smith, Vivian Carpenter, Bettylou Dalley, Richard Ball, Lee Wiegand (11 others did not sign in)

City Council: Paul Carlson, Walt Daniels, Tony Helbling

Staff: John Williams

#### **Main comments/discussion points:**

- Questions about URD funding and bonding capacity – will citizens have to pay URD bonds if URD tax revenues not adequate? *URD is very careful to not take on more debt than tax increment can handle.*
- Township/Ivy signalization should be a priority. *This project is on SDC project list, to be prioritized by Council – Knight's Bridge Road is next project.*
- City stated Juniper between 2<sup>nd</sup> & 3<sup>rd</sup> would be improved, has not been done.
- State gas tax revenues overall are increasing, this should be emphasized. *This is true, but Canby's share is not, particularly when adjusted for increased construction costs.*
- The Street Maintenance Fee raises questions about separation of church and state. Also, the trip generation rate is too high, should be examined. *Staff will review the trip generation figures.*

**John Williams**

---

**From:** Canby Rental & Equipment, Inc. [cnbyrent@canby.com]  
**Sent:** Thursday, November 15, 2007 10:06 AM  
**To:** John Williams  
**Subject:** Road stuff

NO MORE TAXES!!!

Monte Zacher  
Canby Rental & Equipment, Inc.  
503.266.7811



*Sid and Sheila Brown*  
1810 N. E. 21<sup>st</sup> Ave.  
Canby, Oregon 97013

RECEIVED  
NOV 20 2007  
CITY OF CANBY

November 17, 2007

City Council  
Canby, Oregon 97013

Dear Council Members,

We have read your proposal in the Canby Herald and attended one of your workshops to explain the Maintenance Fees for road repair and or reconstruction. We find that your fee schedule to be terribly flawed to say the least. Starting at the top of the list of Land Use, we fail to understand why a couple living in an apartment or townhouse complex with two cars will drive less than a couple with two cars living in a single family dwelling. Your proposal is \$5.00 per household and \$3.44 per apartment or townhouse. They should be equal at about \$4.00 per household. We have no problem with \$2.09 for retirement community as most do not own a vehicle or drive very little.

Next is Business/Commercial. We noticed that you list Discount supermarket at \$2.09 per 1,000 sf GPA. We hardly think that Fred Meyer, Safeway and Cutsforth as being Discount supermarkets. All are profit- making companies. We see that you have Fast Food with drive through at \$8.35 and without at \$16.70. Seems to us the drive through restaurants would generate more road traffic. And the Furniture store at .39 per sf GPA is a joke. Why isn't it considered a business along with the others on the list? A Hotel/Motel with an occupied room means there is a vehicle involved, why not \$4.18 like the rest of the profit making businesses listed? We see no mention of Pharmacies or Convenience stores. Why not?

The Office and Industrial amounts seem about right to us. However, we take exception to some listed in the Institutional section. A movie theater with matinee showings will generate more traffic than one without, it seems to us.

Then we come to churches. All of the churches that we know about are non- profit but are listed at the same level as most for-profit enterprises. A profit making enterprise will just pass any increase in taxes, expenses or fees along to their customers. Churches operate on what members give them. Just because a church asks for more money doesn't always mean they get it. We think since you are asking for only .39 sf GPA for a Furniture store, you should ask the same for a church. If that is too low, then perhaps \$2.09, the same amount for Discount supermarkets.

Please reconsider the proposed fee schedule.

Sincerely yours,

*Sid N. Brown*  
*Sheila A. Brown*

**John Williams**

---

**Subject:** FW: financing street maintenance

-----Original Message-----

From: Gerald Hosler [mailto:gghagh@canby.com]

Sent: Saturday, November 17, 2007 6:24 PM

To: Tracy Harris

Subject: financing street maintenance

We support the proposal for \$5/mo. utility fee and 3c/gallon gas tax.

Gerald and Anita Hosler

935 N. Aspen Ct.

Canby



**John Williams**


---

**From:** Lee P. Wiegand [wiegand@integrity.com]  
**Sent:** Monday, November 26, 2007 11:01 AM  
**To:** John Williams  
**Cc:** Lee P. Wiegand  
**Subject:** Fw: Road Maintenance Fee

----- Original Message -----

**From:** Lee P. Wiegand  
**To:** Lee P. Wiegand  
**Sent:** Monday, November 26, 2007 2:00 AM  
**Subject:** Road Maintenance Fee

Dear John,

You asked for input about the proposed road fee so here it is. Could you also forward it to all of the city council members also? Thanks

After attending part of three meeting over the last few weeks John has done a great job of presenting the need of more money for roads in Canby! He and the task force did a great job and have proposed a very reasonable solution that will share the burden but not break any one people group in Canby. After hearing his presentation I am more than willing to pay \$5.00 per month plus a gas tax to help you improve the roads.

I have lived in Canby all of my life and am the fourth generation of Canbyites in my family. I know many of the people on your road crew and I know they do the best with what they have. I did not think I would ever say that I have met a tax that I liked but I can live with this one! Thanks for presenting your case so well!

My only objection to this road fee (tax) is the idea of applying it to churches. After the meeting and talking to John I know there is a legal difference between a fee and a tax. But if it walks like a duck, talks like a duck and smells like a duck I would call it a duck. It applies only to those that use it, just like a gas tax, and it is used to fix roads, just like a gas tax. I was told that if we do not use the church then we do not have to pay the fee. That is the difference between a tax and a fee. If I do not use my car or buy gas in Canby then I don't have to pay the gas tax either, so I think we are splitting hairs on the difference between a fee and a tax.

I am not sure of the history behind or the reasons for the hair splitting on what we are to call a tax, but these are just hidden taxes. They have also been called "line item taxes". One possible reason for the name change could be to apply "fees" to tax exempt organizations that are "tax" exempt.

I understand that across the countries city and state governments are all hurting for funds and one of the places they are looking for them are out of the coffers of churches and other tax exempt organizations. One method is to have churches pay property taxes on the portion of their property that is not directly used for church on Sunday morning. By doing this the government is slowly chipping away at the tax exempt status of the churches in our country.

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11/26/2007



Having said that, I know that is not your goal. Your goal is to improve the roads of Canby. I agree with that goal. But I am asking that you please consider exempting Churches from this "fee" (tax). I have heard that when we started the CAT system in Canby that all businesses have to pay that tax except the insurance companies in Canby. I am not sure if they are tax exempt or non-profit but if they could be exempt from that tax, I would hope that a tax exempt church could be exempt from this "fee" (tax).

My concerns about this movement towards imposing "fees" (taxes) on churches is based on the founding fathers concerns of separation of church and state. They were so concerned about the government infringing on the operation of the church that they penned it into the first amendment to our constitution. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof;" Based on this they declared all churches tax exempt because we all know the power to tax is also the power to control or destroy if the taxes are punitive enough. So to make sure churches were free to exercise their religion, they have never been taxed for over 200 years.

The same founding fathers that wrote our constitution penned a document that has done us well for over 200 years. They also set in place a republic form of government. In that government we are to elect good men and women to represent us and make laws that will protect us and preserve the liberties endowed to us all by our Creator. We have done that in Canby and I think we have elected good people to govern us. I have met most of you and know some of you pretty well. You are all good people and I know you want to do what's best for Canby. As I have said several times I do not want your job. You have a hard job to do and you do not get much praise for all the hard work you do. I have also said I do not want to tell you how to do your job. But on behalf of God's churches in Canby, I do want to respectfully appeal that you exempt churches in Canby from this road fee (tax). I know you have the authority given to you by God to make this decision. We will submit to whatever decision you make. We will also continue to pray for all of you by name every week, because I believe God instructs us to do that!

Once again we appreciate all of the long hours that each of you put into directing the city of Canby! You are doing a great job. Keep up the good work. As you consider our appeal we will pray that you have the wisdom of Solomon. Thanks again for considering this appeal! You are the best!

Respectfully,

Lee P. Wiegand

Pastor of First Baptist Church  
President of the Canby Area Pastors Association

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**DATE: November 27, 2007**

**MEMO TO: Honorable Mayor Thompson and City Councilors**

**FROM: Beth Saul, General Services Director**

**Through: Mark Adcock, City Administrator**

**RE: Library Board recommendation on County library district**

**Issue:**

The Board of County Commissioners made a presentation to the City Council recently regarding the proposed formation of a county service district for library services. This district would be used to set up permanent, dedicated funding for library services and the funds would be allocated the same way they are now by the County. The Canby Public Library Board reviewed the materials from this presentation and has agreed that the City Council should support the concept of a district for stable library funding.

**Recommendation:**

The Canby Public Library Board recommends that the Canby City Council support the concept of a library district to provide stable funding for library services in Clackamas County, including the Canby Public Library.

**Background:**

Since 1977, when the first countywide library levy was approved to create the Library Information Network of Clackamas County, a consortium of city and county libraries, to provide library services free of charge to all county citizens, the Canby Public Library has participated and received funding.

The stability created by this system enabled all libraries in the county to share resources and serve all citizens in a stronger way than was possible previously. For more than a decade now, this system has accounted for the majority of funding for the Canby Public Library (about 80% of total, with the balance coming from the City, fines, fees, and donations).

Now that Clackamas County is having serious budget difficulties and is planning to "get out of the library business" there are serious implications for the Canby Public Library and all city libraries in the county. No viable way exists at present for the city to make up the loss of 80% of the library's funding, so the reduction and eventual loss of this funding would mean closing the Canby Public Library.

The Canby Public Library Board discussed this matter at their November 13, 2007 meeting and agreed that the County's proposed library district is the most viable option available to provide stable funding for the maintenance of library services. The Board did not endorse the proposed draft intergovernmental agreements, and they believe there are still details to be discussed and worked out, but the concept of a library district should be supported in their view.



**RESOLUTION NO. 966**

**A RESOLUTION OF THE CITY OF CANBY IN SUPPORT OF THE CLACKAMAS  
COUNTY BOARD OF COMMISSIONERS' PROPOSAL TO ESTABLISH A LIBRARY  
DISTRICT FOR THE PROVISION OF LIBRARY SERVICES TO ALL COUNTY  
CITIZENS**

**WHEREAS**, Clackamas County has provided the most significant portion of funding for the Canby Public Library since 1977; and

**WHEREAS**, the Library Information Network of Clackamas County, a consortium of libraries throughout Clackamas County, was formed as a result of the County's funding of libraries through a series of library levies and currently from the County General Fund; and

**WHEREAS**, this consortium has been able to cooperate and provide efficient library services to all Clackamas County residents, both city and rural; and

**WHEREAS**, Clackamas County now reports serious difficulties in continuing to provide funding for the Library Information Network of Clackamas County due to ongoing budget constraints resulting from loss of timber taxes; and

**WHEREAS**, the Canby Public Library, as a member of the Library Information Network of Clackamas County, is directly affected by the County's loss of budget funds; and

**WHEREAS**, the Board of County Commissioners has proposed a library district be established in order to provide a stable mechanism for future funding of the Library Information Network of Clackamas County;

**NOW THEREFORE, IT IS HEREBY RESOLVED** that the Canby City Council of Canby, Oregon, supports the proposal of a library district and encourages the Board of County Commissioners to allow the voters of Clackamas County an opportunity to adopt a stable and dedicated funding mechanism for the provision of library services to all county citizens.

This resolution takes effect on the date of its adoption by the City Council.

**ADOPTED BY THE CANBY CITY COUNCIL** at a regular meeting thereof on  
December 5, 2007.

---

Melody Thompson  
Mayor

**ATTEST:**

---

Kimberly Scheafer, CMC  
City Recorder Pro-Tem





## MEMORANDUM

**TO:** Honorable Mayor Thompson and City Council  
**FROM:** Ignacio Palacios, Senior Accountant *IP*  
**DATE:** November 26, 2007  
**THROUGH:** Mark C. Adcock, City Administrator  
**RE:** Sewer Revenue Refunding Bonds, Series 1997 Refunding – Resolution 967

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### *Synopsis*

In 1992 the City of Canby issued sewer revenue bonds to finance improvements to the City's wastewater infrastructure and treatment plant to be paid with user fees. Due to favorable changes in market rates the 1992 bonds were refinanced in 1997, resulting in considerable interest cost savings.

Currently, the interest rate on the 1997 Sewer Revenue Bonds is 5.15%.

Due to changes in interest rates the City has the opportunity to reduce interest costs on the outstanding sewer revenue bonds by refunding the 1997 sewer bonds. The refunding of the current bonds would result in a new interest rate of 4.00% to 4.13% resulting in an approximate savings of \$101,000 (net of costs).

### *Recommendation*

Based on Council direction for City Administration to provide proactive financial stewardship staff recommends the adoption of Resolution 967 authorizing the City Administrator to proceed with the refunding of the 1997 Sewer Bonds.

### *Attached*

- Debt Service Comparison as prepared by Piper Jaffray & Co.
- Resolution 967

## **RESOLUTION NO. 967**

### **A RESOLUTION OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AUTHORIZING THE ISSUANCE OF SEWER SYSTEM REVENUE REFUNDING BONDS**

The City Council of the City of Canby, Clackamas County, Oregon (the "City"), resolves as follows:

#### **Section 1. Findings.**

- 1.1 The City is authorized by ORS 288.592 to issue revenue bonds to refund outstanding revenue bonds.
- 1.2 The City previously adopted its Resolution No. 657 on October 27, 1997 (the "Master Resolution") which authorized the issuance of its Sewer Revenue Refunding Bonds, Series 1997 (the "1997 Bonds") and provides the terms under which "Parity Obligations" may be issued.
- 1.3 The City issued the Sewer Revenue Bonds, Series 1998 on May 6, 1998 (the "1998 Bonds") as parity Obligations under the Master Resolution.
- 1.4 The City may be able to achieve debt service savings by refunding all or any portion of the callable maturities of the 1997 Bonds (the "Refundable Bonds") as Parity Obligations under the Master Resolution.

#### **Section 2. Revenue Refunding Bonds Authorized**

The City hereby authorizes the refunding of all or any portion of the Refundable Bonds to achieve debt service savings.

#### **Section 3. The Refunding Bonds**

- 3.1 **Sale Authorized.** The City is hereby authorized to issue its Sewer System Revenue Refunding Bonds (the "Refunding Bonds") to refund all or any portion of the callable maturities of the Refundable Bonds. The Refunding Bonds shall be Parity Obligations as defined in the Master Resolution. Capitalized but undefined terms used in this Supplemental Resolution have the meanings defined for those terms in the Master Resolution. The aggregate principal amount of the Refunding Bonds shall not exceed the amount that the City Administrator, Finance Director or the designee of either of these officials (any of whom is referred to herein as an "Authorized Officer") determines is necessary to accomplish the refunding and pay costs of the refunding.
- 3.2 **Limitation on Payment.** The Refunding Bonds shall be special obligations of the City, payable only from Net Revenues and other amounts pledged to the payment of "Bonds" in the Master Resolution. The Refunding Bonds are issued on a parity with the 1998



Bonds and any 1997 Bonds that remain Outstanding Bonds after the issuance of the Refunding Bonds.

3.3 **Delegation.** The Authorized Officer may, on behalf of the City and without further action by the Council:

- (1) Issue the Refunding Bonds in one or more series;
- (2) Participate in the preparation of, authorize the distribution of, and deem final the preliminary and final official statements and any other disclosure documents for the Refunding Bonds;
- (3) Establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, and other terms of the Refunding Bonds, and either publish a notice of sale, receive bids and award the sale to the bidder complying with the notice and offering the most favorable terms to the City, or select one or more underwriters and negotiate the sale with those underwriters;
- (4) Execute an agreement with the underwriters to purchase the Refunding Bonds;
- (5) Execute and deliver a bond declaration specifying the terms under which the Refunding Bonds are issued and making covenants for the benefit of owners;
- (6) Undertake to provide continuing disclosure for the Refunding Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission;
- (7) Apply for and purchase bond insurance, a Reserve Equivalent, or other forms of credit enhancements and enter into agreements with the insurance, Reserve Equivalent or other credit enhancement providers, and execute and deliver related documents;
- (8) Determine how to apply the proceeds of the Refunding Bonds;
- (9) Enter into covenants to maintain the excludability of Refunding Bond interest from gross income under the Internal Revenue Code of 1986, as amended (the "Code");
- (10) Appoint and enter into agreements with escrow agents, paying agents, verification agents and other professionals and service providers;
- (11) Designate the Refunding Bonds as qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code, if applicable;
- (12) Call, defease, and redeem the Refundable Bonds, appoint escrow agents and verification agents, and take any other actions and enter into related agreements to defease, call and redeem the Refundable Bonds; and

- (13) Execute any documents and take any other action in connection with the Refunding Bonds which the Authorized Officer finds will be advantageous to the City.

#### **Section 4. Required Provisions**

Section 13 of the Master Resolution requires this Supplemental Resolution to include the following statements. Capitalized but undefined terms shall be given the meaning for such term in the Master Resolution.

- 4.1 A deposit must be made at the closing of the Refunding Bonds sufficient to bring the balance of the Reserve Account equal to the Required Reserve for all Outstanding Bonds, including the Refunding Bonds.
- 4.2 The City covenants it shall charge rates and fees in connection with the operation of the Sewer System which, when combined with other Gross Revenues, but exclusive of system development charges and connection fee income, are adequate to generate Net Revenues in each Fiscal Year at least equal to 1.25 times the principal and interest due in that Fiscal Year on Bonds. If the Net Revenues (calculated in the manner described in the preceding sentence) fail to meet this level, the City will promptly increase its rates and fees to a level so that Net Revenues are projected to meet the required level.

#### **Section 5. Effective Date**

This resolution takes effect on the date of its adoption by the City Council.

**ADOPTED BY THE CANBY CITY COUNCIL** at a regular meeting thereof on December 5, 2007.

---

Melody Thompson  
Mayor

**ATTEST:**

---

Kimberly Scheafer, CMC  
City Recorder Pro-Tem



**City of Canby****Preliminary Numbers**

Clackamas County, Oregon

11/20/2007

Sewer Revenue Refunding Bonds, Series 2007

(Refunding Sewer Revenue Bonds, Series 1997)

**Debt Service Comparison**

DATE	TOTAL P+I	D/S	D/S	SAVINGS
12/01/2008	177,094.02	177,094.02	327,707.50	150,613.48
12/01/2009	318,606.26	318,606.26	323,207.50	4,601.24
12/01/2010	324,531.26	324,531.26	328,265.00	3,733.74
12/01/2011	324,837.50	324,837.50	327,375.00	2,537.50
12/01/2012	324,731.26	324,731.26	325,760.00	1,028.74
12/01/2013	324,212.50	324,212.50	328,640.00	4,427.50
12/01/2014	323,281.26	323,281.26	325,635.00	2,353.74
12/01/2015	326,937.50	326,937.50	331,987.50	5,050.00
12/01/2016	324,975.00	324,975.00	327,025.00	2,050.00
12/01/2017	327,600.00	327,600.00	331,537.50	3,937.50
<b>Total</b>	<b>\$3,096,806.56</b>	<b>\$3,096,806.56</b>	<b>\$3,277,140.00</b>	<b>\$180,333.44</b>

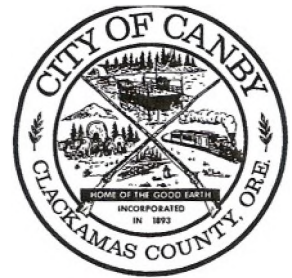
**PV Analysis Summary (Net to Net)**

Net PV Cashflow Savings @ 4.001% (Bond Yield)	170,564.48
Accrued Interest Credit to Debt Service Fund	8,209.11
Transfers from Prior Issue DSR Fund	(325,751.00)
Amount deposited into new DSR Fund	248,000.00
Contingency or Rounding Amount	218.53
Net Present Value Benefit	<b>\$101,241.12</b>
Net PV Benefit / \$2,846,791.06 Refunding Proceeds	<b>3.556%</b>

**Refunding Bond Information**

Refunding Dated Date	12/18/2007
Refunding Delivery Date	1/17/2008

**\*Net D/S Excludes: DSR**



## MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**DATE:** *November 26, 2007*  
**RE:** *Resolution 968*

---

Issue: Acceptance of land dedication on S. Sequoia Parkway.

Synopsis: The Urban Renewal Agency has negotiated the purchase of right-of-way from Jean Rover in order to construct S. Sequoia Parkway. Canby's municipal code requires the Council to accept this right-of-way.

Recommendation: Staff recommends that the City Council approve Resolution 968, a resolution accepting dedication of land from Jean M. Rover for right-of-way purposes.

Rationale: Improvement of this road is a city priority and this right-of-way is necessary for construction. The right-of-way will be owned by the City in perpetuity, not the Urban Renewal Agency.

Background: Construction of this project is expected to commence in late January 2008 (the exact date has not been determined).

Attached: 1. Resolution 968; deed for road purposes, exhibits.



**RESOLUTION NO. 968**

**A RESOLUTION ACCEPTING DEDICATION OF LAND FROM JEAN M. ROVER  
FOR RIGHT-OF-WAY PURPOSES.**

**WHEREAS**, the City desires to obtain right-of-way for the construction of the S. Sequoia Parkway extension project; and

**WHEREAS**, the property described in the attached Deed For Road Purposes (Exhibit A) is needed to be able to extend this road at its full right-of-way width; and

**WHEREAS**, the Canby Urban Renewal District is providing funds for the purchase; and

**WHEREAS**, Jean M. Rover, owner of the property, has accepted the District's offer of \$21,000 based on an appraisal of the subject property, and signed the attached Deed For Road Purposes ; and

**WHEREAS**, Section 16.88.060 of the Canby Municipal Code requires this right-of-way dedication to be accepted by the City Council;

**NOW THEREFORE IT IS HEREBY RESOLVED**, by the City Council of the City of Canby, as follows:

- (1) The Canby City Council accepts the Deed For Road Purposes described in Exhibit A and directs the City Administrator to sign the Deed on behalf of the City.

This Resolution shall take effect on December 5, 2007.

**ADOPTED BY THE CANBY CITY COUNCIL** at a regular meeting thereof on December 5, 2007.

\_\_\_\_\_  
Melody Thompson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder Pro Tem

AFTER RECORDING, RETURN TO:

The City of Canby  
182 N. Holly Street - P.O. Box 930  
Canby, OR 97013

SEND TAX STATEMENT TO:

The City of Canby  
Post Office Box 930  
Canby, OR 97013

DEED FOR ROAD PURPOSES  
AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Jean M. Rover, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by the City of Canby, a Municipal Corporation, hereinafter called the grantee, does hereby grant bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property for purposes of road improvements and road right-of-way, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining;

Together with a perpetual easement for constructing, reconstructing, operating, maintaining, inspecting, and repairing of public utilities including but not limited to phone, electric, gas, cable T.V., internet, water, sewer, storm and appurtenances, together with the right to remove, as necessary, vegetation, foliage, trees, and other obstructions on the parcel of land; said right-of-way and public utility easement are described as follows:

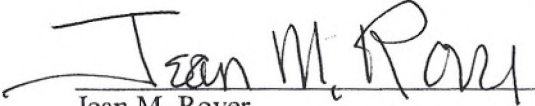
See Exhibit "A" attached hereto and incorporated by reference, and as shown on Exhibit "B", situated in Clackamas County, State of Oregon.

THE TRUE CONSIDERATION for this conveyance is \$21,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IT IS EXPRESSLY UNDERSTOOD that the utility easement does not convey any right, title, or interest except those expressly stated in this easement, nor otherwise prevent Grantor from the full use and dominion thereover; provided, however, that such use shall not interfere with the uses and purposes of the intent of the easement. The Grantor, its heirs, successors, assigns or representative shall not construct or maintain any building or other structure upon the easement area described in Exhibit "A" prior to receiving written approval by the City Engineer or his/her designee.

In Witness Whereof, the grantor has executed this instrument this 31 day of October, 2007; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

  
Jean M. Rover

Oct 31, 2007  
Date



-----  
STATE OF OREGON

)  
)ss.

County of CLACKAMAS )

This instrument was acknowledged before me this 31<sup>st</sup> day of October 2007,  
by Jean M. Rover.



Mary Ann Stadel

Notary Public for Oregon

My Commission Expires: 5-1-2010

Accepted: City of Canby \_\_\_\_\_ Mark Adcock, City Administrator

## **Exhibit "A"**

Jean M. Rover

A Portion of Township 3 South,  
Range 1E, Section 34 Tax Lot 2500

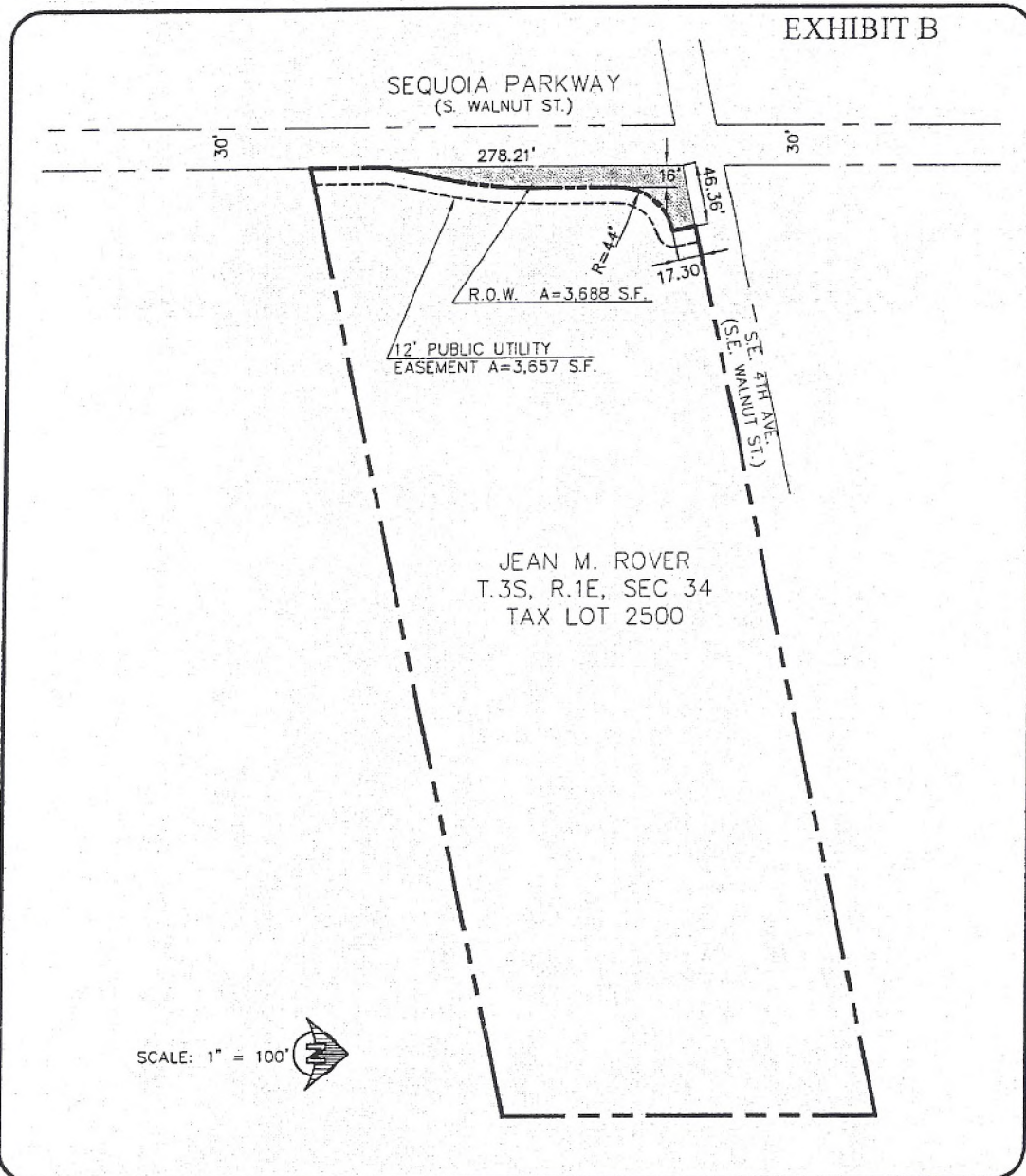
### **Sequoia Parkway Roadway Dedication & Easement Legal Description**

A portion of that tract of land conveyed to Jean M. Rover in deed recorded under fee number 98-073646 Clackamas County Deed Records, in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, more particularly described as follows: Beginning at the northwest corner of that parcel conveyed to Jean M. Rover under said fee number, said point also being 15 feet east when measured perpendicular to the centerline of the north-south portion of South Walnut Street; thence westerly along the northern boundary of said Rover tract 46.36 feet; thence south easterly in an alignment perpendicular to the northern boundary of said Rover tract a distance of 17.30 feet; thence along a non-tangent curve left with radius 44 feet and arc length of 57.89 feet to a point of tangency that is 31 feet east of the centerline of South Walnut Street; thence south 61.58 feet paralleling said centerline to a point of curvature; thence along a curve right with radius of 331 feet and arc length 85.32 feet to a point of reverse curve; thence along a curve left with radius 269 feet and arc length of 27.66 feet to a point on the eastern right of way line of South Walnut Street, said point being 15 feet east when measured perpendicular to the centerline of South Walnut Street, thence north along the western property line of said Rover tract and the eastern right of way line of South Walnut Street to the point of beginning, said dedication containing 3,688 square feet more or less.

Additionally, a 12 foot wide public utility easement shall be created parallel and abutting the westerly boundary line of said Rover tract described above, said easement containing 3,657 square feet more or less.



# Exhibit "B"



J:\Cantby\Industrial Park\1485-STAGE 5\prop1.dwg, Layout1 (2), 6/14/2007 11:55:26 AM

SEQUOIA PARKWAY  
LEGAL DESCRIPTION MAP  
CLACKAMAS COUNTY, OREGON

CURRAN-MCLEOD, INC.  
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST, SUITE 210  
PORTLAND, OREGON 97223  
PHONE (503) 684-3478

**ORDINANCE NO. 1263**

**AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH HENDERSON TURF AND WEAR, INC. OF MILWAUKIE, OREGON FOR THE PURCHASE OF ONE (1) EXCEL HUSTLER 4800 DIESEL MOWER WITH HIGH LIFT KIT FOR THE CANBY PARKS DEPARTMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to purchase one (1) Excel Hustler 4800 diesel mower with high lift kit for the Canby Parks Department, and

**WHEREAS**, the cost of the vehicle and equipment will be paid by the Canby Parks Department with funds budgeted and approved for this purpose in the 2007-2008 fiscal year budget; and

**WHEREAS**, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, three written bids were obtained for the purchase of the mower as follows:

1. Henderson Turf and Wear, Inc, of Milwaukie, OR	\$25,251.72
2. Linn Benton Tractor Company of Tangent, OR	\$25,375.00
3. Keizer Outdoor Power of Keizer, OR	\$32,143.00

**WHEREAS**, Henderson Turf and Wear, Inc., of Milwaukie, Oregon submitted the lowest quote of \$25,251.72 for the vehicle; and

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this quote, reviewed the staff report and believes it to be in the best interest of the City to purchase this vehicle from Henderson Turf and Wear, Inc.; and

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Henderson Turf and Wear of Milwaukie, Oregon for the purchase of one (1) Excel Hustler 4800 diesel mower with high lift kit for the Canby Parks Department for a total of \$25,251.72.



Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Parks Department with this vehicle without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on November 21, 2007, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on December 5, 2007, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at 155 NW 2<sup>nd</sup> Avenue in Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder - Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 5<sup>th</sup> day of December, 2007, by the following vote:

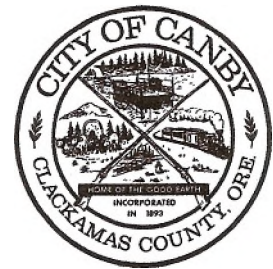
YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder - Pro Tem



## **M E M O R A N D U M**

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
*John Kelley, City Attorney*  
**DATE:** *November 28, 2007*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**RE:** *School Construction Excise Tax*

---

### ***Synopsis***

A new law allows School Districts to levy a Construction Excise Tax on new construction to fund capital improvements. The Canby School District is now proposing to adopt this tax and is asking the City to collect it for development located within City limits. The School District has proposed an Intergovernmental Agreement establishing roles and responsibilities for this work.

### ***Recommendation***

Staff is seeking policy direction from Council as to whether or not the Council would like the City to collect these funds on behalf of the School District. If so, we will work to reach agreement on technical issues, and return with an Intergovernmental Agreement at a later date.

### ***Background***

The new excise tax allows the School District to collect up to \$1 per square foot for new residential construction and \$0.50 per square foot for non-residential construction. For non-residential construction only the excise tax is limited to \$25,000 per building permit or \$25,000 per structure, whichever is less. A variety of different construction types are exempted from the tax (see attached informational sheet).

This tax would thus add about 20%, or \$2,500, to the permit cost of a new 2,500 s.f. house, which currently requires payments of about \$12,750 at our counter. Commercial/industrial project fees would vary, but there are a number of large commercial/industrial projects over 50,000 s.f., such as American Steel, that would pay the \$25,000 maximum. We would try to make clear that revenues go to the School District, but we know customers will inevitably leave our office with the perception that they're paying more money to the City.

Under the School District's proposal, the City would be responsible for customer service, prompt distribution of exemption requests, calculation of fees based on building usage and size, collection of revenue, issuance of checks to the School District, and production of an extensive quarterly report. This work will take staff time in the Planning, Building, and Finance Departments to administer and collect. *State law limits our overhead cost to 1% of revenues collected, which would only be \$25 for the single family house referenced above.*

The law does not require the City to collect these funds – thus doing so is a discretionary policy decision for the Council. The District does have other alternatives but they feel that having the



City collect the fees would be the simplest path for developers and contractors (rather than making these folks go to the School District or other location to pay the fees).

If the Council would like City staff to collect this fee on behalf of the School District, staff will work with the District to ensure this program does not end up costing us money, and to address other technical issues identified in our preliminary review of the proposed intergovernmental agreement. A League of Oregon Cities model template has been developed that will assist with these discussions.

***Attached***

- School District's informational handout on the Construction Excise Tax
- School District's proposed Intergovernmental Agreement with the City

## CONSTRUCTION EXCISE TAX INTERGOVERNMENTAL AGREEMENT

**Date:** December \_\_\_, 2007

**Parties:**

Canby School District No. 86, a school district as defined under ORS 330.005. ("School District").

City of Canby, a political subdivision of the State of Oregon. ("City").

**Recitals:**

A. ORS 190.003-.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units have authority to perform.

B. In accordance with Oregon Laws 2007, chapter 829 (the "Act"), on December 13, 2007, School District shall adopt a resolution establishing the Construction Excise Tax (the "CET") throughout its regional jurisdiction (the "Resolution"). The Resolution shall provide that City shall collect CET and remit payment of the collected CET, minus City's administrative fee, to School District in accordance with this Intergovernmental Agreement ("Agreement").

C. This Agreement establishes, among other things, (i) collection duties and responsibilities, (ii) the specific School District account into which tax revenues are to be deposited and the frequency of such deposits, and (iii) the amount of the administrative fee that City may retain to recoup its expenses in collecting the tax.

**Agreement:**

1. *Information and Forms.* School District shall create and provide: (i) information, forms, and assistance explaining the CET; (ii) information and forms for CET exemptions and appeals from CET exemption denials; and, (iii) any other forms or information necessary for implementation of the CET.

2. *Staffing.* City shall provide sufficient staff to calculate and collect the CET along with the collection of other permit fees. School District shall provide sufficient staff to review exemption applications and conduct exemption decision appeals.



3. *Collection; Start date.* County agrees to assess and collect the CET on behalf of School District. County shall begin assessing and collecting the CET on January 2, 2008, and shall continue assessment and collection until termination of this Agreement or repeal of the Act, whichever occurs first. If City determines that the Resolution adopted by School District does not meet the requirements of the Act, City may not collect the CET until such time as the Resolution meets the requirements of the Act.

4. *Exemptions.* City shall request that any person seeking an exemption from the CET submit a completed School District CET Exemption Form simultaneously with the submission of the application for the permit authorizing construction. City shall deliver a copy of the completed School District CET Exemption Form to School District no more than three business days after its submission. School District may notify City, in writing, of its grant or denial of the exemption any time during the seven business days after receipt of the completed CET Exemption form, and City shall notify the applicant accordingly. If School District does not notify City before the expiration of this seven-business-day period, the City shall deny the exemption. School District's CET Exemption Form shall set forth information about the process for appealing exemption decisions, which shall be conducted by School District.

5. *Remittance.* Following the effective date of this Agreement, City shall pay School District 99% of the CET collected by City. City shall make CET payments (i) quarterly and no later than thirty (30) days after the end of each quarter and (ii) by electronic funds transfer to: School District CET Account at U.S. Bank, or such other similar account as School District may designate. At the same time as this payment, City shall deliver a CET Report to School District, addressed to Canby School District No. 86, Attention: Business Manager, 1130 S. Ivy Street, Canby, OR 97013.

6. *CET Reports.* Along with the CET remittance, City shall prepare and submit to School District a report of (i) the building permits issued, and (ii) CETs processed, whether paid or exempted, for the reporting period's construction activities. To the extent City has this information, the report shall include: the number of building permits issued or denied that reporting period; the aggregate amount of square foot permitted for residential purposes; the aggregate amount of square footage permitted for nonresidential purposes; the number of building permits for which CET exemptions were given; the aggregate amount of square footage for the exempted construction; complete copies of all exemption claims; the aggregate amount of CET paid; and, the amount of CET administrative fee retained by City pursuant to this Agreement.

7. *Failure to Pay CET.* Construction taxes shall be paid by the person undertaking construction at the time that the permit authorizing the construction is issued. If a person refuses or fails to pay the CET when due, City shall not issue a permit authorizing construction. In no event shall City be liable for failure to collect CET when due.

8. *Records.* City shall make all records related to building permit activity, CET collections, and CET exemptions available to School District or its designated auditors, as necessary for School District to audit CET collections.



9. *Administrative Fee.* As full consideration for the above described services, City shall retain 1% of the CET collected by City. Prior to submitting the CET to School District, City shall deduct this administrative fee directly from the CET collected, and the amounts deducted and retained shall be identified on the report submitted to School District. In the event a refund of CET is made to a taxpayer, such refund shall be made exclusively out of CET revenues and shall not operate to reduce the amount of administrative fees retained by City. City shall retain its records a minimum of six years.

10. *Successors and Assigns.* This Agreement is binding on and inures to the benefit of the parties and their successors, and assigns. Except with the other party's prior written consent, a party may not assign any rights or delegate any duties under this Agreement.

11. *Amendment.* This Agreement may be amended only by an instrument in writing executed by all the parties.

12. *Headings.* The headings used in this Agreement are solely for convenience of reference, are not part of this Agreement, and are not to be considered in construing or interpreting this Agreement.

13. *Entire Agreement.* This Agreement sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes any and all prior or contemporaneous understandings and agreements, whether written or oral, between the parties with respect to such subject matter.

14. *Waiver.* A provision of this Agreement may be waived only by a written instrument executed by the party waiving compliance. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision.

15. *Time is of the Essence.* From time to time, each of the parties shall execute, acknowledge, and deliver any instruments or documents necessary to carry out the purposes of this Agreement. Time is of the essence for each and every provision of this Agreement.

16. *No Third-Party Beneficiaries.* Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties to this Agreement, any right or remedy of any nature whatsoever.

17. *Effective Date.* This Agreement shall become effective upon the approval of School District's Board of Directors and the City Council.



18. *Other Agreements.* This Agreement does not affect or alter any other agreements between School District and City.

19. *School District's Defense and Indemnification.* School District agrees to indemnify, hold harmless, reimburse and defend City, and its officers, agents and employees, from, for and against all claims, suits, actions, damages, and expenses, including but not limited to attorneys' fees, related to or arising out of School District's performance of this Agreement, but only to the extent caused by the negligence, breach of contract, breach of warranty (express or implied), or other improper conduct of School District, its employees, subconsultants, or anyone for whose acts School District is responsible.

20. *City's Defense and Indemnification.* City agrees to indemnify, hold harmless, reimburse and defend School District, and its officers, agents and employees, from, for and against all claims, suits, actions, damages, and expenses, including but not limited to attorneys' fees, related to or arising out of City's performance of this Agreement, but only to the extent caused by the negligence, breach of contract, breach of warranty (express or implied), or other improper conduct of City, its employees, subconsultants, or anyone for whose acts City is responsible.

21. *Termination.* Either party may terminate this Agreement with or without cause five business days after delivering notice of termination to the other party.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2007

Dated this \_\_\_\_ day of \_\_\_\_\_ 2007

Canby School District No. 86

Canby City Council

By: \_\_\_\_\_

By Chair \_\_\_\_\_

Its: \_\_\_\_\_

# **Canby School District**

## **Construction Excise Tax**

### **What is the Construction Excise Tax for the Canby School District?**

The Oregon Legislature passed a law (SB 1036) that provides a financial tool to help school districts pay for a portion of the cost for new or expanded facilities needed due to growth in the community. The law authorizes a school district, in cooperation with cities and counties, to tax new residential and non-residential development. Specifically, the tax applies to improvements to real property that result in a new structure or additional square footage in an existing structure.

### **What does the tax pay for?**

The excise tax revenue could be used for capital improvements such as acquiring property, construction of facilities, related architect and engineering expenses, and for additional fixtures, furnishings and equipment. The excise revenue would allow the district to purchase and prepare sites for future school facilities, and/or to help defray the cost of new school facilities.

### **Who has to pay and when?**

The tax is required to be paid by the developer or property owner who is developing property in the Canby School District at the time when they wish to have a permit issued by the City. A permit will not be issued unless the tax is paid or unless an approved exemption is submitted on the Exemption Form.

### **Who is exempt from paying the tax?**

The following are exempt from the Construction Excise Tax: (1) Private school improvements; (2) Public improvements as defined in ORS 279A.010; (3) Residential housing that is guaranteed to be affordable (under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80% of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction for residential house); (4) Public or private hospital improvements; (5) Improvements to religious facilities primarily used for worship or education associated with worship; (6) Agricultural building as defined by 455.315; (7) Improvements to real property that result in a new structure or additional square feet totaling 1,000 square feet or less.

### **How much is the tax?**

The tax is \$1 per square foot on residential construction and 50 cents per square foot on non-residential construction. For non-residential construction only, the excise tax is limited to \$25,000 per building permit or \$25,000 per structure, whichever is less.

### **Is this a permanent tax?**

No. The 2007 Act is automatically repealed on January 2, 2018.

### **Who can I contact for more information?**

If you have additional questions, you may contact the Canby School District's Business Manager, David Moore, via e-mail at [moored@canby.k12.or.us](mailto:moored@canby.k12.or.us) or by phone: (503) 266-0020.



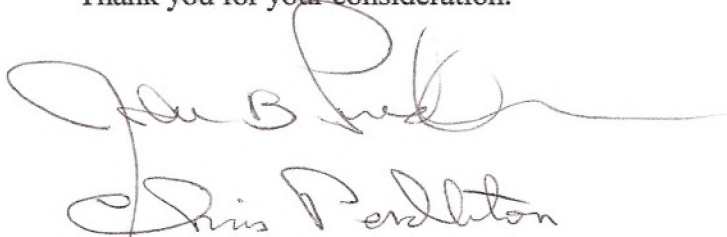
Jack & Chris Pendleton  
686 NW 13<sup>th</sup> Ave.  
Canby, OR 97013  
November 26, 2007

To: Canby City Council

Re: Collection of the Construction Excise Tax for Schools by the City of Canby

It is our understanding that at the December 5, 2007 meeting the City Council will discuss and perhaps vote on collection of the Construction Excise Tax for Schools by the City of Canby on behalf of the Canby School District. We are writing to express our strong support of the Construction Excise Tax as a means to help to spread the cost of new schools to new development. Our understanding is that the City Council must approve the City of Canby collect to tax on behalf of the school district. We urge the council to adopt a resolution to collect this tax at the earliest date possible so that funds can be collected to provide for construction of the new school facilities that will be needed in the future.

Thank you for your consideration.

The block contains two handwritten signatures in dark ink. The top signature is for Jack Pendleton, featuring a large, stylized 'J' and 'P'. The bottom signature is for Chris Pendleton, written in a more cursive, flowing script.

Jack Pendleton  
Chris Pendleton

**RECEIVED**  
**NOV 26 2007**  
**CITY OF CANBY**

**DATE: November 26, 2007**

**MEMO TO: Honorable Mayor Thompson and City Councilors**

**FROM: Beth Saul, General Services Director**

**Through: Mark Adcock, City Administrator**

**RE: Ongoing maintenance plan for Logging Road Bridge**

**Issue:**

Now that the Logging Road Bridge has benefitted from the combination of federal earmark money and city funds to repaint the sides and prepare the structure to become a better gateway into the community, the next step is to prepare an ongoing maintenance plan for the bridge. The structure serves three major functions: gateway feature, walking/biking path/ utility infrastructure to south side of Canby. Due to budget constraints, the maintenance plan development was deleted from the project.

**Recommendation:**

Staff recommends that the City Council approach both Canby Utilities and the Canby Urban Renewal Agency to accumulate funding for the maintenance plan analysis and implementation. It is expected that the immediate financial need for this project will be less than \$10,000.

**Background:**

The Logging Road Bridge is part of the old logging road that was acquired by the city over a decade ago to become a walking and biking path. That objective has been achieved. In addition, the Chamber of Commerce and Business Development groups have long proposed using the bridge as a gateway feature for visitors entering Canby. They have proposed some sort of art feature on the bridge or other creative way to make it a landmark that will enhance visitor perception of Canby and community pride. Meanwhile, as the new industrial park

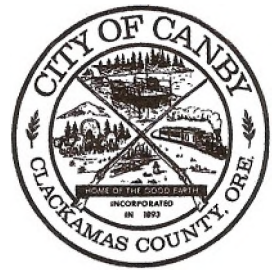


developed the bridge became an important viaduct for the utilities to cross over 99E to serve the new commercial and industrial areas. For all of those reasons it is important to form a partnership of agencies that depend on the bridge and have an interest in keeping the structure well maintained into the future, now that the initial improvements have been completed.

An ODOT structural analysis recently received has shown the bridge to be in suitable condition to serve the needs outlined, but also noted some areas that will be needing ongoing maintenance, and the maintenance plan that the City Engineer proposes to develop will take the ODOT information the next step to becoming a well thought out and documented maintenance plan.

**Fiscal Impact:**

Currently no additional funds are budgeted for this project, so funds would have to be accumulated to go forward. A partnership for funding would greatly increase the City's ability to address this need sooner rather than later.



## **M E M O R A N D U M**

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**DATE:** *November 28, 2007*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**RE:** *Canby Pioneer Industrial Park re-certification*

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### ***Synopsis***

Portions of the Canby Pioneer Industrial Park have been certified by the State of Oregon as development-ready. This certification expires after two years and we must re-apply for the designation. A letter from the Mayor is required for the re-certification.

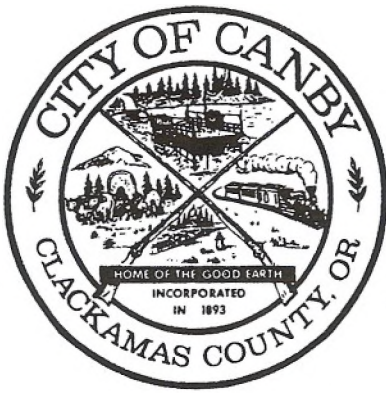
### ***Recommendation***

Staff recommends the City Council authorize the Mayor to sign the attached letter to OECDD requesting re-certification of certain properties in the Canby Pioneer Industrial Park.

### ***Rationale***

State certification assists with marketing of properties and also gives our infrastructure project funding requests a higher priority. Staff knows of no down side.





# City of Canby

General Administration Office

December 5, 2007

DRAFT

Beverly Thacker, Manager  
Industrial Lands Certification Program  
Oregon Economic and Community Development Dept.  
775 Summer St. NE  
Salem, OR 97301

RE: Renewal of Industrial Land Certification for (site)

Dear Ms. Thacker:

The City of Canby is pleased to participate in the State's Industrial Site Certification program and supports renewal of certification for the Canby Pioneer Industrial Park. We recognize the importance of complete and reliable information about strategic industrial sites as a way to facilitate the creation of family wage jobs in Canby and throughout Oregon.

As a part of the Industrial Site Certification program, the Canby Pioneer Industrial Park is targeted for development under the General Manufacturing, Campus Industrial/Electronic and Computer Assembly, Food Processing, and Call Center/Business Center categories. The City supports these categories of development which are outright permitted uses under our zoning ordinances.

To facilitate the sale and/or lease of this development the City will support the permit process in accordance with Canby's development codes and land use plans. The City will also expedite the permit processes to ensure that the development is expedited at this site and can be completed within 180 days.

There are not any planned, pending or on-going land-use issues that could affect development of this site.

Thank you for your efforts on behalf of Canby, and please contact John R. Williams, our Community Development & Planning Director, if any additional information is needed.

Yours truly,

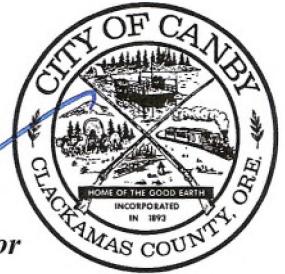
DRAFT

Melody Thompson  
Mayor

91



# COMMUNITY DEVELOPMENT UPDATE



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John Williams, Community Development & Planning Director*  
**DATE:** *November 26, 2007*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**RE:** *Community Development project status*

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Following is the status of major Community Development projects as of November 26. Please call me or the appropriate staff if you have any questions. At the end of this report you will also find a list of new land use applications and permit activity.

Items shown with \* are completed and will be deleted from the next report; items underlined are new additions.

## **Street Projects**

1. **Street maintenance funding.** The public outreach process has been completed and the Council is scheduled to hold a public hearing on a proposed street maintenance fee and local motor vehicle fuel tax on December 5. *Background:* The Street Maintenance Funding Task Force has created a set of recommendations to the Council on funding methodologies, amounts, and equity issues. These recommendations were the subject of series of public meetings held November 14-20.
2. **99E/Ivy Intersection.** *No change.* ODOT is planning a minor project at this intersection to eliminate the often-hit signal pole in front of Ace Glass (there will be an extra-long armed pole coming from the 7-11 side). We are attempting to get pedestrian safety improvements included in this project. *Background:* ODOT has estimated costs on the full intersection renovation at \$1.5 million +. Costs include building improvements, underground tank removal, relocating signal poles, new sidewalks and crossings, and other activities.
3. **S. Berg Parkway.\*** Construction is complete, and the road is open. *Background:* ODOT provided \$1.23 million for this project, which connects S. Berg Parkway near Highway 99E with SW 13<sup>th</sup> Avenue. The local match came from a combination of URD and SDC funds.
4. **13<sup>th</sup> Avenue traffic calming.** Traffic calming projects on 13<sup>th</sup> Avenue are in the final design phase and will be constructed this fall. *Background:* These projects were developed working with neighborhood residents in order to reduce speeds on 13<sup>th</sup> Avenue. The City Council has approved use of System Development Charge funds for this work.
5. **Other traffic calming.** *Ongoing.* The City Council has approved the use of SDC funds for traffic calming projects in FY 2007-2008. These projects are now starting the design engineering process; some may require Council approval via ordinance depending on final cost. *Background:* Matilda and a group of interested citizens have been looking at ways to slow traffic and increase pedestrian safety. Lessons learned here will also be applied to new streets. Matilda has also been working with a technical committee of local experts, including Public Works, engineering, Canby Fire District, and First Student.
6. **2006-2008 CDBG applications.** *No change.* The Council has awarded an engineering



contract for this project, which is expected to move to construction next spring. We are having difficulty resolving stormwater issues with the federal government (!) on this project, which has resulted in delay. The Feds are asking for no net increase in impervious area, which is difficult as the entire project is constructing sidewalk where none currently exists. *Background:* Clackamas County has awarded Canby \$200,000 to build sidewalks in areas of NW downtown Canby that currently have none.

7. **N. Pine/4<sup>th</sup> Avenue intersection.** *No change.* I have been working with property owners to see if there's any way to improve alignments at this troublesome intersection (by the Depot Museum). We will need a lot of cooperation because there is very little room to maneuver in this area. Unfortunately, we have not found a plan that works for all parties yet.
8. **N. Cedar/NW 3<sup>rd</sup> Avenue intersection.** *No change.* This intersection has alignment problems and vision clearance issues. We are drawing up a plan to realign the intersection and improve traffic flow and safety, which will be even more important as traffic flows increase from the new subdivision.
9. **North Baker Drive traffic safety issue.** Some signage has been installed at this time. *Background:* Area residents brought a petition to the City to close the small access road between N. Baker Dr. and NW 6<sup>th</sup> Avenue.
10. **Truck routes.** *No change.* At Council's direction, staff will begin working on a review of Canby's truck routes. This work will be incorporated in a review of our street system being conducted by The Transpo Group, consulting engineers.
11. **Intersection of Sequoia and Hazel Dell Way.** We have added "cross traffic does not stop" signs at this intersection and hope this will increase safety. *Background:* This intersection is planned for a traffic signal in the City's Transportation System Plan. Funding could come from Urban Renewal or System Development Charges. Signal warrants are not currently met.
12. **Public Works Operations Manager\*.** Dwayne Barnes started on November 13. He will oversee the streets, wastewater treatment, parks maintenance, and sewer collections departments.

#### **Wastewater Treatment Plant; sewer collections; storm water**

13. **Baker Drive storm line repairs\*.** This work has been completed. *Background:* We are relocating a storm line on N. Baker Drive to relieve outfall in one area that has been experiencing storm water concerns.

#### **Cemetery**

14. **Cemetery rates.** We continue to provide quarterly reports to the Council regarding sales activity following the fee increases in fall 2005. The latest report is attached. Sales activity continues to be low.



## Planning

15. **Measure 37/49.** Voters have approved Measure 49, which made many changes to Measure 37. Staff will be working with LOC to implement any procedures/processes necessary to address this measure. *Background:* The City Council approved Ordinance 1156 establishing a process for Measure 37 claims. We are unsure at this time what changes are required, if any, to that Ordinance.
16. **Annexation process.** *No change.* The Planning Commission gave direction to staff on changes to the City's annexation process. Staff will be returning to the Commission with more detailed language at an upcoming meeting. *Background:* The Planning Commission and staff are working on a matrix idea focused on providing better information to voters about annexation proposals. Other concepts include a master planning requirement and reviewing our current criteria.
17. **Neighborhood Associations.** *No change.* *Background:* the Council has officially recognized two new neighborhood associations: Riverside and Northeast Canby. Staff will continue to work with these groups to provide information and training.
18. **Historic Review Board.** *No change.* The HRB is in need of new volunteers to keep the group energized. There are currently no regularly scheduled meetings of the HRB.
19. **NE Canby Master Plan.** *No change.* Adoption of the concept plan is on hold pending completion of the City's TSP update. ODOT will not approve the plan as written (even though they funded it) because of future traffic problems at Canby's 99E intersections. These will need to be addressed by capital project scheduling in the TSP. *Background:* This \$75,000 grant project created a master plan addressing land use, design, parks/open space provision, and infrastructure issues for the area bounded by Highway 99E, SE 1<sup>st</sup> Avenue, Haines Road, and NE Territorial. The TGM program has allowed us to add several "peripheral" elements to this grant, including the development of a traffic model for Canby and an analysis of traffic projects needed to develop the Canby Pioneer Industrial Park.
20. **N. Redwood Street master plan.** Final planning work is underway with neighbors and infrastructure providers.. *Background:* This project will produce a comprehensive land use, parks, and infrastructure plan for the area between N. Redwood Street and OR 99E.
21. **Stormwater planning.** *No change – ongoing work.* Planning staff is working with Darwin Tramel, Jeff Crowther, and Curt McLeod to address new DEQ/EPA requirements regarding stormwater disposal. We are working to develop a long-range vision for stormwater disposal and a maintenance/financing plan.
22. **Quality of Life survey.\*** *No change.* Matilda has sent out a follow-up survey to ask more detailed questions about park utilization. *Background:* The City Council has authorized staff to issue a statistically valid survey of Canby citizens to identify issues, shared values, and goals. This will be used as departments and the Council move forward.
23. **Traffic modeling.** *No change.* We will be reporting to the Planning Commission and Council soon on the first findings from the new traffic model. This will assist with planning a variety of projects, including Berg Parkway, the Arndt Road extension, and the signalization of Township and Ivy. *Background:* I have been working with Andy Mortenson at the Transpo Group to create a new traffic model for the City. This will assist us with traffic studies and planning efforts, and will make all of our work more accurate in the future. This effort is



being funded partially by the Council's commitment of additional funds for the planning department in 2004-2005, and partially by grants from the State of Oregon and Metro.

- 24. Subdivision design standards.** Contract negotiations are underway with the State of Oregon. *Background:* We have received a TGM grant for this project. It proposes to look at big issues – from stormwater provision, street design, and parks locations – and small issues, like pedestrian pathway design and fencing. This will lead to work with the Planning Commission and neighborhood groups on this topic and eventually to text amendments if agreement can be reached.
- 25. North Fairgrounds rezoning.** Melissa Hardy will be picking this project up as time allows. *Background:* Associate Planner Kevin Cook worked with residents on the south side of NE 10<sup>th</sup> Avenue, on the north side of the County Fairgrounds, on a potential “downzoning” from medium to low density zoning. The Planning Commission reviewed this directed staff to prepare an overlay zone requiring lot consolidation prior to conversion to R 1.5 zoning.

### **Urban Renewal**

- 26. Development of ED Web Site ([www.canbybusiness.com](http://www.canbybusiness.com)).** Catherine Comer is working with the City's web consultant to make this site more functional and compatible with the City's main web page. *Background:* The goal is to have a very user-friendly economic development web site to serve as a home for our industrial and commercial recruitment efforts. This work became a priority as we've learned that many site selectors now do their initial research entirely on the internet and screen out communities that don't have easily accessible information.
- 27. Urban Renewal Advisory Committee.** The Urban Renewal Advisory Committee currently has no meetings scheduled.
- 28. Job creation/SDC waiver program.** Staff is working with legal counsel to develop forms and contracts to be used with several interested applicants. *Background:* The Agency has set aside \$100,000 in the FY 05-06 budget for a program to incentivize new construction and job creation within the URD.
- 29. Site certification.** We are working with Clackamas County, the State of Oregon, and property owners to “recertify” the CPIP as each certification only lasts for two years. Also, we are looking at a new designation for some of the recently annexed industrial properties. *Background:* A 163-acre section of the Pioneer Industrial Park has been designated as a “certified opportunity site” by the State of Oregon, greatly increasing its marketability. Obtaining this certification was very time-consuming and we are hoping that the recertification process will be simpler.
- 30. Downtown Redevelopment Grants.** *No change – ongoing.* Three of the four projects that grants were awarded to are moving forward at this time. *Background:* The Urban Renewal Agency approved this program to provide some incentive for property owners to construct mixed-use developments within Canby's commercial districts. The program offers a 1:1 match of up to \$3,000 towards architectural and financial studies of such projects. Funding for four projects was approved by the Agency.
- 31. Façade improvement program.** *No change.* Construction is complete on the Canby *Herald* building. No other projects are currently in the works. *Background:* The URD has approved the use of funds for up to five grants for façade design work and no-interest loans for



construction work. Staff is also working to finalize a program with West Coast Bank, who will be reviewing and funding the construction loans.

- 32. Infrastructure Planning. Ongoing.** Staff continues to work with property owners on a plan to develop infrastructure for streets other than Sequoia Parkway in the Pioneer Industrial Park. Walnut Street is the focus at this time. *Background:* The Urban Renewal District is focusing investment on S. Sequoia Parkway, so infrastructure provision on the other roads (such as S. Walnut, S. Township, and SE 1<sup>st</sup> Avenue) requires coordination among property owners, which has proven to be difficult. Staff has developed a more detailed road system plan including street cross-sections and improvement costs for the CIP, and has held several meetings with property owners to discuss implementation of the plan.
- 33. Sequoia Parkway extension – Stage 5 (4<sup>th</sup> – Township).** This project is going out to bid this week and will be awarded by Council in January. *Background:* In November 2006, the Agency directed staff to work toward constructing this section of roadway to facilitate future industrial development.
- 34. Sequoia Parkway extension – Stage 6 (south of Township).** Timing as above. *Background:* Sequoia Parkway will be continued to a location approximately 600' south of Township Road to enable development of industrial sites south of Township Road. In November 2006 the Agency approved a Memorandum of Understanding with the Weygandts that establishes funding and cost allocation for the construction of this segment of road.
- 35. Economic Development Manager.\*** Catherine Comer has started in this position. *Background:* The Urban Renewal Agency has approved the creation of a full-time economic development project manager.
- 36. Activity in Canby Pioneer Industrial Park.** Following is the status of the projects currently underway that are in the public realm. We continue to work on a variety of other leads and projects that remain confidential at this point.
  - a. **Trend Business Center (4 acres – Sequoia Parkway):** Trend is starting the process to build additional buildings now that the first two are fully occupied.
  - b. **Root Holdings (9 to 13 acres – Hazel Dell Way):** Grading has been done and the project. *Background:* Gordon Root, an investor from West Linn, has acquired most of the remaining property between Hazel Dell Way and SE First Avenue. He is interested in a Comprehensive Plan Amendment to rezone this area to commercial, and has met with the Planning Commission, CBD Board, and Chamber Board to refine his ideas. Our goal is to ensure the project does not conflict or compete with the downtown core, so Mr. Root is focusing on users that would not fit downtown – such as a hotel and medium box stores.
  - c. **American Steel (10 acres – Township Road):** Construction has started and American Steel is hoping to be open in summer 2008.
  - d. **Wilco (5 acres – Sequoia Parkway):** Site work is underway with completion scheduled for mid-2008.
  - e. **Kendal Floral (6 acres – Hazel Dell Way):** The Planning Commission has approved the design of this 132,000 s.f. industrial building, which is expected to move to the preconstruction stage soon.



### **NEW LAND USE APPLICATIONS, September and October 2007**

In addition to the applications below, we received 7 minor applications including modifications, parking lot paving projects, lot line adjustments, and minor variances.

DR 07-09 (Kendal Floral) – A 132,000 s.f. industrial building on Hazel Dell Way.

DR 07-10 (Orchards) – Adding buildings to the Orchards apartment complex on S. Pine Street.

MLP 07-07 (Bristol) – Townhouse development project on S. Knott Street.

# Canby Development

## Monthly Report

September - October 2007

### BUILDING PERMIT DATA

PERMIT TYPE	PERMITS ISSUED		VALUATION	
	Sep	Oct	Sep	Oct
<i>BUILDING PERMITS - SFR</i>	3	3	\$890,972	\$794,570
<i>BUILDING PERMITS</i>	0	0	\$0	\$0
<i>MULTIFAMILY</i>				
<i>MECHANICAL</i>	14	22	\$0	\$0
<i>ADDITIONS NONRESIDENTIAL</i>	6	2	\$668,786	\$32,959
<i>ADDITIONS</i>				
<i>RESIDENTIAL</i>	5	3	\$72,066	\$105,415
<i>OTHER</i>	11	8	\$811,876	\$866,116
<i>MONTH</i>	39	38	\$2,443,700	\$1,799,060
<i>YEAR</i>	432	470	\$27,248,188	\$29,047,248

### SDC FEES AND CHARGES UPDATE

	MONTH		YEAR
	Sep	Oct	
<i>Stormwater Fees</i>	\$801	\$360	\$9,984
<i>Sewer SDC Fees</i>	\$6,635	\$6,888	\$175,148
<i>Construction Excise Tax</i>	\$5,721	\$6,050	\$62,749
<i>Parks SDC Fees</i>	\$285	\$9,450	\$261,607
<i>Transportation Improvement</i>	\$31,854	\$2,362	\$250,856
<i>Planning Department Fees</i>	\$1,086	\$510	\$7,816
<i>Advanced Financing</i>	\$0	\$0	\$6,571
<i>Business License</i>	\$0	\$0	\$200
<i>Building Department Fees</i>	\$7,583	\$6,502	\$99,755

### INSPECTIONS

	Sep	Oct
<b>MONTH</b>	259	355
<b>YEAR</b>	3147	3502



Cemetery Sales Review															
2003-2004	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Total		
Cemetery Plot (preneed)	3	3	1	4	1	2	3	2	4	1		5	29		
Cemetery Plot (full size)		2	1		1	3	4		2	2	1		16		
Cemetery Plot (not full size)		1		2	3						4		10		
Mausoleum Space (preneed)										2			2		
Mausoleum Space					2	2		1					5		
Niche Space (preneed)	2				1				2	1	3	4	13		
Niche Space					1								1		
Grave Open & Close (full)		3	4	1	3	8	9	2	4	4	6	3	47		
Grave Open & Close (cremains)	1	2		2	1	3	1			2	1	2	15		
Maus Open & Close		1			1	1					1		4		
Niche Open & Close		3		1	1								5		
Liner			3	1	1	6	6	1	2	3	5	1	29		
Weekend		2				2			2		2		8		
2004-2005	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Total	Change from prior year	
Cemetery Plot (preneed)	2	2	2	6	2	1	9	1	2	6	2	5	40	11	
Cemetery Plot (full size)		1	3	1		1	2	1			1	1	11	-5	
Cemetery Plot (not full size)		1	1								1	1	4	-6	
Mausoleum Space (preneed)												2	2	0	
Mausoleum Space			2										2	-3	
Niche Space (preneed)	2				1		1	2	3			3	12	-1	
Niche Space					1		2		1	1		1	6	5	
Grave Open & Close (full)	1	4	7	5	5	2	8	4	5	2	2	5	50	3	
Grave Open & Close (cremains)	2	2	4	1	1	2	2	1	5	3		1	24	9	
Maus Open & Close			2						3			1	6	2	
Niche Open & Close	1		2		1		2	1	2	1		1	11	6	
Liner	2	3	2	5	3	4	5	3	4			3	34	5	
Weekend		3				1		1	2		2	2	11	3	
2005-2006	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Total	Change from prior year	
			Price increases effective September 1, 2005												
Cemetery Plot (preneed)	2	33			1		2	2		1		1	42	2	
Cemetery Plot (full size)	1	2					2				1	2	8	-3	
Cemetery Plot (not full size)		2						5			2		9	5	
Mausoleum Space (preneed)						2							2	0	
Mausoleum Space												1	1	-1	
Niche Space (preneed)		4							2	1			7	-5	
Niche Space		3	1							1			5	-1	
Grave Open & Close (full)	2	5	1		4	1	5	3	3		6	7	37	-13	
Grave Open & Close (cremains)	3	2			4	1	1	5	3	1	1		21	-3	
Maus Open & Close												1	1	-5	
Niche Open & Close	2	2	2	1	1			1	1	1		1	12	1	
Liner	2	3	1		3		3	1	1		3	6	23	-11	
Weekend	3	1			3		1	1					9	-2	
2006-2007	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Total	Change from prior year	
Cemetery Plot (preneed)	2		1	2				2	1	3			11	-31	
Cemetery Plot (full size)			1	1	1	1	1	1		2			8	0	
Cemetery Plot (not full size)		1				3	1		1			4	10	1	
Mausoleum Space (preneed)	2										1		5	3	
Mausoleum Space									1				1	0	
Niche Space (preneed)	4	1		2			3	1	7		10		30	23	
Niche Space							1				1		2	-3	
Grave Open & Close (full)	2	2	3	3	2	4	7	3	1	3	1	1	32	-5	
Grave Open & Close (cremains)	1	5	1		1	2		1		3		4	18	-3	
Maus Open & Close				1					1				2	1	
Niche Open & Close		1	1	2	1		1	2	1	1	3		13	1	
Liner	1	2	1	3	2	3	4	2	1	3	1	1	24	1	
Weekend				1	2	1	1	1		1		1	8	-1	
2007-2008	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Total	Change from prior year	
Cemetery Plot (preneed)	2												2	-9	
Cemetery Plot (full size)			3										3	-5	
Cemetery Plot (not full size)													0	-10	
Mausoleum Space (preneed)													0	-5	
Mausoleum Space													0	-1	
Niche Space (preneed)			1	3									4	-26	
Niche Space			1										1	-1	
Grave Open & Close (full)	2	1	5	3									11	-21	
Grave Open & Close (cremains)	1	3											4	-14	
Maus Open & Close				2									2	0	
Niche Open & Close	2		1										3	-10	
Liner		2	1	3									6	-18	
Weekend	1		1	1									3	-5	