



# TUALATIN CITY COUNCIL

Monday, JANUARY 14, 2019

**JUANITA POHL CENTER**

**8513 SW Tualatin Road**

**Tualatin, OR 97062**

**WORK SESSION** begins at 6:00 p.m.

**BUSINESS MEETING** begins at 7:00 p.m.

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**Mayor Frank Bubenik**

**Council President Joelle Davis**

**Councilor Bridget Brooks**

**Councilor Nancy Grimes**

**Councilor Robert Kellogg**

**Councilor Maria Reyes**

**Councilor Paul Morrison**

**Welcome!** By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at [www.tualatinoregon.gov/meetings](http://www.tualatinoregon.gov/meetings) and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at [www.tvctv.org](http://www.tvctv.org). Council meetings can also be viewed by live *streaming video* on the day of the meeting at [www.tualatinoregon.gov/meetings](http://www.tualatinoregon.gov/meetings).

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

## PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

## PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
  - a) In support of the application
  - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

## TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

## EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



## OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JANUARY 14, 2019

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### A. CALL TO ORDER

Pledge of Allegiance

### B. ANNOUNCEMENTS

1. Swear-In Newly Elected Mayor and Councilors
2. Council President Selection
3. Annual Report of the Tualatin Youth Advisory Council for 2018
4. New Employee Introduction- Mike McCarthy, Principal Transportation Engineer
5. New Employee Introduction- Stephanie Hanshaw, Parks Maintenance Worker
6. Open House for Basalt Creek Comprehensive Plan Update on January 22, 2019
7. Southwest Corridor Community Meeting on January 24
8. League of Oregon Cities "City Day At the Capitol 2019" on January 24, 2019
9. Proclamation Declaring January 20-26, 2019 as School Choice Week in the City of Tualatin

### C. CITIZEN COMMENTS

*This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

### D. CONSENT AGENDA

*The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

1. Consideration of Approval of the Minutes for the Work Session of December 10, 2018
2. Consideration of Approval of a New Liquor License Application for Bay Club Oregon

3. Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2017/2018
4. Consideration of the System Development Charge (SDC) Annual Reports for Sewer, Storm, Water, and Transportation (TDT) for Fiscal Year 2017/18
5. Consideration of **Resolution No. 5419 -19** Authorizing the City Manager to Execute an Intergovernmental Agreement with the City of Portland to Participate in the Regional Justice Information Network (RegJIN) as an Inquiry Only Partner

**E. SPECIAL REPORTS**

1. Washington County Sheriff's Office Report
2. Municipal Court Update

**F. GENERAL BUSINESS**

*If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

1. Consideration of **Ordinance No. 1415-18** Relating to the Adoption of a New Parks System Development Charge Methodology; Amending Tualatin Municipal Code Chapter 2-6; and Creating New Provisions

**G. ITEMS REMOVED FROM CONSENT AGENDA**

*Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.*

**H. COMMUNICATIONS FROM COUNCILORS**

**I. ADJOURNMENT**



**City Council Meeting**

**Meeting Date:** 01/14/2019

**ANNOUNCEMENTS:** Tualatin Youth Advisory Council Annual Report

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**ANNOUNCEMENTS**

Annual Report of the Tualatin Youth Advisory Council for 2018

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A. YAC Annual Report

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# Tualatin Youth Advisory Council

2018 Annual Report

# YAC Members



# YAC Goals

Advise the Tualatin City Council on issues that affect youth.

- ⦿ Advise the Tualatin City Council on issues that affect youth.
- ⦿ Serve as a communication link for youth to government, business, and the community.
- ⦿ Identify and advocate for the needs of youth in our community.
- ⦿ Identify and carry out events and activities for the community, which are important to youth.

*We strive to meet these goals in three main ways.....*

# How we meet our goals:

- ⦿ Advocacy
- ⦿ Activities
- ⦿ Education





# Meeting our goals through **advocacy**.....

- Monthly council updates
- 1<sup>st</sup> annual Oregon Youth Summit
- Provide input on Parks & Recreation Master Plan



# Meeting our goals through **activities**....

- ◎ Volunteer at many city events, including:
  - > Movies on the Commons
  - > West Coast Giant Pumpkin Regatta
  - > Starry Nights and Holiday Lights
  - > Snow Ball Daddy Daughter Dance
  - > Tualatin Blender Dash



# Meeting our goals through **activities....**

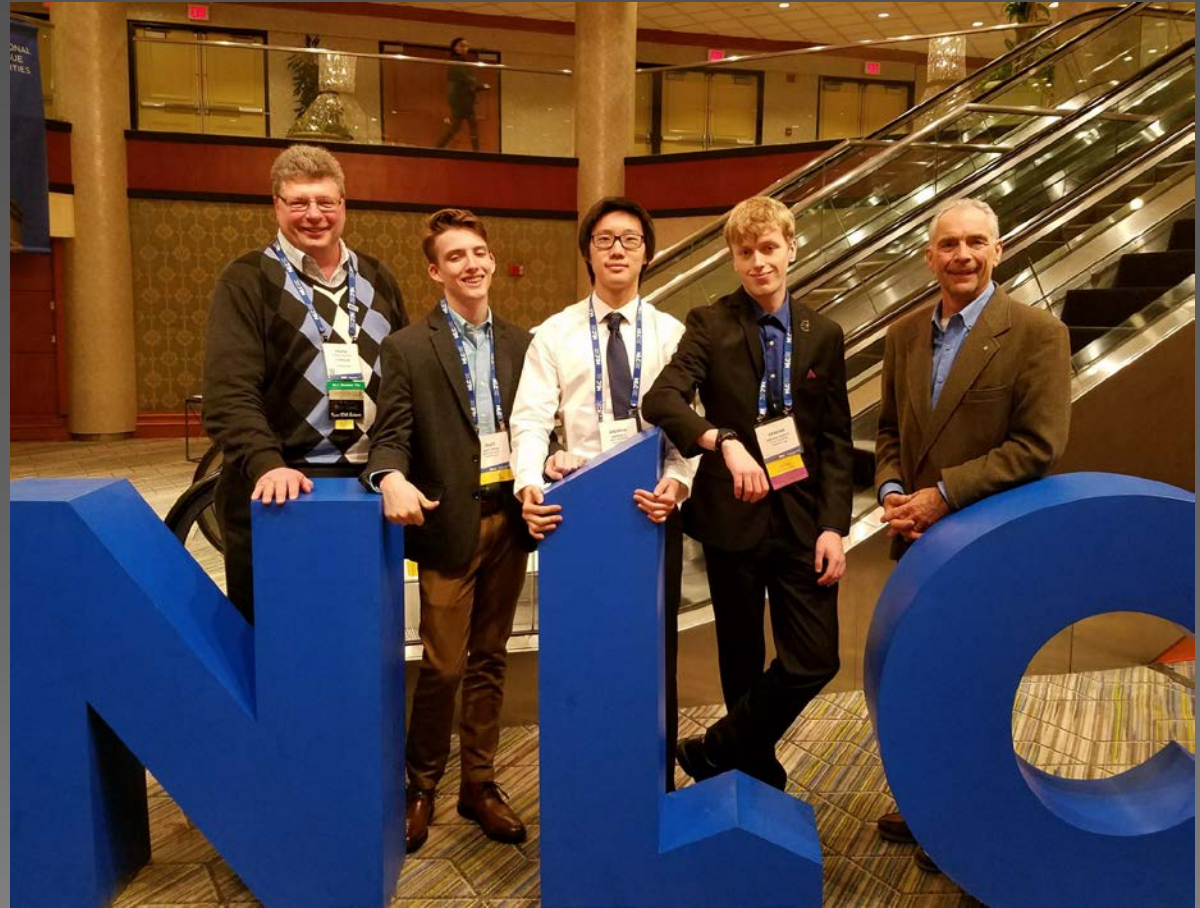
- ◉ Host activities for teens including:
  - > Haunted House
  - > Teen Nights



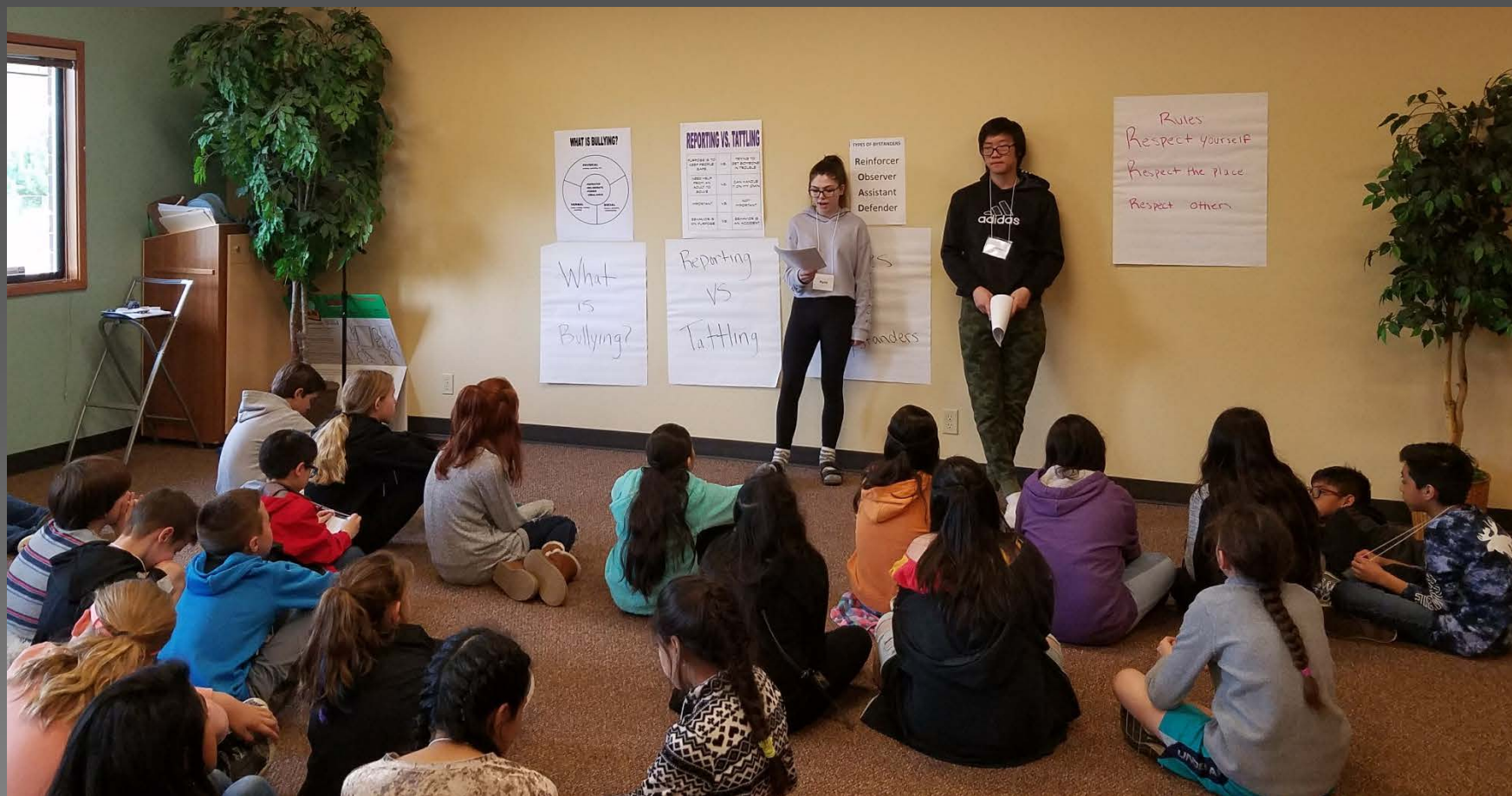


# Meeting our goals through **education**.....

- Project FRIENDS
- National League of Cities  
Congressional City  
Conference



# Project FRIENDS





# National League of Cities 2018

## Washington, DC



- Riley Green, Andrew Li, and Graehm Alberty attended conference workshops and youth leadership oriented events.



# Thank You!



- Contributed 1,500 hours of service this year!
- Participating in YAC provides opportunities for leadership development, civic engagement, and community service.
- We're looking forward to the challenges and rewards of next year!

**City Council Meeting****Meeting Date:** 01/14/2019**ANNOUNCEMENTS:** Open House for Basalt Creek Comprehensive Plan Update on January 22nd

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**ANNOUNCEMENTS**

Open House for Basalt Creek Comprehensive Plan Update on January 22, 2019

**SUMMARY**

If you have questions or would like to learn more about the upcoming Basalt Creek Comprehensive Plan update process, you are invited to attend a drop-in Open House at the Horizon High School (23370 SW Boones Ferry Road) on Tuesday, January 22, 2019 from 6:00 to 8:00 p.m. For additional information and updates, please visit Tualatin's project webpage: <https://www.tualatinoregon.gov/planning/basalt-creek-area-planning>. Contact Steve Koper, Planning Manager at 503-691-3028 or [skoper@tualatin.gov](mailto:skoper@tualatin.gov) with questions.

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Open House Invite

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# COMPREHENSIVE PLAN

# OPEN HOUSE

***January 22<sup>nd</sup>***  
***Tuesday, 6-8 pm***

*Horizon High School*  
23370 SW Boones Ferry Road

**Open House on Tualatin's future Basalt  
Creek Comprehensive Plan Amendments**

Please join us for a drop-in event to learn about  
Tualatin's Comprehensive Plan and Map updates!

Contact with questions:  
Steve Koper, Planning Manager  
[skoper@tualatin.gov](mailto:skoper@tualatin.gov)  
503.691.3028

<https://www.tualatinoregon.gov/planning/basalt-creek-area-planning>



**City Council Meeting****Meeting Date:** 01/14/2019**ANNOUNCEMENTS:** Southwest Corridor Community Meeting on January 24th

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**ANNOUNCEMENTS**

Southwest Corridor Community Meeting on January 24

**SUMMARY**

As a part of the Southwest Corridor Plan, TriMet is hosting a community meeting to discuss light rail line and Bridgeport station options on January 24 from 6:30 p.m. to 7:30 p.m. at the Tigard Library (13500 SW Hall Boulevard). Input from the community is needed to help inform TriMet about how to best meet community needs and balance project values. Contact Jennifer Koozer, TriMet Community Affairs Manager, with any questions at (503) 962-2116 or [koozerj@trimet.org](mailto:koozerj@trimet.org).

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SWC Poster 1-24-18

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G R E A T P L A C E S

Corridor

# Bonita to Bridgeport Community Meeting

January 24<sup>th</sup>

6:00-7:30 p.m.

Tigard Library

13500 SW Hall Boulevard



PHOTO SOURCE: TUALATIN STAFF

Bridgeport in Tualatin



PHOTO SOURCE: TRIMET

TriMet MAX Line

Clinton St  
SE 12th Ave

Clinton St  
SE 12th Ave

Milwaukie

City Center



## **City Council Meeting**

**Meeting Date:** 01/14/2019

**ANNOUNCEMENTS:** League of Oregon Cities City Day 2019

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### **ANNOUNCEMENTS**

League of Oregon Cities "City Day At the Capitol 2019" on January 24, 2019

### **SUMMARY**

City Day at the Capitol, co-sponsored by the LOC and the Oregon Mayors Association, is local government's major event of the legislative session. Most importantly, it is also the opportunity for city officials from around Oregon to stand together in support of the League's advocacy efforts and let legislators know how actions they take could impact local communities.

Highlights of City Day at the Capitol will include a briefing from League staff on legislative priorities, hearing from invited speakers including Gov. Brown and legislative leadership, individual visits with legislators, and a reception for legislators and city officials.

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Draft Agenda

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## 2019 City Day at the Capitol Thursday, January 24, 2019

### AGENDA

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<b>8:30 – 9:00 a.m.</b> <b>Willamette Foyer</b>	<i>REGISTRATION</i>	<b>Salem Convention Center,</b>
<ul style="list-style-type: none"><li>• Registration Opens and Continental Breakfast Available</li></ul>		
<b>9:00 – 12:00 p.m.</b> <b>Center, Willamette Room</b>	<i>BREAKFAST/GENERAL SESSION</i>	<b>Salem Convention</b>
Invited Speakers:		
<ul style="list-style-type: none"><li>• Governor Kate Brown</li><li>• Treasurer Tobias Read</li><li>• Senate President Peter Courtney - Confirmed</li><li>• Senate Republican Leader Herman Baertschiger, Jr.</li><li>• House Speaker Tina Kotek</li><li>• House Republican Leader Carl Wilson</li></ul>		
<ol style="list-style-type: none"><li>1. Welcome from LOC Board President and OMA President</li><li>2. Messages from LOC Executive and Legislative Directors</li><li>3. Legislative Session Overview</li><li>4. Issue Briefings</li><li>5. Legislative Orientation/Grassroots Advocacy Training</li><li>6. How to Track Legislation (OLIS and LOC Bill Tracker)</li></ol>		
<b>12:00 – 1:00 p.m.</b>	<i>LUNCH</i>	<b>Salem Convention Center, Willamette Room</b>
<ul style="list-style-type: none"><li>• Group Lunch</li></ul>		
<b>1:15 – 4:15 p.m.</b>	<i>LEGISLATIVE MEETINGS</i>	<b>State Capitol</b>
<ul style="list-style-type: none"><li>• Individual Appointments with Legislators</li></ul>		
<b>4:30 – 6:30 p.m.</b>	<i>RECEPTION</i>	<b>Salem Convention Center, Willamette Foyer</b>
<ul style="list-style-type: none"><li>• Legislative Reception</li></ul>		

**City Council Meeting**

**Meeting Date:** 01/14/2019

**ANNOUNCEMENTS:** School Choic Week Proclamation

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**ANNOUNCEMENTS**

Proclamation Declaring January 20-26, 2019 as School Choice Week in the City of Tualatin

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Proclamation

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# Proclamation

## *Proclamation Declaring January 20-26, 2019 as School Choice Week in the City of Tualatin*

WHEREAS all children in Tualatin should have access to the highest-quality education possible; and

WHEREAS Tualatin recognizes the important role that an effective education plays in preparing all students in Tualatin to be successful adults; and

WHEREAS quality education is critically important to the economic vitality of Tualatin; and

WHEREAS Tualatin is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS Tualatin has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that:

January 20-26, 2019 as School Choice Week in the City of Tualatin

INTRODUCED AND ADOPTED this 14<sup>th</sup> day of January, 2019.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

ATTEST:

BY \_\_\_\_\_  
City Recorder



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 01/14/2019

**SUBJECT:** Consideration of Approval of the Minutes for the Work Session of December 10, 2018

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**ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve the minutes for the Work Session of December 10, 2018.

**RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** [City Council Work Session Minutes of December 10, 2018](#)



Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison

Absent: Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Library Manager Jerianne Thompson; City Engineer Jeff Fuchs; IS Director Bates Russell; Management Analyst II Nic Westendorf; Parks and Recreation Director Ross Hoover; Planning Manager Steve Koper

## CALL TO ORDER

Mayor Ogden called the meeting to order at 6:05 p.m.

### 1. *Library Makerspace / Classroom Concept.*

Tualatin Library Director Jerianne Thompson presented a proposal for a Library Makerspace/Classroom. She stated during the America's Best Community Competition a mobile Makerspace was created with the long term goal of creating a permanent Community Career and Creative Center. In the interim the library is proposing a makerspace/classroom inside the library. The concept would be a 750 square foot glass walled room with movable furnishings and resilient tile flooring. Repurposing the space would allow for dedicated space for maker equipment, create opportunity for new technology, create a reduction in overall shelving and collection sizes, and provide for additional meeting space. Director Thompson stated estimated project costs are \$455,000 and staff is looking at funding through fundraising, the Capital Improvement Plan, and savings from decreased collection sizes. She shared an example of similar space in Hillsboro called The Collaboratory. Director Thompson stated the proposal has been shared to many committees and various organizations that work closely with the library.

Councilor Morrison asked when the project would start. Director Thompson stated in FY 2021-22.

Councilor Bubenik asked what items would be removed to reduce the collection. Director Thompson stated there are no specifics at this time but the bulk would likely come from DVD, CD, and audiobooks in the adult collection. She stated many of these items are available digitally.

Council President Davis asked what programs would be offered in the new space that currently don't have a location. Director Thompson stated the makerspace would have a permanent space and potentially additional classes provided by PCC.

Council President Davis asked if the space would be available for rentals. Director Thompson stated that is a policy questions that hasn't been considered at this time.

Councilor Bubenik asked what the \$455,000 included. Director Thompson stated that it is for the remodel of the space only. She stated it doesn't include any new equipment.

Mayor Ogden asked what the target demographic is for the space. Director Thompson stated programming would be for all ages.

**2. *Proclamation Request.***

Council consensus was reached to add the National School Choice Week proclamation to the January 14, 2019 agenda.

**3. *Council Meeting Agenda Review, Communications & Roundtable.***

Councilor Bubenik attended the Willamette River Water Consortium meeting where they are working on updating their intergovernmental agreement (IGA) with its partners. The consortium will meet in February to continue to work on the updates.

**4. *Tualatin Trivia.***

**ADJOURNMENT**

The work session adjourned at 6:41 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Lou Ogden, Mayor



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 01/14/2019

**SUBJECT:** Consideration of Approval of a New Liquor License Application for Bay Club Oregon

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### **ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve a new liquor license application for Bay Club Oregon.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Bay Club Oregon.

### **EXECUTIVE SUMMARY:**

Bay Club Oregon has submitted a new liquor license application under the category of limited on-premises sales. Under the category of limited on-premise sales, they would be permitted to sell factory-sealed containers of malt beverages, wine, and cider for on-site consumption. The business is located at 18120 SW Lower Boones Ferry Road. The application is in accordance with provisions of Ordinance No.680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

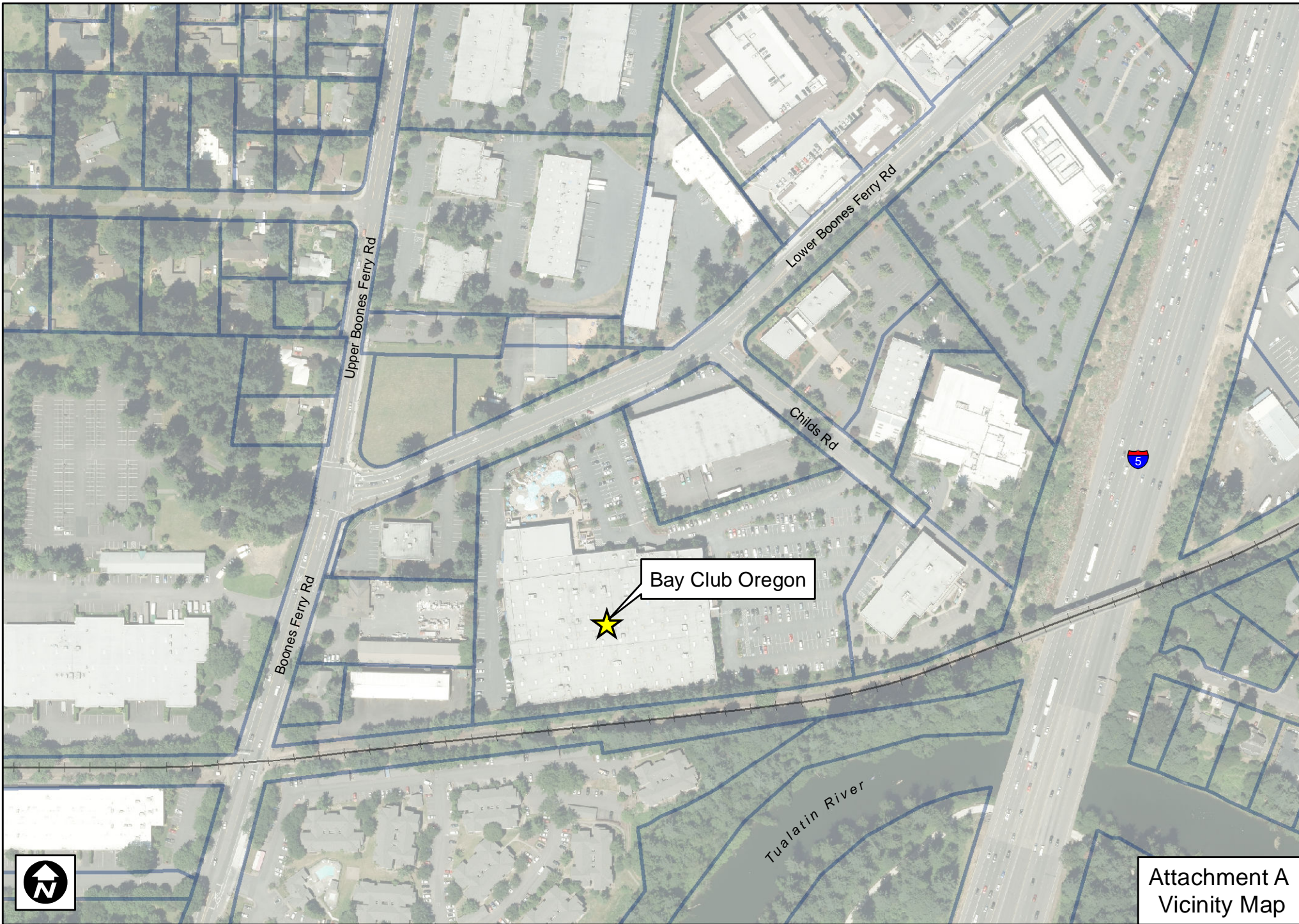
### **FINANCIAL IMPLICATIONS:**

A fee has been paid by the applicant.

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**Attachments:** [Attachment A - Vicinity Map](#)  
[Attachment B- License Types](#)  
[Attachment C- Application](#)





## OREGON LIQUOR CONTROL COMMISSION

### LICENSE TYPES

#### FULL ON-PREMISES SALES

- **Commercial Establishment**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**  
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**  
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

#### LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

#### OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

#### BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

#### WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.





# CITY OF TUALATIN

## LIQUOR LICENSE APPLICATION

received 12/21/18  
check #2261

Return Completed form to:  
City of Tualatin  
Attn: Deputy City Recorder  
18880 SW Martinazzi Ave  
Tualatin, OR 97062

Date \_\_\_\_\_

**IMPORTANT:** This is a three-page form. You are required to complete all sections of the form.  
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.  
**Thank you for your assistance and cooperation.**

### SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # \_\_\_\_\_
- Temporary License - \$35.00 Application Fee.

### SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Bay Club Oregon

Business address 18120 SW Lower Boones Ferry Road City Tigard State OR Zip Code 97224

Mailing address One Lombard Street City San Francisco State CA Zip Code 94111

Telephone # (503) 968-4500 Fax # N/A

Email \_\_\_\_\_

Name(s) of business manager(s) First Robert Middle Lee Last Everton

Type of business Sports and Fitness Club

Type of food served See attached menus

Type of entertainment (dancing, live music, exotic dancers, etc.) Recorded music and pool tables

Days and hours of operation M-Th: 5:00am-11:00pm Sat.: 6:00am-11:00pm Sun.: 6:00am-10:00pm

Food service hours: Breakfast \_\_\_\_\_ Lunch \_\_\_\_\_ Dinner \_\_\_\_\_

Restaurant seating capacity 177 Outside or patio seating capacity 24

How late will you have outside seating? Closing time How late will you sell alcohol? \_\_\_\_\_

How many full-time employees do you have? 4 Part-time employees? 25

**SECTION 3: DESCRIPTION OF LIQUOR LICENSE**

Name of Individual, Partnership, Corporation, LLC, or Other applicants DDR Partners, Inc.

Type of liquor license (refer to OLCC form) Limited On-Premises

Form of entity holding license (check one and answer all related applicable questions):

**INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

**PARTNERSHIP:** If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

**CORPORATION:** If this box is checked, complete (a) through (c).  
(a) Name and business address of registered agent.  
Full name Corporation Service Company  
Business address 1127 Broadway Street NE, Suite 310, Salem, OR 97301

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.  
Full name of president: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_  
Full name of treasurer: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_  
Full name of secretary: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

**LIMITED LIABILITY COMPANY:** If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.  
Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

**OTHER:** If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

**SECTION 4: APPLICANT SIGNATURE**

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.



Signature of Applicant

Date

For City Use Only

Sources Checked:

DMV by pa     LEDS by pa     TuPD Records by pa  
 Public Records by \_\_\_\_\_

Number of alcohol-related incidents during past year for location.

Number of Tualatin arrest/suspect contacts for Robert Everton

**It is recommended that this application be:**

**Granted**

**Denied**

Cause of unfavorable recommendation: \_\_\_\_\_

Bill Steele

Signature

12-27-18

Date

Bill Steele  
Chief of Police  
Tualatin Police Department



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Richard Mueller, Parks and Recreation Manager  
Ross Hoover, Parks and Recreation Director

**DATE:** 01/14/2019

**SUBJECT:** Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2017/2018

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### **ISSUE BEFORE THE COUNCIL:**

The Council will review the Parks System Development Charge (Parks SDC) report for FY 2017/2018 and consider the staff recommendation.

### **RECOMMENDATION:**

Staff recommends that Council accept the attached report.

### **EXECUTIVE SUMMARY:**

Council established the current Parks SDC by adopting Ordinance 833-91 in 1991. The attached report fulfills the requirement of ORS 223.311 to provide an annual accounting of the Parks SDC, and to recommend any changes to the SDC ordinance.

In FY 2017/2018, \$314,783.60 was collected, including \$294,585.00 in Parks SDC fees, \$0 in refunds and \$20,198.60 in interest. No credits or installment payments were authorized.

Expenditures on qualified parks system improvements totaled \$237,923.61. The specific improvements are listed on page 2 of the attached report.

### **FINANCIAL IMPLICATIONS:**

The Parks SDC beginning fund balance, revenues and expenditures are budgeted in the Parks Development Fund (Fund 436).

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**Attachments:** Parks SDC Annual Report

## **PARKS SYSTEM DEVELOPMENT CHARGE (Parks SDC) ANNUAL REPORT FOR FISCAL YEAR 2017/2018**

### **Introduction**

The Parks System Development Charge (Parks SDC) consists of an “improvement fee” that covers the cost of new capacity to meet the demands of new development, based on adopted standards and a capital improvement list. The Parks SDC does not include a “reimbursement fee” since the park system does not include any excess capacity that would be used by new development. The fee is charged per new residential dwelling unit.

Council approved the original Parks SDC in 1984 by adoption of Ordinance 655-84. In 1989 the Legislature enacted House Bill 3224 requiring local governments to meet specific statutory requirements and that system development charges be based upon past and future capital improvements to the system for which it is being collected. In 1991, Council adopted Ordinance 833-91 to repeal the original ordinance and bring the City in compliance with ORS 223.297 through 223.314 (System Development Charges). The fee established in the new ordinance went into effect on July 1, 1991.

In January 2004, Council authorized two actions affecting the Parks SDC. First, by adoption of Resolution 4192-04, the 1991 fee was adjusted to present value by applying an adjustment factor consisting of indexes for both land and construction. The second action taken by Council in January 2004, by adoption of Ordinance 1154-04, was to establish an annual adjustment factor indexing both land and construction costs to enable the Parks SDC to have the purchasing power to pay for park projects it is intended to fund. These changes have been incorporated into the Tualatin Municipal Code, Chapter 2-6, System Development Charges.

### **Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of Park SDCs be performed, and to recommend any changes in the Parks SDC as adopted by the City of Tualatin.

### **Revenue**

During the period covered by this report (July 1, 2017 to June 30, 2018), the City of Tualatin collected \$314,783.60 in Parks SDC fees, refunds and interest on the fee income (\$294,585.00 in fees, \$0 in refunds and \$20,198.60 in interest).

### **Credits**

No credits were authorized.

### **Installment Payment Agreements**

No installment payment agreements were authorized.

**Expenditures**

Parks SDC funds were used for the following projects in Fiscal Year 2017/2018:

<b><u>Project Description</u></b>	<b><u>Parks SDC Amount</u></b>
1. Parks and Recreation Master Plan Update	\$181,170.05
2. Jurgens Park Expansion	\$11,465.85
3. Saum Creek Greenway Trail	\$3,472.50
4. Transfer to General Fund Costs associated with management of Master Plan and administration of Parks SDC	\$42,200.00
5. Tualatin River Greenway Trail ODOT Refund	-\$384.79
<b>Total Expenditures</b>	<b>\$237,923.61</b>

**Recommendation**

It is recommended the Parks and Recreation Director continue to monitor issues that may arise and review their impact on the Parks SDC legislation.

The methodology is currently under consideration by the Council and rate setting is scheduled for spring of 2019.





# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Kelsey Lewis, Management Analyst II  
Jeff Fuchs, Public Works Director

**DATE:** 01/14/2019

**SUBJECT:** Consideration of the System Development Charge (SDC) Annual Reports for Sewer, Storm, Water, and Transportation (TDT) for Fiscal Year 2017/18

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### **ISSUE BEFORE THE COUNCIL:**

The Council will review the System Development Charge (SDC) reports for FY 2017/18 and consider staff recommendations.

### **RECOMMENDATION:**

Staff recommends that Council accept the attached reports.

### **EXECUTIVE SUMMARY:**

Council established the current Sewer, Storm, and Water SDCs in 1991, and the Transportation Development Tax in 2010. The attached report fulfills the requirement of ORS 223.311 to provide an annual accounting of the SDCs and to recommend any changes to the SDC Chapter of the Tualatin Municipal Code.

The Parks SDC annual report is presented separately by the Parks & Recreation Department.

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**Attachments:** Attachment A FY 17-18 SCD Reports for Sewer, Storm, Water and TDT

**CITY OF TUALATIN**  
**SEWER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2017/18

**Introduction**

According to Tualatin Municipal Code, Chapter 2-6-060, System Development Charges (SDCs) for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. The Sewer SDC fee was established by intergovernmental agreement with Clean Water Services in which the City collects the revenue, remitting 96% to Clean Water Services and retaining 4%. The fee is based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the sewer system.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Sewer SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2017 to June 30, 2018) the City of Tualatin collected \$665,301.12 in Sewer SDC fees. Interest earned on the SDC fees was \$67,170.27.

**Credits**

No credits were used towards the payment of Sewer SDC in fiscal year 2017/18.

**Expenditures**

The Sewer SDC fees were determined by the Clean Water Services methodology and retained in the Sewer Development (Sewer SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2017/18 by the Sewer SDC revenues were as follows:

- |  |             |
|--|-------------|
| 1. Sewer Master Plan Update  | \$13,314.00 |
| 2. Transfer to General Fund<br>(Costs associated with management of Sewer SDC) | \$13,170.00 |

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Total Expenditures	\$26,484.00
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**Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Sewer SDCs. No change to methods, procedures or fees as outlined in Tualatin Municipal Code is recommended at this time.

**CITY OF TUALATIN**  
**STORM SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2017/18

**Introduction**

According to Tualatin Municipal Code, Chapter 2-6-060, System Development Charges (SDCs) for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. In 1991, the Storm SDC fee was established in Resolution 2666-91, adopting the methodology used by Clean Water Services (then called United Sewerage Services). It is based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the storm drain system.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Storm SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2017 to June 30, 2018) the City of Tualatin collected \$68,060.45 in storm quantity fees and \$4,391.61 in storm quality fees for a total of \$72,452.06 in Storm SDC fees. Interest earned on the SDC fees was \$8,684.52.

**Credits**

Credits in the amount of \$51,771.21 for water quality were used towards the payment of Storm SDCs in fiscal year 2017/18. No water quantity credits were used in this fiscal year.

**Expenditures**

The Storm SDC fees were determined by the Clean Water Services methodology and retained in the Storm Development (Storm SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2017/18 by Storm SDC revenues were as follows:

<b>Project Description</b>	<b>SDC Amount</b>
1. Stormwater Master Plan Update	\$142,481.84
2. Transfer to General Fund (Costs associated with management of Storm SDC)	\$8,550.00
<hr/>	
Total Expenditures	\$151,031.84

**Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Storm SDCs. No change to methods, procedures or fees as outlined in Municipal Code is recommended at this time.

**CITY OF TUALATIN**  
**WATER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2017/18

**Introduction**

In 1991, the City of Tualatin adopted Ordinance 833-91, which established a System Development Charge (SDC) for connection to the City of Tualatin water system. This SDC fee was based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the water system.

An update to the Water SDC Methodology was approved on December 8, 2003. Beginning February 1, 2005 and each February 1st thereafter, the water SDC automatically increased according to the Engineering News Record Construction Cost Index. These provisions are incorporated into the Tualatin Municipal Code Section 2-06.

In addition to the annual indexing in February 2018, in June 2018 an additional increase was approved by Council on Resolution 5374-18 to enact the recommendation included in the 2013 master plan. The rate increased from \$4,132 to \$4,428 per EDU.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Water SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2017 to June 30, 2018) the City of Tualatin collected \$479,465.00 in Water SDC fees in accordance with Ordinance 833-91. Interest earned on the SDC fees was \$16,866.87.

**Credits**

No credits were used towards the payment of Water SDCs in fiscal year 2017/18.

**Expenditures**

The Water SDC fees were determined by the ordinance methodology and retained in the Water Development (Water SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

## Attachment A

Projects funded in fiscal year 2017/18 by the Water SDC revenues were as follows:

<b>Project Description</b>	<b>SDC Amount</b>
1. Myslony St. Waterline (36% of project costs- project continues into FY 2018/19)	\$3,660.43
2. Water Master Plan Update (36% of project costs- project continues into FY 2018/19)	\$44,147.96
3. C1 Water Reservoir (36% of project costs- project continues into FY 2018/19)	\$93,868.75
4. Transfer to General Fund (Costs associated with management of Water SDC)	\$13,440.00
<hr/>	
Total Expenditures	\$155,117.14

### **Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Water SDCs. No change to methods, procedures or fees as outlined in Ordinance 833-91 is recommended at this time.

**CITY OF TUALATIN  
TRANSPORTATION DEVELOPMENT TAX (TDT) REPORT  
Annual Report for Fiscal Year 2017/18**

**Introduction**

In 2010, the City of Tualatin adopted Ordinance 1301-10, which established a Transportation Development Tax (TDT) for which all development must pay to help fund transportation projects in the City of Tualatin. This is a direct adoption of Washington County's TDT and applies throughout the City, whether in Washington or Clackamas County. It is incorporated into the Tualatin Municipal Code in 2-8, Transportation Development Tax.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of system development charges to be performed (the TDT being a kind of system development charge), and to recommend any changes in the TDT as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2017 to June 30, 2018) the City of Tualatin collected \$2,400,789.03 in TDTs for Washington County and \$49,458.57 for Clackamas County for a total of \$2,450,247.60 in accordance with Ordinance 1301-10. Interest earned on the TDTs was \$147,044.34.

**Credits**

No credits were used towards the payment of TDTs in Fiscal Year 2017/18.

**Expenditures**

The TDTs were determined by the ordinance methodology and retained in the Transportation Development Tax Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2017/18 by TDT revenues were as follows:

<b><u>Project Description</u></b>	<b><u>SDC Amount</u></b>
1. Garden Corner Curves Concept Study/Alternatives Analysis (105 <sup>th</sup> /Blake/108th)	\$38,408.37
2. Lou Ogden Bridge (formerly Myslony Bridge)	\$544,556.51
<hr/>	
Total Expenditures	\$582,964.88



**Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the TDT. No change to methods, procedures or fees as outlined in Ordinance 1301-10 is recommended at this time.



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Bill Steele, Police Chief

**DATE:** 01/14/2019

**SUBJECT:** Consideration of **Resolution No. 5419 -19** Authorizing the City Manager to Execute an Intergovernmental Agreement with the City of Portland to Participate in the Regional Justice Information Network (RegJIN) as an Inquiry Only Partner

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### **ISSUE BEFORE THE COUNCIL:**

The Council will consider executing the intergovernmental agreement with the City of Portland to participate in the Regional Justice Information System (RegJIN) as an Inquiry Only partner.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached resolution executing the Intergovernmental Agreement with the City of Portland to participate in the RegJIN as an Inquiry Only partner.

### **EXECUTIVE SUMMARY:**

Recently the City of Tualatin and other agencies in Washington County ended their relationship with the City of Portland as full partner agencies in RegJIN and began using a new police records management system. As an Inquiry Only partner, staff from the Tualatin Police Department will continue to use RegJIN to access offense reports, criminal information and history of other law enforcement agencies in the Metro area. Police Department staff intends that this IGA would be in effect until July 1, 2019. Annual costs included in Exhibit A: User Fees will be prorated through July 1, 2019.

### **FINANCIAL IMPLICATIONS:**

This expense was not budgeted but funds are available in the FY18/19 Police Department budget.

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**Attachments:** [Resolution 5419-19-RegJIN](#)  
[Ex 1 - Reso 5419-19 - RegJIN](#)

RESOLUTION NO. 5419-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND TO PARTICIPATE IN THE REGIONAL JUSTICE INFORMATION NETWORK AS AN INQUIRY ONLY PARTNER

WHEREAS, the sharing of police records and information is an important governmental function; and

WHEREAS, the City wishes to work with the City of Portland to participate in the Regional Justice Information System (RegJIN) as an Inquiry Only partner;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

**Section 1.** The City Manager is authorized to execute the intergovernmental agreement, which is set forth in Exhibit 1.

**Section 2.** The City Manager, or designee, is authorized to implement the terms of the intergovernmental agreement.

**Section 3.** This resolution is effective upon adoption.

Adopted by the City Council this 14<sup>th</sup> day of January, 2019.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

**RESOLUTION NO. 5419-19**  
**EXHIBIT 1**

**RegJIN PARTICIPANT INTERGOVERNMENTAL AGREEMENT**  
**REGIONAL PARTNER AGENCY – INQUIRY ONLY**

This Intergovernmental Agreement (“Agreement”) is made effective on January 22, 2019 (“Effective Date”) by and between the City of Portland, a municipal corporation of the State of Oregon, and its successors or assigns (hereinafter referred to as “City”) and the City of Tualatin (hereinafter referred to as “RPA”), a(n) municipal corporation of the State of Oregon/Agency of the State of Washington, by and through their duly authorized representatives. Authority to enter into the Agreement is pursuant to Oregon Revised Statutes (“ORS”) 190.003. and RCW 39.34.030.

This Agreement may refer to the City and RPA individually as a “Party” or jointly as the “Parties.”

This Agreement shall be perpetual and remain in effect unless otherwise terminated per the terms of this Agreement.

RPA Contact:	City of Portland Contact:
Chief Bill Steele	Tammy Mayer
Tualatin Police Department	Portland Police Bureau
	Records Division
8650 SW Tualatin Road	1111 SW 2 <sup>nd</sup> Avenue #1126
Tualatin Oregon 97062	Portland, OR 97204
TEL: 503-691-4820	TEL: (503) 823 - 0101
E-MAIL: <a href="mailto:bsteele@tualatin.gov">bsteele@tualatin.gov</a>	E-MAIL: <a href="mailto:tamara.mayer@portlandoregon.gov">tamara.mayer@portlandoregon.gov</a>

**RECITALS**

WHEREAS, the City has acquired a law enforcement Records Management System (“System”) to maintain a multi-agency, multi-jurisdictional set of law enforcement applications and associated databases; and

WHEREAS, the RPA is an Inquiry Only RPA as defined in this Intergovernmental Agreement for the System herein; and

WHEREAS, the RPA desires to Access the System as an Inquiry Only RPA; and

WHEREAS, the City and the RPA desire to enter into this Agreement and being fully advised; and

**NOW THEREFORE, IN CONSIDERATION** of the mutual promises and covenants contained herein, it is agreed as follows:

**1. DEFINITIONS:**

The following is a definition of terms used herein:

- A. "Access" means the authority granted by the City to the RPA's Authorized Users to review or receive information from the System.
- B. "Agreement" means this Participating Intergovernmental Agreement and all the Terms and Conditions, including all the documents referenced in the Order of Precedence.
- C. "Amendment" means a written document required to be signed by both Parties when in any way altering the Terms and Conditions or provisions of the Agreement.
- D. "Authorized Use" means functions and capabilities that a User is assigned and able to perform based on User ID and Password, as established by a System Administrator.
- E. "Authorized System User" means any User that has passed the authentication process of the System and is thereby authorized to Use the System's functions and components based on the permissions established by that User's credentials (User ID and password, fingerprints, etc.).
- F. "City Confidential Information" means any information, in any form or media, including verbal discussions, whether or not marked or identified by the City, which is reasonably described by one or more of the following categories of information: (1) financial, statistical, personnel, human resources data or Personally Identifiable Information as described in the Oregon Consumer Identity Theft Protection Act of 2007; (2) business plans, negotiations, or strategies; (3) unannounced pending or future products, services, designs, projects or internal public relations information; (4) trade secrets, as such term is defined by ORS 192.501(2) and the Uniform Trade Secrets Act ORS 646.461 to 646.475; (5) Exempt per ORS 192.501 and/or ORS 192.502 (6) attorney/client privileged communications, (7) exempt per federal laws (including but not limited to Copyright, HIPAA) and (8) information relating to or embodied by designs, plans, configurations, specifications, programs, or systems developed for the benefit of the City including without limitation, data and information systems, any software code and related materials licensed or provided to the City by third parties; processes; applications; codes, modifications and enhancements thereto; and any work products produced for the City.
- G. "Confidential Information" means any information that is disclosed in written, graphic, verbal, or machine-recognizable form, and is marked, designated, labeled or identified at the time of disclosure as being confidential or its equivalent; or if the information is in verbal form, it is identified as confidential or proprietary at the time of disclosure and is confirmed in writing within thirty (30) Days of the disclosure. Confidential Information does not include any information that: is or becomes publicly known through no wrongful or negligent act of the receiving Party; is already known to the receiving Party without restriction when it is disclosed; is, or subsequently becomes, rightfully and without breach of this Contract or any other agreement between the Parties or of any applicable



protective or similar order, in the receiving Party's possession without any obligation restricting disclosure; is independently developed by the receiving Party without breach of this Contract; or is explicitly approved for release by written authorization of the disclosing Party.

- H. "Cost Sharing Formula" means the Plan, adopted by the City based on recommendations by the User Board that apportions User Fees, capital, operation, maintenance, repair and equipment replacement costs and use of grant funding among the Entry RPAs and Inquiry Only RPAs. The Cost Sharing Formula may be amended as provided for in the User Board Master IGA.
- I. "Criminal History Record Information" means information collected by criminal justice agencies and stored or available through the System on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any dispositions arising therefrom, including, but not limited to sentencing, correctional supervision, and release.
- J. "Criminal Justice Information" means information collected by criminal justice agencies that is needed for their legally authorized and required functions. This includes Criminal History Record Information and investigative and intelligence information. It does not include agency personnel or administrative records used for agency operations or management.
- K. "Days" shall mean calendar days, including weekdays, weekends and holidays, beginning at midnight and ending at midnight twenty-four hours later, unless otherwise specified by the Agreement.
- L. Defects means one of the five types of Defects listed below and as outlined in Exhibit E, RegJIN Support Model, Figure 1:
  - 1) "Material Defect" means an Error that impairs the Products as described in Critical Defect and for which no fix is available or forthcoming.
  - 2) "Critical Defect" means an Error as defined in the System maintenance and support agreement between the City and the System Contractor and at least 25% of the User base of the Production System are impacted in the same manner as defined in the System maintenance and support agreement for a Critical Defect.
  - 3) "High Defect" means an Error as defined in the System maintenance and support agreement between the City and the System Contractor and at least 25% of the active User base of the Production System and/or Hot Standby System environment are impacted in the same manner as defined in the System maintenance and support agreement for a High Defect.
  - 4) "Medium Defect" means an Error as defined in the System maintenance and support agreement between the City and the System Contractor.
  - 5) "Low Defect" means a Defect as defined in the System maintenance and support agreement between the City and the System Contractor. "Dissemination (Disseminate)" means the transmission of information, whether in writing, or electronically, to anyone outside the RPA that maintains the information, except

reports to an authorized repository.

- M. "Documentation" means User manuals, and other written and electronic materials in any form that describe the features or functions of the System, including but not limited to published specifications, technical manuals, training manuals, and operating instructions.
- N. "Entry RPA" means a law enforcement agency that has signed the User Board Master IGA and a Full Entry Participant IGA with the City. Entry RPA, the City and their Authorized Users enter data into the System.
- O. "Equipment" means any hardware, machinery, device, tool, computer, computer components, computer system or other high-technology equipment, including add-ons, or peripherals of tangible form together with the necessary supplies for upkeep and maintenance, and other apparatus necessary for the proper execution, installation and acceptable completion of the System.
- P. "Error" means any Defect, problem, condition, bug, or other partial or complete inability of the System to operate in accordance with the applicable Specifications and Documentation.
- Q. "Interface" means a point of interaction between System components or the device or code which enables such interaction; applicable to both Equipment and Software.
- R. "Inquiry Only RPA" means an agency that has signed this Inquiry Only Participant IGA with the City, providing Access to view some System data but does not input any agency data into the System and has no voting rights on the User Board.
- S. "Intelligence and Investigative Information" means information compiled in an effort to anticipate, prevent, or monitor possible criminal activity, or compiled in a course of investigation of known or suspected crimes.
- T. "Material Breach" means any breach of this Contract that (a) causes or may cause substantial harm to the non-breaching party; or (b) substantially deprives the non-breaching party of the benefit it reasonably expected under this Contract.
- U. "Personal Computer (PC)" means commercial grade desk top computers that are capable of accessing System servers via a CJIS compliant connection.
- V. "Specifications" shall mean the specifications contained in the contract between the City and the Contractor for the System governing its implementation and use by the City, Entry RPA, and Inquiry Only RPA.
- W. "System" is the law enforcement records management system acquired and implemented by the City of Portland for use by the Portland Police Bureau and the RPA.
- X. "System Administrator" shall mean a specially trained Authorized User that is authorized to perform System administrative functions.
- Y. "System Manager" is the individual with designated named backups appointed by the City of Portland to manage and operate the System on a daily basis.

- Z. "Use" means the City authorized Access given to RPA to assign Users, permission levels, and receive information from the System.
- AA. "User" shall mean any person employed by or working on behalf of the City or an RPA, the City's and RPA's Bureaus and Divisions, Officers, Directors, and any person or entity authorized by the City and/or RPA to provide it with Services requiring use of the System, and to use the City's or an RPA's resources in whole or in part, in the course of assisting the City or an RPA.
- BB. "User Board" shall mean the advisory body for the System that operates under the Master Intergovernmental Agreement for the User Board of the Regional Justice Information System Network (RegJIN).
- CC. "User Fees" are fees set by the City for RPA Access and use of the System and as agreed to between the City and a RPA in a Participating IGA. User Fees shall be updated annually based on the Cost Sharing Formula and do not require an Amendment.

**2. ORDER OF PRECEDENCE:**

In the event there is a conflict between the terms and conditions of one portion of this Agreement with another portion of this Agreement, the conflict will be resolved by designating which portion of the Agreement documents takes precedence over the other for purposes of interpretation, except where a clear statement of precedence other than that set forth in this section is included in the document. In this Agreement the order of precedence shall be:

Exhibit A – User Fees (Fiscal Year 2016-2017)

Exhibit B – Reserved

Exhibit C – System Procedures and Use Policy\*

Exhibit D – Equipment and Security Requirements\*

Exhibit E – RegJIN Support Model\*

\*Exhibits C, D, and E are available on the System's website at: <http://www.portlandonline.com/regjinrc/index.cfm?&c=51409>. Exhibits C, D, and E will be revised as necessary to conform to updated requirements and procedures.

**3. STATEMENT OF PURPOSE:**

The purpose of this Agreement is to define the terms and conditions under which the System will be Accessed and Used by the RPA.

**4. SYSTEM ACCESS:**

The City will contract with the System Contractor and will own all licenses to Access the System. The City will provide the RPA's Users Access to the System.

**5. CITY PROVIDED SERVICES:**

- A. Enable Access via Equipment, including PCs, laptops, and other hand held devices for

Authorized Use of the System by RPA Users.

- B. Provide procedures, instructions and other documents to the RPA regarding the methods available and minimum requirements for RPA's Equipment to gain Access to the System.
- C. Provide instructions, documents, and arrange for the necessary training to certify one or more RPA System Administrators to perform limited administrative functions such as resetting passwords. RPA System Administrators will be trained as required, but not more than five (5) RPA employees will be trained at any one time.
- D. Support the RPA's System Administrators in the performance of their System related administrative functions.
- E. Provide training materials to enable RPA trainers to provide System training and instruction to RPA Users.
- F. Maintain and administer the System according to City of Portland Information Technology policies and procedures including backup and restore, operating system patches, and System version upgrades as required and certified by the System Contractor.
- G. Ensure that audit logs are maintained in the System in accordance with CJIS requirements.
- H. The City will provide a help line during normal business hours for RPAs to report System problems, Errors or Defects. Protocol for addressing System problems, Errors or Defects is established in Exhibit E, RegJIN Support Model. For issues, after hours, IO RPA can leave a phone message or email which will be responded to during the following business day.

**6. IO RPA RESPONSIBILITY:**

- A. Compliance with Applicable Law. RPA warrants it has complied and shall comply with all applicable laws, ordinances, orders, decrees, labor standards and regulations of its domicile and wherever performance occurs in connection with the execution, delivery, and performance of this Agreement.
- B. The RPA acknowledges and agrees that RPA employees will only use the System for Authorized Uses. Permission to use the information available in or through the System other than for Authorized Use shall be obtained in writing from the City or originating RPA prior to any such use.
- C. The RPA acknowledges and agrees that RPA employees and subcontractors will only Access the System and information available in or through the System as authorized in this Agreement. Permission to Access the System or information available in or through the System other than as authorized in this Agreement shall be obtained in writing from the City or originating RPA prior to any such Access.
- D. The RPA acknowledges and agrees that the RPA, RPA employees, and RPA subcontractors will not modify through computer programming or other techniques the

functions, capabilities, and operations of the System unless written authorization is provided by the System Manager prior to performing such modifications.

- E. The RPA acknowledges and agrees that; pursuant to the directions of the Oregon State Police and Part IV of the National Crime Information Center (NCIC) Computerized Criminal History, Program Concepts and Policy; the City shall establish policy and exercise management control over all operations of the System. The System Procedures and Use Policy is attached as Exhibit C.
- F. RPA is responsible for providing its own Equipment, including PCs, and other RPA located devices required by RPA Users of the System.
- G. The RPA acknowledges and agrees that all RPA Equipment such as PCs with Access to the System will be configured to meet the System's minimum requirements to gain Access as specified in Exhibit D: Equipment and Security Requirements.
- H. The RPA acknowledges and agrees that all RPA Users shall meet the Personnel Security requirements specified in Exhibit D: Equipment and Security Requirements.
- I. RPA is responsible for maintaining RPA PCs according to City established requirements as specified in Exhibit D: Equipment and Security Requirements for the System.
- J. RPA is responsible for installing, configuring and providing network access to PC devices located in RPA facilities.
- K. RPA is responsible for providing secure network Access that 1) meets CJIS security requirements and 2) enables RPA to reach the System's network demarcation points.
- L. RPA is responsible for providing network connectivity that meets CJIS security policies and for providing all network communication devices, PCs and Equipment between RPA and the System (see Exhibit D for requirements).
- M. RPA is responsible for ensuring that all RPA network infrastructure and workstations with Access to the System comply with the most current CJIS security policy including, but not limited to, the physical security of workstations that are able to Access the System, access control, identification and authentication, information flow enforcement, and system and information integrity. RPA may contact the City to determine how to obtain the most current version of the CJIS security policy document. The RPA is responsible for resolving any problems uncovered as a result of an FBI audit. The City reserves the right to request and receive within a reasonable period, verification of RPA's compliance with CJIS policies.
- N. RPA is responsible for providing the City with the most current contact information for the RPA's security personnel and any changes thereof within seven (7) Days of the change.
- O. RPA is responsible for ensuring that all RPA Users that are granted Authorized Use of the System comply with the appropriate CJIS security requirements.

## **7. CONFIDENTIALITY:**

- A. Maintenance of Confidentiality. The City and RPA shall treat as confidential any



Confidential information that has been made known or available to them or that an RPA has received, learned, heard or observed; or to which an RPA has had access. The City and RPA shall use Confidential information exclusively for the City or RPA's benefit and in furtherance of this Agreement. Except as may be expressly authorized in writing by the City or originating RPA, in no event shall the City or RPA publish, use, discuss or cause or permit to be disclosed to any other person such Confidential information. The City and RPA shall (1) limit disclosure of the Confidential information to those directors, officers, employees and agents of the City or RPA who need to know the Confidential information, (2) exercise reasonable care with respect to the Confidential Information, at least to the same degree of care as the City or RPA employs with respect to protecting its own proprietary and confidential information, and (3) return immediately to the City or RPA who provided the information, upon its request, all materials containing Confidential Information in whatever form, that are in the City or RPA's possession or custody or under its control. The City and RPA are expressly restricted from and shall not use Confidential intellectual property of the City or RPA without the City and that RPA's prior written consent.

- B. The RPA acknowledges that each RPA is subject to the Oregon or Washington Public Records Acts, as applicable, and Federal law. Third persons may claim that the Confidential Information may be, by virtue of its possession by the City or a RPA, a public record and subject to disclosure. RPA receiving a public records request agrees, consistent with its state public records law, not to disclose any information that includes a written request for confidentiality and as described above and specifically identifies the information to be treated as Confidential. Specifically, Washington RPA shall abide by RCW 42.56 for cases involving public records contained in the City of Portland owned RegJIN System. A RPA's commitments to maintain information confidential under this Agreement are all subject to the constraints of Oregon or Washington Statutes and Federal laws. Within the limits and discretion allowed by those laws, the City and RPA will maintain the confidentiality of information.
- C. The RPA acknowledges and agrees that the City and each RPA owns its own data in the System. RMS data can only be disclosed by the agency that entered it. In the event of a public record request for System data which belongs to the City or another RPA, the City or receiving RPA shall inform both the requestor and the appropriate RPA within two business days that it is not the custodian of record for the requested data and identify the RPA that may be able to comply with the public record request. Notwithstanding the above, Washington RPA shall abide by Washington law including without limitation, RCW 42.56.
- D. The RPA acknowledges that unauthorized disclosure of Confidential Information will result in irreparable harm to the City or providing RPA. In the event of a breach or threatened breach of this Agreement, the City or affected RPA may obtain equitable relief prohibiting the breach, in addition to any other appropriate legal or equitable relief.

**8. LIMITS ON DISSEMINATION:**

The RPA's Dissemination of Criminal Justice Information available in or through the RegJIN RMS shall follow current Criminal Justice Information Security policies and procedures and/or other applicable State and/or Federal Laws.

**9. INFORMATION CONTROL AND RESPONSIBILITY:**

The City will provide the RPA with a list of RPA Users and devices that are permitted Access to the System on an annual basis. The RPA shall verify the list and report any discrepancies within 60 Days. The RPA shall update the list of Authorized Users and devices to the City Administrator in a timely manner.

#### **10. EQUITABLE REMEDIES:**

The RPA acknowledges that unauthorized disclosure of City Confidential Information or misuse of a City computer system or network will result in irreparable harm to the City. In the event of a breach or threatened breach of this Contract, the City may obtain equitable relief prohibiting the breach, in addition to any other appropriate legal or equitable relief.

#### **11. SECURITY:**

- A. Physical Security – the RPA shall be responsible for maintaining the physical security of all devices that are authorized to Access the System, as well as any printed output (if authorized) or System Documentation which might permit unauthorized Access to, or Use of the System from within the RPA.
- B. On-Line Security – The System contains procedures and tools to ensure that only authorized RPA Users and RPA devices can Access the information available in or through the System. RPA Users will be required to enter System User IDs and passwords before gaining Access to the System. System functions and System data. The RPA is responsible for issuing unique individual System User IDs and passwords to RPA Users. The RPA acknowledges and agrees that RPA employees will not share System User IDs and passwords.
- C. Personnel Security – Any individuals that are provided Access to the System by the RPA through the issuing of System IDs and passwords shall undergo the following security checks:
  - 1) A personal background investigation equivalent to a background investigation that would enable them to Access the RPA's own Confidential information.
  - 2) Be fingerprinted and their identification and personal history verified through a check of the System's master name index, Oregon LEDS or Washington ACCESS (depending on the state in which the RPA resides), the National Crime Information Center, and the FBI's Criminal Identification files.
  - 3) Obtain appropriate certifications from the Oregon State Police for any LEDS and NCIC transactions for which the User is authorized to perform within the System.
- D. The RPA acknowledges and agrees to comply with applicable CJIS Security Policy, including, but not limited to, verifying identification, performing a state of residency and national fingerprint-based record check prior to Access in the System for all personnel who have direct access to Criminal Justice Information through RegJIN and for those RPA employees or contractors who have direct responsibility to configure and maintain computer systems and networks with direct Access to Criminal Justice Information through RegJIN. If applicable, RPA shall deny or terminate Access and deny issuing or revoke a System User ID and password if, upon investigation, any RPA employee

requesting or currently Using a System User ID and password is found to be in violation of current CJIS policy.

- E. The RPA acknowledges and agrees to notify the City immediately to deactivate the System USER ID and password of any employee or contractor who is no longer an RPA employee, an RPA contractor, or who no longer requires Access to the System.
- F. RPA shall provide immediate written notification to the System Manager of any security breach that does or may affect the System or any other City systems. RPA shall provide written notification to the System Manager of any incident relating to System integrity such as a computer virus or unauthorized System queries.
- G. Failure to comply with the Security and Access specifications contained in the Agreement and Exhibit D: Equipment and Security Requirements may, at the sole discretion of the City, result in the suspension of the RPA and the RPA Users' Access to the System until such failures are corrected to the City's satisfaction.

## **12. PROPRIETARY RIGHTS:**

All trademarks, service marks, patents, copyrights, trade secrets, and other proprietary rights in or related to each Party are and will remain the exclusive property of that Party.

## **13. PAYMENT:**

- A. RPA acknowledges and agrees to pay the City the amount set out in Exhibit A: User Fees, which shall conform to the Inquiry Only RPA cost allocations contained in the Cost Sharing Formula in the User Board Master IGA in effect at the time of billing.
- B. Additional RegJIN services and/or System functions that are not routinely provided to other Inquiry Only RPAs under this Agreement shall be added via Amendment and billed as a separate line item identified in Exhibit A.
- C. Exhibit A, User Fees, shall be adjusted to conform to changes in the Cost Sharing Formula or in the services and/or System functions provided by the City to the RPA.
- D. The City will invoice the RPA annually in conformance with Exhibit A: User Fees.
- E. The RPA shall submit payment within thirty (30) Days of receipt of the invoice from the City.
- F. Failure to pay the City as due will suspend the RPA's Access to the System until paid in full.

## **14. CITY AUDITS:**

The City, either directly or through a designated representative, may conduct financial and performance audits directly related to this Agreement. City audits shall be conducted in accordance with generally accepted auditing standards. RPA shall provide the City's internal auditor or external auditor, and their designees with a copy of all reports, including any management letters issued as a result of the specified audits.

Access to Records – The City internal auditor or City external auditor, and their designees, shall be given the right, and the necessary access, to review the work papers of RPA audits if the City deems it necessary. Copies of applicable records shall be made available upon request at no cost to the City.

**15. DURATION, WITHDRAWAL AND TERMINATION:**

- A. This Agreement is perpetual and shall continue from year to year unless otherwise terminated.
- B. This Agreement may be terminated by either Party by the provision of a 90-Day written notice of termination to the other Party. Termination notices must be provided in writing and sent by certified US mail, with return receipt requested.
- C. The effective date of termination shall be on the 90<sup>th</sup> Day following the receipt of the termination notice.
- D. In the event of termination, RPA shall pay the City for work performed in accordance with the Agreement prior to the effective date of termination.

**16. FORCE MAJEURE:**

- A. In the event that either Party is unable to perform any of its obligations under this Agreement (or in the event of loss of Use) due to natural disaster, actions or decrees of governmental bodies or communications line failure not the fault of the affected Party (hereinafter referred to as a “Force Majeure Event”), the Party who has been so affected immediately shall give notice to the other Party and shall do everything possible to resume performance.
- B. If the period of nonperformance exceeds fifteen (15) Calendar Days from the receipt of notice of the Force Majeure Event, the Party whose ability to perform has not been so affected may, by giving written notice, terminate this Agreement.

**17. VIOLATIONS OF THE AGREEMENT:**

In the event of violation of the provisions of this Agreement, or violation of the security policy by the RPA, RPA employees, and/or RPA contractors, the City shall have the authority to immediately restrict or prohibit Access to the System by RPA Users, RPA PCs, and other RPA devices until resolution of the problem to the satisfaction of the City. The RPA shall be notified in writing of such action, given 30 Days in which to cure the violation before Access is restricted or prohibited, and there shall be no charge for Access during any time that Access is prohibited.

**18. ROLLING ESTOPPEL:**

Unless otherwise notified by the RPA, it shall be understood that the City shall have met all its obligations under the Agreement. The City will be conclusively deemed to have fulfilled its obligations, unless it receives a deficiency report from the RPA within ninety (90) Days of the alleged deficiency and the RPA identifies the specific deficiency in the City’s fulfillment of its obligations in that report. Deficiencies must be described in terms of how they have affected a

specific performance requirement of City.

**19. NOTICE:**

Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following address or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving Party hereafter shall specify in writing:

If to the Provider:	RegJIN System Manager Portland Police Bureau 1111 SW Second Avenue, Room 1156 Portland, Oregon 97204-3232
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If to the RPA:	<b>Agency Contact Info</b> Bill Steele Chief of Police Tualatin Police Department 8650 SW Tualatin Road Tualatin Oregon 97062
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**20. AMENDMENTS:**

Except as a section or subsection may otherwise specifically provide, limit, or prohibit, the City and RPA may amend this Agreement at any time only by written Amendment executed by the City and the RPA.

Any changes to the provisions of this Agreement shall be in the form of an Amendment. No provision of this Agreement may be amended unless such Amendment is approved as to form by the City Attorney and executed in writing by authorized representatives of the Parties. If the requirements for Amendment of this Agreement as described in this section are not satisfied in full, then such Amendments automatically will be deemed null, void, invalid, non-binding, and of no legal force or effect.

**21. INTERPRETATION:**

The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of this Agreement and according to Oregon law. This Agreement shall be construed according to the laws of the State of Oregon without reference to its conflict of law provisions

**22. INDEMNIFICATION:**

To the extent permitted by the Constitutions and laws of Oregon and Washington the RPA and the City shall hold each other harmless and indemnify each other for the negligent acts, actions or omissions to act of their respective entity's, commissioners, officers, employees, and agents in the performance of their respective responsibilities and duties under this Agreement. Notwithstanding the foregoing, neither Party shall in any way be liable to hold harmless or indemnify the other Party for any costs or claims arising directly, or indirectly, out of any System related activities in which they are not participating.



**23. ASSIGNMENT:**

The rights and obligations of each Party under this Agreement may not be assigned in whole or in part. Any attempted transfer shall be null and void, of no force or effect. Attempted transfer of this Agreement shall be considered Material Breach of contract.

**24. WAIVER:**

No waiver or any breach of Agreement shall be held to be a waiver of any other or subsequent breach of this Agreement.

**25. REMEDIES:**

The remedies provided in this Agreement are cumulative, and may be exercised concurrently or separately. The exercise of any one remedy shall not constitute an election of one remedy to the exclusion of any other.

**26. SURVIVAL:**

All obligations relating to confidentiality; indemnification; publicity; representations and warranties; proprietary rights as stated in this Agreement shall survive the termination or expiration of this Agreement.

**27. NO THIRD PARTY BENEFICIARIES:**

The Parties expressly agreed that nothing contained in the Agreement shall create any legal right or inure to the benefit of any third party.

This Agreement is entered into for the benefit of the City and RPA. Except as set forth herein, nothing in this Agreement shall be construed as giving any benefits, rights, remedies or claims to any other person, firm, corporation or other entity, including, without limitation, the general public or any member thereof, or to authorize anyone not a party to this Agreement to maintain a suit for breach of contract, personal injuries, property damage, or any other relief in law or equity in connection with this Agreement.

**28. SEVERABILITY:**

The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part, shall not affect the remainder of this Agreement

## RegJIN INQUIRY ONLY INTERGOVERNMENTAL AGREEMENT

### Signature Page

#### 29. INTEGRATION:

This Agreement, including its Exhibits, constitutes the entire Agreement between RPA and the City and supersedes all prior written or oral discussions, proposals, presentations, understandings or agreements between the Parties on this subject.

The Parties acknowledge that they have read and understand this Agreement and agree to be bound by the terms and conditions contained herein.

The Parties agree that they may execute this Agreement, and any Amendments to this Agreement, by electronic means, including the use of electronic signatures.

**The Parties hereby cause this Agreement to be executed.**

<b>The City:</b> City of Portland	<b>RPA:</b> City of Tualatin
<b>By:</b>	<b>By:</b>
<b>Name:</b>	<b>Name: Sherilyn Lombos</b>
<b>Title:</b>	<b>Title: City Manager</b>
<b>Date:</b>	<b>Date:</b>
<b>By:</b>	<b>By:</b>
<b>Name:</b>	<b>Name:</b>
<b>Title:</b>	<b>Title:</b>
<b>Date:</b>	<b>Date:</b>

**Participant Intergovernmental Agreement**  
**Exhibit A (Inquiry Only): User Fees**  
**Fiscal Year – July 1, 2018 to June 30, 2019**

RPA agrees to pay the City of Portland the following annual User Fees for System Access and Use. RPA shall be billed yearly. Partial year amounts shall be pro-rated. The User Fees conform to the Entry RPA cost allocations contained in the Cost Sharing Formula in the Master User Board IGA in effect at the time of billing. Inquiry Only Users has a minimum of 5 (five) users for billing purposes.

**Cost Per User ..... \$36.89**  
**Total Number of RegJIN Users from RPA ..... 8**

**Monthly Cost for RegJIN Access and Use ..... \$295.12**  
**Annual Cost for RegJIN Access and Use..... \$3541.44**

**This rate will be reviewed prior to the beginning of the next fiscal year for possible adjustment.**

**Exhibit C**  
**System Procedures and Use Policy:**  
**Fiscal Year – July 1, 2017 to June 30, 2018**

Exhibit C is comprised of the Standard Operating Procedures (SOP) that guide the Use of the RegJIN System. The RegJIN Standard Operating Procedures will be updated from time to time and placed on the City's RegJIN Website at: <http://www.portlandonline.com/RegJINRC>

Prior to 07/01/15, Additions, subtractions, or modifications of RegJIN Standard Operating Procedures will occur in consultation with the RegJIN Implementation Team.

After 07/01/15 Additions, subtractions, or modifications of RegJIN Standard Operating Procedures will occur in consultation with the RegJIN User Board (RUB).

**Exhibit D**  
**Equipment and Security Requirements:**  
**Fiscal Year – July 1, 2017 to June 30, 2018**

Workstation Type	Application	Manufacturer	Specifications
Versadex Desktop	RMS	HP / Dell / IBM or equivalent	<ul style="list-style-type: none"> <li>• Intel or AMD 2 GHz dual core processor</li> <li>• Memory <ul style="list-style-type: none"> <li>○ 2 GB (minimum)</li> <li>○ 4 GB (recommended)</li> </ul> </li> <li>• 20 GB (available) HDD</li> <li>• NIC <ul style="list-style-type: none"> <li>○ 10 Mbit minimum</li> <li>○ 100 Mbit recommended</li> </ul> </li> <li>• 1024x768+ resolution display monitor</li> <li>• Microsoft Windows XP, Vista or 7</li> </ul>
Versadex Mobile	Field Reporting	Panasonic, Motorola or equivalent	<ul style="list-style-type: none"> <li>• Intel Centrino dual core processor</li> <li>• 2GB RAM</li> <li>• Display Resolution <ul style="list-style-type: none"> <li>○ 800x600 minimum</li> <li>○ 1024x768 recommended</li> </ul> </li> <li>• 13.3” daylight-readable LCD with (preferable) touchscreen</li> <li>• 20 GB (available) HDD</li> <li>• Microsoft Windows XP, Vista or 7</li> </ul>

1. **Access Security** - New, desktop and mobile Equipment with access to the PPDS System must adhere to the following requirements:
  - 1.1. Both desktop and mobile Equipment shall employ virus protection software
    - 1.1.1. Use of Anti-Virus and Anti-Spyware software to scan, detect, and eliminate viruses on workstations and laptops
    - 1.1.2. Anti-Virus and Anti-Spyware software must be kept up to date with current virus definitions, run at start-up, and employ resident scanning
  - 1.2. Both desktop and mobile Equipment shall apply current operating system service packs and patches; Auto-update is recommended.
  - 1.3. All desktop and mobile Equipment shall be protected by a current firewall.
  - 1.4. All mobile Equipment shall employ encryption technology for wireless transmissions from origin to termination. Encryption shall comply with Federal Information Processing Standards (FIPS) publications and guidelines for encryption.
  - 1.5. All mobile Equipment shall employ virtual private network for those transmissions that traverse between wireless local area network and department trusted network segments and shall have a static private IP address.
  - 1.6. All Users shall employ an auto-lock on their workstation or laptop that meets CJIS requirements.



- 1.7. The secured facility and all desktop and mobile Equipment shall employ at least one Advanced User Authentication method to secure access to data. This could include, but is not limited to, Biometrics, Smart Cards, or Electronic Token devices.
2. **Personnel Security** – Prior to gaining Access to the System’s criminal history record information, a person shall:
  - 2.1. Be fingerprinted and a background investigation conducted by the User’s RPA.
  - 2.2. That investigation shall include, but not be limited to, verification of information provided by the person and to public record information, including a check of the System’s master name file, Oregon LEDS or Washington ACCESS (depending on the state in which the RPA resides) and the National Crime Information Center files, and FBI Criminal Identification files.

**Participant Intergovernmental Agreement**  
**Exhibit E (Inquiry Only): RegJIN Support Model**  
**Fiscal Year – July 1, 2017 to June 30, 2018**

Protocol for Support of RegJIN System Users

The intent of this Exhibit E is to establish a protocol for reporting and addressing RegJIN System problems, Errors or Defects. This Exhibit outlines the various types of problems/issues that may arise associated with Use of the RegJIN System and establishes the roles and responsibilities of the RPA and the City to ensure consistent, appropriate, and timely assistance in problem identification and resolution.

RegJIN related problems, Errors or Defects are identified within four categories. They include:

- 1) RegJIN User Education: This includes understanding and use of RMS Software System by the RPA.
- 2) Operation and Maintenance of RPA owned, RegJIN-specific Equipment and Software.
- 3) City of Portland owned Equipment and Software used to support RegJIN.
- 4) Software and Equipment Defects relating specifically to the City's contract with the RegJIN System Vendor (Versaterm).

Whenever possible the RPA is directed to attempt to troubleshoot and problem solve within their respective agencies and with other RPAs where applicable. In instances where the City will be contacted the Helpline phone number is **(503) 823-0085** (Monday – Friday, 0700-1700). This number is considered the first tier contact for any reporting of problems, Errors or Defects within the system. RPAs attempting to contact other persons via an alternative phone or email will be directed to the Helpline for reporting. The helpdesk can also be reached via email at [regjinhelppdesk@portlandoregon.gov](mailto:regjinhelppdesk@portlandoregon.gov). Alternative contacts will not be considered an element of this protocol and response may be delayed.

Sections 1 through 4 below identify the roles and responsibilities of the RPA and the City within each identified problem category.

This Exhibit may be modified as needed to reflect the updated workflow processes of the City of Portland or the needs of the vendor. Modifications will be made in consultation with the RegJIN User Board. This Exhibit may be found on the RegJIN System's website:  
<http://www.portlandonline.com/regjinrc/index.cfm?&c=51409>

Section 1 – RegJIN User Education

The RPA is responsible to make all efforts to ensure that End-Users are fully trained and well versed in the RMS System. If problems arise regarding End-User education the RPA will establish an internal protocol for trouble-shooting User-education problems. If necessary, the RPA is expected to utilize other available resources, including using local CAD operations to seek assistance from adjacent jurisdictions to resolve User-education problems.

In the event the RPA is unable to resolve User-education problems internally, the RPA shall notify the RegJIN Helpline at **(503) 823-0085** or [regjinhelppdesk@portlandoregon.gov](mailto:regjinhelppdesk@portlandoregon.gov) to report the issue. The issue will be documented and RegJIN Helpline staff will return calls to the reporting Party during regular business hours (Monday-Friday 0700-1700) to assist.

#### Section 2 – RPA-Owned Hardware or Software

The RPA is responsible to provide and maintain their own Equipment and supporting software needed for their Access and Use of the RegJIN System. When the RPA experiences an outage or problem related to its own or a third party's Equipment and software, such as support networks that link the RPA to the City, the RPA will be responsible to seek to resolve all issues associated with its own Equipment and software prior to calling the City.

The RPA is responsible to make all efforts to ensure that supporting software and Equipment meet the minimum requirements, as established by the City (Exhibit D, Equipment and Security Requirements) to operate and maintain the MRE and RMS Systems. If technical problems arise regarding RPA-owned Equipment, the RPA will utilize an internal protocol for trouble-shooting and resolving problems prior to requesting assistance from the City.

In the event the RPA is unable to resolve technical issues internally and/or requires the participation of City of Portland staff, the RPA shall notify the RegJIN Helpline at **(503) 823-0085** or [regjinhelppdesk@portlandoregon.gov](mailto:regjinhelppdesk@portlandoregon.gov). Helpline staff will document and assess if the problem is the RPA, City or Contractor's. If a Contractor Software/System problem, the Help Desk will also categorize the Severity Level of the problem.

Helpline calls will be returned no later than the following business day (Monday – Friday, 0700-1700).

#### Section 3 - City of Portland Owned Hardware and Software, excluding System Defects for which the Contractor is responsible

The City is responsible to provide and Update all City-owned Equipment and software needed to support the RegJIN system. When the City experiences an outage related to problems with Equipment or software owned by the City, the City will resolve all issues associated with problems to the extent possible.

The City is responsible to make all efforts to ensure that supporting software and Equipment meet the minimum requirements to operate and maintain the RegJIN Systems.

In the event the RPA is unable to connect to or properly operate the RegJIN System and requires the participation of City of Portland staff, the RPA shall notify the RegJIN Helpline at **(503) 823-0085** or [regjinhelppdesk@portlandoregon.gov](mailto:regjinhelppdesk@portlandoregon.gov) to report the issue. If a Contractor Software/System problem, the Helpline staff will also categorize and determine the Severity Level of the problem.

Helpline calls will be returned no later than the following business day (Monday – Friday, 0700-1700). The City will take appropriate steps to resolve problems in a timely manner.

#### Section 4 – System Contractor (Versaterm) Defects

Defects associated with the System Contractor (Versaterm) will be addressed by the City in coordination with the System Contractor per the requirements specified in the System Maintenance and Support Agreement between the City and the System Contractor (COP Contract # 30003029).

The System Maintenance and Support Agreement between the City and the System Contractor defines the types of Defects associated with the RegJIN system. The System Contractor has a specified obligation to respond to these Defects based on the Severity Level as outlined below in Figure #1.

**Figure #1  
System Contractor (Versaterm) Defect Definitions**

Severity Level	Defect Definition
<b>Critical Defect</b>	<ul style="list-style-type: none"> <li>• Impacts at least 25% of the User base of the Production System.</li> <li>• Severely affects City and/or Partner agency operations (e.g., critical business processes are disabled). Alternatively, severely impacts business operations due to the accumulated impact on multiple Users.</li> <li>• Includes, but is not limited to, problems that cause continuous or near-continuous interruption of service (e.g., the system “hangs” or “crashes”), the loss of use of one or more major critical features functions or modules (including interfaces), file system corruption, and or data loss.</li> <li>• No stable workaround available.</li> <li>• May require manual mode operation.</li> <li>• Requires the City to telephone the Versaterm support telephone number</li> </ul>
<b>High Defect</b>	<ul style="list-style-type: none"> <li>• Impacts at least 25% of the active User base of the Production System and/or Hot Standby System environment.</li> <li>• In Production System environment, causes a significant impact on business operations of Users Alternatively, causes a significant impact on business operations due to the accumulated impact on multiple Users.</li> <li>• This includes, but is not limited to Problems that cause intermittent disruption of service, the loss of use of multiple non-major critical features functions, significant performance degradation, the accumulation of enough Problems in a new version to delay Production rollout, or increased risk due to loss of redundancy, etc.</li> <li>• No stable workaround available.</li> <li>• May not require manual mode operation.</li> <li>• Requires the City to telephone the Versaterm support telephone number.</li> </ul>
<b>Medium Defect</b>	<ul style="list-style-type: none"> <li>• Impacts Production System and/or Hot Standby System environment</li> <li>• In Production System environment, causes a minor manageable impact on business operations of Users Alternatively, causes a minor limited impact on business operations due to the accumulated impact on multiple Users.</li> <li>• This includes, but is not limited to Problems that cause the loss of use of a single non-major feature, problems where a workaround exists but that measurably slows Users work performance, the existence of known minor problems in a new version scheduled for rollout, etc.</li> <li>• Stable workaround is available and has been successfully implemented.</li> <li>• The City may telephone or email Versaterm the Problem description</li> </ul>

<b>Low Defect</b>	<ul style="list-style-type: none"> <li>• Impacts Production System environment</li> <li>• In Production System environment, causes little or no impact on business operations of Users. Alternatively, causes little or no impact on business operations due to the accumulated impact on multiple users.</li> <li>• This includes, but is not limited to problems of a cosmetic nature OR those where a workaround exists that does not have a measurable impact on task performance OR the City requires information or assistance about product capabilities or installation configuration.</li> <li>• The City may telephone or email Versaterm the Problem description</li> </ul>
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If a Defect is associated with the System Contractors product(s) the City is responsible to initiate System Contractor Defect notification to the System Contractor as follows:

- A. Initiate Critical Defect or High Defect resolution supports within 2 hours of notification to the System Contractor (Versaterm) by the City. Verified System Critical and High Defect Errors will be resolved as specified in the City's System's maintenance and support agreement with the System Contractor.
- B. Initiate Medium Defect and Low Defect resolution and acknowledge in writing Monday thru Fridays from 0800-1700, excluding recognized City of Portland Holidays.

**City Council Meeting**

**Meeting Date:** 01/14/2019

**SPECIAL REPORTS:** Washington County Sheriff's Office Report

**Submitted For:** Sherilyn Lombos, City Manager

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**SPECIAL REPORTS**

Washington County Sheriff's Office Report

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Info Sheet

Presentation

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# WASHINGTON COUNTY SHERIFF'S OFFICE



## MESSAGE FROM SHERIFF PAT GARRETT

A safe community provides its members confidence they're in the right place to raise families, work, attend school, practice their faith, set and achieve a range of goals. It is easy to see why being part of a community where people feel safe ranks high for all of us.

One of our strategic goals at the sheriff's office is for Washington County to be the safest major urban county in Oregon. According to FBI data for the most recent year recorded – 2016 – we hit that target. The extent to which we meet this goal depends greatly on how well we work together. I want to be very clear in my appreciation for the Tualatin Police Department, as a dependable and effective public safety partner. Your officers are well led and work collaboratively, side-by-side with deputies and other public safety officers every day. I know personally, from working with Chief Steele and your police department, they are focused on building public trust through community focus and teamwork.

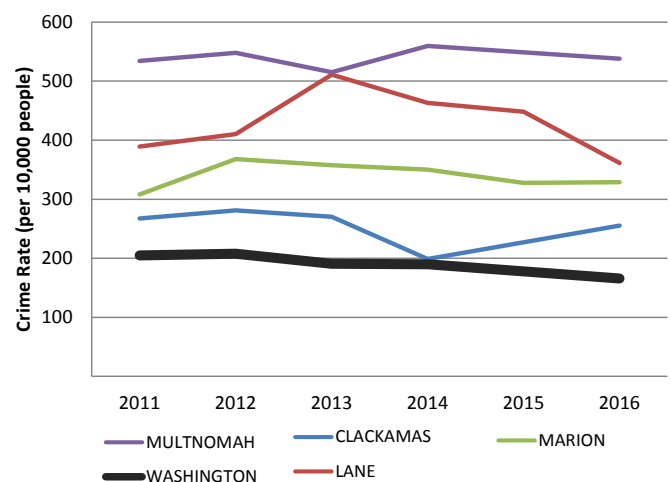
Creating safe communities is not only about deterring crimes, but also about building trust. Trust in which our communities report any crimes or suspicious activities, no matter how small or innocuous. Approaching law enforcement with a mindset of providing exemplary customer service and cultivating open communication ensures community priorities are understood, regularly

assessed and proactive solutions can be implemented. The partnership between your police department and our office are an essential component to meet our communities' expectations for professionalism and safety.

I want to thank you for your support to your police department and your sheriff's office.

Working together, we live in the safest urban county.

### Crime Rate (Overall)



Crime Rate Data - 2016 FBI Uniform Crime Reporting  
Population - 2016 Portland State University Population Estimate Report

**We envision Washington County as the safest urban county in Oregon by building strong community partnerships, providing exemplary customer service, practicing prudent fiscal operations and embracing excellence.**





## SPECIAL TEAM SPOTLIGHT: MENTAL HEALTH RESPONSE TEAM

**MISSION:** Respond in a caring and compassionate manner to those in crisis. Problem solve on scene, improve safety, and minimize risk of a situation escalating

**METHOD:** Dual-response model pairing a Master's level clinician with law enforcement to provide crisis intervention and follow-up services



# 12

MHRT responses in 2017 to assist Tualatin Police Department

## WASHINGTON COUNTY'S ONLY JAIL

Our jail staff works faithfully around the clock to ensure our jail is safe and secure for the public, staff and inmates. The area's first jail was built in 1853. Four jails and 165 years later, our jail staff prides itself in dedication and compassion. In addition to booking an annual average of over 17,000 inmates, the jail houses individuals awaiting trial or serving a sentence less than 365 days in any one of the 572 beds.

*Tualatin Services:* 518 custodies were booked into the Washington County Jail by Tualatin Police Department

## TRANSPORT SYSTEM

Washington County's only jail is located in Hillsboro, Oregon. All police agencies in the county transport their arrestees to this facility.

As a result of the 2000 Public Safety Levy, the Sheriff's Office implemented a transport system to support city police and deputies. The deputy assigned to the transport van responds to pick up arrestees for transportation to the Washington County Jail, allowing the city officers and deputies to quickly return to patrol in their area.

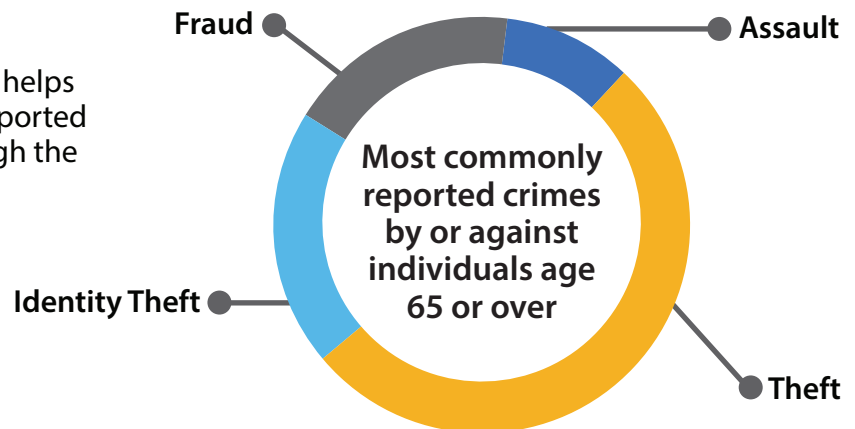
*Tualatin Services:* 166 Tualatin Police Department custodies transported

## ELDER SAFE PROGRAM

Working with county partners this program helps victims aged 65 and older after a crime is reported to police and continues to help them through the criminal justice system.

# 17

Elder Safe cases referred by Tualatin Police Department\*



\*Elder Safe data reflects reporting period 1/1/2018 - 10/1/2018



**WASHINGTON COUNTY SHERIFF'S OFFICE**  
**COUNTYWIDE SERVICES**





# MISSION AND VALUES

## **MISSION:**

Conserving the peace through values driven services

1. Do your best
2. Do the right thing
3. Treat others the way you want to be treated

## **STRATEGIC GOALS:**

1. Be the safest urban county in Oregon
2. Provide excellent customer service
3. Build and strengthen community relationships and public trust
4. Be financially responsible





## STATUTORY DUTIES

- Arrest and commit to prison all persons guilty of public offenses
- Defend the county against those who riot or endanger the public peace or safety
- Operate the County Jail
- Execute civil process and court orders
- Execute all warrants
- Process and issue concealed handgun licenses
- Provide security for State and Justice Courts
- Search and Rescue
- Enforce laws on waterways





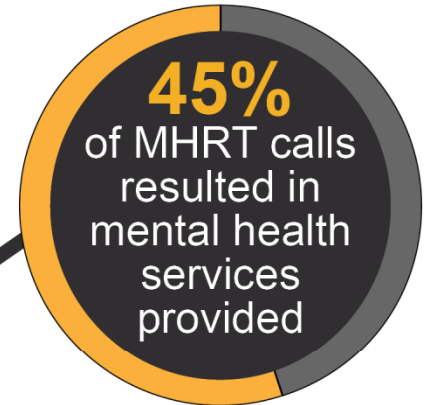
# 175 YEARS OF PIONEERS

- **604** employees
  - Certified – 430
  - Non-certified - 174
- Police services for all **595,860** residents
- Washington County's only jail – **572** beds
- Interagency Special Response Teams
  - Westside Interagency Narcotics
  - **Crisis Negotiation Unit**
  - **Tactical Negotiations Team**
  - **Crash Analysis Reconstruction Team**
  - **Major Crimes Team**

Dual-response model pairing a Master's level clinician with law enforcement to provide crisis intervention and follow-up services



**4,868** total responses by MHRT



Less than **1%** of mental health calls for service results in a use of force

## MENTAL HEALTH RESPONSE TEAM



**14%** of mental health responses were new contacts with no previous documentation



**23.9%** of mental health responses were in response to calls for service by municipal partners

Nearly **22%** of MHRT calls for service resulted in a mental health hold

*Reporting period January – December 2017*





**JAIL**

**147**  
JAIL CERTIFIED  
DEPUTIES

**54**  
NON CERTIFIED  
STAFF

**572**  
INMATE BEDS

**51**  
AVERAGE DAILY  
BOOKINGS

**0**  
ESCAPE  
ATTEMPTS

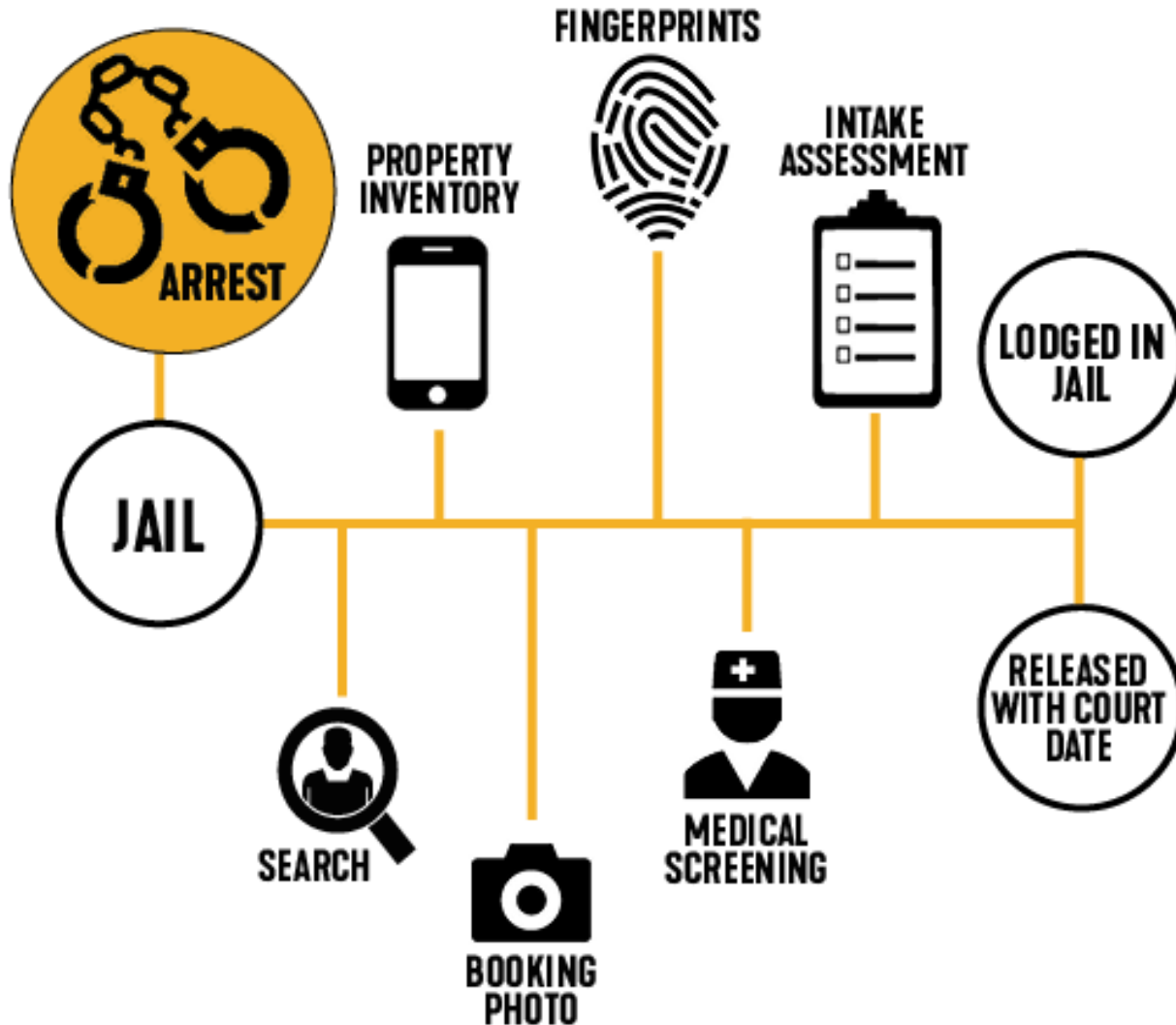
# ARREST TO ARRAIGNMENT: WHAT HAPPENS AFTER ARREST



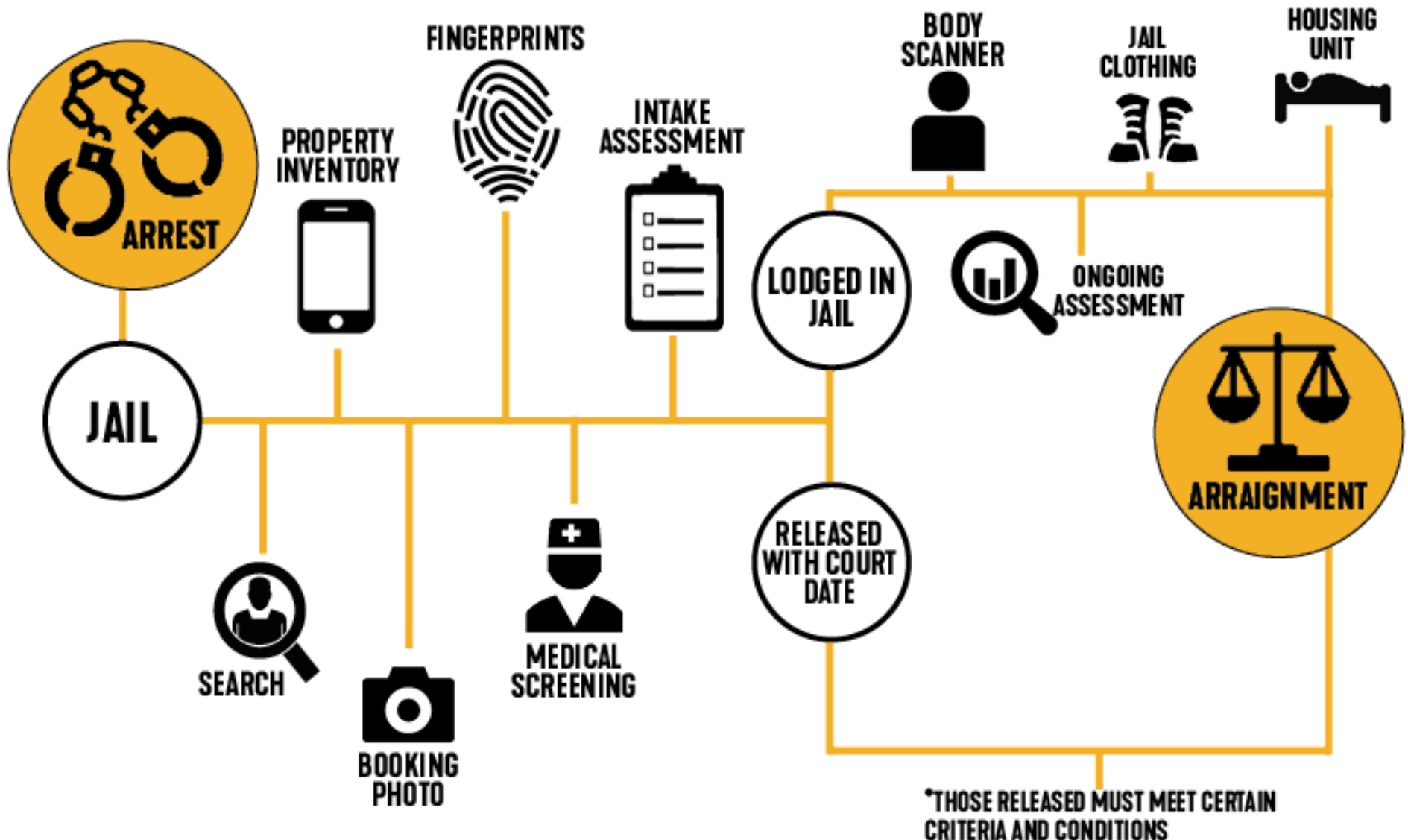
# ARREST TO ARRAIGNMENT: WHAT HAPPENS AFTER ARREST



# ARREST TO ARRAIGNMENT: WHAT HAPPENS AFTER ARREST



# ARREST TO ARRAIGNMENT: WHAT HAPPENS AFTER ARREST







# JAIL PROGRAMS MAKE AN IMPACT

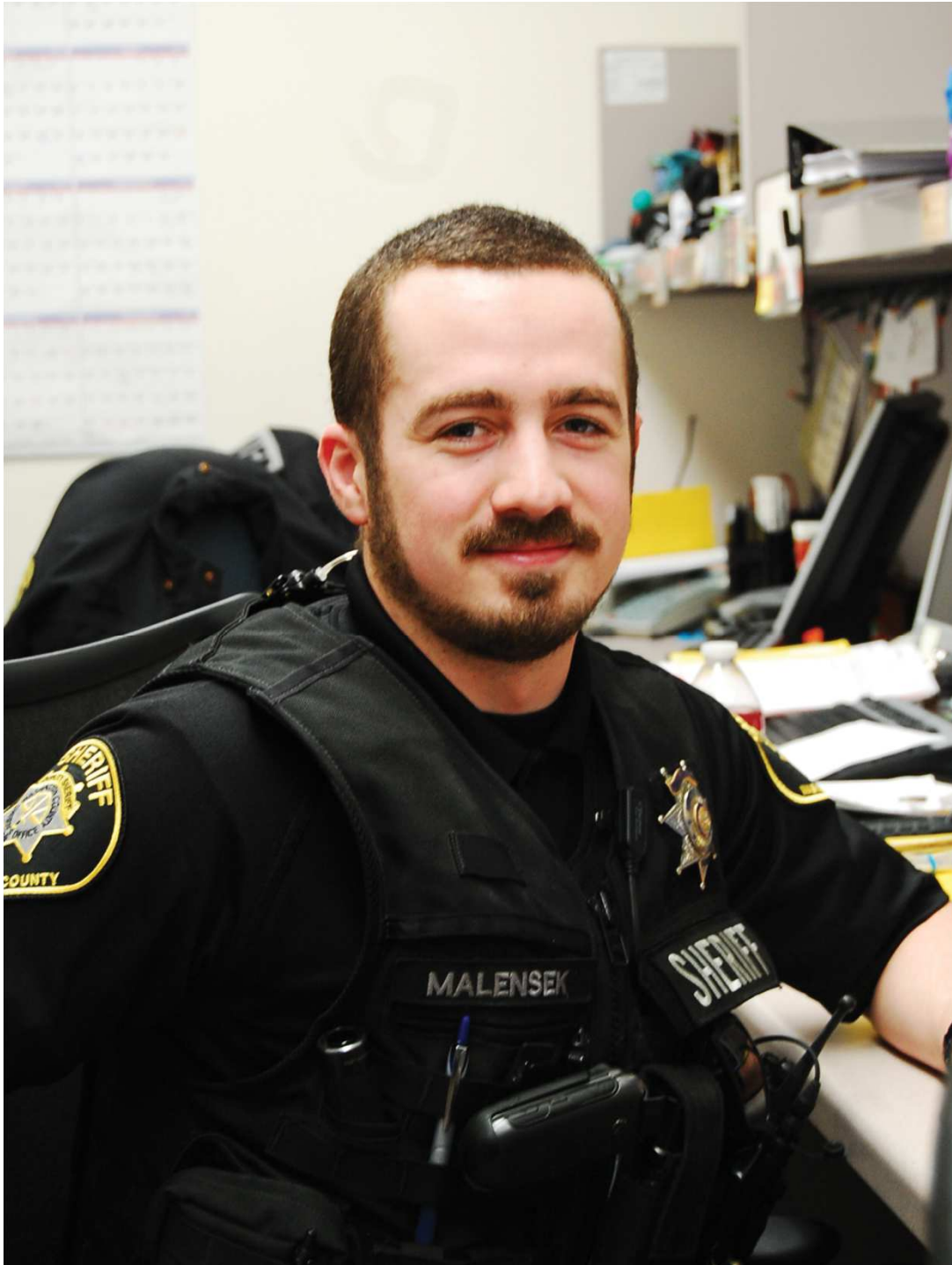
- Recidivism reduction efforts
- Work programs improve community livability
- Inmate education
  - Decision making
  - Relapse prevention
  - Parenting classes
  - Drug/alcohol treatment
  - Diploma/GED
  - Transition planning
  - Violence prevention
  - Employment



## MANAGING WASHINGTON COUNTY'S ONLY JAIL

- Staffing needs
- Evolution of inmate population
- Safety upgrades
- Growing county population
- Maintaining safety and security





# CIVIL

**2018**



**7,813**

**CASES SERVED**

Cases include small claims, summonses, subpoenas and child support documents



**6,664**

**CHL**

Concealed handgun license applications and renewals

**THANK YOU**



**City Council Meeting**

**Meeting Date:** 01/14/2019

**SPECIAL REPORTS:** Municipal Court Update

**Submitted For:** Sherilyn Lombos, City Manager

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**SPECIAL REPORTS**

Municipal Court Update

**SUMMARY**

Judge Morris will give an update about the Municipal Court and be available to answer questions the Council may have about the operations of the Court.

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# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Kyla Cesca, Office Coordinator  
Ross Hoover, Parks and Recreation Director

**DATE:** 01/14/2019

**SUBJECT:** Consideration of **Ordinance No. 1415-18** Relating to the Adoption of a New Parks System Development Charge Methodology; Amending Tualatin Municipal Code Chapter 2-6; and Creating New Provisions

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### **ISSUE BEFORE THE COUNCIL:**

Council consideration of Ordinance No. 1415-18, Relating to the Adoption of a New Parks System Development Charge Methodology; Amending Tualatin Municipal Code Chapter 2-6; and Creating New Provisions.

### **RECOMMENDATION:**

Staff recommends Council adopt Ordinance No. 1415-18, An Ordinance Relating to the Adoption of a New Parks System Development Charge Methodology; Amending Tualatin Municipal Code Chapter 2-6; and Creating New Provisions.

### **EXECUTIVE SUMMARY:**

Ordinance No. 1415-18 relating to a new Parks SDC Methodology is before the Council for third reading and consideration for final adoption.

Under Charter Section 35, before an ordinance can be enacted, it must be read at two separate Council meetings. However, an ordinance can be enacted at a single Council meeting if the vote to adopt the ordinance receives the unanimous vote of all Council members present.

On December 10, 2018, the Council conducted first and second reading of Ordinance No. 1415-18. The vote to adopt the Ordinance received a majority of four in favor and two against, but it was not unanimous. As a result, the Ordinance must return for a third reading, and consideration for final adoption, to comply with the requirement in Charter Section 35 that the Ordinance be read at two separate Council meetings.

Ordinance No. 1415-18 would adopt the new Parks SDC methodology. Section 6 of the ordinance provides that the current Parks SDC rates will remain unchanged, subject to current indexing, until July 1, 2019, unless Council adopts new rates by resolution before then.

Staff is not asking for discussion or a decision on rates, and this Ordinance does not set new rates. Staff plans to return to Council for direction on rate setting in spring of 2019.

Six work session updates regarding funding and SDCs have provided an opportunity for Council discussion, comments and direction. The Park SDC Methodology 90 day notice was posted on August 3, 2018. After Council discussion and direction, the methodology was revised to include alternate rates for single family and multi-family residential, and four nonresidential categories. Included in the nonresidential categories are industrial/manufacturing, warehousing, retail/restaurant/hospitality, and office (includes healthcare, education, finance & professional services). The revised SDC Methodology 60 day notice was posted on October 9, 2018 for public review and comment. Council received the comments submitted in the December 10, 2018 meeting packet. Public comment was also received during the public hearing on December 10, 2018.

The Parks & Recreation Master Plan Project Advisory Committee and Park Advisory Committee recommends that Council adopt the Park System Development Charge Methodology.

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**Attachments:**     Ordinance No. 1415-18  
                          Exhibit 1 - Park System Development Charge Methodology

ORDINANCE NO. 1415-18

AN ORDINANCE RELATING TO THE ADOPTION OF A NEW PARKS SYSTEM DEVELOPMENT CHARGE METHODOLOGY; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 2-6; AND CREATING NEW PROVISIONS

Whereas, on or about June 24, 1991, the City adopted Ordinance No. 833-91 to adopt a Parks System Development Charge Methodology and create a Parks System Development Charge Ordinance, as amended by Ordinance No. 1154-04 (Tualatin Municipal Code Chapter 2-6);

Whereas, the Tualatin Charter and ORS Chapter 223 authorize the City to modify the Parks System Development Charge Methodology;

Whereas, the City complied with the notice provisions of ORS 223.304(7)(a); and

Whereas, the Council held a duly-noticed Public Hearing on December 10, 2018, to consider this ordinance and the changes to the Parks System Development Charge Methodology.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** The City adopts the Park System Development Charge Methodology, as set forth in Exhibit 1, which is attached and incorporated herein.

**Section 2.** TMC 2-6-010 is amended to read as follows:

**2-6-010 Legislative Findings.**

The Council of the City of Tualatin finds, determines and declares that:

(1) Section 4 of the City Charter of 1967 as amended, grants the City authority to impose Systems Development Charges (SDC) to equitably spread the cost of essential capital improvements to new development.

(2) Given the mobility of the population and the geographic size of the City, most capital improvement projects benefit new development regardless of where in the City it occurs. The entire community's health may be affected if adequately sized water services, public parks and recreation areas and other capital improvements are not provided in all locations of the City and its environs. Development is occurring throughout the entire City and no single area of the City is experiencing such a high level of new development activity to require SDC revenue from development in one area be dedicated to that same area. It is more cost efficient to use SDC revenue from new development in the entire community to finance the growth related portion of capital improvements based upon a City-wide priority rather than to hold the SDC revenue generated in one area of the community for improvements just in that area.

(3) The imposition of connection fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

(4) The report entitled, "Report of Water Supply System Improvements Through a Systems Development Charge for the City of Tualatin," dated June 24, 1991, and prepared by the Engineering and Building Department of the City, ("Water SDC Methodology") sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need and costs for additional water system improvements.

~~(5) The report entitled "City of Tualatin Findings to Support Systems Development Charges for Parks and Recreation," dated June 24, 1991, and prepared by Ray Bartlett at the request of the Parks and Recreation Department ("Parks SDC Methodology") sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need and costs for additional parkland and related recreational improvements. The report entitled "Park System Development Charge Methodology," for the City of Tualatin, adopted December 10, 2018 as prepared by Community Attributes Inc. establishes the methodology and analysis for the determination of the impact of new development on the need and costs for additional parkland and related improvements.~~

(6) Whenever the City Council has authorized an intergovernmental agreement which requires the City to impose an SDC, the City Council may, by resolution, approve the methodology, impose the charge and thereafter the City may collect and expend the revenue as though the same were City capital improvements and funds as provided in this ordinance or any future amendment.

(7) The systems development charges established in this section are intended to be charges upon the act of development by whomever seeks the permit. Such charges are fees for service because they contemplate a development's receipt of essential municipal services based upon the nature of that development. The timing and extent of any development are within the control and discretion of the developer.

(8) The SDC imposed by this ordinance is not intended to be a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section.

(9) Even if the SDC imposed is viewed under Section 11b, Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge within the meaning of that section and the statutes implementing it because:



(a) It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.

(b) It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.

(c) State law and the ordinances of this City require the owner to provide certain basic utility and infrastructure services to the property when it is developed for human occupancy. The provision of these basic services are a routine obligation of the owner of the affected property and essential to the health and safety of the community.

(10) Among the basic services which the City is required to provide its residents are the capital improvements as defined in this ordinance.

(11) The SDC imposed by this ordinance is based upon the costs of providing existing or planned for capital improvements and does not impose charges on persons not receiving a service and imposing a burden upon the City's existing capital improvements.

(12) Where this ordinance or the methodology used to establish a SDC permits a credit to be given for the dedication to or for the benefit of the public of a portion of the permittee's property or the property of another which is obtained by the permittee, such credit provides reasonable compensation to the permittee and thus assists in avoiding disputes over the acquisition of such property.

(13) Because water system improvements contemplated as part of the City's capital improvement plan include a C level reservoir, and storage capacity within the system can be moved between and among the City's water service levels as needed, increased capacity at one service level improves the capacity of the system and, therefore, the systems development charge imposed under Ordinance 796-90 is intended to be collected as part of a systems development charge for water system improvements within the City. Those persons who have previously paid the charge imposed under Ordinance 796-90 and who would be subject to the payment of SDC's under this ordinance shall be eligible for credit against the water system development charge.

**Section 3.** TMC 2-6-050 is amended to read as follows:

### **2-6-050 Definitions.**

For purposes of this ordinance ~~Chapter~~ Chapter unless the context clearly indicates a different meaning, the following definitions apply:

(1) "Bike Path" means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the public street right-of-way or within an independent right-of-way or easement.

(2) "City Manager" means the person appointed by the City Council as the City Manager or the City employee or employees whom the City Manager may designate to carry out the administration of this ordinance.

(3) "Capital Improvements" means public facilities or assets used for any of the following:

(a) Water supply; including but not limited to, treatment, storage, pumping and distribution;

(b) ~~Parks and recreation, including but not limited to area parks, community parks, greenways, bikeways operated and maintained by the City and other parks and recreational facilities~~ Parks and recreation, including, but not limited to parks, natural areas, greenways, and facilities managed, operated, and/or maintained by the City;

(c) Sanitary sewers, including collection and transmission;

(d) Storm sewers, including drainage and flood control; and

(e) Transportation; including but not limited to streets, traffic control devices, illumination, sidewalks and associated landscaping improvements, and parking.

(4) "Development" means conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels, including partitions and subdivisions, and creating, relocating, enlarging or terminating a right or location of access, which increases the usage of capital improvements or which creates the need for additional capital improvements.

(5) "Housing Unit" means a habitable structure containing one or more rooms designed for occupancy by one individual or family and not having more than one cooking facility consisting of at least a sink, refrigerator, and range.

(6) "Improvement Fee" means a fee for costs associated with capital improvements to be constructed after the date the fee established by this ordinance is adopted. This term shall have the same meaning as the term "improvement fee" as used in ORS 223.297 through 223.314.

(7) "Land area" means the area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane to the edge of the existing right-of-way or easement subject to a servitude for a public street or greenway, public river bed or stream bed or other approved public scenic or preservation purpose. Measurement of land area shall be figured on gross acreage prior to dedication of property for public right-of-way or easements which may be required or may occur in connection with development.

(8) "Owner" means the owner or owners of record title or the purchaser or purchasers under a recorded sales agreement and other persons having an interest of record in the described real property.

(9) "Parcel of Land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other legal use, and that includes the yards and other open spaces required under the Tualatin Development Code, subdivision ordinance, or related City ordinances or regulations.

(10) "Qualified Public Improvements" means a capital improvement that is required as a condition of development approval, identified in the plan and list adopted pursuant to ORS 223.309 and either:

(a) Not located on or contiguous to property that is the subject of development approval; or

(b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(11) "Reimbursement Fee" means a fee for costs associated with capital improvements constructed or under construction on the date the fee established by this ordinance becomes effective. This term shall have the same meaning as the term "reimbursement fee" as used in ORS 223.297 through 223.314.

(12) "Systems Development Charge" or "SDC" means an improvement fee, reimbursement fee or a combination assessed or collected at any of the times specified under TMC 2-6-100. It shall also include that portion of a connection charge that is greater than the amount necessary to reimburse the City for its average cost of inspecting and installing connections with water facilities.

**Section 4.** TMC 2-6-060 is amended to read as follows:

(1) Unless otherwise exempted by this ordinance or other local or state law, ~~effective July 1, 1991, a Park System Development Charge shall be is established, based upon the Parks SDC Methodology adopted in TMC 2-6-010(5) and as set forth in the Parks SDC Methodology, which is adopted attached and incorporated into this ordinance, and the SDC improvement fee per housing unit set forth on Table 3.1, Option 1, is imposed upon all new development within the City. The Parks SDC charge imposed will be the amount as established may be revised by resolution of the Council.~~

(2) Unless otherwise exempted by this ordinance or other local or state law, a Water System Development Charge in the amount of \$2,758 per future meter equivalent (FME) is established, as more specifically set forth in the Water SDC Methodology approved on December 8, 2003, which is attached and incorporated into this ordinance, and is imposed upon all new development within the City. The charge may be revised by resolution of the Council.

(3) Systems development charges for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. When required by Council resolution or Council-authorized intergovernmental agreement to collect, a systems development charge for a capital improvement provided by another government shall be established and may be revised by resolution of the Council.

(4) On February 1, 2005 and each February 1st thereafter, the water SDC shall automatically increase. The amount of increase shall be the change in Engineering News Record Construction Cost Index for Seattle, Washington. This increase shall not require further action by the City Council.

**Section 5.** TMC 2-6-120 (Credits) is amended to read as follows:

**2-6-120 Credits**

(1) As used in this section and in the definition of "qualified public improvements" in TMC 2-6-050 the word "contiguous" means: in a public way which abuts.

(2) When development occurs that must pay a system development charge under TMC 2-6-060, the system development charge for the existing use shall be calculated and if it is less than the system development charge for the proposed use, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge required under TMC 2-6-060. If the change in use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required; however, no refund or credit shall be given.

(3) The limitations on the use of credits contained in this subsection shall not apply when credits are provided under subsections (4) or (13) of this section. A credit shall be given for the cost of a qualified public improvement associated with a development. If a qualified public improvement is located partially on and partially off the parcel of land that is the subject of the approval, the credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the parcel of land. The credit provided for by this subsection shall be only for the improvement fee component of a systems development charge imposed for the type of improvement being constructed and shall not exceed such improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee.

(4) When establishing or adopting the methodology, the City Council may provide for a credit against the public improvement charge, the reimbursement fee, or both, for a capital improvement constructed or provided as part of the development that reduces the development's demand upon existing capital improvements or the need for future capital improvements or that would otherwise have to be constructed at City expense under the then-existing Council policies.

(5) When a capital improvement for which a credit is applied is a part or a phase of a larger project, such as a subdivision or partition, credits against a systems development charge may be assigned to other parts of the larger project, provided they apply only to

that property subject to the original condition for development approval upon which the credit is based. Credits shall not otherwise be transferable from one development to another.

(6) When development occurs which must pay a system development charge under TMC 2-6-060 constructs a qualified public improvement or other qualifying project, such that a credit against all or a portion of a system development charge is available, the developer shall be entitled to either the credit or to entering into a recovery agreement with the City to the effect that future property owners who directly benefit from the qualified public improvement must reimburse the developer who constructed such improvements a proportionate part of the construction cost. The developer shall not be entitled to both the credit and a recovery agreement.

(7) The amount of any credit attributable to improvements may be based upon construction contract documents, together with construction invoices or other appropriate information, provided by the applicant for the credit. The applicant shall have the burden of establishing the cost of improvements. Should the City Manager determine the contract amounts exceed prevailing market rates for a similar project, the credit shall be based upon market rates. No more than 13.5% of the total eligible construction cost shall be creditable for survey, engineering and inspection. Except as otherwise provided in subsection (11) of this section, the improvements shall be constructed in accordance with City standards and accepted by the City prior to the issuance of any credits.

(8) The amount of any credit shall be determined by the City Manager. A form shall be provided for acknowledging the amount of any credit with the original to be retained by the City Manager. The credit shall state a dollar amount that may be applied against a specific type of SDC imposed against the subject property. In no event shall a subject property be entitled to redeem credits in excess of the particular SDC imposed. Upon written application to the City Manager credits may be reapportioned from any lot or parcel to any other lot or parcel within the confines of the property originally eligible for the credit. Reapportionment shall be noted on the original credit form retained by the City.

(9) Credits shall only apply against the particular SDC for which they were allowed, are limited to the amount of the SDC attributable to the development of the specific lot or parcel for which the credit is sought, and shall not be a basis for any refund. Credit shall not be transferable from one type of capital improvement to another.

(10) Except as provided in subsection (11) of this section, any credit must be submitted not later than the issuance of the building permit. The applicant is responsible for presentation of any credit and no credit shall be considered after issuance of a building permit. Credits shall not be allowed more than seven years after the acceptance of the applicable improvement, dedication or grant by the appropriate party. No extension of this deadline shall be granted.

(11) An application for credit may be submitted before completion of a qualified public improvement or other activity for which a credit is allowed, subject to the following conditions:

(a) The applicant shall secure payment of the full amount of the particular SDC for which a credit is sought in accordance with TMC 2-6-100.

(b) Except for completion of the qualified public improvement in advance of the receipt of any credit or the payment of a particular SDC, the applicant shall otherwise comply with and be subject to the limitations of TMC 2-6-120.

(c) Any funds which are placed on deposit with the City, together with accrued interest, or any other security which is given to assure payment of the SDC, shall be eligible for return to the applicant or the applicant's assignee upon completion and acceptance of the qualified public improvement or other qualifying activity, subject to the terms of any agreement between the City and the applicant.

(d) Notwithstanding the allowance of credits for qualified public improvements constructed within the preceding seven years, the improvements for which credit is allowed under this subsection shall be completed and accepted within two years of application for credit.

(e) Nothing contained in this ordinance shall be construed as limiting the authority of the City to enter into agreements or to receive and accept deposits or other security in connection with conditions placed on development approval.

(12) Those persons who have paid a fee to the City pursuant to Ordinance 796-90 or their assignees are eligible for a credit against the improvement fee component, but not the reimbursement fee component of the water system development charge established under TMC 2-6-060(2), up to the amount of the fee previously paid.

(13) In addition to the limitations on the availability of credits outlined in this section, a credit against the SDC established by TMC 2-6-060(1) shall be provided, subject to the following limitations and procedures:

(a) The amount of credit attributable to dedication of property to the City ~~or a qualifying conveyance to a resource management organization~~ shall be based upon the fair market value of the land. A recent determination of market value, prepared by the County Assessor or the County Board of Equalization and adjusted for the portion being dedicated, may be considered competent evidence of market value. In addition to or in lieu of other evidence of market value, the City may require an independent appraisal of the property, based on the highest and best use, by a qualified appraiser, who shall be paid for by the applicant. The City Manager may consider other relevant evidence of market value. The method of determining the amount of credit available for structures eligible for credit under subsections (c), ~~(d)~~, and ~~(e)~~ shall be as provided in TMC 2-6-120(7).



(b) As used in this subsection only, "dedication" means the conveyance of title or substantially all interests in property to the City for the benefit of the public and shall be distinguished from the grant of an easement or other limited possessory interest in property. No credit shall be allowed unless the City approves the form of and accepts the dedication. Nothing contained herein shall be construed as requiring the City to accept a dedication which is not in the City's best interest.

~~(c) Areas within greenways, the riverbank protection district, and creek corridors, which are identified in TDC Chapter 72 of the Tualatin Development Code and the City of Tualatin Parks and Recreation Master Plan, may be deeded or dedicated to the City and thereby become eligible for credit. Such conveyance must be provided in fulfillment of and be consistent with conditions placed on a development approval. The City may grant a credit against the Parks System Development Charge imposed pursuant to TMC 2-6-060(1) for either or both:~~

- ~~(i) the of transfer of land to the City for any qualified public improvement; or~~
- ~~(ii) the construction of any qualified public improvement.~~

~~The transfer of land, as provided in this subsection, includes the conveyance of all, or portions, of an interest in land, including easements. The value of the credit provided cannot exceed the fair market value of the interest in land, or portion thereof, conveyed.~~

~~(d) Pedestrian and bike path improvements are eligible for credits, subject to the following requirements: bike and pedestrian path improvements must be at ultimate alignment, line and grade, must be provided in fulfillment of conditions placed on a development approval and must be identified within TDC Chapter 11. Such bike path improvements shall not function as access to a private street or driveway.~~

~~(e) Natural areas which are specifically identified and included on the Parks Capital Improvement List, Option 1, selected by the Council as part of the Parks SDG methodology may be deeded or dedicated to the City or with the approval of the City, granted to and accepted by a resource management organization qualified under Section 501(c)(3) of the Internal Revenue Code and thereby become eligible for a credit. A structure within a public access easement in a Natural Area may be accepted by the City in lieu of a dedication of real property. Nothing contained in this subsection shall be construed as requiring the City to accept a conveyance which is not in the City's best interest.~~

**Section 6. Current SDC Fees Remain Unchanged and Indexed.** The Parks System Development Charge fee currently in effect as of the date of this ordinance, and as indexed according to TMC 2-6-085, will remain in effect until July 1, 2019, unless the Council takes action sooner to adopt a new Parks System Development Charge fee by resolution, as provided in TMC 2-6-060, and as amended by Section 3 of this ordinance.

**Section 7. Severability.** Each section of this ordinance, and any part thereof is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

**Section 8. Effective Date.** As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 14<sup>th</sup> day of January, 2019.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

# Park System Development Charge Methodology

City of Tualatin

December 10, 2018

Prepared by:



Prepared for:



*City of Tualatin*



*Community Attributes Inc. tells data-rich stories about communities  
that are important to decision makers.*

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## 1. INTRODUCTION

The purpose of this methodology is to establish the maximum allowable rates for system development charges (SDCs) in the City of Tualatin, Oregon for parks, open space and recreation facilities as authorized by ORS 223.297 to 223.314.<sup>1</sup> Throughout this methodology the term “parks” is used as a short name referring to parks, open space and recreation facilities, including land and developments.

The Tualatin City Council discussed options for developing rates for different types of residential and nonresidential development at the September 10, 2018 work session. While the City Council decided to move forward with public review of the original methodology with rates for residential and nonresidential development that do not distinguish between more detailed development types, City staff thought it advantageous to prepare an alternative methodology with rates that differentiate between more types of both residential and nonresidential development to help inform decision-making.

This methodology provides the maximum allowable rates for two types of residential development and four types of nonresidential development. Key differences in this methodology are contained in Formula 7 and Exhibit 11 as well as Appendix A, which describe how equivalent population coefficients are developed for each development type based on the persons per dwelling unit or square feet per unit by type of development.

### Summary of System Development Charges

System development charges are one-time fees charged to new development to help pay a portion of the costs required to build capital facilities needed to serve new development.

Parks SDCs are paid by all types of new development. SDC rates for new development are based on and vary according to the type of development. The following table summarizes the maximum allowable SDC rates for each type of development.

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<sup>1</sup> Oregon Revised Statute (ORS) is the state law of the State of Oregon.

### Exhibit 1. City of Tualatin Maximum Allowable System Development Charge Rates

Type of Development	SDC per Unit of Development
Residential	
Single-Family	\$15,409 dwelling unit
Multi-Family	\$11,486 dwelling unit
Nonresidential	
Industrial/Manufacturing	\$3.88 square foot
Warehousing	\$0.98 square foot
Retail/Restaurant/Hospitality	\$3.79 square foot
Office*	\$3.13 square foot

*\*Office includes healthcare, education, finance and professional services development.*

## System Development Charges vs. Other Developer Contributions

System Development Charges are charges paid by new development to reimburse local governments for the capital cost of public facilities that are needed to serve new development and the people who occupy or use the new development. Throughout the methodology, the term “developer” is used as a shorthand expression to describe anyone who is obligated to pay SDCs, including builders, owners or developers.

Local governments charge SDCs for several reasons: 1) to obtain revenue to pay for some of the cost of new public facilities; 2) to implement a public policy that new development should pay a portion of the cost of facilities that it requires, and that existing development should not pay the entire cost of such facilities; and 3) to ensure that adequate public facilities will be constructed to serve new development.

The SDCs that are described in this study do not include any other forms of developer contributions or exactions for parks facilities to serve growth.

## Organization of the Methodology

This SDC Methodology contains four chapters:

- **Introduction:** provides a summary of the maximum allowable SDC rates for development categories and other introductory materials.
- **Statutory Basis and Methodology:** summarizes the statutory requirements for development of SDCs and describes the compliance with each requirement.
- **Growth Estimates:** presents estimates of population and employment in Tualatin because SDCs are paid by growth to offset the

cost of parks, open space and recreation facilities that will be needed to serve new development.

- **Park System Development Charges:** presents the maximum allowable SDCs for parks in the City of Tualatin. The chapter includes the methodology that is used to develop the maximum allowable charges, the formulas, variables and data that are the basis for the charges, and the calculation of the maximum allowable charges. The methodology is designed to comply with the requirements of Oregon state law.

## 2. STATUTORY BASIS AND METHODOLOGY

The source of authority for the adoption of SDCs is found both in state statute and the City's own plenary authority to adopt this type of fee. This chapter summarizes the statutory requirements for SDCs in the State of Oregon and describes how the City of Tualatin's SDCs comply with the statutory requirements.

### Statutory Requirements for System Development Charges

The Oregon Systems Development Act, passed in 1989, authorizes local governments in Oregon to charge SDCs. ORS 223.297 to 223.314 contain the provisions that authorize and describe the requirements for SDCs.

The following synopsis of the most significant requirements of the law include citations to Oregon Revised Statutes as an aid to readers who wish to review the exact language of the statutes.

#### *Types of Capital Improvements*

SDCs may only be used for capital improvements. Five types of capital improvements can be the subject of SDCs: 1) water supply, treatment and distribution; 2) waste water collection, transmission, treatment and disposal; 3) drainage and flood control; 4) transportation; and 5) parks and recreation. Capital improvements do not include the costs of the operation or routine maintenance of the improvements. Any capital improvements funded with SDCs must be included in the capital improvement plan adopted by the local government. *ORS 223.297, ORS 223.299 and ORS 223.307 (4)*

#### *Types of System Development Charges*

SDCs can include reimbursement fees, improvement fees or a combination of the two. An improvement fee may only be spent on capacity-increasing capital improvements identified in the Capital Improvement Plan. A reimbursement fee may be charged for the costs of existing capacity if there is "excess capacity" identified in the methodology. *ORS 223.299*

#### **Improvement Fee Methodology Requirements**

There are several requirements for an improvement fee methodology, as established in ORS 223.304. In order to establish or modify an improvement fee, an ordinance or resolution must be passed with a methodology that is publicly available and considers both the projected cost of capital improvements included in the plan related to the fee and the need for increased capacity to serve future users.

### **Reimbursement Fee Methodology Requirements**

There are several requirements for a reimbursement fee methodology, also established in ORS 223.304. The methodology establishing or modifying a reimbursement fee must be passed by ordinance or resolution. The methodology must consider ratemaking principles, prior contributions by existing users, gifts or grants received and the value of unused capacity available to future users.

### *Prohibited Methodologies*

Local governments may not base SDC charges to employers on the number of individuals hired by the employer after a specified date. In addition, the methodology cannot assume that costs for capital improvements are necessarily incurred when an employer hires an additional employee. Fee amounts cannot be determined based on the number of employees without regard to new construction, new development or new use of an existing structure by the employer. *ORS 223.301*

### *Authorized Expenditures*

Authorized uses for SDC revenues depend on whether the revenues were collected as reimbursement fees or improvement fees. Reimbursement fees may only be used for capital improvements associated with the systems for which the fees are assessed, including repaying associated debts. Improvement fees may only be used for capacity increasing capital improvements associated with the systems for which the fees are assessed, including repaying associated debts. Regardless of the type of fee, SDC revenue may be used to cover the costs of complying with SDC regulations, including the cost of developing SDC methodologies and annual accounting of expenditures. *ORS 223.307 (1), (2), (3) and (5)*

SDCs may not be used to build administrative facilities that are “more than an incidental part” of allowed capital improvements, or for any facility operation or maintenance costs. *ORS 223.307 (2)*

### *Benefit to Development*

The share of capital improvements funded by improvement fees must be related to the need for increased capacity to serve future users. Improvement fees must be based on the need for increased capacity to serve growth and must be calculated to collect the cost of capital improvements needed to serve growth. *ORS 223.307 (2) and ORS 223.304 (2)*.

### *Reductions of System Development Charge Amounts*

The impact fee ordinance or resolution must allow for a credit for constructing qualified public improvements. Qualified public improvements

are capital improvements that are required as a condition of development approval and also identified in the plan, which are either “not located on or contiguous to property that is the subject of development approval” or “located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular project to which the improvement fee is related.” Additionally, ORS 223.304 (5) indicates that the burden of proving that the improvement exceeds the minimum standard capacity need set by the local government and that the particular improvement qualifies for a credit is the developers responsibility. *ORS 223.304 (4)*

Local governments also have the option to provide greater credits, establish a system providing for the transferability of credits, provide a credit for a capital improvement not identified in the CIP, or provide a share of the cost of the improvement by other means. Credits provided must be used in the same time frame specified in the local government’s ordinance but may not be used later than ten years from the date the credit is provided. *ORS 223.304 (5)(c) and ORS 223.304 (5)(d)*

### *Developer Options*

Local governments must establish procedures for any citizen or interested person to challenge an expenditure of SDC revenue. If anyone submits a written objection to an SDC calculation, the local government must advise them of the process to challenge the SDC calculation. *ORS 223.302 (2) and (3)*

### *Capital Improvement Plans*

All projects funded with SDC revenue must be included in the local government’s capital improvement plan before any charges can be imposed. The plan may be called a capital improvement plan, public facilities plan, master plan or other comparable plan that includes a list of capital improvements that the government intends to fund in any part with SDC revenue. The plan must include the projects’ estimated costs, timing and percentage of costs to be funded with improvement fees. The plan may be modified at any time, but if an amendment to the plan will result in increased SDCs, there are additional notification and public hearing requirements. *ORS 223.309*

### *Accounting Requirements*

All SDC revenue must be deposited in dedicated accounts. Local governments must provide annual reports on how much SDC revenue was collected and which projects received SDC funding. This must include how much was spent on each project as well as the amounts that were collected and dedicated to covering the costs of compliance with state laws. *ORS 223.311*



### *Annual Inflation Index*

Local governments may change the amount of an improvement or reimbursement SDC without making a modification of the methodology under specific circumstances. A change in the amount of the SDC is not considered a modification of the methodology if the change is based upon a change in the cost of “materials, labor or real property” applied to the projects in the CIP list. Additionally, a change in the amount of the SDC is not considered a modification of the methodology if the change is based on a periodic “specific cost index or other periodic data source.” The periodic data sources must be:

- A relevant measure of the change in prices over a specified time period for “materials, labor, real property or a combination of the three;”
- Published by a recognized organization or agency that is independent of the system development charge methodology;
- Included in the methodology or adopted by ordinance, resolution or order. *ORS 223.304 (8)*

## Compliance with Statutory Requirements for System Development Charges

Many of the statutory requirements listed above are fulfilled in the calculation of the parks system development charge in the fourth chapter of this methodology. Some of the statutory requirements are fulfilled in other ways, as described below.

### *Types of Capital Improvements*

This methodology includes SDCs for parks capital improvements, which are one of the five types of capital improvements legally eligible for SDCs. The SDCs in this methodology are based on capital improvements that increase capacity in the parks system and the portion of capacity-increasing projects eligible for parks SDCs included and identified in the City of Tualatin’s capital improvement plan and excludes capacity increasing portions of capital improvements that City staff consider to be aspirational within the timeframe within this methodology.

### *Types of System Development Charges*

SDCs can include reimbursement fees, improvement fees or a combination of the two. This methodology only includes improvement fees. The capital improvements identified in the City of Tualatin’s Capital Improvement Plan to be funded with improvement fees are capacity-increasing capital improvements.

The City of Tualatin’s parks SDCs are based on maintaining its existing levels of service as growth occurs. New development will receive the same

level of service or acres per equivalent person in order to maintain the same ratio as existed before the new development, and the total of those acres per person are the requirements to serve growth. By definition, the existing ratio is “used up” by the current population, so there is no unused reserve capacity that can be used to serve future population growth through reimbursement SDCs. Additionally, the City of Tualatin has determined that there is no excess capacity within the existing parks system. Therefore, the City of Tualatin has elected to only charge improvement fees, and thus this methodology will only address improvement fees.

### **Improvement Fee Methodology Requirements**

The fees calculated with this methodology consider both the projected cost of planned capital improvements and the need for increased capacity to serve future users. To address future users, a calculation was made to determine the facilities required per new residential unit and per new nonresidential square foot to maintain the current level of service. The City of Tualatin will pass an ordinance or resolution to adopt this parks improvement fee methodology.

### *Prohibited Methodologies*

SDC charges cannot be based on the number of employees without regard to new development. The City of Tualatin’s nonresidential SDC calculation is based on new nonresidential square footage rather than number of employees.

### *Authorized Expenditures*

SDC revenue can only be used for the capital cost of public facilities. SDCs cannot be used for operation or routine maintenance expenses. Improvement SDCs may only be used for capacity increasing capital improvements. They may not be used to build administrative facilities that are more than “an incidental part” of allowed capital improvements and they may not be used for any operations or maintenance costs. *ORS 223.307 (1), (2), (3) and (5)*

This methodology is based upon projects identified in the Capital Improvements Plan that increase capacity of the parks system, as identified in the fourth chapter of this methodology. The methodology does not include any administrative facilities or operations or maintenance costs.

### *Benefit to Development*

The share of capital improvements funded by improvement fees must be related to the need for increased capacity to serve future users. *ORS 223.307 (2)*. Improvement fees must be based on the need for increased capacity to serve growth and must be calculated to collect the cost of capital improvements needed to serve growth. *ORS 223.304 (2)*

The City of Tualatin's SDCs are based on the additional improvements required to serve future growth and maintain the current level of service for parks, as demonstrated in the fourth chapter of this methodology and identified in the parks CIP analysis in Appendix C.

### *Reductions of System Development Charge Amounts*

The City of Tualatin's municipal code provides for a credit for the cost of qualified public improvements associated with new development as required in ORS 223.304, as well as the provision for other credits as allowed by ORS 223.304.

### *Developer Options*

The City's municipal code establishes a process for individuals to appeal either SDC decisions or expenditures to the City Council by filing a written request with the City Manager's office.

### *Capital Improvement Plans*

The City's capital improvement plan required by State law is incorporated into this parks SDC methodology, as shown in the fourth chapter of this methodology.

### *Accounting Requirements*

The City's code stipulates that SDC revenues must be budgeted and expended in consistency with state law. Accounting requirements are met with the City's Comprehensive Annual Financial Report.

### *Annual Inflation Index*

ORS 223.304 (8) allows local governments to adjust the SDC rate without modifying the methodology under specified circumstances. The City of Tualatin adopted an annual inflation index in their municipal code in 2004 and will continue to use this inflation index.

The inflation index used by the City of Tualatin for parks SDCs is calculated by combining the "change in average market value of undeveloped residential land in the City's planning area according to the records of the Washington County Tax Assessor and the Clackamas County Tax Assessor for the prior tax year, and the change in the construction costs according to the Engineering News Record Construction Cost Index for Seattle, Washington for the prior calendar year."

## Data Sources

The data in this SDC methodology was provided by the City of Tualatin, unless a different source is specifically cited.

### 3. GROWTH ESTIMATES

System Development Charges are meant to have “growth pay for growth,” the first step in developing an SDC is to quantify future growth in the City of Tualatin. Growth estimates for the City of Tualatin’s population and employment for the planning period of 2016 to 2035 have been developed.

Exhibit 2 lists Tualatin’s residential population and growth rates from 2000 to 2016 and projections to the year 2035.

**Exhibit 2. Population**

<b>Year</b>	<b>Population</b>	<b>CAGR (1)</b>	<b>CAGR Years</b>
2000	22,791		
2010	26,054	1.3%	2000-2010
2016	26,840	0.5%	2010-2016
2035	29,950	0.6%	2016-2035

(1) CAGR: Compound Annual Growth Rate

(2) Population Sources:

- 2000 - 2016: City of Tualatin from Portland State University College of Urban and Public Affairs, Population Research Center, 2016.
- 2035: 2035 Forecast of Population by City and County provided by the City of Tualatin. Population forecasts include population for the Basalt Creek and Southwest Tualatin Plan Areas provided by the City of Tualatin.

In addition to residential population growth, Tualatin expects businesses to grow. Business development is included in this methodology because Tualatin’s parks and recreation system serves both its residential population and employees. City parks provide places for employees to take breaks from work, including restful breaks and/or active exercise to promote healthy living.

Exhibit 3 shows employment in Tualatin for 2010 and 2016, and projected growth for the year 2035.

**Exhibit 3. Employment**

<b>Year</b>	<b>Employment</b>
2010	22,972
2016	29,506
2035	40,668

(1) Employment Sources:

- 2010 and 2035 Employment data provided by City of Tualatin, 2035 TAZ Forecast Distribution by Jurisdiction MetroScope "Gamma" Employment Forecast.
- 2016 Employment data provided by City of Tualatin staff from the State of Oregon Employment Department.
- 2035 Employment data provided by City of Tualatin staff. Estimates include employment for the Basalt Creek and Southwest Tualatin Plan Areas.

Population is expected to increase from 26,840 in 2016 to 29,950 in 2035. Employment is expected to increase from 29,506 in 2016 to 40,668 in 2035. It is clear from Exhibits 2 and 3 that Tualatin expects growth of both population and employment in the future, so there is a rational basis for park SDCs that would have future growth pay for the parks, open space and recreation facilities needed to maintain appropriate levels of service for new development.

Population and employment are both expected to grow, but they should not be counted equally because employees spend less time in Tualatin than residents, therefore they have less benefit from Tualatin’s parks. As Tualatin’s nonresidential population is assumed to have a lower demand for parks than its residential population, growth in employment is adjusted with an equivalent population coefficient. Appendix A to this study describes equivalency and explains how the “equivalent population coefficients” were developed for this methodology. The result allows nonresidential development to pay its proportionate share of parks for growth based on the “equivalent population” that nonresidential development generates.

Exhibit 4 multiplies the equivalent population coefficients (from Appendix A) by the actual population and employment data from Exhibits 2 and 3 to calculate the “equivalent” population for the base year (2016) and the horizon year (2035) and the growth between 2016 and 2035. Based on the calculations provided in Appendix A, one employee or one member of the nonresidential population is equivalent to 0.34 members of the residential population in terms of demand for parks facilities.

**Exhibit 4. Growth of Equivalent Population and Employment**

	Equivalent Population Coefficient (1)	2016 Base Year Full Population (2)	2016 Base Year Equivalent Population (3)	2035 Horizon Year Full Population (2)	2035 Horizon Year Equivalent Population (3)	2016-2035 Growth Full Population (4)	2016-2035 Growth Equivalent Population (5)
Residential Population	1.00	26,840	26,840	29,950	29,950	3,110	3,110
Nonresidential Population	0.34	29,506	10,130	40,668	13,962	11,162	3,832
<b>Total</b>	<b>N/A</b>	<b>N/A</b>	<b>36,970</b>	<b>N/A</b>	<b>43,912</b>	<b>N/A</b>	<b>6,942</b>

- (1) From Appendix A Equivalent Population Coefficients.
- (2) Sources: Exhibits 2 and 3.
- (3) Equivalent Population = Equivalent Population Coefficient x Full Population.
- (4) 2016-2035 Growth Full Population = 2035 Full Population – 2016 Full Population.
- (5) 2016-2035 Growth Equivalent Population = 2035 Equivalent Population – 2016 Equivalent Population.

The totals in Exhibit 4 provide the equivalent population for the purpose of development of park SDCs for Tualatin. The total equivalent population for the base year (2016) is 36,970 and the horizon year (2035) is 43,912, therefore equivalent population growth between 2016 and 2035 is 6,942.

## 4. PARK SYSTEM DEVELOPMENT CHARGES

### Overview

System development charges for Tualatin’s parks, recreation facilities and open space use an inventory of the City’s existing parks acreage and current equivalent population to determine the current level of service ratio for parks. The current level of service ratio is multiplied by the projected equivalent population growth to estimate the acres of parks needed to serve growth at the current level of service and is compared to the number of acres to be acquired in the Capital Improvements Plan (CIP) to ensure sufficient projects are planned to serve growth. The cost of park acquisition and development is divided by the number of acres to be acquired or improved to establish the cost per acre for parks. Multiplying the park cost per equivalent population by the current level of service ratio results in the cost per equivalent population that can be charged as SDCs. The amount of the cost per equivalent population is adjusted by the value of the remaining park SDC fund balance, estimated compliance costs and any other sources of available funding to arrive at the net cost per equivalent population. The amount of the maximum allowable SDC is determined by multiplying the net cost per equivalent population by the equivalent population per unit for each type of development.

These steps are described below in the formulas, descriptions of variables, exhibits and explanation of calculations of parks system development charges. Throughout the chapter the term “person” is used as the short name that means equivalent population or equivalent person.

### Formula 1: Parks Level of Service Ratio

The current level of service ratio is calculated by dividing Tualatin’s existing parks acreage by its total current equivalent population.

$$(1) \frac{\text{Existing Acres of Parks}}{\text{Current Equivalent Population}} = \text{Current Level of Service Ratio}$$

Equivalent population was described in the third chapter of this methodology and explained in the Appendix. There is one new variable that requires explanation: (A) Existing Acres of Parks.

#### *Variable (A): Existing Acres of Parks*

The acreage of each of Tualatin’s parks is listed in Appendix B. The total existing parks acreage includes all existing facilities in the following categories: Parks, Greenways, Natural Parks & Areas, School Joint-Use Facilities and Shared Use Paths. Appendix B additionally includes a total of the acreage for each park and the subtotal by category.

The total existing inventory of parks in the City of Tualatin is 316.14 acres of parks and recreation facilities (from Exhibit B1). Exhibit 5 lists the total existing inventory of parks and divides it by the current equivalent population of 36,970 (from Exhibit 4, divided by 1,000) to calculate the current level of service ratio of 8.55 acres of parks per 1,000 equivalent population.

**Exhibit 5. Level of Service Ratio**

Inventory	Current Equivalent Pop	Level of Service Ratio
316.14 acres ÷	36,970	= 8.55 acres per 1,000 pop

**Formula 2: Park Needs for Growth**

The park needs for growth is calculated to ensure that Tualatin plans to acquire enough land to provide new growth with the same level of service ratio that benefits the current population. The acres of parks needed for growth are calculated by multiplying the level of service ratio by the equivalent population growth from 2016 to 2035 (divided by 1,000).

$$(2) \text{ Current Level of Service Ratio} \times \text{Equivalent Population Growth} = \text{Park Acres Needed for Growth}$$

There are no new variables used in Formula 2. Both variables were developed in previous formulas and exhibits.

Exhibit 6 shows the calculation of the acres of parks needed for growth. The current level of service ratio is calculated in Exhibit 5. The growth in equivalent population is calculated in Exhibit 4. The result is that Tualatin needs to add 59.36 acres of parks in order to serve the growth of 6,942 additional people who are expected to be added to the City's existing equivalent population.

The number of acres in the Capital Improvements Plan must equal or exceed the number of acres needed for growth in order to provide at least the amount for which growth is being asked to pay SDCs. If the CIP amounts are greater than the amount needed for growth, the City pays for the additional amounts, and growth pays only for the amount that it needs.

**Exhibit 6. Park Land Needs for Growth**

Level of Service Ratio	2016-2035 Growth	Additional Acres Needed for Growth	Additional Acres in CIP
8.55 acres per 1,000 pop x	6,942	= 59.36	64.73



### Formula 3: SDC Eligible Park Cost per Acre

The SDC eligible cost per acre of park land and improvements is the cost basis for the SDC. The cost per acre of park land and development is calculated by dividing the cost of eligible proposed park acquisitions and improvements by the number of acres to be acquired and developed in the Capital Improvements Plan.

$$(3) \frac{\text{Cost of Park Acquisition and Development}}{\text{Acres to be Acquired and Improved}} = \frac{\text{Park Cost}}{\text{per Acre}}$$

There are two new variables used in Formula 3 that require explanation: (B) Cost of Park Acquisition and Development and (C) Acres to be Acquired and Improved.

#### *Variable B: Cost of Park Acquisition and Development*

The park SDCs are based on the costs from the City's plans for future parks listed in Appendix C. Exhibit 7 details the total SDC eligible planned cost of park acquisition in the Parks Capital Improvement Plan, as well as the total SDC eligible cost of planned park improvements.

#### *Variable C: Acres to be Acquired and Improved*

The SDC eligible acres to be acquired and improved are from the same SDC eligible projects listed in Appendix C. Exhibit 7 details the total SDC eligible planned park acres to be acquired and the total SDC eligible planned park acres to be improved.

Exhibit 7 shows the calculation for the SDC eligible cost per acre of park land and improvements. The total SDC eligible cost of land acquisition and improvements (from Exhibit C1) is divided by the number of SDC eligible acres to be acquired or improved (from Exhibit C1) resulting in the park cost per acre. The result is that the City plans to invest a weighted average of \$649,003 per acre in SDC eligible parks acquisition and development.

**Exhibit 7. Park SDC Eligible Cost per Acre**

Type	Eligible Cost	Acres		Cost per Acre
Land Acquisition	\$16,012,500 ÷	64.73	=	\$247,374
Improvements	\$58,029,748 ÷	144.49	=	\$401,629
<b>Total</b>	<b>\$74,042,248</b>			<b>\$649,003</b>

### Formula 4: SDC Eligible Park Cost per Person

The SDC eligible cost of parks per person is needed for calculating the SDC rate. The cost per person of future park acquisition and development is calculated by multiplying the park cost per acre by the current level of service ratio.

$$(4) \frac{\text{Park Cost per Acre}}{\text{Service Ratio}} \times \text{Current Level of} = \frac{\text{Park Cost per}}{\text{Person}}$$

There are no new variables in Formula 4.

Exhibit 8 shows the calculation of the park cost per person. The park cost per acre (from Exhibit 7) is multiplied by the current level of service ratio (from Exhibit 5). The result is the cost per 1,000 population, which is divided by 1,000 to establish the cost per person. With growth maintaining the current level of service ratio of 8.55 acres per 1,000 equivalent population, multiplied by the SDC eligible cost per acre of \$649,003, the cost basis for the park SDC is \$5,550 per equivalent person.

**Exhibit 8. Park Cost per Equivalent Person**

Cost per Acre	Level of Service	Cost per 1,000 Population	Cost per Equivalent Population
\$649,003	x 8.55	= \$5,549,855	\$5,550

**Formula 5: Adjustment per Person**

The adjustment per person is needed to calculate the net cost per person in Formula 6, and is required to account for compliance costs, the current SDC fund balance and other sources of funding. The adjustment per equivalent population is calculated by adding the compliance costs, fund balance and adjustment for other revenue together to arrive at a total adjustment divided by equivalent population growth.

$$(5) \left( \frac{\text{Compliance Costs} + \text{Fund Balance} + \text{Other Revenue}}{\text{Equivalent Population Growth}} \right) = \frac{\text{Adjustment per Person}}$$

There are three new variables in Formula 5 that require explanation: (D) Compliance Cost, (E) Fund Balance, (F) Other Revenue.

*Variable D: Compliance Cost*

The City of Tualatin is authorized under ORS 223.307 (5) to recoup a portion of the costs incurred for the development and administration of the SDCs. The SDC methodology developed by the City of Tualatin in 1991 estimated compliance costs at 1.2% of total SDC eligible costs. Using this same 1.2% for compliance costs, compliance costs for the 2035 time horizon are estimated at \$462,322. Compliance costs are estimated by multiplying the cost per person from Exhibit 8 by the equivalent population growth from Exhibit 4 and by the 1.2% estimated for compliance costs.

*Variable E: Fund Balance*

Additionally, the City of Tualatin has a remaining fund balance in the existing SDC account which will be used to pay for the park capital facilities needed to serve new development. This fund balance as reported by the City of Tualatin is \$270,000.

*Variable F: Other Revenue*

The adjustment per person also must include any other sources of revenue that will be used for parks capital facilities needed to serve new growth. The City of Tualatin has no identified sources of secured funding for parks capital facilities projects to serve growth in the Capital Improvement Plan.

Exhibit 9 shows the calculation for the adjustment per person. Compliance costs, the existing SDC fund balance and other sources of revenue are summed together to arrive at a total adjustment of \$192,322. This total adjustment is divided by the equivalent population growth (from Exhibit 4) of 6,942. The resulting adjustment per person is \$28.

**Exhibit 9. Adjustment per Equivalent Person**

	Adjustment	2016-2035 Growth	Adjustment per Equivalent Population
Compliance costs (1)	\$462,322		
Fund Balance (2)	(\$270,000)		
Other Revenue (3)	\$0		
<b>Total</b>	<b>\$192,322</b>	<b>÷ 6,942</b>	<b>= \$28</b>

(1) Compliance costs are calculated using a 1.2% compliance costs to total eligible cost to serve growth (cost per person x 2016-2035 growth).

(2) Fund balance for the fiscal year 2018/19 provided by the City of Tualatin.

(3) Other revenue is secured funding from the 2018-2035 CIP, for which \$0 has been identified.

**Formula 6: Net Park Cost per Person**

The net cost per equivalent person is calculated by adding the adjustment per equivalent person to the cost per equivalent person.

$$(6) \text{ Park Cost per Person} + \text{ Adjustment per Person} = \text{ Net Park Cost per Person}$$

There are no new variables in Formula 6.

Exhibit 10 shows the calculation of the net park cost per person to be paid by growth. The park cost per person (from Exhibit 8) is added to the adjustment per person (from Exhibit 9), and the result shows the cost for parks to be paid by growth is \$5,578 per person.

**Exhibit 10. Net Cost per Equivalent Person**

	<b>Cost per Equivalent Population</b>
Total Cost per Person	\$5,550
Total Adjustment	\$28
<b>Net Cost per Person</b>	<b>\$5,578</b>

**Formula 7: Maximum Allowable System Development Charge per Unit of Development**

The amount to be paid by each new development unit depends on the equivalent population per unit of development. The park system development charge per unit of development is calculated by multiplying the net park cost per person by the equivalent population per unit for each type of development.

$$(7) \text{ Net Park Cost per Person} \times \text{Equivalent Population per Unit} = \text{SDC per Unit of Development}$$

There is one new variable that requires explanation: (G) Equivalent Population per Unit.

*Variable G: Equivalent Population per Unit*

The equivalent population per unit is calculated by multiplying the equivalent population coefficient by the number of persons per unit of development, as shown in Appendix A. For residential development this is the number of persons per dwelling unit estimated from the U.S. Census American Community Survey 5-Year Estimates for the City of Tualatin. For nonresidential development, a weighted average number of employees per square foot for each type of development was calculated from the Observed Building Densities from Table 4 in the Metro 1999 Employment Density Study, as shown in Appendix D.

Exhibit 11 shows the calculation of the maximum allowable parks SDC per unit of development. The net cost per equivalent person of \$5,578 from Exhibit 10 is multiplied by the equivalent population per unit (from Exhibit A6) to calculate the SDC per unit of development for parks.

**Exhibit 11. Maximum Allowable Park System Development Charge per Unit  
of Development**

<b>Type</b>	<b>Net Cost per Equivalent Person</b>		<b>Equivalent Population per Unit</b>	<b>Unit of Development</b>	<b>SDC Per Unit of Development</b>
Residential					
Single-Family	\$5,578	x	2.76	dwelling unit =	\$15,409
Multi-Family	\$5,578	x	2.06	dwelling unit =	\$11,486
Nonresidential					
Industrial/Manufacturing	\$5,578	x	0.0007	square foot =	\$3.88
Warehousing	\$5,578	x	0.0002	square foot =	\$0.98
Retail/Restaurant/Hospitality	\$5,578	x	0.0007	square foot =	\$3.79
Office*	\$5,578	x	0.0006	square foot =	\$3.13

*\*Office includes healthcare, education, finance and professional services development.*

## APPENDIX A. EQUIVALENT POPULATION COEFFICIENTS

### What is “Equivalency”

When governments analyze things that are different from each other, but which have something in common, they sometimes use “equivalency” as the basis for their analysis.

For example, many water and sewer utilities calculate fees based on an average residential unit, then they calculated fees for business users on the basis of how many residential units would be equivalent to the water or sewer service used by the business. This well-established and widely practiced method uses “equivalent residential unit” (ERUs) as the multiplier that uses the rate for one residence to calculate rates for businesses. If a business needs a water connection that is double the size of an average house, that business is 2.0 ERUs, and would pay fees that are 2.0 times the fee for an average residential unit.

Another use of “equivalency” that is used in public sector organizations is “full time equivalent” (FTE) employees. One employee who works full-time is 1.0 FTE. A half-time employee is 0.5 FTE. By adding up the FTE coefficients of all part-time employees, the total is the FTE (full-time equivalent) of all the full and part-time employees.

### Equivalency and Park System Development Charges

The use of equivalency can be used to develop park SDCs that apply to new nonresidential development as well as residential development. When charging SDCs to new nonresidential development as well as new residential development the proportionate benefits parks provide for each type of development must be considered. Different types of development and the population using that development receive different benefits from Tualatin’s parks system, based on the amount of time the parks system is available during their use of each type of development.

Equivalent population coefficients use the same principles as ERUs or FTEs to measure differences among residential population and nonresidential businesses in their availability to benefit from Tualatin’s parks. This method documents the nexus between parks and development by quantifying the differences among different categories of park users.

Parks are not available for the same amount of time for occupants of nonresidential development as for occupants of residential development. In order to equitably apportion the need for parks between the residential and nonresidential development an equivalent population coefficient was

developed based on the potential time parks facilities are available for use and the distribution of Tualatin’s residential and nonresidential population.

The equivalent population coefficient is used in two ways. First, the residential equivalent from Exhibit A5 is multiplied by the number of employees in Tualatin to count employees as “equivalent population” in Tualatin. This provides a total population of residents and employees that will be used to calculate the parks cost per equivalent person. Second, the population coefficient is multiplied by a measure of population per unit to arrive at an equivalent population per unit, which is multiplied by the net park cost per equivalent person to determine the maximum allowable park SDC per unit of development.

### Calculation of Equivalent Population Coefficient for Park System Development Charges

Exhibit A1 shows the current population and employment within the City of Tualatin by place of work and place of residence. Each segment of Tualatin’s population and employment have differences in the availability of parks.

**Exhibit A1. City of Tualatin Current Population and Employment by Place of Residence and Place of Work**

	Live in Tualatin	Live Elsewhere	Total
Work in Tualatin	1,973	27,533	<b>29,506</b>
Work Elsewhere	11,796		
All Others	13,071		
<b>Total</b>	<b>26,840</b>		

- (1) *Estimates of Population Living and Working in Tualatin, Living Elsewhere and Working in Tualatin, and Living in Tualatin and Working Elsewhere based on percentages from 2015 data from U.S. Census OnTheMap and 2015 total resident population from the Portland State University, College of Urban and Public Affairs, Population Research Center, controlled to population and employment totals for 2016 from Exhibits 2 and 3.*
- (2) *Estimates of All Others is the difference of the working population living in the City of Tualatin and the total resident population in the City of Tualatin*

Exhibit A2 details the weighted average hours per day of park facility availability for each population segment. The number of hours per day differs depending on weekday vs weekend and depending on the season. Additionally, the hours differ depending on the segment of the population.

Weighted average hours per day are calculated with the following formula.

$$\left( \frac{\text{Summer Hrs}}{\text{per Day}} \times 25\% \right) + \left( \frac{\text{Spring \& Fall Hrs}}{\text{per Day}} \times 50\% \right) + \left( \frac{\text{Winter Hrs}}{\text{per Day}} \times 25\% \right) = \frac{\text{Wtd Avg Hrs}}{\text{per Day}}$$



**Exhibit A2. Weighted Hours per Day of Park Availability by Population Segment**

	All others	Live and Work in Tualatin (home hrs)	Live and Work in Tualatin (work hrs)	Live in Tualatin Work Elsewhere	Live Elsewhere Work in Tualatin
Summer (June-Sept)					
Weekday	10.55	2.00	4.00	2.00	4.00
Weekend	10.55	12.00	0.00	12.00	0.00
Hours per Day	10.55	4.86	2.86	4.86	2.86
Spring/Fall (April-May, Oct-Nov)					
Weekday	6.24	2.00	2.50	2.00	2.50
Weekend	8.79	10.00	0.00	10.00	0.00
Hours per Day	6.97	4.29	1.79	4.29	1.79
Winter (Dec-March)					
Weekday	4.48	1.00	2.00	1.00	2.00
Weekend	7.03	8.00	0.00	8.00	0.00
Hours per Day	5.21	3.00	1.43	3.00	1.43
Wtd Avg. Hours per Day	<b>7.42</b>	<b>4.11</b>	<b>1.96</b>	<b>4.11</b>	<b>1.96</b>

(1) Average daily hours sourced from prior park system development charge methodologies by Don Ganer & Associates for Oregon cities.

Annual weighted hours per day by segment from Exhibit A2 were multiplied by seven days per week to arrive at the hours of park availability per week by population and employment segment, as outlined in Exhibit A3. For example, individuals that live in Tualatin and work in Tualatin have 28.75 average hours of park availability during the time where they are occupying residential development and 13.75 average hours of park availability while they are occupying nonresidential development. Individuals that work in Tualatin but live elsewhere only have 13.75 hours of park availability while they are occupying nonresidential development in the City of Tualatin and residents that are not employed (all others) have 51.96 average hours of park availability per week while they are occupying residential development.

**Exhibit A3. Park Availability in Hours per Week by Place of Residence and Place of Work**

	Residential Hours		Work Hours	
	Live in Tualatin	Live Elsewhere	Live in Tualatin	Live Elsewhere
Work in Tualatin	28.75	0.00	13.75	13.75
Work Elsewhere	28.75		0.00	
All Others	51.96		0.00	

The annual weighted hours of park availability per week are applied to current population and employment by segment to determine the total

annual weighted average hours per week of park availability for each category. In total there are nearly 1.5 million hours of park availability per week for the City of Tualatin.

#### Exhibit A4. Total Hours per Week of Park Demand

	Resident Hours <sup>(1)</sup>	Employee Hours <sup>(2)</sup>	Total
Work in Tualatin	56,714	405,708	462,421
Work Elsewhere	339,131		339,131
All Others	679,147		679,147
<b>Total</b>	<b>1,074,992</b>	<b>405,708</b>	<b>1,480,700</b>

- (1) Resident hours are equal to the population living in Tualatin by place of work from Exhibit A1 multiplied by hours per week of park availability by place of residence and location of work.
- (2) Employee hours are equal to the employee population in Tualatin by place of work from Exhibit A1 multiplied by hours per week of park availability by place of residence and location of work.

Exhibit A5 calculates the average hours per resident by dividing total resident hours from Exhibit A4 by total residential population of 26,840 from Exhibit A1. Hours per employee are calculated by dividing total employee hours from Exhibit A4 by the total number of employees in Tualatin from Exhibit A1. The residential equivalent is calculated by dividing hours per employee by hours per resident. The result of the calculation in Exhibit A5 is that one employee is equal to 0.34 residents. The resulting coefficient for residential development is 1.0.

#### Exhibit A5. Residential Equivalent Coefficient

	Hours
Hours per Resident	40.05
Hours per Employee	13.75
<b>Residential Equivalent</b>	<b>0.34</b>

#### Calculation of Equivalent Population per Unit

In order to convert the net cost per equivalent person to the maximum allowable SDC rate per unit of development, it is necessary to calculate a measure of equivalent population per unit of development. Exhibit A6 shows the calculation of the equivalent population per unit. The equivalent population coefficient from Exhibit A5 is multiplied by a measure of population per unit. The measure of population per unit is the number of persons per dwelling unit for residential development, calculated for single-family and multi-family dwelling units using the number of occupied dwelling units by unit type and estimated population by unit type from the 2012-2016 American Community Survey 5-Year Estimates for Tualatin, Oregon. Tables from the American Community Survey used in the analysis

include Selected Housing Characteristics and Tenure by Household Size by Units in Structure. The measure of population per unit for nonresidential development is the weighted average square feet per employee for each type of development based on the Observed Building Density table from Metro's 1999 Employment Density Study, in Appendix D, weighted by current employment by industry provided by the City of Tualatin.

**Exhibit A6. Equivalent Population per Unit**

Type of Development	Equivalent Population Coefficient	Population per Unit	Unit	Equivalent Population per Unit
Residential				
Single-Family	1.00	2.76	dwelling unit	2.76
Multi-Family	1.00	2.06	dwelling unit	2.06
Nonresidential				
Industrial/Manufacturing	0.34	0.0020	square foot	0.0007
Warehousing	0.34	0.0005	square foot	0.0002
Retail/Restaurant/Hospitality	0.34	0.0020	square foot	0.0007
Office*	0.34	0.0016	square foot	0.0006

*\*Office includes healthcare, education, finance and professional services development.*

As noted previously, the equivalent population coefficient is multiplied by the number of employees in Tualatin and the residential population to calculate the total equivalent population in Tualatin. The equivalent population per unit is multiplied by the net park cost per equivalent population to calculate the SDC rate for residential and nonresidential development.

## APPENDIX B. INVENTORY OF EXISTING PARKS

Tualatin's updated Parks and Recreation Master Plan provides a detailed inventory of existing facilities and acres within the Tualatin parks system as of 2018. The parks system in Tualatin currently consists of 316.14 acres of parks in total. Tualatin has 83.75 acres of parks, 125.32 acres of greenways and shared use paths, 107.07 acres of natural areas and parks, and 0 acres of school joint-use facilities.

### Exhibit B1. Tualatin Parks Inventory, 2018

Park/Facility Type	Inventory	Unit
<b>Parks</b>		
Affalati Park	13.27	acres
Ibach Park	20.08	acres
Jurgens Park	15.59	acres
Lafky Park	2	acres
Stoneridge Park	0.23	acres
Tualatin Commons	4.83	acres
Tualatin Commons Park	0.64	acres
Tualatin Community Park	27.11	acres
<b>Total Parks</b>	<b>83.75</b>	<b>acres</b>
<b>Greenways &amp; Shared Use Paths</b>		
Chieftain/Dakota Greenway	6.14	acres
Hedges Creek Greenway	11.66	acres
Helenius Greenway	0.43	acres
Hi-West Estates Greenway	1.59	acres
Indian Meadows Greenway	3.82	acres
Nyberg Creek Greenway	5.78	acres
Nyberg Creek (South) Greenway	2.3	acres
Saum Creek Greenway	54.22	acres
Shaniko Greenway	3.3	acres
Tualatin River Greenway	30.39	acres
65th Avenue Shared Use Path	0.47	acres
Boones Ferry Road Shared Use Path (Byrom Elementary to Arapaho Road)	0.41	acres
Byrom Elementary Shared Use Path (Martinazzi Ave. to Boones Ferry Rd.)	0.8	acres
Cherokee Street Shared Use Path (108th Ave to Rail Road ROW)	0.09	acres
I-5 Shared Use Path (Warm Springs St. to Sagert St.)	1.54	acres
Ice Age Tonquin Trail	2.38	acres
<b>Total Greenways &amp; Shared Use Paths</b>	<b>125.32</b>	<b>acres</b>
<b>Natural Parks &amp; Areas</b>		
Brown's Ferry Park	43.21	acres
Hedges Creek Wetlands Protection District	29.06	acres
Hervin Grove Natural Area	0.29	acres
Johnnie and William Koller Wetland Park	15.32	acres
Little Woodrose Nature Park	6.55	acres
Saarinen Wayside Park	0.06	acres
Sequoia Ridge Natural Area	0.65	acres
Sweek Ponds Natural Area	4.68	acres
Sweek Woods Natural Area	5.03	acres
Victoria Woods Natural Area	2.22	acres
<b>Total Natural Parks &amp; Areas</b>	<b>107.07</b>	<b>acres</b>
<b>School Joint-Use Facilities</b>		
TuHS Leonard Pohl Field	0	acres
TuHS-Byrom Elementary Cross Country Running Trail	0	acres
<b>Total School Joint-Use Facilities</b>	<b>0</b>	<b>acres</b>
<b>Total Park Inventory</b>	<b>316.14</b>	<b>acres</b>

## APPENDIX C. CAPITAL IMPROVEMENTS PLAN AND PROJECTS THAT ADD CAPACITY, 2018-2035

The Capital Improvements Plan (CIP) for 2018-2035 contains 53 projects, among these 21 are prioritized SDC eligible projects included in the SDC methodology, which include improvements to existing parks as well as acquisition and development of new parks. Project numbers and names are listed in column one of Exhibit C1. The total capital cost of each project is listed in column two, totaling \$215.9 million. The third column lists the total acres by project, totaling 409.6 acres. The fourth column lists the SDC eligible acres to be acquired totaling 64.73 acres. The fifth column lists the percentage of acres to be improved for each CIP project. The sixth column calculates the SDC eligible acres to be improved, equal to acres multiplied by the percent to be improved, totaling 144.5 acres to be improved. The seventh column lists the cost of SDC eligible park land acquisition, totaling \$16 million. The eighth column lists the total cost of improvements, equal to \$178.4 million. The ninth column lists the percentage of improvements that are SDC eligible for each project. The tenth column lists eligible improvement costs, totaling \$58 million. The final column lists the total SDC eligible project costs, equal to \$74 million.

City of Tualatin staff have identified no secured funding for the park projects listed in the 2018-2035 Capital Improvements Plan. Specific totals derived from the analysis of CIP projects are used in Formulas 2 and 5 in the Park System Development Charge chapter of this methodology. Projects highlighted grey in Exhibit C1 are those projects that are not priority SDC projects and are not included in the SDC methodology.

City of Tualatin staff and the 2018 Tualatin Parks and Recreation Master Plan have identified aspirational projects included in the CIP that are SDC eligible, but at this time are not considered likely to be developed within the time horizon of this methodology and so are excluded from the analysis.

- CIP # E28: Shaniko Greenway

**Exhibit C1. Capital Improvements Plan for Parks, 2018 – 2035**

Exhibit 1

CIP #	Project	CIP Budget	Total Acres	SDC Eligible Acquired Acres	% Acres to be Improved	SDC Eligible Improved Acres	SDC Land Cost	Improvement Cost	% Improvement SDC Eligible	Eligible Improvement Cost	Total Eligible Cost
<b>Parks (Existing)</b>											
E1	Affalati Park	\$6,181,432	13.27	0.00	25%	3.32	\$0	\$6,181,432	25%	\$1,545,358	\$1,545,358
E2	Ibach Park	\$9,041,788	20.08	0.00	25%	5.02	\$0	\$9,041,788	25%	\$2,260,447	\$2,260,447
E3	Jurgens Park	\$7,328,675	15.59	0.00	40%	6.24	\$0	\$7,328,675	40%	\$2,931,470	\$2,931,470
E4	Lafky Park	\$277,818	2.00	0.00	0%	0.00	\$0	\$277,818	0%	\$0	\$0
E5	Stoneridge Park	\$113,870	0.23	0.00	0%	0.00	\$0	\$113,870	0%	\$0	\$0
E6	Tualatin Commons	\$1,088,198	4.83	0.00	0%	0.00	\$0	\$1,088,198	0%	\$0	\$0
E7	Tualatin Commons Park	\$61,187	0.64	0.00	0%	0.00	\$0	\$61,187	0%	\$0	\$0
E8	Tualatin Community Park	\$19,529,596	27.11	0.00	0%	0.00	\$0	\$19,529,596	0%	\$0	\$0
E9	Tualatin Library	\$6,107,222	0.00	0.00	0%	0.00	\$0	\$6,107,222	0%	\$0	\$0
	<i>Subtotal</i>	<i>\$49,729,787</i>	<i>83.75</i>	<i>0.00</i>	<i>17%</i>	<i>14.57</i>	<i>\$0</i>	<i>\$49,729,787</i>	<i>14%</i>	<i>\$6,737,275</i>	<i>\$6,737,275</i>
<b>Natural Parks &amp; Areas (Existing)</b>											
E10	Brown's Ferry Park	\$28,539,479	43.21	0.00	25%	10.80	\$0	\$13,539,479	25%	\$3,384,870	\$3,384,870
E11	Hedges Creek Wetlands Protection District	\$1,213,220	29.06	0.00	0%	0.00	\$0	\$1,213,220	0%	\$0	\$0
E12	Hervin Grove Natural Area	\$20,000	0.29	0.00	0%	0.00	\$0	\$20,000	0%	\$0	\$0
E13	Johnnie and William Koller Wetland Park	\$2,506,200	15.32	0.00	40%	6.13	\$0	\$2,506,200	50%	\$1,253,100	\$1,253,100
E14	Little Woodrose Nature Park	\$1,375,619	6.55	0.00	0%	0.00	\$0	\$1,375,619	0%	\$0	\$0
E15	Saarinen Wayside Park	\$20,000	0.06	0.00	0%	0.00	\$0	\$20,000	0%	\$0	\$0
E16	Sequoia Ridge Natural Area	\$46,000	0.65	0.00	0%	0.00	\$0	\$46,000	0%	\$0	\$0
E17	Sweek Ponds Natural Area	\$1,261,784	4.68	0.00	0%	0.00	\$0	\$1,261,784	0%	\$0	\$0
E18	Sweek Woods Natural Area	\$20,000	5.03	0.00	0%	0.00	\$0	\$20,000	0%	\$0	\$0
E19	Victoria Woods Natural Area	\$228,550	2.22	0.00	0%	0.00	\$0	\$228,550	0%	\$0	\$0
	<i>Subtotal</i>	<i>\$35,230,852</i>	<i>107.07</i>	<i>0.00</i>	<i>16%</i>	<i>16.93</i>	<i>\$0</i>	<i>\$20,230,852</i>	<i>23%</i>	<i>\$4,637,970</i>	<i>\$4,637,970</i>



Exhibit C1 cont. Capital Improvements Plan for Parks, 2018 – 2035

Exhibit 1

CIP #	Project	CIP Budget	Total Acres	SDC Eligible Acquired Acres	% Acres to be Improved	SDC Eligible Improved Acres	SDC Land Cost	Improvement Cost	% Improvement SDC Eligible	Eligible Improvement Cost	Total Eligible Cost
<b>Greenways (Existing)</b>											
E20	Chieftain/Dakota Greenway	\$1,520,978	6.14	0.00	50%	3.07	\$0	\$1,520,978	50%	\$760,489	\$760,489
E21	Hedges Creek Greenway	\$1,798,218	11.66	0.00	50%	5.83	\$0	\$1,798,218	75%	\$1,348,664	\$1,348,664
E22	Helenius Greenway	\$149,000	0.43	0.00	100%	0.43	\$0	\$149,000	100%	\$149,000	\$149,000
E23	Hi-West Estates Greenway	\$190,338	1.59	0.00	0%	0.00	\$0	\$190,338	0%	\$0	\$0
E24	Indian Meadows Greenway	\$545,049	3.82	0.00	10%	0.38	\$0	\$545,049	10%	\$54,505	\$54,505
E25	Nyberg Creek Greenway	\$1,381,656	5.78	0.00	75%	4.34	\$0	\$1,381,656	75%	\$1,036,242	\$1,036,242
E26	Nyberg Creek (South) Greenway	\$710,000	2.30	0.00	100%	2.30	\$0	\$710,000	100%	\$710,000	\$710,000
E27	Saum Creek Greenway	\$4,376,436	54.22	0.00	25%	13.56	\$0	\$4,376,436	50%	\$2,188,218	\$2,188,218
E28	Shaniko Greenway	\$48,732	3.30	0.00	0%	0.00	\$0	\$48,732	0%	\$0	\$0
E29	Tualatin River Greenway	\$5,483,771	30.39	0.00	50%	15.20	\$0	\$5,483,771	50%	\$2,741,885	\$2,741,885
	<i>Subtotal</i>	<i>\$16,204,180</i>	<i>119.63</i>	<i>0.00</i>	<i>38%</i>	<i>45.10</i>	<i>\$0</i>	<i>\$16,204,180</i>	<i>55%</i>	<i>\$8,989,004</i>	<i>\$8,989,004</i>
<b>School Joint-Use Facilities (Existing)</b>											
E30	TuHS Leonard Pohl Field 2	\$563,024	0.00	0.00	0%	0.00	\$0	\$563,024	0%	\$0	\$0
E31	TuHS-Byrom Elementary Cross Country Running Trail	\$42,865	0.00	0.00	0%	0.00	\$0	\$42,865	0%	\$0	\$0
	<i>Subtotal</i>	<i>\$605,889</i>	<i>0.00</i>	<i>0.00</i>	<i>0%</i>	<i>0.00</i>	<i>\$0</i>	<i>\$605,889</i>	<i>0%</i>	<i>\$0</i>	<i>\$0</i>
<b>Shared Use Paths (Existing)</b>											
E32	65th Avenue Shared Use Path	\$0	0.47	0.00	0%	0.00	\$0	\$0	0%	\$0	\$0
E33	Boones Ferry Road Shared Use Path	\$0	0.41	0.00	0%	0.00	\$0	\$0	0%	\$0	\$0
E34	Byrom Elementary Shared Use Path (Martinazzi Ave. to Boones Ferry Rd.)	\$0	0.80	0.00	0%	0.00	\$0	\$0	0%	\$0	\$0
E35	Cherokee Street Shared Use Path (108th Ave to Rail Road ROW)	\$0	0.09	0.00	0%	0.00	\$0	\$0	0%	\$0	\$0
E36	I-5 Shared Use Path (Warm Springs St. to Sagert St.)	\$462,000	1.54	0.00	100%	1.54	\$0	\$462,000	100%	\$462,000	\$462,000
E37	Ice Age Tonquin Trail	\$723,500	3.06	0.68	75%	2.30	\$0	\$723,500	100%	\$723,500	\$723,500
	<i>Subtotal</i>	<i>\$1,185,500</i>	<i>6.37</i>	<i>0.68</i>	<i>60%</i>	<i>3.84</i>	<i>\$0</i>	<i>\$1,185,500</i>	<i>100%</i>	<i>\$1,185,500</i>	<i>\$1,185,500</i>

**Exhibit C1 cont. Capital Improvements Plan for Parks, 2018 – 2035**

Exhibit 1

CIP #	Project	CIP Budget	Total Acres	SDC Eligible Acquired Acres	% Acres to be Improved	SDC Eligible Improved Acres	SDC Land Cost	Improvement Cost	% Improvement SDC Eligible	Eligible Improvement Cost	Total Eligible Cost
<b>Parks (Proposed)</b>											
P1	Jurgens Park addition	\$3,947,500	5.15	5.15	100%	5.15	\$1,287,500	\$2,660,000	100%	\$2,660,000	\$3,947,500
P2	Tualatin Community Park addition	\$2,335,000	3.00	3.00	100%	3.00	\$750,000	\$1,585,000	100%	\$1,585,000	\$2,335,000
P3	Basalt Creek park	\$17,110,000	20.00	20.00	100%	20.00	\$5,000,000	\$12,110,000	100%	\$12,110,000	\$17,110,000
P4	East Tualatin / Bridgeport Elementary partnership	\$200,000	0.00	0.00	0%	0.00	\$0	\$200,000	0%	\$0	\$0
P5	Pony Ridge/ Heritage Pines partnership	\$210,000	0.00	0.00	0%	0.00	\$0	\$210,000	0%	\$0	\$0
P6	Central Tualatin sports park	\$6,835,000	9.00	9.00	100%	9.00	\$2,250,000	\$4,585,000	100%	\$4,585,000	\$6,835,000
P7	Community recreation center	\$33,835,000	5.00	0.00	0%	0.00	\$0	\$32,585,000	0%	\$0	\$0
P8	Additional park opportunities	\$8,925,000	11.80	11.80	100%	11.80	\$2,950,000	\$5,975,000	100%	\$5,975,000	\$8,925,000
P9	Tournament sports complex	\$12,585,000	10.00	0.00	0%	0.00	\$0	\$10,085,000	0%	\$0	\$0
	<i>Subtotal</i>	<b>\$85,982,500</b>	<b>63.95</b>	<b>48.95</b>	<b>77%</b>	<b>48.95</b>	<b>\$12,237,500</b>	<b>\$69,995,000</b>	<b>38%</b>	<b>\$26,915,000</b>	<b>\$39,152,500</b>
<b>Natural Parks &amp; Areas (Proposed)</b>											
P10	New natural park and areas	\$7,655,000	12.70	0.00	0%	0.00	\$0	\$5,115,000	0%	\$0	\$0
	<i>Subtotal</i>	<b>\$7,655,000</b>	<b>12.70</b>	<b>0.00</b>	<b>0%</b>	<b>0.00</b>	<b>\$0</b>	<b>\$5,115,000</b>	<b>0%</b>	<b>\$0</b>	<b>\$0</b>
<b>Greenways &amp; Shared Use Paths (Proposed)</b>											
P11	New greenways and shared use paths	\$13,340,000	15.10	15.10	100%	15.10	\$3,775,000	\$9,565,000	100%	\$9,565,000	\$13,340,000
P12	Westside Trail bridge	\$5,575,000	1.00	0.00	0%	0.00	\$0	\$5,325,000	0%	\$0	\$0
	<i>Subtotal</i>	<b>\$18,915,000</b>	<b>16.10</b>	<b>15.10</b>	<b>94%</b>	<b>15.10</b>	<b>\$3,775,000</b>	<b>\$14,890,000</b>	<b>64%</b>	<b>\$9,565,000</b>	<b>\$13,340,000</b>
<b>Additionally Planning (Proposed)</b>											
P13	Community (Urban) Forestry Plan	\$100,000	0.00	0.00	0%	0.00	\$0	\$100,000	0%	\$0	\$0
P14	Comprehensive Fee Analysis and Plan	\$100,000	0.00	0.00	0%	0.00	\$0	\$100,000	0%	\$0	\$0
P15	Resource Management Plan	\$100,000	0.00	0.00	0%	0.00	\$0	\$100,000	0%	\$0	\$0
P16	Marketing and Outreach Plan	\$100,000	0.00	0.00	0%	0.00	\$0	\$100,000	0%	\$0	\$0
	<i>Subtotal</i>	<b>\$400,000</b>	<b>0.00</b>	<b>0.00</b>	<b>0%</b>	<b>0.00</b>	<b>\$0</b>	<b>\$400,000</b>	<b>0%</b>	<b>\$0</b>	<b>\$0</b>
<b>Total</b>		<b>\$215,908,708</b>	<b>409.57</b>	<b>64.73</b>	<b>35%</b>	<b>144.49</b>	<b>\$16,012,500</b>	<b>\$178,356,208</b>	<b>33%</b>	<b>\$58,029,748</b>	<b>\$74,042,248</b>

## APPENDIX D. OBSERVED BUILDING DENSITIES

ORS 223.301 prohibits local governments from determining the SDC for a specific development based on the number of employees hired, and fee amounts cannot be determined based on the number of employees without regard to new construction or new development. In order to ensure that the park SDCs are not charged based on the number of employees it is necessary to develop a ratio between the number of employees and the square feet of new development required to accommodate employees. Metro's 1999 Employment Density Study has a detailed list of square feet per employee by industry, which was used to calculate a weighted average number of square feet per employee by type of development.

**Exhibit D1. Observed Building Densities**

<b>Industry Grouping (SIC)</b>	<b>Description</b>	<b>Weighted Square Feet per Employee</b>
1-19	Ag., Fish & Forest Services; Constr; Mining	590
20	Food & Kindred Products	630
21	Tobacco (industry does not exist in Oregon)	0
22, 23	Textile & Apparel	930
24	Lumber & Wood	640
25, 32, 39	Furniture; Clay, Stone & Glass; Misc.	760
26	Paper & Allied	1,600
27	Printing, Publishing & Allied	450
28-31	Chemicals, Petroleum, Rubber, Leather	720
33, 34	Primary & Fabricated Metals	420
35	Machinery Equipment	300
36, 38	Electrical Machinery, Equipment	400
37	Transportation Equipment	700
40-42, 44, 45, 47	TCPU - Transportation and Warehousing	3,290
43, 46, 48, 49	TCPU - Communications and Public Utilities	460
50, 51	Wholesale Trade	1,390
52-59	Retail Trade	470
60-68	Finance, Insurance & Real Estate	370
70-79	Non-Health Services	770
80	Health Services	350
81-89	Educational, Social, Membership Services	740
90-99	Government	530