



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
FROM: Sherilyn Lombos, City Manager 
DATE: March 1, 2010
SUBJECT: Work Session for March 8, 2010

Food: We will be having chicken marsala, lasagna, salad and bread from Pastini Pastaria (and of course, plenty of cookies).

5:00 p.m. (30 min) – Ordinance Regulating Filming in Tualatin. Due to recent filming activity in Tualatin, staff has identified the need for a process to facilitate this activity. Tonight, staff will discuss the need, the process that has been designed and the draft ordinance that will enable the process. Attached is a memo as well as the powerpoint slides from Eric Underwood that will be used to facilitate the discussion.

Action requested: Direction from the Council regarding the ordinance regulating filming.

5:30 p.m. (45 min) – Sign Design Standards. This is a continuation of the discussion about appropriate standards for free-standing signs and restrictions on arterial pole signs. Staff will review the Council direction we have been pursuing, who the potential new regulations would impact and the feedback from those businesses that would be impacted. Attached is a memo from Will Harper with information that will be used during the discussion.

Action requested: Direction from the Council on appropriate standards for free-standing signs and appropriate restrictions on arterial pole signs.

6:15 p.m. (20 min) – Regulations on Basketball Hoops. Council President Barhyte has expressed an interest in revising some of the language in TMC Chapter 8-4

(Basketball Hoops in the Public Right-of-Way). Attached is Councilor Barhyte's marked up version of Chapter 8-4 for discussion and direction to staff.

Action requested: Direction from the Council on changes to TMC chapter 8-4.

6:35 p.m. (10 min) – Urban/Rural Reserves Update. Metro and the three counties (Washington, Clackamas and Multnomah) have effectively finalized the urban/rural reserve maps and have adopted intergovernmental agreements designed to document these agreements. This discussion will bring all Councilors up to speed on the designations and the impacts to Tualatin.

Action requested: This item is informational only.

6:45 p.m. (10 min) – Council / Commission Meeting Agenda Review, Communications & Roundtable.

Action requested: Council review the agenda for the March 8th City Council and Development Commission meetings and take the opportunity to brief the rest of the Council on any issues of mutual interest.

Upcoming Council Meetings & Work Sessions: Attached is a three-month look ahead for upcoming Council meetings and work sessions. If you have any questions, please let me know.

Dates to Note: Attached is the updated community calendar for the next three months.

As always, if you need anything from your staff, please feel free to let me know.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Eric Underwood, Development Coordinator *EU*

DATE: March 8, 2010

SUBJECT: AN ORDINANCE RELATING TO MOTION PICTURE AND FILM PRODUCTION; ESTABLISHING PERMIT REQUIREMENTS

ISSUE BEFORE THE COUNCIL:

This memo is a briefing on a proposed draft Film Production Ordinance and associated permit application form. It is requested that the City Council review the draft ordinance and provide direction.

POLICY CONSIDERATION:

Should the City adopt a policy on commercial filming to regulate filming activity within City boundaries?

BACKGROUND:

Due to recent filming activity in the City of Tualatin, there has been a developing interest in promoting commercial filming activities within the City and a desire to include these promotional efforts as part of the City's economic development program. Staff has been coordinating with the Governor's Office of Film & Television to promote various sites within the City of Tualatin for possible filming locations. Staff has also been coordinating with the film office of the City of Portland to gather information on standard policy issues and processes involved with filming activities. Through these coordination efforts a need has been identified to establish a commercial filming policy and permitting process to help facilitate commercial filming in Tualatin.

DISCUSSION:

The proposed draft ordinance (Attachment A) sets forth the terms and conditions to govern commercial filming within the City by establishing a permit process and fee structure. In the event that damage occurs to City property during filming activity, the Draft Film Ordinance provides for reimbursement for the actual replacement or repair cost of destroyed or damaged property.

For purposes of this ordinance “commercial film production activities” means activities involving the use of motion picture, videotaping, sound-recording or any other type of moving image or audio recording equipment within the City of Tualatin that includes product or service advertisement, the creation/filming of a product for sale, or the use of actors, models, sets, and props for the purpose of generating revenue. This definition excludes all activities listed in the Permit Exceptions section of the Draft Film Ordinance.

The film permit application procedure is a two-tiered process that involves filing an application with the City Manager or designee no later than 24 business-day hours for a Film Production Application (Minor), see Attachment B, or five (5) business days for a Film Production Application (Major), see Attachment C, prior to commencing filming activities. Significant traffic impacts and/or public safety concerns ancillary to the production require submission of the Film Production application no later than ten (10) business days prior to commencing production activities. Applications will require relevant contact information, the proposed dates of filming activities, location(s) of proposed filming, a description of proposed filming activities, an estimated number of cast and crew, acknowledgement of anticipated public services, indication of potential closures (roads, sidewalks, etc.) and indication of special uses such as pyrotechnics, public or temporary structures, fire arms, animals, etc.

The proposed Ordinance requires the applicant of a Film Production Application (Major) to provide a Certificate of Insurance to the City for general liability listing the City of Tualatin as additional insured. The required minimum amount of insurance is \$1,000,000.00. The City Manager may require that additional insurance be obtained if it is perceived that potential damage, as a result of filming, might exceed the above insurance limits. The applicant will also be required to execute an indemnification and hold harmless agreement in a form approved by the City releasing the City from all liabilities that may result from filming operations within City limits.

Each City filming permit will be valid for a period of sixty (60) days from the date of approval unless otherwise specified by the City Manager or designee. The permit may be approved with conditions if it is determined necessary and the applicant shall comply with such conditions. Extensions of the permit may be requested in writing no less than 24 hours prior to the expiration of the permit.

RECOMMENDATION:

Staff recommends that the City Council consider the attached Draft Film Ordinance and permit application forms and provide direction.

- Attachments:**
- A. Draft Motion Picture and Film Production Ordinance
 - B. Draft Film Permit Application (Minor)
 - C. Draft Film Permit Application (Major)



ORDINANCE NO. _____

AN ORDINANCE RELATING TO MOTION PICTURE AND FILM PRODUCTION; ESTABLISHING PERMIT REQUIREMENTS; AND ADDING A NEW CHAPTER,-9-7 TO THE TUALATIN MUNICIPAL CODE.

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. A new section, TMC 9-7-005---is added to the Tualatin Municipal Code to read as follows:

Establishment and purpose. (1) This Ordinance is referred to as the Motion Picture and Film Production Ordinance of the City of Tualatin.

(2) This ordinance establishes procedures for the review and issuance of City filming permits as they relate to the production of commercial filming activities, within the City of Tualatin, subject to authorization and permit requirements. This ordinance is to facilitate film production within the City while protecting the health and safety of those who might be impacted by such production activities. This ordinance excludes companies duly licensed by a City of Tualatin Business License and companies that conduct filming operations within the confines of their own property without impacting public facilities.

Section 2. A new section, TMC 9-7-010 is added to the Tualatin Municipal Code to read as follows:

Definitions. As used in this ordinance, the following definitions apply:

- (1) "City Manager" means the chief executive of the City of Tualatin or the City Manager's designee.
- (2) "Commercial film production activities" means activities involving the use of motion picture, videotaping, sound-recording or any other type of moving image or audio recording equipment within the City of Tualatin that includes product or service advertisement, the creation/filming of a product for sale, or the use of actors, models, sets, and props for the purpose of generating revenue. This definition excludes all activities listed in the Permit Exceptions section of this Ordinance.
- (3) Film Production Permit (Major) means permits that requires proof of insurance and the utilization of public services or that impact normal City operations and/or activities including but not limited to street closures, public safety services, park closures, special parking needs, excessive noise, traffic alterations, etc.
- (4) Film Production Permit (Minor) means permits that do not require proof of insurance, the utilization of public services or that impact normal city operations and/or activities as stated in Section 2 Item 3 of this Ordinance.

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- (5) “Non-commercial” or “personal use” means filming activity that involves shooting still photographs or “home movies” for personal use. Such activities do not involve advertisement of a product or service, the creation of a product for sale, or the creation of media for monetary gain.
- (6) “News purposes/media” means filming activity conducted for newspapers, television news and other news media for the purpose of reporting on persons, Electronic News Gathering (ENG), events, or scenes which are in the news. (7) Film Liaison means an individual designated by the City Manager to facilitate film and video shoots to be done in the City of Tualatin and its properties. The Film Liaison assists production companies with finding locations, securing permits and making sure required insurance is in place.

Section 3. A new section, TMC 9-7-020 is added to the Tualatin Municipal Code to read as follows:

(1) **Permit required.** No commercial film production activities of any type may take place within the City of Tualatin without a Film Production Permit as required by this ordinance. Failure to present a permit upon request of the Film Liaison or other authorized City official may result in the immediate termination of any filming activity.

(2) **Exceptions.**

The following persons or entities are not required to obtain a permit:

- (1) News Media
- (2) Personal Use/Non-commercial video
- (3) Not-for-Profit agencies
- (4) Students engaged in completing school projects.

Section 4. A new section, TMC 9-7-030 is added to the Tualatin Municipal Code to read as follows:

(1) Permit Application Process.

a. (a) **Film Production Application (Major)**

Any person/agency intending to conduct community filming activities in the City of Tualatin shall complete the Film Production Application (Major) provided by the City. The Permit Application form will not be processed until it is submitted with the signature of the applicant and payment of all required fees, deposits and insurance certificate identified by this ordinance. The application must be received no later than five (5) business days prior to commencing production activities for which the permit is required. Significant traffic impacts that include closures, blocking traffic or public safety concerns ancillary to the production require submission of the Film Production Application no later than ten business days prior to commencing production activities.

(b) Film Production Application (Minor)

The Film Production Application (Minor) form will not be processed until it is complete and submitted with the signature of the applicant. The application must be received no later than 24 business-day hours prior to the commencement of filming activities.

(c) The City Manager may or may not require written evidence of permits or coordination with other public agencies that have jurisdiction within the City of Tualatin upon submission of an application for a film production permit. Requirements of these responsible agencies will be additional requirements for the City's permit. Such requirements will be evaluated and determined by the City's film liaison through the film permitting process prior to the applicant's submission.

(2) Permit Issuance

(A) The City Manager or designee will issue a film production permit when he or she has reviewed the application and determined that the application complies with this ordinance. A permit will not be issued under the following conditions:

- (1) If production is likely to result in endangering public health or safety.
- (2) If the production threatens to damage public property without due compensation.
- (3) If the production will be a detriment to the operations of the City.

(3) Prior to the issuance of a Film Production Permit, the applicant shall provide a Certificate of Insurance to the City for general liability which lists the City of Tualatin as an additional insured. The Certificate must remain in effect for the duration of the filming period. The required minimum amounts of coverage are as follows:

| | |
|-----------------------------|-------------|
| i. General Aggregate | \$1,000,000 |
| ii. Each Occurrence | \$1,000,000 |
| iii. "Errors and Omissions" | \$1,000,000 |

(C) If, in the City Manager's opinion, the potential damage could exceed the insurance limits stated in (2) above, the City Manager may require that additional insurance be obtained to cover the potential liability.

(D) Prior to the issuance of a Film Production Permit, the applicant shall submit an indemnification and hold harmless agreement to the City that requires the applicant to indemnify the City and releases the City from all liabilities that may result from filming operations within City limits. The applicant shall be liable for all damages to public property resulting from filming operations and shall be responsible for restoring or repairing any area damaged or disrupted before leaving the site. If the site is not

repaired or restored to the City's satisfaction, the City Manager or his/her designee may have the necessary restoration and/or repairs performed and the applicant shall reimburse the City for such work within ten (10) days of completing the filming activities. In the event the applicant fails to reimburse the City, the City may secure its reimbursement from either a cash or surety bond, which the applicant will be required to post with the City to ensure faithful performance of such restoration. Such faithful performance bond shall be filed at the time of the application in an amount of five hundred dollars (\$500.00) or in any higher amount determined by the City Manager or his or her designee to be reasonably required under the circumstances. The amount of the bond shall in no way limit the applicant's liability or responsibility for the costs of repairs or restoration if these costs exceed the bond amount.

(E) The Film Production Permit is valid for a period of sixty (60) days from date of approval unless otherwise specified by the City Manager or designee. If an extension of the permit is required, a written request indicating the intended duration of the extension, accompanied by a check for the amount determined to account for the filming fees associated with the additional days and a Certificate of Insurance covering the same time period, is required to be submitted to the Film Liaison no less than twenty-four (24) hours prior to the expiration of the existing permit.

Section 5. A new section, TMC 9-7-040 is added to the Tualatin Municipal Code to read as follows:

Additional Services and Conditions.

(1) Upon request, the City Manager may allow additional City services to be provided for an additional cost. The costs will depend upon the type/extent of additional services requested.

(2) The City Manager or designee may impose any conditions found necessary to protect the public health safety and welfare. The applicant must comply with such conditions prior to permit issuance and during the permit period. Permit conditions will not be changed unless the City Manager approves the changes.

Section 6. A new section, TMC 9-7-050 is added to the Tualatin Municipal Code to read as follows:

Film and Video Permit Fees

- **(1) Film Production Application (Major)**

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- APPLICATION FEE - \$50.00
- FILM PRODUCTION PERMIT - \$1000.00
- **Film Production Application (Minor)**
 - No Fees Apply

(2) The above fees shall be in lieu of any business license fees that may be required by the City of Tualatin.

(3): If additional City services are required, such as public safety services, road closures, public utilities, etc., the cost of providing those services will be charged at the city rate on an hourly basis.

INTRODUCED AND ADOPTED this 8th day of March, 2010.

CITY OF TUALATIN

By _____
Mayor

ATTEST:

By _____
City Recorder

Ordinance No. _____

FILM PRODUCTION APPLICATION (Minor)



Project Name: _____ Date: _____

City of Tualatin Community Development Department
18880 SW Martinazzi Avenue, Tualatin, Oregon 97062
www.ci.tualatin.or.us

Welcome and thank you for choosing to film in the City of Tualatin
Please provide all information appropriate to your production and fax it to:
(503) 692-0147

Proposed Filming Dates in Tualatin: _____ to _____

Primary Contact (Name & Address): _____

Contact Phone: (____) _____ - _____; Email: _____

Approximate Size of Crew (including talent): _____

Parking Needs : How Many Vehicles? _____; On-Street _____ Off-Street _____

(Please Describe): _____

Types of Equipment Used: _____

Type of Project:

Brief Description of Project: _____

Consent of Property Owners? Yes _____ No _____

(Please provide a list of consenting property owner names and addresses as an attachment to this form)

Sign: _____ Date _____

FILM PRODUCTION APPLICATION (Major)



Project Name: _____ Date: _____

City of Tualatin Community Development Department
18880 SW Martinazzi Avenue, Tualatin, Oregon 97062
www.ci.tualatin.or.us

Welcome and thank you for choosing to film in the City of Tualatin
Please provide all information appropriate to your production and fax it to:
(503) 692-0147

Proposed Filming Dates in Tualatin: _____ to _____

Production Company (Name): _____

Approximate Size of Crew: _____

Permanent Company Address/City/State/Zip: _____

Permanent Co. Phone: _____ Fax: _____ Email: _____

Local Address (if different): _____

Local Office Phone: _____ Fax: _____ Email: _____

Producer: _____ Phone: _____ Email: _____

Production Manager: _____ Phone: _____ Email: _____

Location Manager: _____ Phone: _____

Mobile Phone: _____ Fax: _____ Email: _____

Assistant Location Manager: _____ Phone: _____

This Project is a (check one):

- Feature Film Television/Programming Series Short Subject Music Video PSA
 Commercial Documentary Other

Brief Description of Project: _____

Insurance Policy #: _____ Agency: _____
(Proof of insurance will be required along with approval of amounts)

Agency Phone: _____ Agency Contact: _____

PROJECT NAME: _____ **DATE:** _____

Anticipated Services

Please indicate below any circumstances or services you may need for any locations

Circle all that apply

PUBLIC SERVICES

| | | |
|------------------------------------|--------------|---------|
| Reserved Street Parking | Sewer Access | Transit |
| Water Needs | Parks | Police |
| Reserved Public/Off-Street Parking | | |

CLOSURES OR INTERMITTENT TRAFFIC CONTROL

| | |
|--------|----------|
| Street | Sidewalk |
|--------|----------|

USE OF

| | | | |
|-----------------|--|------------------|-----------------------|
| Excessive Noise | Generators | Public Buildings | Temporary Structures |
| Pyrotechnics | Bridges | Stunts/FX | Filming from 10pm—7am |
| Firearms | Animals | Public Schools | Other _____ |
| Explosives | Building Code Related Construction (Plans May Be Required) | | |

Person Completing Form, Signature: _____ Date: _____

Printed Name: _____ Phone #: _____ - _____ - _____

Thank you for choosing to film in the City of Tualatin

City of Tualatin
 18880 SW Martinazzi Ave
 Tualatin, OR 97062
 Phone: (503) 691-3020
 Fax: (503) 692-0147
 Email:
 eunderwood@ci.tualatin.or.us
 PH: 503-691-3020
 Fax: 503-692-3512

OFFICE USE ONLY

Permit No. _____

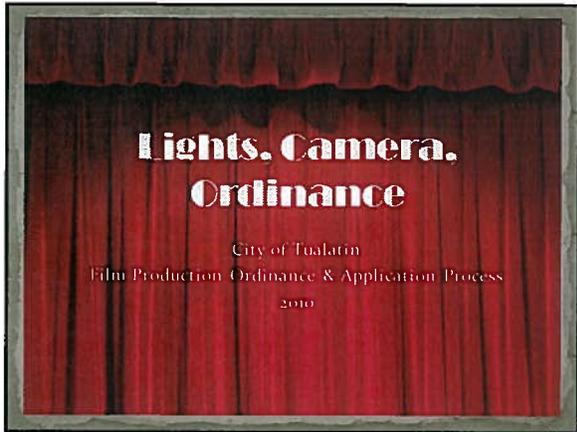
Payment Type: _____

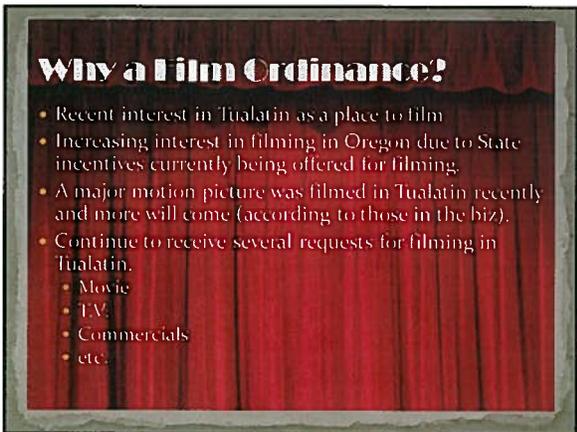
Payment Amt.: \$ _____

Date Payment Received: ____/____/____

Permit Fee
 Application Fee
 Insurance
 Bond









Addressing the Problems

- Establish a working relationship with the Oregon Office of Film & Video
- Research the processes of other cities including an informational meeting with the City of Portland Film Office.
- Draft a Film Production Ordinance that describes a tiered process and covers the previously stated issues.
- Create film production application forms
 - Film Production Application (Major)
 - Film Production Application (Minor)

The Draft Ordinance

- Establishes Procedures for Commercial Filming Activities.
 - Structures the Permit Application and Issuance Process
 - Establishes Requirements for Liability Insurance
 - List exceptions to film permit acquisition
 - Establishes the duration of permit validity
 - Creates Protocol for the Provision of Additional Services
 - Takes Measures to Protect and Preserve Public Property
 - Takes Measures to Protect the Health and Safety of the Public
 - Establishes Fees Associated with Filming Activity

Tiered Application Process

- Film Production Application (Major)
- Film Production Application (Minor)

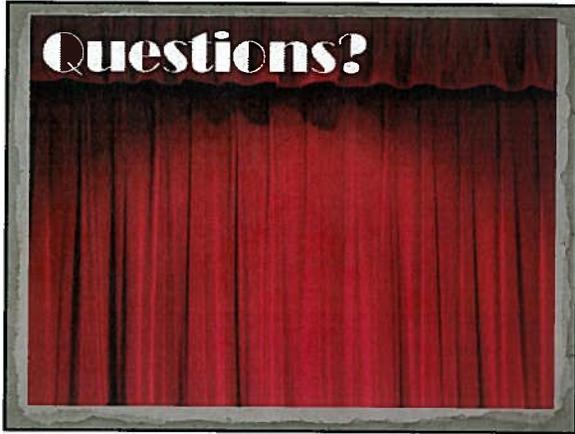
Film Production Permit (Major)

- Indicates Type of Production
- Parking Needs
- Size of Crew
- Requires Proof of Insurance
- Indicates Anticipated Public Services
- Indicates Anticipated Closures (Streets, Sidewalks)
- Indicates Use of Special Equipment or Construction
- Valid for 60 Days

Film Production Permit (Minor)

- No Expectation of Closures or Use of Public Services
- No Proof of Insurance Needed
- General Contact Information
- Size of Crew
- Parking Needs
- Type of Equipment Used
- Brief Description of Project
- Consent of Private Property Owners

The End





MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
William Harper, Associate Planner 

DATE: March 8, 2010

SUBJECT: SIGN DESIGN/NON-CONFORMING SIGNS WORK SESSION V
(PTA-08-06)

ISSUE BEFORE THE COUNCIL:

Update on proposed Plan Text Amendment (PTA) PTA-08-06 amending the Tualatin Development Code (TDC) relating to freestanding signs, Sign Design Review standards and process, and a transition/amortization process for non-conforming freestanding signs. This Memorandum also includes a briefing on comments received from business and property owners with freestanding pole signs in response to a mailed letter describing the proposals, inviting comment and with an invitation to attend one of three meetings with staff held in late January.

POLICY CONSIDERATIONS:

1. Should the City adopt design and material standards for freestanding monument and pole/pylon signs in the Central and General Commercial Planning Districts (CC & CG), restrict freestanding pole signs from arterial streets and have sign code and non-conforming sign provisions that encourage or require both new and existing signs to meet the standards?
2. If yes,
 - What are the appropriate standards for freestanding sign design and what is the impact on both the community and local businesses? What is an appropriate review process for Sign Design that is suitable for administration and for applicants?
 - Will restricting freestanding pole signs from arterial streets frontages result in more attractive freestanding signage in the CC and CG Planning Districts while allowing for adequate identification of businesses on all commercial street frontages?
 - Is a 5, 8 or 10 year sign transition/amortization program to remove or replace non-conforming freestanding signs an adequate and fair method to bring signs up to the proposed standards? What are other "triggers" for requiring a freestanding sign to comply with size and design standards?

Are there ways to encourage or provide incentives for sign owners to improve the size and design of non-conforming freestanding signs that will delay or defer full removal or replacement?

BACKGROUND:

In Work Sessions at the December 8, 2008, April 27, 2009, September 28, 2009, and December 14, 2009 meetings, the Council discussed changes to the Sign Code and Non-conforming Sign provisions (known as PTA-08-06) that would:

1. Revise the Sign Regulations to create a Sign Design process and standards that will apply to freestanding monument and pole signs in the CC & CG Planning District.
2. Revise the CC & CG Planning District freestanding sign standards in TDC 38.220(1) to add provisions requiring lower-profile monument-style freestanding signs for locations on arterial street frontages and restricting taller pole signs compliant with the proposed Sign Design standards to collector and local commercial streets.
3. Revise the Non-conforming Sign provisions of TDC Chapter 35 to require non-conforming freestanding signs in the CC and CG Planning Districts to be removed or replaced within a certain time period.

At the December 14, 2009 Council Work Session, the Council reviewed comments from TPAC, business owners and the Chamber of Commerce about the provisions of PTA-08-06, reviewed an updated inventory of freestanding pole signs, received the Security Signs information on sign value and costs for replacement (presented at the October TPAC meeting), looked at sign amortization time periods & incentives for early compliance. The Council directed staff to meet with business owners and property owners with freestanding pole signs to obtain their input on the proposed sign design and non-conforming sign provisions of PTA-08-06. The meetings were held on January 22, 28 & 29 and the information is reported in the Discussion Section.

GOALS:

The Council's interest in the appearance and consistency of signage in the City's commercial areas is associated with Tualatin Tomorrow Community Vision and Strategic Action Plan Strategy GHT18 Urban Design Standards calling for "...flexible standards to promote ongoing community attractiveness..."

DISCUSSION:

Freestanding Sign Inventory Update. In response to questions from the Council, TPAC, the Chamber of Commerce and sign/property owners and based on further review of sign permit data, staff revised the updated inventory of freestanding pole signs in the CC & CG Planning District and in the CG Overlay in the CURD Blocks 28 & 29 (Commercial uses such as Goodyear Tire on SW Mohave Court & SW Old Tualatin-Sherwood Road). The revised **Table I** below shows the number of non-conforming & conforming (current & proposed standards) freestanding pole signs in the CC & CG Planning Districts and in the

I-5 Freeway Corridor that are subject to Federal requirements for compensation if removal or replacement is required by local government action.

TABLE I Pole Signs in Commercial Districts (2-17-10)

| | | | | |
|---|---------------------------------|--|--|--|
| Freestanding Pole Signs in CC & CG and CG Overlay | Conforming to Current Standards | Conforming subject to Proposed PTA-08-06 Design Standards Only | Conforming subject to Proposed PTA-08-06 Design Standards & Arterial Pole Sign Restriction | Freestanding Pole Signs in CC & CG Located in I-5 Freeway Corridor |
| 65 total | 17 of 65 | 4 of 65 | 0 of 65 | 32 of 65 |

| | | | | |
|--|---|---|--|--|
| Freestanding Pole Signs in CC & CG (Not in I-5 Freeway Corridor) | Conforming to Current Standards (Not in I-5 Freeway Corridor) | Non-conforming to Current Standards (Not in I-5 Freeway Corridor) | Conforming subject to Proposed PTA-08-06 Standards (Not in I-5 Freeway Corridor) | Non-conforming subject to Proposed PTA-08-06 Standards (Not in I-5 Freeway Corridor) |
| 33 | 14 of 33 | 19 of 33 | 2 of 33 | 31 of 33 |

Also, pole signs on properties in the ML (Light Manufacturing) Planning District that are associated with commercial activities or in a primarily commercial area (Such as Public Storage & NW Natural Gas on SW McEwan Road) are shown in Table II.

TABLE II Pole Signs in ML District (2-17-10)

| | | | | |
|-------------------------------|---------------------------------|---------------------------------|---|--|
| Freestanding Pole Signs in ML | Located in I-5 Freeway Corridor | Conforming to Current Standards | Conforming to Current Standards (Not in Freeway Corridor) | Conforming subject to PTA-08-06 Design Standards (Not in Freeway Corridor) |
| 7 total | 5 of 7 | 0 of 7 | 0 of 2 | 0 of 2 |

As shown in Table I, while 17 existing pole signs in commercial districts are conforming to today's sign standards, there would be **four (4) conforming** (South Lake Center pole sign; Village Inn pole sign; Dutch Bros. pole sign, Hedges Green Retail Center pole sign) if the proposed PTA-08-06 Sign Design Standards and the transition/amortization requirements for non-conforming freestanding signs were applied. Applying just the proposed restriction on pole signs on Arterial Street frontages would leave **seven (7) conforming pole signs** (Bushwacker's; Marsh Transmission/GlassPro; Oswego Storage; Paragon Automotive; Tualatin Transmission; Walgreen's; Players). **None (0)** of the existing conforming pole signs (not located in the Freeway Corridor) would remain as

conforming when applying both the Sign Design and the Restriction of Pole Signs on Arterial Streets provisions.

Both the Council and TPAC asked about the number of freestanding signs in multi-tenant commercial centers such as Nyberg Woods in comparison with signs for smaller or single-tenant commercial properties. The questions focused on understanding the impacts of Sign Design standards and non-conforming sign transition requirements on single businesses or smaller commercial property, compared to the multi-tenant commercial centers where costs could be distributed among the commercial center ownership and tenants. The following table provides the breakdown:

TABLE III Pole Signs in Single-Tenant and Multi-Tenant Centers (2-17-10)

| Multi-Tenant Commercial Centers | Major Commercial Centers (3 acres or greater) | Single-business/smaller limited retail tenant buildings |
|---------------------------------|---|---|
| 11 signs of 65 total | 13 signs of 65 | 39 signs of 65 |

As **Table III** above shows, 39 existing freestanding pole signs are associated with single-business/limited retail tenant buildings, which is a majority of the 65 total freestanding signs in Commercial locations.

Sign Design Standards- Estimates of Costs. The Tualatin Chamber of Commerce asked Security Signs to provide information on the importance of signs to retailers and some examples and cost estimates of signs that could meet the Sign Design Standards proposed in PTA-08-06. The Security Signs PowerPoint slides #9-#11 were reviewed at the December 14, 2009 Council Work Session and are shown again in (Attachment A).

A Revised Draft version of the Sign Design Review Standards Worksheet showing the Sign Structure and Exterior standards is Attachment C.

Sign Transition/Amortization-Time Period & Actions Requiring Non-Conforming Sign Replacement. At the September 28 and December 14 2009 Work Sessions, Council discussed establishing an 8-year deadline for removal or replacement of a non-conforming freestanding sign. The 8-year time period would apply to all non-conforming signs from the date of adoption of the PTA-08-06 Sign Code amendment with the exception of a 1-time sign structural modification with a minimum "25%" of conformance to the standards in effect at the time and an exception for freestanding signs located within 660 ft. of the I-5 freeway.

Incentives for Early Compliance. The current provisions of TDC 35.200 Non-Conforming Signs allow structural alteration of a legal non-conforming freestanding sign in the former "Freeway Oriented Activity Area" when the "...sign height, sign face height and sign face area are reduced by a minimum of 25% of the nonconforming dimension or area." At the September 28 & December 14, 2009 Work Sessions, the Council was interested in applying this provision to non-conforming freestanding signs outside the freeway area and allow the transition/amortization deadline time period to be reset to the date of

reconstruction. This allows a larger dimension sign to remain for a longer period of time and would be an incentive for a sign owner to perform an upgrade of a sign prior to the transition/amortization deadline. Staff will include this in the proposed amendment language as a 1-time provision that will apply to both sign dimension and design standards.

Comments Received and Meetings with Business & Property Owners of Freestanding Pole Signs. The Tualatin Chamber of Commerce participated in three of the Council and three TPAC meetings on Sign Design and Non-Conforming Sign amendments proposed in PTA-08-06. Security Signs made a presentation at the October TPAC meeting and were present at the December 14 Council Work Session.

At the request of Council for more direct input on the proposed amendments, staff held a series of three meetings to brief business and property owners of freestanding pole signs and to obtain their information and comments. Invitations to the meetings held on January 22, 28 and 29 were sent to 48 business owners and 52 property owners of freestanding pole signs (a total of 100 individual invitations sent/approximately 12 mailings returned). 14 persons representing 13 businesses or properties with freestanding pole signs attended the meetings. Three (3) individuals from the Chamber of Commerce and Security Signs attended the January 29 meeting. The information and comments raised at the meetings are summarized below.

Several individuals called with questions about their particular pole sign and five (5) written comments were received from four persons representing five individual businesses. The letters and emails are compiled in Attachment B

In summary, the information and comments ranged as follows:

- Strong concern about the expense and financial impact associated with replacing or renovating a business's freestanding pole sign. Current economic conditions have resulted in loss of business, increasing the need for signage while shrinking the ability to absorb additional expenses.
- Concern that a Sign Design program requiring more features and design elements will significantly increase the cost of a new or renovated sign. Questions about how a Sign Design program would work as a way to improve community appearance and how existing freestanding signs could meet the design standards.
- Objections to a Non-conforming Sign transition/amortization program that requires removal or replacement of existing freestanding signs. Belief that a legal, permitted sign should be allowed to remain even if it is non-conforming under current regulations or becomes non-conforming with the proposed PTA-08-06. Asked if the City will reimburse owners or help with the cost of replacing signs.
- Belief that exempting signs in the I-5 corridor from a required non-conforming sign amortization is unfair to businesses not located in the corridor. Questions from participants about the location of individual freestanding signs in respect to the "660 ft. from I-5" measurement.
- Objections to requiring lower-profile freestanding monument signs on arterial streets and restricting taller pole signs to Collector and Local street frontages.

Belief that taller, larger signs are necessary for business identification on arterial streets and that monument style signs are not as visible or effective as pole signs.

The recommendations from business owners include:

- 1. Encourage use of changing sign technology like use of LED lighting and allow the more attractive “push-through letters” and “halo-lit, pin-mounted” letters on sign faces; 2. Allow smaller, multi-tenant centers to have additional freestanding sign area as currently allowed for Major Commercial Centers (3 acres and larger); 3. Look at allowing Service Stations to have pole or pylon style signs instead of lower profile monument-style signs;

The recommendations from Security Signs are (Attachment B):

- 1. Allow pole signs on all streets; 2. An 8-year amortization deadline is too short and the 25% conformance improvement concept is “...confusing and impractical.”; 3. Reduce the number of required Sign Design elements from the proposed (3) three elements to (2) two and as an incentive, allow additional sign area if providing 4 or more design elements; 4. Revise the method of calculating sign face area for freestanding signs to be similar to wall signs as a way to allow more creatively shaped signs instead of the internally illuminated rectangular boxes.

Information and Materials Prepared by Staff. In response to information and suggestions for Sign Design standards, staff prepared a Revised Draft version of the Sign Design Review Standards Worksheet showing the Sign Structure and Exterior standards (Attachment C). The revised worksheet includes listing additional Design Elements including additional display technology such as “push-thru” lettering & Channel Letters, additional direct, indirect and backlight lighting options including LED light sources, confined spot lighting (indirect) and “Halo” style backlighting. In the lighting category, use of direct (bare source) lighting is restricted to a maximum of 20% of the letter and graphic when applying the Sign Exterior Element E.

Attachment D is a Map of Freestanding Pole Sign Locations showing the approximate position of the I-5 Freeway corridor (660 ft.)

RECOMMENDATION:

Staff seeks direction from Council on the issues and questions raised at the sign and property owner meetings and in communications responding to the amendments to the Sign Code and Non-Conforming signs as proposed in PTA-08-06.

- Attachments:**
- A. Security Signs Power Point Slide Presentation (October, 2009 TPAC Meeting)
 - B. PTA-08-06 Comment Letters & Emails
 - C. Draft II version of the Sign Design Review Standards Worksheet
 - D. Pole Signs Locations Map & I-5 Freeway Corridor

Mobile Society (cont.)

Burger King Study

- ▶ Surveyed motorist customers at local fast food restaurants:
"How did you first become aware of the restaurant?"

3

VALUE OF SIGNS: THE SMALL BUSINESS PERSPECTIVE

1

Mobile Study (cont.)

| | |
|------------------------------------|------------|
| Quick Service Restaurants: | |
| Print/electronic advertising | 10% |
| All other | 6% |
| Don't know | 6% |
| Word of mouth | 14% |
| Always knew | 29% |
| <i>Saw it while passing (sign)</i> | 35% |

4

Helping a Mobile Society

How mobile are we?

- ▶ Americans drive nearly 1.7 billion miles / year
- ▶ An estimated 35-50% of consumers frequently shop >5 miles from home
- ▶ Census shows 13-20% of population moves every year
- ▶ Between 2000 and 2005, close to half of people >5 years old moved

Communities change quickly. Regular customers can leave, too. Businesses need visible signage to attract highly-mobile, potentially-new customers.

2

Attracting New Customers

Annual Signtronix Traffic Survey

- Sign company in southern California
- Conducted every year since 1997
- Asks questions of a random sample of first-time customers to retail & service companies for which it has built a sign
- "How did you learn about the business?" (over 10K responses in all)

7

Mobile Society (cont.)

"Saw it while passing" = mobile customers who stop on an impulse

Retail & service companies rely heavily on impulse customers to grow their businesses

5

Attracting New Customers

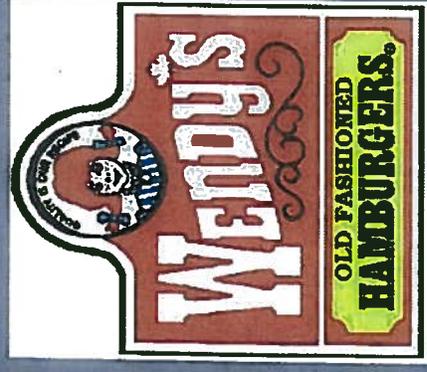
As of December 2008:

| | |
|-------------------|------------|
| TV ad | 0.9% |
| Radio | 2.3% |
| Yellow Pages | 6.7% |
| Newspaper | 7.6% |
| Word of Mouth | 35.5% |
| <i>Their Sign</i> | 47% |

8

CASE STUDY: Wendy's

- Franchise in Southborough, MA, near onramp for I-495 north of Worcester
- Location lacked visibility from 4-lane, 45 mph road
- Oct. 2001 – sales low enough for owners to consider shutting down store (\$1.5 million)
- Won permission to install small sign closer to road – "Wendy's" & "800 feet"
- Sales – *within one week* – jumped 20%, and has stayed there



6

The Cost

- By adding just the three lowest priced options the additional cost for the design standards starts at \$5,500.
- \$5,500 could be the difference between deciding to open in Tualatin or save money by moving to a less expensive jurisdiction.

11

Sign Design Elements: The Cost

- Add aluminum cover to provide a base 30% of the width of sign face: \$1,500
- Add one additional support: \$2,000
- Add aluminum cover to provide a base 75% width of sign face: \$2,000
- Add 24" aluminum pole cover: \$1,200

9

\$7,500



- 25 square feet
- 6.6 overall height.
- Basic monument.

12

Sign Design Elements : The Cost

- Adding decorative elements: example wing: Starting cost: \$500
- Manufacture a non-rectangular cabinet -- Starting cost: \$1,500
- Use of dimensional letters: example channel letters: Starting cost:\$5,000
- Use of halo lighting: example push thru letters: Starting cost: \$6,000

10

\$14,000



- ▶ 45 square feet
- ▶ 10' overall height
- ▶ Monument with masonry and cedar details.

15

\$8,000



- ▶ 35 square feet
- ▶ 15' overall height
- ▶ Basic pole sign.

13

\$16,000



- ▶ 22 square feet
- ▶ 3.5' height
- ▶ Monument on radius with floating cabinets.

16

\$8,500



- ▶ 35 square feet
- ▶ 15' overall height.
- ▶ Basic pole sign with halo effect push thru letters.

14

\$28,000



- ▶ 60 square feet
- ▶ 12' overall height
- ▶ Sign with full monument base, masonry to match building and decorative toper.

19

\$21,000



- ▶ 60 square feet
- ▶ 20' overall height
- ▶ Pole sign with 30% base pole cover, and cap element.

17

\$30,000



- ▶ 60 square feet
- ▶ 20' overall height
- ▶ Pole sign with dimensional channel letters, non rectangular cabinet and decorative wing element.

20

\$25,000



- ▶ 50 square feet
- ▶ 15' overall height
- ▶ Pole sign with 30% base coverage and non rectangular details.

18

Conclusion

- ▶ By requiring three design elements you are greatly increasing the cost of doing business in Tualatin.
- ▶ Business owners unable to afford the upgrades are the ones who suffer from lost advertising and lost business.

21

Recommendation

- ▶ Reduce the required design elements from three to one.
- ▶ Consider amending your vision clearance regulation to allow for a more versatile placement of sign.
- ▶ Do not restrict pole signs to only certain sections of the commercial/industrial zones.

22

City of Tualatin
Doug Rux
18880 SW Martinazzi
Tualatin, Or 97062

CITY OF TUALATIN
RECEIVED

FEB 17 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Dear Doug:

Dave and I are personally and professionally against the proposed sign ordinance.

First, our current monument sign on Teton is overlooked all the time, in fact we use the neon on our building and the street signs as a reference.

Second, the city does not have that many pole signs and I do not see any reason to subject the business owners that this may affect to more outlay of cost in this economic climate.

Third, I would be very upset if you would still allow a pole sign at another business and not allow me the same opportunity to be visible to my customers. This seems a reversal of the value of attracting new business to our community.

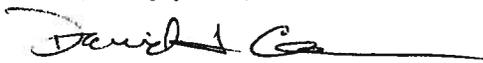
Many communities struggle with growth issues of this type, but I feel that Tualatin has been very proactive for years in strategically being ahead of the curve and planning for these issues. So I feel the current signage is appropriate and the new proposals would be detrimental not only for new business but for those who purchased a very expensive sign under the guidelines of the city and should be grandfathered in under any new changes, as I believe is the current policy.

In fact our building on 89th, we followed the sign codes, we paid the fees and purchased a sign in good faith that we would not have to replace it.

Are you planning to reimburse owners for losing the full amortization, or help with the cost of changing out the signs as you are changing the codes?

We will come to the next planning session as we are very interested in this, I apologize that we have missed the others.

Very truly yours,



David Carney
Alexandra Carney



ORWA PIONEER LLC
8320 NE HWY 99
VANCOUVER, WA 98665
360-566-8192
FAX 360-546-1737

January 28, 2010

City of Tualatin
City Council
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092

RE: Proposed amendments to Tualatin Sign Code

Dear Council Members:

On behalf of the 60 some businesses that are leasing space from us in the City of Tualatin, we are adamantly opposed to any regulations that would reduce the size of commercial signs.

The vast majority of these businesses have lost 20-30 percent of their business in the last couple of years.

Some have lost more and have failed and more are going to fail this year.

Three years ago when business was good, the business climate even then was so competitive that every square foot of signage a business could have was important.

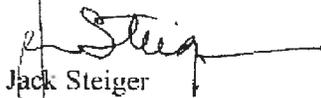
It is even more so today and will continue to be more so in the future as internet based businesses continue to take customers away from the businesses that would be further handicapped if their signage is reduced.

Also, please consider that it can easily cost \$25,000 - \$50,000 to replace some of these signs.

The existing signage in the City of Tualatin is not ruining the appearance of your city, but more empty storefronts and empty office buildings sure will.

Very truly yours,

ORWA PIONEER LLC



Jack Steiger
Property Administrator



Plaid Pantries, Inc. • 10025 SW Allen Blvd. • Beaverton, Oregon 97005 • Telephone: 503.646.4246 • Facsimile: 503.646.3071

February 4, 2010

Mr. William Harper, AICP
Associate Planner
Community Development Department
Planning Division
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

CITY OF TUALATIN
RECEIVED

FEB 08 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

RE: Freestanding Sign Code Changes; Case # PTA-08-06

Dear Mr. Harper:

Thanks for allowing me to participate in the meeting last week. As I reiterated at the meeting, our primary initial concern was the cost to comply with the proposed changes, and the effect the changes would have on the visibility and negative financial impact on our business.

After the meeting I visited our store again with our Landlord's representative, Jim Hartner. Unfortunately it is very obvious that visibility for a monument sign would be blocked by the traffic signal light poles, and other varied clutter, landscaping, and topography of the approach to our location. Jim and I looked at the possibility of relocating the shopping center signs to the north end of the property. However such a move would place the signage quite a distance from the entrance to the center, and it would require considerable expense in engineering, new footers, electrical power relocation, and excavation.

A new issue that I became aware of at the meeting was the fact that the proposed new code establishes a single fixed square footage of sign space allowed regardless of the size of the property and numbers of tenants up to a property size of three (3) acres. It does not seem logical or fair for a piece of property smaller than a "Major Commercial Center" to have the same maximum square footage, regardless of the size of the property and the numbers of tenants. So, a single business on a small piece of property, such as the Dutch Brothers coffee shop that was shown as an example, would get the same 40 square feet of signage as a property with 2.99 acres and many additional tenants. The proposed sign code changes therefore represent a large reduction in sign space for mid-sized, up to relatively very large pieces of property.

Since the meeting, I also came to the realization that I have never been faced with such a situation in 30+ years' experience; i.e. that a previously conforming sign, in continuous use since the opening of a store 20 years ago, would now be required to be replaced at considerable expense, and with potential

potential serious adverse impact to our business. It is particularly troublesome knowing that other businesses that happen to be within 600 feet of the freeway will not be required to incur this expense and risk. It is my understanding that the City believes that it can mandate compliance for these locations, but that doing so would require compensation to the owner/operators, and the City is unwilling to incur this expense.

I'm sure that such a mandate for signs outside this boundary must have been reviewed and/or discussed by City Staff and your legal representative. Will you please provide me with any reports or opinions that address the basis for not allowing all non-conforming signs (under the new code) to remain. I've never before experienced a municipality essentially making a sign "illegal", when it was legal when installed, and was in continuous use. And if such a mandate is imposed, should not those affected be compensated for the expense of complying with the change, and for negative financial impact to their businesses?

Thanks again for allowing Plaid Pantries, Inc. to participate, and I look forward to your response and to future discussions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Girard". The signature is written in a cursive, flowing style.

Chris Girard
President & CEO
Plaid Pantries, Inc.

Copy: Belmar Properties

Will Harper

From: jenniferd@dutchbros.com
Sent: Friday, January 29, 2010 9:35 AM
To: Will Harper
Cc: shrob9@hotmail.com
Subject: Fwd: RE: Sign Provisions, City of Tualatin

Importance: High

Dear Mr. Harper -

I am writing you in response to the letter we received regarding sign provisions in the City of Tualatin. Although, we would like to attend the meeting scheduled for today, circumstances have arisen that prevent us from attending.

We are concerned about the proposed changes. Our business was constructed only 5 years ago and the sign which was erected was in compliance with the City's requirements at that time. We feel that it is unfair that we would have to change our sign after such a short period of time. In addition, signs are extremely expensive and it would put our business at a financial hardship to have to make the proposed changes.

While we understand policies and rules to improve our community, the benefits of a new sign policy does not appear close to the burden and cost the city would place on local business in requiring the removal of any non-complying signs. If a new sign policy is adopted, non-conforming signs should be addressed in the same manner and time frame as any other non-conforming use.

Sincerely,

Jennifer Dryden
Dutch Bros Tualatin
8675 SW Old Tualatin Sherwood Rd
Tualatin, OR 97062

Cell 971-275-0867
Phone/Fax 503-650-1011



Plaid Pantries, Inc. • 10025 SW Allen Blvd. • Beaverton, Oregon 97005 • Telephone: 503.646.4246 • Facsimile: 503.646.3071

October 21, 2009

Mr. William Harper, AICP
Associate Planner
Community Development Department
Planning Division
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

CITY OF TUALATIN
RECEIVED

OCT 22 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

RE: Freestanding Sign Code Changes; Case # PTA-08-06

Dear Mr. Harper:

Thank you for your time on the phone today and for your response to my earlier email of October 12th. We are relieved to know that no action will be taken on the above referenced matter at the City Council Meeting on October 26th. We appreciate the opportunity to provide input and comment on the proposed changes.

As we discussed on the phone, we welcome aesthetic improvements to the neighborhoods and streets where we operate our Plaid Pantry stores. We are concerned however about two key points: the costs associated with any proposed changes, and the need to maintain adequate visibility for our business.

We believe that there are limits on the costs, in relation to the relative benefit, in terms of how much a business can afford to invest in aesthetic improvements. If significant changes to existing signs are adopted we would also recommend that there would be an adequate phase-in period to allow businesses to accrue for the additional costs, and to amortize the expenses over a reasonable period of time.

Thank you for adding us to the distribution list for updated amendment information, and I look forward to working with you and the City on this project.

Sincerely,

Chris Girard
President & CEO

CITY OF TUALATIN
RECEIVED

FEB 04 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION



February 4, 2010

Will Harper
Associate Planner
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, Oregon 97062

Regarding: Ordinance relating to sign design standards & review.

Dear Mr. Harper,

First I would like to express my appreciation on behalf of Security Signs for providing us with an opportunity to submit comments on your planning committee's recommendations. While Security Signs fully supports the Community Visioning Project, many of the proposed sign changes will be detrimental to local business and the city as a whole.

Our comments are as follows:

Allow Pole Signs on All Streets: Currently pole signs are allowed on any street frontage in commercial zones. Restricting pole signs to only local and collector streets will be confusing and detrimental to any new business attempting to open on an arterial street. This will be confusing when a sign on a side street is allowed to be larger and taller than their primary frontage. This will be detrimental as monument signs do not offer the visibility of a pole signs. Arterial streets have a high volume of traffic, are multi lane and are usually a higher MPH, all of these factors work against a sign placed low to the ground. Motorists in these conditions need to be able to easily locate their destination and prepare to pull into an upcoming driveway, a monument sign does not give the proper advance notice.

Do Not Force a Transition Schedule: A freestanding sign is purchased with the understanding that is a 30 year investment. An eight year amortization schedule is less than 30% of the life of a sign. The 25% conformance idea is confusing and impractical. The expense incurred at making such a change is typically not worth the monetary investment when weighed against the gain of only a few more years.

Sign Design Standards: The outlined design standards add expense to new businesses opening in Tualatin, the design standards should be a reward instead of a punishment. First, three design standards is one too many, reduce the required amount. Second, consider increasing the allowed area of a sign if they meet extra design criteria. A sign meets four design standards then they are allowed an additional 12 square feet. In this way Tualatin would promote highly designed and architectural signs while still allowing business owners to thrive.

Area Definition: Currently you have two definitions of sign area depending on the type of sign, wall versus freestanding. A freestanding sign may be the sum of up to three squares or rectangles, a wall sign may only be one square or rectangle. Consider extending the definition of area used in a freestanding sign to be the same when measuring wall signs. This would encourage businesses to install creatively shaped signs instead of illuminated boxes.

Thank you again for providing us with this opportunity to provide input and perspective as a company which does business in Tualatin.

Sincerely

A handwritten signature in black ink, appearing to be 'MH' with a long horizontal flourish extending to the right.

Melissa Hayden
Project Manager
503 546 7114

Level I (Clear & Objective) Sign Design Review Standards–Draft II–

The Level I Sign Design Review standards differ for each of two aspects of sign structure and sign feature including support columns/base, setback, landscaping and sign shape and material design elements. The standards apply to all freestanding signs in the CC and CG Planning Districts. The following table displays the standards as they apply to each elevation of a freestanding sign:

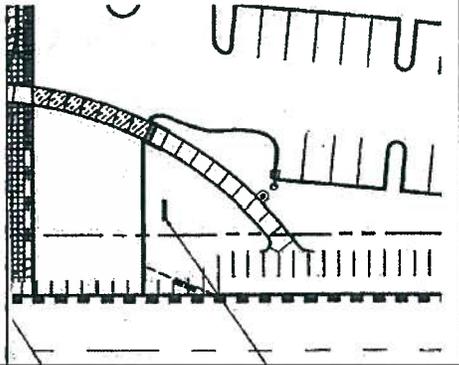
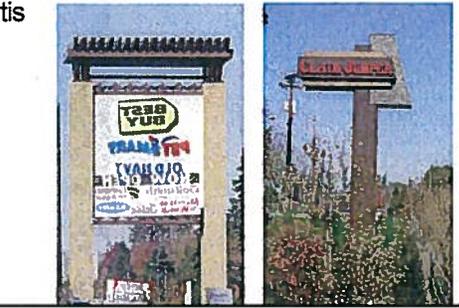
| Sign Type | Sign Support Pole, Column or Base Width/Sign Face With (minimum) | Sign Structure Design Elements (minimum) | Sign Exterior Design Elements (minimum) |
|-----------------------------------|--|---|---|
| Monument [38.075(4)(a)] | 75% | 3 | 3 |
| Pole [38.075(4)(a)] | 30% | 3 | 3 |

DRAFT

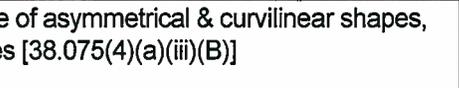
The amount of required support pylon or column width in elevation may be reduced in two percent (2%) increments to not less than ten percent (10%) of the sign face width for each additional Sign Design Element provided.

As shown below, there are 5 Sign Design Structure & Site Elements and 5 Sign Design Exterior Elements to select from in meeting the Level I (Clear & Objective) Sign Design Review standards for each freestanding monument and pole sign:

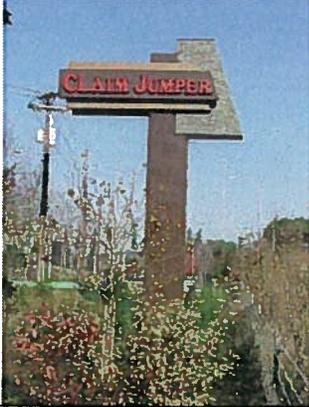
| Sign Design Elements-Sign Structure & Site | |
|--|--|
| A. Sign Support Features | Two or more individual pole, pylon or column supports separated by a minimum of 24 inches. [38.075(4)(a)(iii)(A)]  |
| B. Monument-style sign base | Monument style monolithic sign with the sign support or base occupying 75% or greater-of the sign face width [38.075(4)(a)(ii)(B)]  |

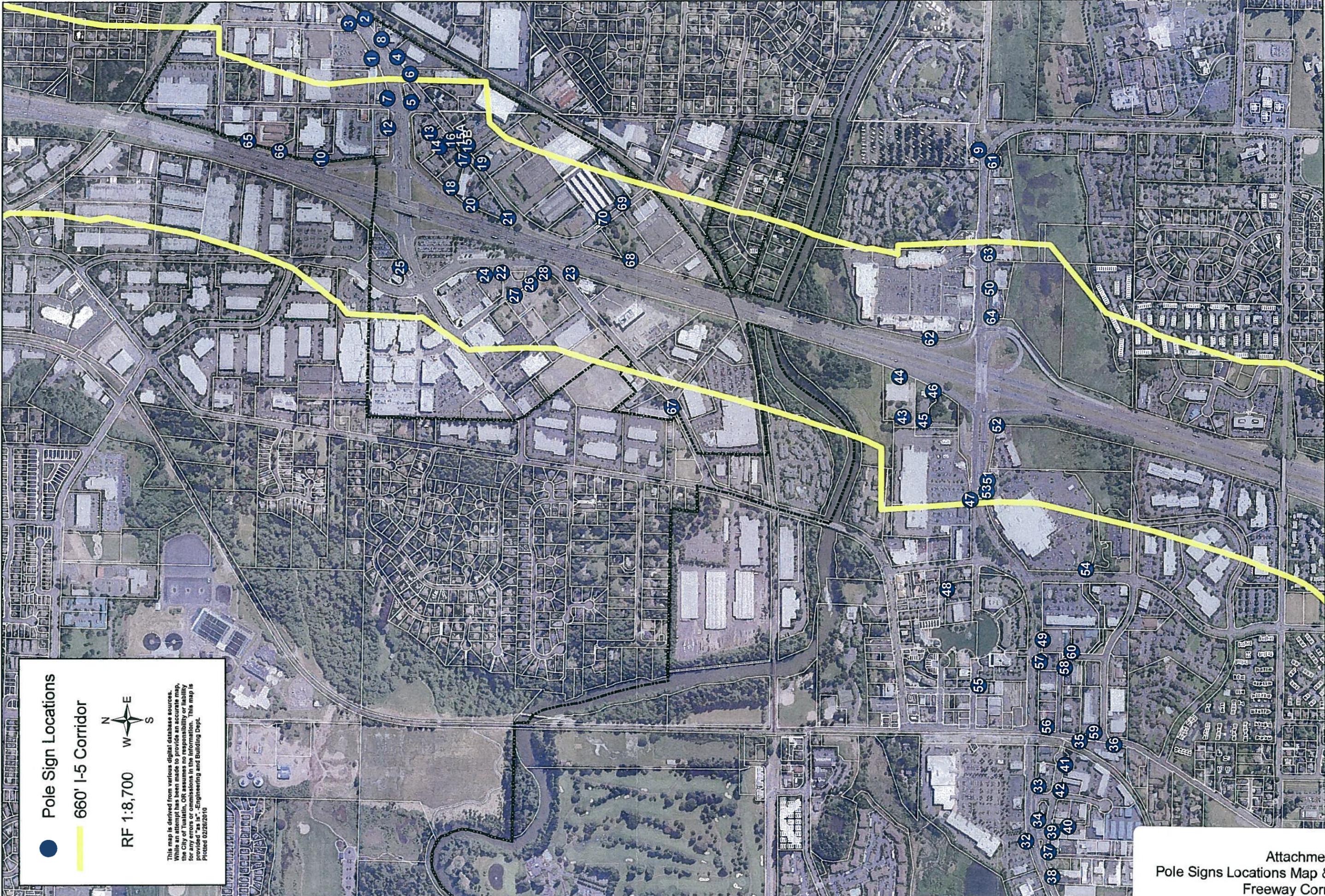
| | | |
|---|---|---|
| C. Sign Setback | Sign is setback a minimum of 5 feet from property lines, measured to any feature of the sign structure. [38.075(4)(a)(ii)(C)] |  |
| D. Pole, Pylon or Column Support Width | The width of pole, pylon or column support is a minimum of 24 ". [38.075(4)(a)(ii)(D)] |  |
| E. Landscaping at base of sign | Landscape features including shrubs and ground cover or hardscape features including decorative rock or masonry located at the base of the freestanding sign. [73.190(1)(a)(iv)(D)] | |

Sign Design Elements-Sign Exterior

| | | |
|--|---|---|
| A. Sign Structure & Frame Decorative Features | Sign frame & structure elements including trim, cap, wing, grill exposed bracketing and other decorative features. [38.075(4)(a)(iii)(A)] |  |
| B. Variation in Sign Shape & Profile | Varying sign profile elements including use of asymmetrical & curvilinear shapes, planes and irregular height of sign features [38.075(4)(a)(iii)(B)] |  |

DRAFT

| | | |
|---|--|---|
| <p>C. Variety of exterior materials</p> |  | <p>Use of three (3) or more exterior sign materials that are elements of the site's building architecture, including masonry, concrete, ceramic, stucco, metal fabric, metal tubing and wood timber materials. [38.075(4)(a)(iii)(C)]</p> <p style="text-align: right; color: red; font-size: 2em; font-weight: bold; transform: rotate(-10deg);">DRAFT</p> |
| <p>D. Dimensional Lettering & Graphic Features</p> | <p>Use 3-dimensional (raised) sign letters and graphic copy including Channel Letters". [38.075(4)(a)(iii)(D)]</p> |  |
| <p>E. Indirect/Halo Illumination of Sign Copy</p> | <p>Use of "halo", baffled and shrouded indirect illumination sources, light sources internal to individual letter & graphic elements (Illuminated Channel). No more than 20 percent of sign face feature are illuminated with direct lighting (exposed incandescent bulb, neon tube, LED or LCD electronic bulbs) and internally light panels (fluorescent tube lighting behind translucent panel).. [73.190(1)(a)(iv)(E)]</p> | |



● Pole Sign Locations
 — 660' I-5 Corridor

RF 1:8,700

N
 W E
 S

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Plotted 02/26/2010



February 23, 2010

Mr. William Harper, AICP
Associate Planner
Community Development Department
Planning Division
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092

**CITY OF TUALATIN
RECEIVED**

MAR 01 2010

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

RE: Freestanding Sign Code Changes; Case #PTA-08-06

Dear Mr. Harper:

We are the property owners of the Tualatin Center retail building located at 19405 S.W. Boones Ferry Road, Tualatin, OR. Our property manager, Jim Hartner, attended a recent meeting regarding the proposed freestanding sign code changes and expressed our concerns about their impact on our retail tenants. I am writing to follow up on Jim's comments.

We ask that you to reconsider these proposed changes due to their significant negative impact on small businesses. The type of monument sign proposed would have limited visibility at our building due to obstruction from traffic light poles and landscaping, and the monument sign itself could reduce the visibility of drivers in our driveway. Relocating the signage on the property would move it away from the driveway and significantly reduce its effectiveness. Any movement would also entail a substantial expense.

The fact that the new sign code would apply only to arterial streets and not collector streets is also a problem. Since our property is on Boones Ferry Road, our tenant's signage would be restricted, while the signage of businesses on Warm Springs, a very short distance away, would not.

Another concern is that the proposed signage square footage is the same for every property no matter the size of the property or the number of tenants. Thus, a small property with one tenant would have the same square footage of signage as a larger property with many tenants. Forty square feet is inadequate for a property like ours with multiple tenants. The new sign code would make our property out of compliance and our tenants would be required to remove or replace signs that have been in compliance for many years. The loss of signage and the expense of replacing signage are economic hardships that would be difficult for our tenants to bear, particularly during this difficult economic time.

We strongly encourage you not to adopt the proposed sign code changes.

Thank you,

Richard Piacentini
President

2001 SIXTH AVENUE—SUITE 2300
SEATTLE, WASHINGTON 98121
PH 206.448.1975 | FX 206.448.1978

February 20, 2010

Doug Rux
City of Tualatin
Community Development Director
18880 SW Martinazzi Ave.
Tualatin, Oregon 97062

CITY OF TUALATIN
RECEIVED

FEB 23 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

To Whom It May Concern:

I would like to thank you in advance for taking the time to read and consider my letter in your decision making regarding the new Sign Design Code. I am severely concerned about the direct impact a decision like this could have on my business and others like me. I love the idea of the Community Visioning Project, but I fear that a decision requiring monument style signs will serve to hinder growing business and success of Tualatin small business as a whole.

One of the largest reasons that I am opposed to a Sign Design Code change is that financially my business cannot shoulder the financial burden to transition to the monument style signs. Right now the economy has put our small business, as well as many of the area businesses into survival mode. We need every penny we make and have had to cut back parts of our business that we hope to be able to add back as the economy regains its stability to enhance the function and success of our business. If we had to allocate money to the sign change we would likely not be able to make the business progress we hope to.

Another large reason that we do not want to see pole signs go away is because especially for the location of our business, we would take away the very little visibility we have for our business from Tualatin Sherwood Road. Many small businesses are off the beaten path a little bit and particularly for our establishment, a monument style sign would not be an effective way to direct customers into our business. We have a very busy parking lot and much of the time, a monument style sign would be covered by traffic and we would lose the ability to be seen by the most main drag in the City of Tualatin.

We are very proud to be part of the Tualatin community. We take part in local events like school service projects, the Crawfish Festival, we donate to many other local businesses and we love the community relationships we have developed. We feel like a decision such as this is so important because we HAVE to have a pole sign in order for us to maintain visibility from Tonka Street as well as Warm Springs, Lower Boones Ferry, and Tualatin Sherwood Road. We bring a very large amount of business to the City of Tualatin and we need people who are unfamiliar with this city to be able to find our establishment with ease. A pole sign is the only way to accomplish this goal.

Please take these thoughts into consideration as you make your final decision and hopefully you will be able to see what a financial burden this could turn out to be for all small businesses, as well as actually hindering the business we do here in Tualatin.

Thank you for your consideration!

Sincerely,

A handwritten signature in black ink that reads "S.J. Clendenin". The signature is written in a cursive style with a large, prominent "S" and "J" at the beginning.

Stacey J. Clendenin
Kowboy C, LLC dba Bushwhackers
8200 SW Tonka Street
Tualatin, Oregon 97062
(503)692.3982

Will Harper

From: Doug Rux
Sent: Friday, March 05, 2010 4:18 PM
To: Will Harper
Subject: FW: Sign Design and NonConforming Sign Transitions Amendment PTA 08-06
Attachments: Signline41--The Pitfalls of Mandating the Monument Sign.pdf; Small Retailers Need Big Signs.mht



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From: Linda Moholt [mailto:linda@tualatinchamber.com]
Sent: Friday, March 05, 2010 4:02 PM
To: Doug Rux; Will Harper; Chris Barhyte ; Donna Maddux; etruax@royalaa.com; Jay@H-Mc.com; joelle.d.davis@gmail.com; Lou.ogden@juno.com; Monique Beikman; Sherilyn Lombos
Cc: Betsy Penson; lopaka.dye@gmail.com; bparker@lzbpd.com; Cheryl Dorman; Christine Moore; Cindy Haldorson; dave@silveradonw.com; Kevin O'Malley; Robert Knight; Ryan Miller; terri@terriwardcpa.com
Subject: Sign Design and NonConforming Sign Transitions Amendment PTA 08-06

Hi Mayor Lou and Councilors,

On February 15th the Tualatin Chamber of Commerce Government Affairs Council, passed the following resolution in response to the City of Tualatin's proposed Sign Design and Non-Conforming Sign Transitions Amendment PTA-0806:

1. We are in support of allowing the 46 existing businesses with Pole Signs to keep their signs.
2. If the Sign Design and Non-Conforming Sign Transitions Amendment PTA-08-06 is passed then, incentives/grants or subsidies should be offered to those businesses affected.
3. Implementation of the Sign Design ordinance should be delayed until economic conditions improve.
4. Allow special consideration for larger signs on parcels smaller than 3 acres that house multiple tenants.

We appreciate your consideration of our resolution. To expect the 46 area businesses to replace their existing pole signs with a potential cost of \$5,500 to over \$20,000 would be considered an undue hardship. I've attached two articles about signage and how important it is to small, local businesses. Economic vitality is a major priority of our Chamber. To change the Sign Design standards for our 46 existing businesses is detrimental to their growth, their ability to make capital improvements or hire new employees.

Thank you,

Linda Moholt

SIGNLINE

ISSUE FORTY-ONE

2003

The Pitfalls of Mandating the Monument Sign

"Smaller, and lower signs."

"A reduction of sign clutter."

"A consistent appearance, nice and aesthetically pleasing."

These are some of the most common goals cited as justification for sign ordinances that ban pylon (or pole) signs and mandate monument style signs in the business district. Many affected businesses believe this tide of regulation arises out of a visceral dislike of commercialism, but while that sentiment may occasionally provide a sense of satisfaction to an official involved in creating the regulations, the actual impetus for these regulations may be far different. The growing fascination with these signs carries with it the promise that your town, too, can be made into a tidy and charming community, looking as if it were lifted from the pages of a coffee table picture book. The image is nearly irresistible to planners and elected officials, and the effectiveness of its siren song is telling.

No one can fault the desire to enhance the attractiveness of a city; the ability to beautify living areas is a great gift that might benefit us all. But an astute planner understands that beauty must walk hand in hand with functionality, that a city is not merely a pretty photograph, but rather a three-dimensional living space in which people carry on innumerable activities, striving to get along despite widely varying tastes and opinions. Thus, in the case of a well-planned city, the aesthetics of each zone should be designed to facilitate both the function of that zone and the needs and diversity of the people acting within it. Often overlooked is the truth that what is aesthetically calming and beautiful in the residential zone is detrimental and tedious in the commercial zone.

Occasionally a business district will become cluttered with unattractive or poorly-maintained signage and buildings. This can come about

through lack of enforcement of existing regulations, lack of attention over a prolonged period of time, lack of knowledge of alternatives, restrictive sign regulations that force businesses to use less visually appealing communication alternatives, or economic distress, but at a point an effort toward urban renewal generally begins. All too often, however, the push toward smaller, lower, and fewer signs derives from a residentially-oriented aesthetic sensibility rather than a desire to improve the functionality and economic success of the business district. Those inordinately enthralled with tidy residential communities frequently have difficulty accepting the more colorful, less "orderly" environment in which people choose to conduct business and seek entertainment. To such thinking, the uniformity of mandated low-level monument signs, small in size and simple in face, and each designed to neatly complement the architecture of its accompanying building, is beautiful indeed. But such thinking disregards an essential fact.

That fact is as obvious as it is subtle: the on-premise business sign is not a mere land use activity, it is speech. Its purpose is not to function as an architectural embellishment for the visual delight of people seeking respite, as in their residential neighborhood, but rather to communicate an enticing message about the products or services available on the premises, in a manner that ensures the message is noticed and understood. An aesthetic sign, in terms of a commercial district, is one that communicates to consumers – quite simply, its degree of attractiveness is measured by how well it attracts customers. When sign regulations prioritize incongruous aesthetic preferences over effective commercial speech, the result is a failure of the sign to communicate and, cumulatively, a failure of the commercial zone to perform as intended. It matters not whether an attack on commercialism itself was the goal; what matters is that the economic well-being of the district has been damaged.

SIGNLINE



This sign, while attractive, gets visally lost in its environment (right). It is barely visible - and not readable - to the two lanes of traffic on the other side of the landscaped median. It is an example of form being given a higher priority than function, and because the business it serves is less successful than it ought to be, the land zoned is inefficiently utilized. In order to serve its purpose, a sign must be tall and large enough to be seen and read by passing traffic.

Studies have consistently shown that as many as half of all first time customers at a business stop solely because they saw the sign. If people are stopping because of a sign, then clearly the sign increases the financial stability and success of the business. Moreover, those who have stopped have demonstrated that the sign is attractive to them and is functioning correctly. In this way, the sign helps to make the most of the property as zoned. It is key to the functionality and vitality of the zone. Assuming the city properly enforces its codes pertaining

to temporary, abandoned, and decaying signage, the question, then, is whether it is the signage itself that is the problem, or the activities that it facilitates. If the activity is the problem, i.e., it is too “commercial,” then the city faces a zoning problem, not a speech problem.

The U.S. Supreme Court has repeatedly stressed that cities may not lawfully use speech restrictions to achieve an otherwise laudable government objective. (See *44 Liquormart v. Rhode Island*, 517 U.S. 484 (1996) and

Tests for Commercial Speech Limits

Over the past 35 years, the courts have increasingly emphasized that sign codes are an attempt to regulate speech, which is more dangerous than an attempt to regulate activity and is thus subject to greater judicial scrutiny.¹ Unless a sign code is a content-neutral regulation of time, place and manner of display,² it is subject to strict scrutiny, a standard which it is unlikely to meet. In such event, the code must be narrowly tailored to advance a proven substantial interest,³ and must not eliminate effective avenues for commercial expression.⁴ Further, a reasonable fit must exist between the regulation and the government interest it is intended to serve, so as not to unduly impinge on commercial speech.⁵ In short, the courts have clearly established that regulations of signs are regulations of speech – a fundamental civil right protected under the First Amendment – and not of a mere activity. Additionally, the courts’ growing stance that commercial communication is a civil right rather than an activity has raised the level of judicial scrutiny and shifted the burden of proof in challenges to these sign codes from the regulated individual to the government itself.

¹ *44 Liquormart v. Rhode Island*, 517 U.S. 484 (1996)

² *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980), *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981), and *City of Cincinnati v. Discovery Network*, 507 U.S. 410 (1993)

³ *Bd. Of Trustees of State Univ. of New York v. Fox*, 492 U.S. 469 (1989), *North Olmsted Chamber of Commerce v. City of North Olmsted*, *Outdoor Systems, Inc. v. City of Merriam*, 67 F.Supp 2d 1258 (D.C. Kan. 1999), 86 F.Supp 2d 755 (N.D. Ohio 2000), and *Dimmitt v. City of Clearwater*, 985 F.2d 1565, 1568 (11th Circ. 1993)

⁴ *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977)

⁵ *Lorillard Tobacco Co., et. al. v. Reilly*, 533 U.S. 525 (2001)



Greater New Orleans Broadcasting Assoc., Inc. v. United States, 527 U.S. 173-175 (1999).) If a reduction in a particular unwanted activity is the goal, it must be achieved through changes in the zoning, not through restrictions on the speech.

A commercial zoning designation itself establishes the need for commercial speech. Once a city has decided to zone a property and allow a business to be established, it is in its best interests to see that the property functions to its maximum economic capacity without directly conflicting with such goals as aesthetics and traffic safety. If the property is functioning to its capacity, the city should have corresponding economic growth with a broad tax base providing for ample revenues to fund infrastructure, city management, school systems, public safety, etc. It makes no sense to stifle the functioning of the commercial zone by restricting commercial speech through stringent design control. The sign is simply an attempt to effectively communicate a lawful activity being conducted right in the zone where city officials intended for it to occur.

The Hardiness of Commercial Speech

The entrepreneurial American spirit is indomitable, and is deep-rooted in our culture. So, too, is speech. In combination, they simply will not be squelched. The resourcefulness of business and its creativity at using speech has led to the most diverse and wealthy economy in the history of the world.

The Supreme Court, which has repeatedly stressed the importance of commercial speech, has also recognized its hardiness as the very reason why it may, to some limited extent, be restricted, subject to a number of stringent tests (see sidebar for more information). But regulators, too, must recognize the hardiness of commercial speech, understanding that it simply will not be silenced. A business suffering due to an inability to communicate by one method will turn to alternative methods of communication, and that choice rarely occurs in a vacuum.

Unlike most gasoline service stations, this one (top), located in Aurora, Oregon, is not visible to passing traffic until the driver is nearly upon it, and its low-level monument sign is frequently blocked by passing traffic (bottom), giving the oncoming driver little time to check fuel levels to determine whether a stop is necessary and then actually pull in safely. The sign may suit officials' aesthetic tastes, but it does not serve the economic needs of the business as well as it could if it were tall and large enough to be seen from a distance.





On-premise sign limitations can easily result in any number of alternative efforts to communicate to the street, including larger window displays (which consume more energy), more product displays on the sidewalk (which can inhibit pedestrian traffic), sidewalk signs, inflatable signs on rooftops, balloons, banners, flashing lights, window signs, signs on vehicles parked on the street, and other temporary signs. Cities usually try to ward these efforts off through further regulation, failing to realize it is exacerbating the problem. This puts the city itself in jeopardy of committing a civil rights violation because the Supreme Court requires a city to ensure effective alternatives for communication exist when it must restrict a particular form of commercial speech. Furthermore, the Supreme Court has already declared that viable alternatives to on-premise signage are unlikely.¹

service offered, reduce overhead (often through workforce reductions), or go out of business. In a weakened position, they are no longer able to compete with chains and franchises that benefit from national advertising and instant recognition. In the long run, the city may find itself devoid of character, just another

The on-premise business sign is not a mere land use activity, it is speech. Its purpose is not to function as an architectural embellishment for the visual delight of people seeking respite, as in their residential neighborhood, but rather to communicate an enticing message about the products or services available on the premises, in a manner that ensures the message is noticed and understood.

Many a city official or planner has off-handedly suggested that businesses complaining about being unable to use adequate signage should run advertisements in the newspaper or mail coupons or flyers out to residents. The cost for these alternatives, however, is enormously more expensive and less effective than the sign, and do not constitute a reasonable alternative. Where forced to resort to such measures, businesses must increase prices, reduce the quality of the product or

“Anywhere, USA,” lacking in the creative and unique signage and locally owned independent businesses that would set it apart from its neighbors and help build a sense of local flavor.

Let’s assume a city has established as its goal that its on-premise signs harmonize with the adjacent building or the land use zone. That may be considered a legitimate, though extremely difficult, goal. Understanding that the copy itself, and in some cases

In some districts monument signs are easily obscured by passing traffic or other obstructions. In the case of the sign below, it is likely that, due to blockage by other vehicles on the freeway, Denny’s restaurant sign is missed by a large number of people driving by unless they are in the lane immediately adjacent to it. This diminishes the economic viability of the business and the zone in which it is located.





The visibility of this monument sign is inhibited by many obstacles in its environment, including street trees, passing traffic, winter snow, and utility structures.

the whole sign presentation, may not be regulated without violating content neutrality rules, if visual harmony is a city's goal, what potential pitfalls must it then anticipate?

Potential Pitfalls

There is nothing inherently inferior about the monument sign. Many businesses choose to use monument signs without any requirement that they do so. The signs often are attractively nestled into the landscape, and can present a grand appearance that helps unify the business site. Placed at eye level, they are at times directly within a driver's line of sight, and, if closer to the roadway, may have a greater perceived size. How can this, then, be considered a restriction on speech?

The most obvious potential problem with a monument sign is that, though it may have adequate size and lighting to meet readability and conspicuity standards, it can easily be obscured due to its height and placement. As a

result, the business will either need more signs or will face economic difficulties. In some parts of the country, winter snow drifts and snow mounds created by plowing of parking lots and streets can bury the sign. Street trees, ground covers and shrubs (frequently mandated by city ordinance) will, over time, grow up to hide them. More common, however, is the likelihood that parked or passing cars and trucks will obscure the sign from view. On two lane streets, this results in blocked visibility for traffic on the opposite side of the street, while those on the same side of the street as the business often have their view of the sign blocked by traffic in front of them. On multi-lane streets the blocked views are even more prevalent. Further, if the signs are set back too far from the road and placed outside the driver's cone of vision, their readability is drastically diminished, rendering them ineffective.

The Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Administration, is the most respected authority on factors

Sometimes monument signs have the effect of undermining aesthetics. By blocking views, eliminating interesting skyline contours, and creating large blocks in the middle of the visual field, they lessen the vitality of the commercial district.



relating to readability and conspicuity. The MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all streets and highways. Its sole purpose is to ensure traffic safety. The MUTCD requires the use of pole signs, and carefully specifies the distance from the height of the roadway to the bottom of the sign. The distance varies depending upon a number of factors, such as the number of lanes, the percentage of traffic made up of trucks, and the speed of traffic, for example. Where parking and pedestrians are factors, traffic control signs must be a minimum of 7 feet from the height of the roadway to the bottom of the sign to prevent obstruction of the message (this standard may be ineffective, however, considering the great influx of sport utility vehicles, 4-wheel drive trucks, and vans on our roads since the MUTCD was written). Traffic engineers understand and have acknowledged that a sign that is not visible causes traffic safety problems.

A city should exercise the same level of care in crafting its mandated sign height limits. Street-by-street specificity should be incorporated, taking into consideration the character of each street and the signage needs along it. A two lane street with 25 mph traffic does not call for the same kind of signage as needed on

a four-lane street with 45 mph traffic. Additional consideration should also be given to the type of traffic typically on the street (for example, the number of delivery trucks that use the street).

Another potential pitfall of the mandated monument sign is the affect of size limits on the creative visual qualities of the commercial speech. The MUTCD contains regulations based on federal research as to the colors, fonts, and type sizes most easily read by drivers of at least 20/40 vision. These government signs always utilize a sans serif font in standard specified colors, which is very plain and easy to read. In highway design, the standard typically used for visual acuity is one inch of letter height to 40 – 50 feet of viewing distance. But no one would accuse highway signs of being aesthetically delightful. A sign that is intended to incorporate artistic qualities will use script or some other artistic font and a variety of colors, decreasing legibility and resulting in the need for larger lettering in order to be safely read.

A recent study by Garvey, et al concentrated on the detectability and legibility of a variety of on-premise signs under real life environmental conditions. The results of this study disclosed that even under the best

One potential pitfall of the mandated monument sign is the affect of its size and shape limits on the creative visual qualities of the commercial speech. While few cities would want a sign of this size, it is a good example of the kind of creative signage that cannot exist - at any size - under a sign code that mandates monument-style signage.





Street trees, ground covers and shrubs (frequently mandated by city ordinance) will, over time, grow up to hide monument signs. These signs will be further obscured when the surrounding trees are covered with leaves.

conditions (daytime and low complexity), the legibility index for a basic, sans serif font was approximately one inch of letter height to 30 feet. In high complexity circumstances, the legibility index dropped as low as 7 feet per inch, with the average legibility index determined at 25 feet/inch.² Color choices, an important aspect of creating an aesthetic sign, also impact readability.

When the size of the sign is limited, then so also is the content of the speech limited. If the message cannot be artistically presented within that limited space and still retain legibility, it must either be shortened or its presentation must be simplified. In today's wide-ranging multimedia environment, any time the number of words or symbols that can be used are limited, unanticipated discrimination is the result. For example, a large corporation's logo may be so complex that it would completely confuse a foreigner, yet it may communicate a great deal of information instantly to the great bulk of American consumers who recognize it following a national multi-media advertising campaign. It takes little imagination to see that a limit on the amount of copy allowed on a sign could bias the process in favor of the large corporation and against the local competitor with a relatively unknown logo.

A business can be a positive contributing economic factor to the city. Without adequate signage to effectively identify the store and communicate its message, a business's revenue-generating ability will be muted, and revenue will be lost to competing areas in other cities where consumers can find the store they are looking for, or can easily identify a retail location and stop by on impulse. If shoppers leave the city, the city may need to zone more retail space in an attempt to draw that retail business back. When a city minimizes important and

necessary accessory uses such as signage, its commercial/retail sites will not function at or close to their intended capacity.

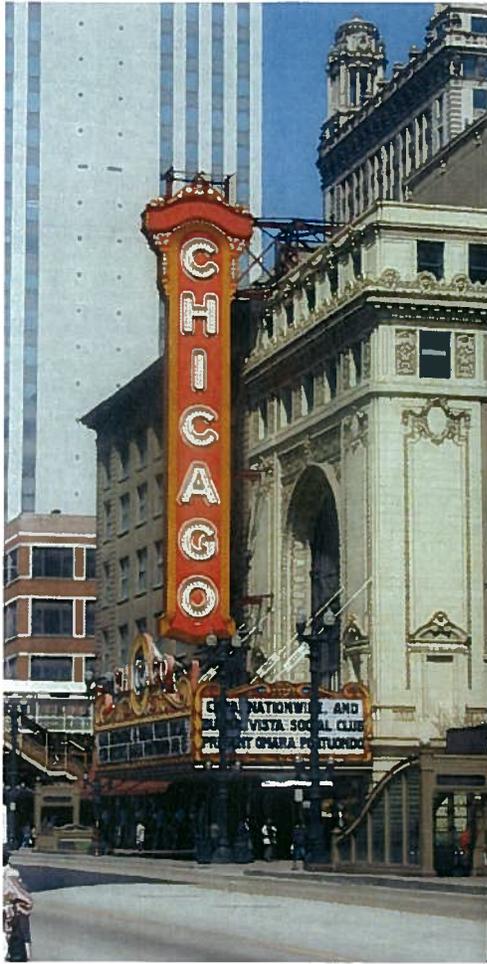
Businesses which rely more heavily on transient freeway-oriented clientele are especially vulnerable if they are not allowed adequate signage. Holiday Inn determined a number of years ago that 25% of its customers with reservations would not turn around if they missed the approaches to the motel/hotel. They would simply proceed on to the next available alternative.

A requirement that businesses build monument signs and ignore other alternatives, despite visibility concerns, fails all standards of validity. Monument signs do not guarantee traffic safety; to the contrary, they can become contributors to traffic safety problems through reduced visibility and blocked views. Further, the lack of visibility of monument signs harms, rather than contributes to, economic success of the business and the community as a whole. Because the signs so often fail to function at their primary purpose – conveying a message – a requirement to utilize monument signs is, in effect, a censorship of the business's commercial speech. Finally, a city can find no valid, provable benefit that will result from its prohibition of signs with the necessary height, size and placement to effectively communicate, or its mandate that businesses instead utilize a substandard means of communicating with potential customers.

Footnotes

¹ City of Ladue v. Gilleo, 512 U.S. 43 (1994)

² Garvey, P.M., et al, 2002. Real World On-Premise Sign Visibility: The Impact of the Driving Task on Sign Detection and Legibility. Bristol, PA: The United States Sign Council.



Size and height have no direct relationship to the aesthetic quality of a sign any more than they do to that of a building. The use of shape, color, texture, structure, and proportion are important in creating an aesthetically pleasing appearance. This 76 ft. high, 16 ft. wide sign in Chicago is a clear example of this. Featured recently on the cover of an American Planning Association magazine to capture the essence of the city of Chicago, it defies every size and height recommendation the organization promotes.



Several legal issues are discussed throughout ISA's Signline series. Signline is offered for educational and informational purposes only and not to be construed as giving legal advice to any user. Competent legal advice/advisors should be sought after and obtained by the user.

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Articles

Small Retailers Need Big Signs

Until they get big and don't need signs at all

By: David Williamson
Sign Business
January 2010

Sign Law & Policy

Mark A. Olinger, the director of the economic development department in Madison, Wis., gave a presentation recently on sign codes. As a professional planner, he had a lot of practical experience to bear on the topic of how signs and urban design help define a community.

Olinger ended his presentation with what he called the "Third Law of Urban Dynamism." Simply stated, he said in his experience there is an inverse relationship between the mere size of a sign, and the demographics of the neighborhood where that sign is sited.

There is a lot hidden in that law. I don't necessarily disagree with the mere statement that urban "design" looks a lot different in less affluent neighborhoods than in those communities in the higher echelon of median income. So let's put "Olinger's Third Law" into motion.

WHEN A SIGN BECOMES AN ICON

The two pictures in my column this month are from properties located less than half a mile from each other. The first is the "small" sign in front of the Starbucks in Mariemont, Ohio, a historic planned community just outside the Cincinnati city limits. The Starbucks sign has reached nearly iconic status. Remove the "Starbucks" and "Coffee" from the sign, simply using the green outer band and the design in the inner circle, and many customers would not miss a beat finding their daily latte.

Consider then the second sign for a near-by Cincinnati business called Marfay Auto Parts. But you knew that instantly, didn't you? Also this is a location that handles UPS parcels. But you knew that instantly, too, didn't you? Thus, the business identification needs of the Marfay enterprise have been addressed just as well as the needs of Starbucks. Right?

But I guess Marfay Auto Parts gets swept up into Olinger's Third Law. Its neighborhood has more wear and tear, the kind found in hundreds of older urban areas in the U.S. Granted, the building facade might not win an architectural award, but its customers and prospects see those letters and know they have arrived where they wanted to be. And isn't that the most basic definition of a sign?

The lesson I want to take from this tale of two signs, illustrating that "Third Law of Urban Dynamism," is that we may be giving our attention to the wrong subject. Starbucks, while once having just one location (imagine!) now uses marketing tools vastly more comprehensive than just signage.

And so, too, do other national retailers. While a Home Depot or Costco periodically encounters a tough permitting situation, the on-premise signs deployed are assumed to be made with quality materials and meet all code requirements. In a non-recession year, we count new store openings from these national marketers in the thousands.

Yet what happens with the vastly larger population of local and small businesses, both start-ups and established? Do they get the same design and manufacturing skill from the sign industry as the national accounts? I think the answer is no, and that needs to change.

This division between national marketers and small local businesses has surfaced in other examples, too. The University of Cincinnati planning students, whose signage project I described in a previous column, encountered the issue in evaluating multiple tenant signs. If each tenant hypothetically under its lease gets the same sign



Starbucks, while once having just one location (imagine!) now uses marketing tools vastly more comprehensive than just signage.



Contrary to Starbucks, Marfay Auto Parts is much more dependent on its sign to convey its message.

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area, does a Panera Bread panel and one for "Mediterranean Restaurant" really give equal advertising to each tenant? Maybe, maybe not.

IT'S WHAT THEY COULD AFFORD

Once in this strip shopping center, though, a Panera customer walks into a finely tuned store environment, with on-premise signage readily identified whether sited in Buffalo or Anaheim. The other restaurant, though, if typical, has some vinyl lettering on a window and possibly a digitally-printed poster at the entrance. You're thinking, well, that restaurant can't afford anything more!

But can a community, be it Madison, Wis., or Utica, Ill., afford for only the Panera store to succeed—based on our commonly held belief that good graphics make for prosperous businesses? The local restaurant may have the same number of employees, and nearly the same revenue subject to local taxes. Why discriminate, then, against the local business?

What I mean by discriminate is what I think could be implied in Olinger's Third Law: We (planners) want successful businesses in better neighborhoods, with their small signs, because we like small signs. And by extension, I guess, businesses in the very "best" neighborhoods need no signs at all.

A planner stood up a year ago at an American Planning Association seminar on sign regulation and stated that no signs are really needed, just have numbers on the buildings and people can use their GPS to find their intended location. (This really happened; I can't make this stuff up.) Lost in that viewpoint, however, is the stark realization that not every consumer has GPS. What about the estimated 14 percent of Americans who are functionally illiterate? What about the obvious need for a second language on signs in ethnic neighborhoods?

DON'T GIVE UP ON THE 'LITTLE GUY'

In short, we have lots of work to do as an industry. Those national marketers got to that status on the economic ladder in part by exploiting the power of effective signs and graphics. They don't need a lot of extra persuasion to buy on-premise signs at this point.

The businesses that need our best efforts, our skill and talent, are those local, small enterprises that feed the vitality of a place, that add to the tax base proportionally, that create jobs, that keep sign companies busy.

If we give up on the proverbial little guy—and by "we," I include planners—we give up on a new generation of successful businesses. And by the way, in doing so, we give up on our own industry, which is primarily made up of small and once-small companies. Let's allow those small neighborhood businesses and their "big" signs to flourish. We all will profit and grow.



David L. Williamson is an Ohio-based attorney and a veteran of the sign and commercial graphics markets. His law practice is focused on sign law. He is the principal of The Visual Information Group LLC, a strategy consulting and market research firm. His firm is partnering with the SGIA to help its members resolve local sign code issues. Contact David at columnn@visualinformationgroup.com.

COPY

February 20, 2010

Doug Rux
City of Tualatin
Community Development Director
18880 SW Martinazzi Ave.
Tualatin, Oregon 97062

CITY OF TUALATIN
RECEIVED

FEB 23 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

To Whom It May Concern:

I would like to thank you in advance for taking the time to read and consider my letter in your decision making regarding the new Sign Design Code. I am severely concerned about the direct impact a decision like this could have on my business and others like me. I love the idea of the Community Visioning Project, but I fear that a decision requiring monument style signs will serve to hinder growing business and success of Tualatin small business as a whole.

One of the largest reasons that I am opposed to a Sign Design Code change is that financially my business cannot shoulder the financial burden to transition to the monument style signs. Right now the economy has put our small business, as well as many of the area businesses into survival mode. We need every penny we make and have had to cut back parts of our business that we hope to be able to add back as the economy regains its stability to enhance the function and success of our business. If we had to allocate money to the sign change we would likely not be able to make the business progress we hope to.

Another large reason that we do not want to see pole signs go away is because especially for the location of our business, we would take away the very little visibility we have for our business from Tualatin Sherwood Road. Many small businesses are off the beaten path a little bit and particularly for our establishment, a monument style sign would not be an effective way to direct customers into our business. We have a very busy parking lot and much of the time, a monument style sign would be covered by traffic and we would lose the ability to be seen by the most main drag in the City of Tualatin.

We are very proud to be part of the Tualatin community. We take part in local events like school service projects, the Crawfish Festival, we donate to many other local businesses and we love the community relationships we have developed. We feel like a decision such as this is so important because we HAVE to have a pole sign in order for us to maintain visibility from Tonka Street as well as Warm Springs, Lower Boones Ferry, and Tualatin Sherwood Road. We bring a very large amount of business to the City of Tualatin and we need people who are unfamiliar with this city to be able to find our establishment with ease. A pole sign is the only way to accomplish this goal.

Please take these thoughts into consideration as you make your final decision and hopefully you will be able to see what a financial burden this could turn out to be for all small businesses, as well as actually hindering the business we do here in Tualatin.

Thank you for your consideration!

Sincerely,

A handwritten signature in black ink that reads "S.J. Clendenin". The signature is written in a cursive style with a large, stylized "S" and "J" at the beginning.

Stacey J. Clendenin
Kowboy C, LLC dba Bushwhackers
8200 SW Tonka Street
Tualatin, Oregon 97062
(503)692.3982

Tualatin Municipal Code 8-4-010

8-4 - 1 (Revised 9/06)

Chapter 8-4

Basketball Hoops In The Public Right-Of-Way

Sections:

8-4-010 Title.

8-4-020 Purpose and Scope.

8-4-030 Definitions.

8-4-040 Permissible Locations and Hours of Use.

8-4-050 Abutting Landowner's Duties and Liabilities.

8-4-060 City Immunity from Liability.

8-4-070 Unlawful Use of Basketball Hoops.

8-4-080 Removal of Fixtures.

8-4-090 Penalty.

8-4-100 Severability Clause.

8-4-010 Title.

This ordinance shall be known as the "Basketball Hoop Ordinance." [Ord. 906-93 §1, Oct. 11, 1993.]

8-4-020 Purpose and Scope

This ordinance is intended to regulate the duties and responsibilities associated with placing and using a basketball backboard, hoop, net or supporting apparatus in the public right-of way by setting locational standards which are designed to reduce the risk of injury and damage to pedestrians and motorists in their shared use of public roadways. This ordinance is not intended to regulate the placement or use of basketball hoops on private property. This ordinance is intended to apply to all basketball hoops, both portable and permanent, in the right-of-way regardless of when they were erected. [Ord. 906-93 §2, Oct. 11, 1993; Amended Ord. 1220-06, 8/28/2006.]

8-4-030 Definitions

For the purpose of this chapter, the following definitions apply:

(1) "Basketball hoop" or "hoop" means, except where the context clearly indicates some specific part, any part of a backboard, hoop, net or supporting apparatus designed or intended to

be used for play with a ball of any kind.

(2) "Pedestrian" means a person afoot or in a wheelchair.

(3) "Public roadway" or "roadway" means the improved portion of the public right-of-way designed for vehicular travel. The term is not intended to refer to off-street bicycle paths.

(4) "Sidewalk" means the improved portion of the public right-of-way designed for preferential or exclusive use by pedestrians.

(5) "Supporting Apparatus" means the post, pole or similar object that is either:

(a) Affixed into the ground and supports a basketball hoop; or

(b) Attached to a moveable support base, and that supports a basketball hoop. [Ord.

906-93 §3, Oct. 11, 1993.]

8-4-040 Permissible Locations and Hours of Use.

~~(1) No basketball hoop shall be erected in the right-of-way, if the driveway of the adjacent private property is of a suitable size and slope for playing basketball. A driveway having a slope of ¾ inch to one foot or less and an area of at least 400 square feet is considered suitable for playing basketball.~~

(1)(2) Hoops in the public right-of-way shall comply with the following standards: ~~If a hoop cannot be installed along the driveway under subsection (1) of this section, basketball hoops located within the public right-of-way shall comply with the following standards:~~

(a) In a Residential Planning District;

(b) Abutting a public roadway designated in the Tualatin Development Code as a local residential street;

(c) Not attached to any light or utility pole, street sign or traffic control device or street tree;

(d) Outside of a sidewalk, pedestrian or bike path or public roadway, but abutting the owner's property in the planter strip;

(e) Not adjacent to roadways with striped, on-street bikeways, but may be placed adjacent to shared roadways;

(f) At least five feet from manholes,

catch basins, traffic signs, fire hydrants, ~~mail boxes~~ and above ground electrical transformers, ~~mail boxes~~, telephone boxes, and cable boxes; ~~and street light poles~~; The pole for the hoop must be a minimum of three feet from street trees, light pole and mailboxes;

(g) Where possible, hoops should be at least ~~10~~ ~~15~~ feet from street trees; in any event they shall be centered between adjacent, existing or future street trees and no closer than ~~five~~ ~~three~~ feet from such trees. If no trees have been planted, the Parks and Recreation Department shall first determine the location of any future street trees;

(h) A hoop backboard shall not extend ~~Over more than 20 inches beyond the face of the roadway curb.~~ ~~the public roadway beyond the face of the roadway curb;~~

(i) A hoop ring shall be at least ~~8~~ ~~10~~ feet above the surface of the street, measured vertically from the public roadway;

(j) At least ~~50~~ ~~150~~ feet from the nearest lateral street curb line which intersects at 90 degrees, except if located on a cul-de-sac, the hoop shall be at least 50 feet from the nearest lateral street curb line of the intersection;

(k) At least ~~100~~ ~~165~~ feet unobstructed view as measured 10 feet out from the face of the curb and five feet high along the public roadway in both directions. There shall be no obstructions resulting from curves in such roadway, elevation changes, landscaping or other fixtures located alongside such roadway, except if on a cul-de-sac, the hoop shall have an unobstructed view of at least 50 feet;

(l) At least ~~50~~ ~~150~~ feet from the nearest other hoop in the right-of-way as measured along the curb line. This subsection applies only to basketball hoops placed after the adoption of this ordinance;

(m) Prior to installation or excavation, the installer shall inquire about and receive information from the utility locator service and avoid interfering with or damaging utilities.

~~(3)~~ ~~(2)~~The use of a basketball hoop which satisfies the conditions set forth in subsection ~~(2)~~ ~~(1)~~ of this section may occur only between 9 a.m.

and sunset.

~~(4)~~ (3) A basketball hoop which complies with the requirements of subsection ~~(2)~~(1) of this section and later, due to changed conditions fails to comply with subsection ~~(2)~~ (1), shall be deemed a violation of this ordinance and subject to removal and any other available remedies. The requirements of subsection ~~(2)~~ (1) are intended to be continuously complied with. [Ord. 906-93 §4, Oct. 11,

1993; Amended Ord. 1220-06, 8/28/2006.]

8-4-050 Abutting Landowner's Duties and Liabilities.

(1) Any person owning, possessing, occupying or having control of property that abuts the public right-of-way where a basketball hoop is placed or located shall properly, safely and reasonably construct, maintain, inspect, repair, use and supervise its use and shall be responsible for compliance with the requirements of this ordinance. A basketball hoop located within the public right-of-way shall be presumed to have been placed with the knowledge and consent of the owner of the abutting private property. Damage to the basketball hoop which occurs during the lawful, non negligent use of the public right-of-way shall be the responsibility of the hoop owner.

(2) A person who is injured or whose property is damaged by reason of any act or omission constituting a violation of subsection (1) of this section shall have a cause of action for any and all damages sustained, including punitive damages, against a person or persons referred to in subsection (1) of this section, whose acts or omissions result in a violation of subsection (1) of this section. The person or persons who actually cause such injury or damage by reason of their negligence, wrongful or intentional misconduct shall also be liable. [Ord. 906-93 §5, Oct. 11, 1993.]

8-4-060 City Immunity from Liability.

(1) No recourse whatsoever shall be had or available against the City, its officers, employees

or agents for damage, injury or loss to any person or property arising directly or indirectly out of the negligent or otherwise wrongful construction, maintenance, inspection, repair, use or supervision of use of any basketball hoop placed in the public right-of-way or for any act or omission in violation of this ordinance(2) In consideration for the City allowing a person owning, possessing, occupying or having control of property that abuts the public right-of-way to construct, maintain, inspect, repair, use or supervise the use of a basketball hoop placed in or alongside the public right-ofway, such person shall indemnify, defend and hold the City, its officers, employees and agents harmless against any claim, suit or action made against the City, its officers, employees and agents as a result of any person's failure to satisfy any obligation imposed by this ordinance. (3) Nothing contained herein shall be construed as a conveyance, grant or transfer of a property interest or permanent private right in any public right-of-way. The City retains the right to revoke the privilege allowed under this ordinance. [Ord. 906-93 §6, Oct. 11, 1993.]

8-4-070 Unlawful Use of Basketball Hoops.

- (1) No person shall use a basketball hoop located within the public right-of-way other than in accordance with the requirements of TMC 8-4-040.
- (2) Persons who use a basketball hoop located in the public right-of-way shall comply with the requirements of Oregon law with respect to yielding the right-of-way to vehicles upon a roadway.
- (3) No parent, guardian or other person having custody of another person who is under 18 years of age shall permit or allow such other person to violate either subsection (1) or (2) of this section. [Ord. 906-93 §7, Oct. 11, 1993.]

8-4-080 Removal of Fixtures.

- (1) Any person owning, possessing, occupying

or having control of property that abuts the public right-of-way where a basketball hoop or similar apparatus is placed in violation of this ordinance shall remove the basketball hoop or similar apparatus. Except as otherwise specifically provided in TMC 8-4-040 ~~(2)~~ (1), basketball hoops located alongside or within the right-of-way, upon adoption of this ordinance, shall comply with the requirements of this ordinance.

(2) The City may require the owner of abutting property to remove a basketball hoop in the right-of-way which due to its location or use is a nuisance. For purposes of this section a basketball hoop in the right-of-way is a nuisance under either of the following circumstances:

(a) when it is used on three or more occasions within a 30 day period at times prohibited by TMC 8-4-040~~(3)~~ (2) of this ordinance which causes annoyance to or disturbs another person; or

(b) when it is or has been placed in violation of TMC 8-4-040(1) ~~or (2)~~ of this ordinance.

(3) If a basketball hoop is or becomes a nuisance as defined in subsection ~~(2)~~ (1) of this section, the City may order the basketball hoop to be removed. An order to remove a basketball hoop shall be delivered to the owner of the property in person or by first class mail return receipt requested. A person to whom an order of removal of a basketball hoop is sent shall remove the basketball hoop together with any support structure within 10 days of delivery of the order, unless within said 10 days such person delivers to the Community Development Director a written request for hearing, which shall stay the time frame for removal of the basketball hoop. If a person submits a timely request for a hearing on whether the basketball hoop should be removed as provided in the City's order, the matter shall be submitted to the Municipal Judge for determination. The hearing shall be conducted in the manner provided for civil infractions and the City shall have the burden of establishing by a preponderance of the evidence that the basketball hoop is

a nuisance, as defined in subsection ~~(2)~~ (1) of this section. If the Municipal Judge finds the basketball hoop to constitute a nuisance, the basketball hoop may be ordered removed, and its owner may in addition be ordered to pay reasonable costs and disbursements for the hearing. In addition, the Court may condition further use of the basketball hoop in a manner which the Court considers just. The decision of the Municipal Judge shall be final. (4) A person who fails to remove a basketball hoop as provided in this section shall be liable to the City for its costs, including but not limited to labor and materials, for removal of the basketball hoop and any supporting apparatus, as well as costs, disbursements and attorney fees incurred for collection. The City shall not be liable for any damage to the basketball hoop or other property resulting from the nonnegligent removal of the basketball hoop.

When a basketball hoop has been removed due to a nuisance condition, defined under TMC 8-4-080(2)(a), it shall be unlawful for the owner of the abutting property to erect or allow the placement of a basketball hoop within the right-of-way along any portion of said property for ~~two~~ one years after removal of the basketball hoop.

[Ord. 906-93 §8, Oct. 11, 1993; Ord. 1220-06 §3, Aug. 28, 2006.]

8-4-090 Penalty.

(1) Violation of this ordinance or an order or judgment of the Municipal Court concerning the status of the basketball hoop as a nuisance constitutes a civil infraction.

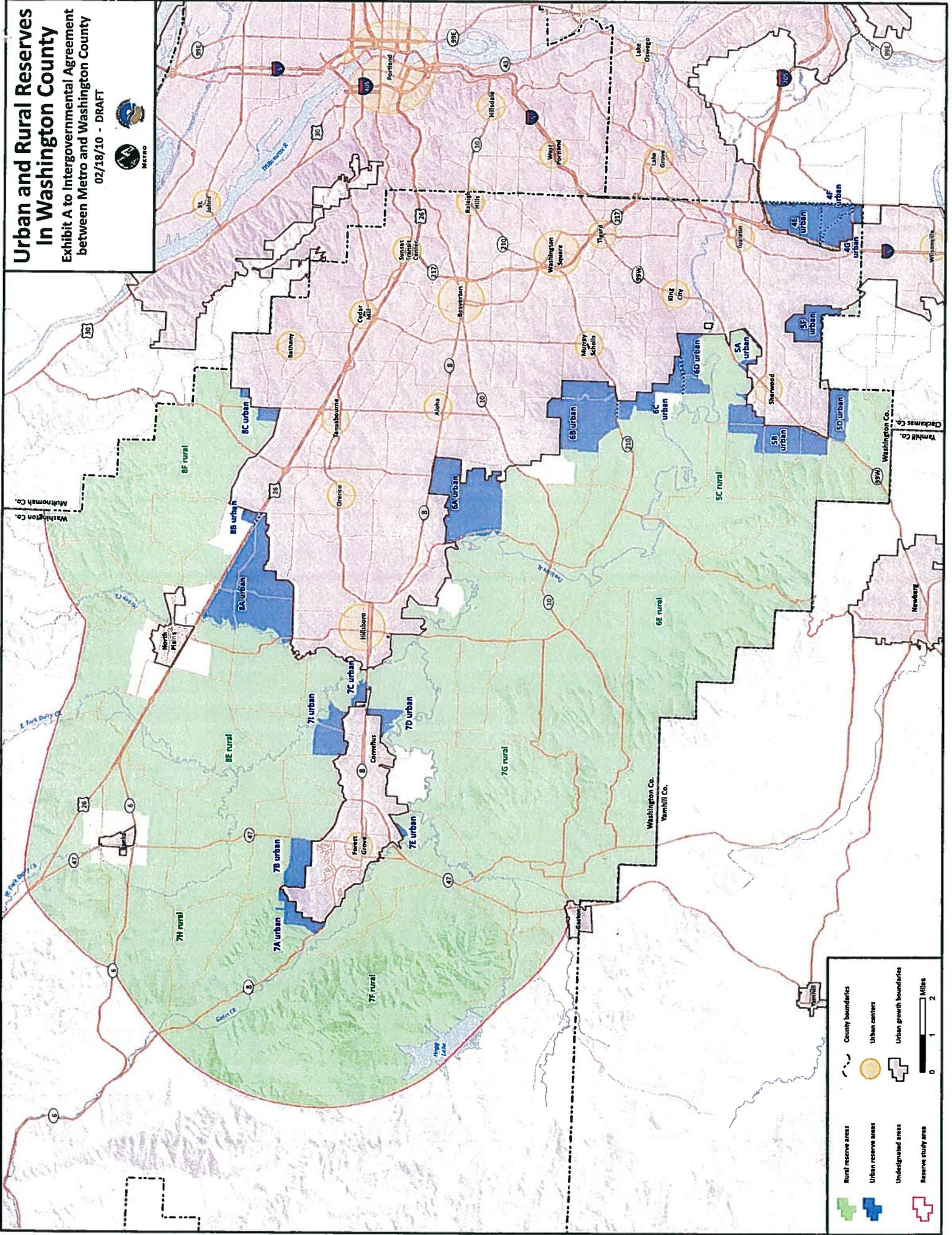
(2) Each day that a violation exists constitutes a separate infraction.

(3) The penalties imposed by this ordinance are in addition to and not in lieu of any other lawful remedies available to the City. [Ord. 906-93 §9, Oct. 11, 1993.]

8-4-100 Severability Clause. [Ord. 906-93 §11, Oct.

Urban and Rural Reserves In Washington County

Exhibit A to Intergovernmental Agreement
between Metro and Washington County
02/18/10 - DRAFT



| | |
|--|-------------------------|
| | Rural reserve areas |
| | Urban reserve areas |
| | Undesignated areas |
| | Reserve study area |
| | County boundaries |
| | Urban centers |
| | Urban growth boundaries |
| | 0 1 2 Miles |

**Intergovernmental Agreement
Between Metro and Washington County
To
Adopt Urban and Rural Reserves**

This Agreement is entered into by and between Metro and Washington County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of agreeing on the elements of an ordinance to be adopted by Metro designating Urban Reserves and of an ordinance to be adopted by Washington County designating Rural Reserves, all in Washington County.

PREFACE

This agreement will lead to the designation of Urban Reserves and Rural Reserves. Designation of the Urban and Rural Reserves by this agreement will help accomplish the purpose of the 2007 Oregon Legislature in enacting Senate Bill 1011, now codified in ORS 195.137 to 195.145 (“the statute”):

Facilitate long-term planning for urbanization in the region that best achieves

- Livable communities;
- Viability and vitality of the agricultural and forest industries; and
- Protection of the important natural landscape features that define the region.

RECITALS

WHEREAS, Metro and Multnomah, Washington and Clackamas Counties (“the four governments”) have declared their mutual interest in long-term planning for the three-county area in which they exercise land use planning authority to achieve the purpose set forth in the statute; and

WHEREAS, the Oregon Legislature enacted the statute in 2007, at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, the statute authorizes the four local governments to designate Urban Reserves and Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission (“LCDC”) adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their joint effort to designate reserves and to enter into formal agreements among them to designate reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the statute and the rules set forth certain factors to be considered in the designation of reserves, and elements to be included in ordinances adopting reserves; and

WHEREAS, the four governments have followed the procedures and considered the factors set forth in the statute and the rule; and

WHEREAS, the four governments have completed an extensive and coordinated public involvement effort; and

WHEREAS, the four governments have coordinated their efforts with cities, special districts, school districts and state agencies in the identification of appropriate Urban and Rural Reserves;

NOW, THEREFORE, Metro and Washington County agree as follows:

AGREEMENT

- A. **Metro agrees** to consider the following policies and Urban Reserve designations at a public hearing and to incorporate them in the Regional Framework Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:
1. A policy that designates as Urban Reserves those areas shown as proposed Urban Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
 2. A policy that determines that the Urban Reserves designated by the Regional Framework Plan pursuant to this agreement are intended to provide capacity for population and employment between 2010 and 2060, a total of 50 years from the date of adoption of the ordinance designating the reserves.
 3. A policy that gives highest priority to Urban Reserves for future addition to the urban growth boundary (UGB).
 4. A map depicting the Urban Reserves adopted by Metro and the Rural Reserves adopted by Washington County following this agreement.
 5. A policy that Metro will not add Rural Reserves designated by ordinance following this agreement to the regional UGB for 50 years.
 6. A policy that Metro will not designate "Rural Reserves" as Urban Reserves for 50 years.

7. A policy that Metro will require a “concept plan”, the required elements of which will be specified in the Urban Growth Management Functional Plan in consultation with the county, for an area of Urban Reserves under consideration for addition to the UGB to be completed prior to the addition. Concept plans shall include elements on finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Exhibit B and other subjects critical to the creation of great communities. Concept plans will provide that areas added to the UGB will be governed and planned by cities prior to urbanization.
 8. A policy that Metro will review the designations of Urban and Rural Reserves, in coordination with Clackamas, Multnomah and Washington Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.
- B. Washington County agrees to consider the following policies and Rural Reserve designations at a public hearing and to incorporate them in its Comprehensive Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:**
1. A policy that designates as Rural Reserves the areas shown as proposed Rural Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
 2. A map depicting the Rural Reserves designated by the Comprehensive Plan and the Urban Reserves adopted by Metro following this agreement.
 3. A policy that Washington County will not include Rural Reserves designated pursuant to this agreement in the UGB of any city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
 4. A policy that the county will not re-designate Rural Reserves as Urban Reserves for a city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
 5. A policy that commits the county, together with an appropriate city or cities, to participation in development of a concept plan for an area of Urban Reserves under consideration for addition to the UGB.
 6. A policy that the county will review the designations of Urban and Rural Reserves, in coordination with Metro and Clackamas and Multnomah Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.

- C. **Washington County and Metro agree to follow this process for adoption of the ordinances that will carry out this agreement:**
1. Each government will hold at least one public hearing on its draft ordinance prior to its adoption.
 2. Metro and the county will hold their final hearings and adopt their ordinances no later than June 8, 2010.
 3. If testimony at a hearing persuades Metro or the county that it should revise its ordinance in a way that would make it inconsistent with this agreement, then it shall continue the hearing and propose an amendment to the agreement to the other party and to Clackamas and Multnomah Counties.
 4. If Washington County or Metro proposes an amendment to the agreement, the party proposing the agreement will convene the four governments to consider the amendment. Any objections or concerns raised by a government that is not party to this IGA shall be considered carefully and the four governments shall take reasonable, good faith steps to reach consensus on the amendment. After this consultation, Washington County and Metro may agree to an amendment.
 5. Metro and Washington County will adopt a common set of findings, conclusions and reasons that explain their designations of Urban Reserves and Rural Reserves as part of their ordinances adopting the reserves. Metro and the county will incorporate maps into their respective plans that show both the Urban and Rural Reserves in Exhibit A to this agreement, with the county showing only the reserves in the county.
 6. Metro and Washington County will establish, in coordination with Clackamas and Multnomah Counties, a process for making minor revisions to boundaries between Urban Reserves and undesignated land that can be made at the time of concept planning, and a process for making minor additions to Rural Reserves, with notice to, but without convoking all four reserves partners.
 7. Within 45 days after adoption of the last ordinance adopting reserves of the four governments, Washington County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.

D. This agreement terminates on December 31, 2060.

WASHINGTON COUNTY

METRO

Tom Brian
Chair, Washington County
Board of Commissioners

David Bragdon,
Metro Council President

Dated:

Dated:

Approved as to form:

Approved as to form:

Exhibit A to Agreement between Metro and Washington County

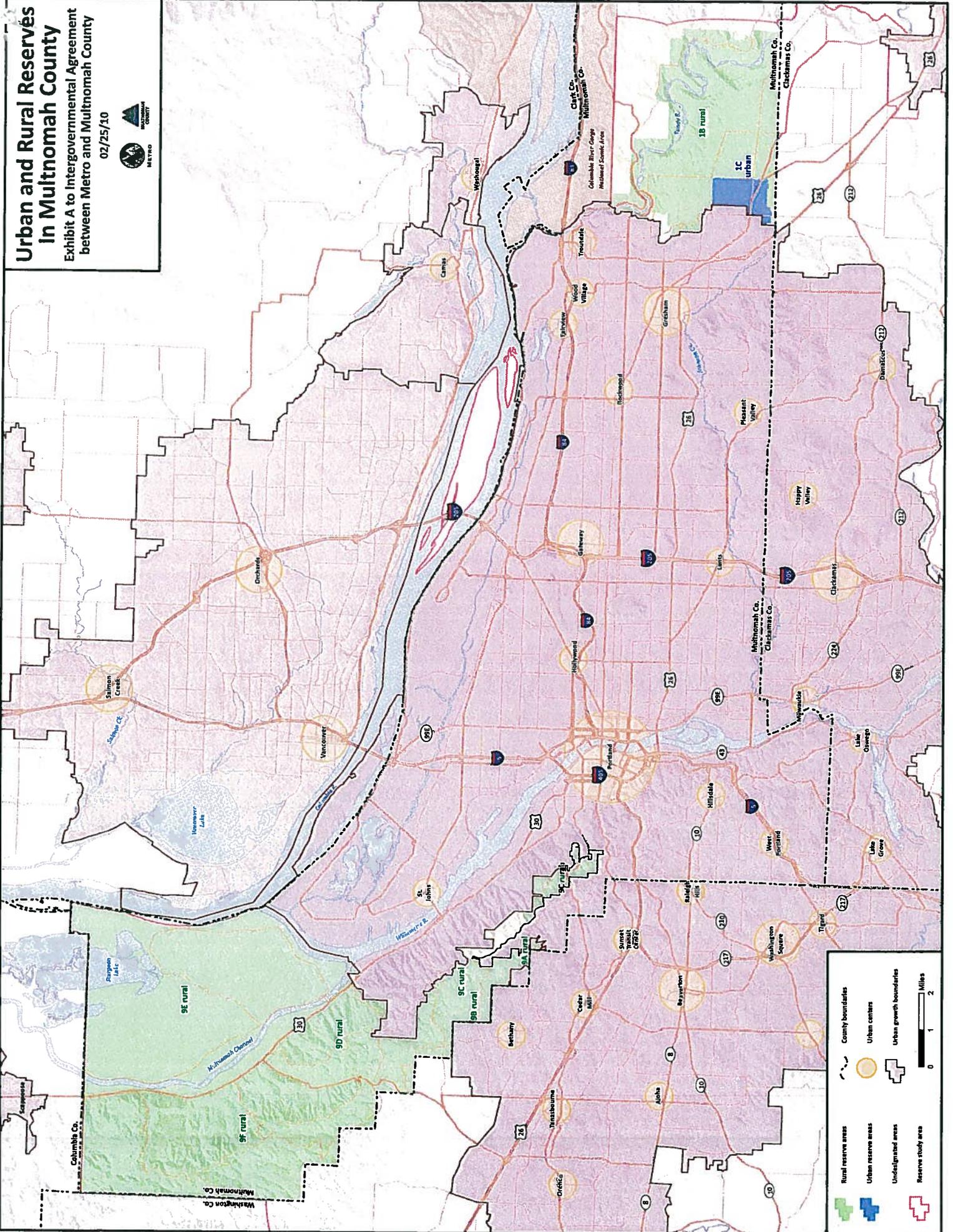
PRINCIPLES FOR CONCEPT PLANNING OF URBAN RESERVES

1. Urban Reserve Area 6B is approximately 1,776 acres, of which approximately 892 acres are buildable and approximately 839 acres are constrained lands. Existing roads account for an additional 45 acres of non-buildable land. Constrained lands consist of Metro's and Washington County's Goal 5 inventories, slopes over 25%, floodplains, parks, and a city-owned parcel (approximately 10 acres) adjacent to SW Kemmer Road that contains a water tank. In order to account for the above constraints, concept planning should be undertaken as a whole in order to offer appropriate protection and enhancement to the public lands and natural features that are located throughout the area. Residential density targets will be an important consideration in future planning for the area and may need to be adjusted in order to protect and enhance the integrity of existing Title 13 and Goal 5 lands.
2. Undesignated lands surrounding the City of Banks and the City of North Plains provide the opportunity in the future for Washington County and each respective city to undertake Urban Reserve planning under OAR 660-021. It is the County's expectation that such planning will result in application of Urban Reserve and Rural Reserve designations in appropriate locations and quantities.

Urban and Rural Reserves In Multnomah County

Exhibit A to Intergovernmental Agreement
between Metro and Multnomah County

02/25/10



| | | | |
|--|---------------------|--|-------------------------|
| | Rural reserve areas | | County boundaries |
| | Urban reserve areas | | Urban centers |
| | Undesignated areas | | Reserve study area |
| | | | Urban growth boundaries |

0 1 2 Miles

**Intergovernmental Agreement
Between Metro and Multnomah County
To
Adopt Urban and Rural Reserves**

This Agreement is entered into by and between Metro and Multnomah County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of agreeing on the elements of an ordinance to be adopted by Metro designating Urban Reserves and of an ordinance to be adopted by Multnomah County designating Rural Reserves, all in Multnomah County.

PREFACE

This agreement will lead to the designation of Urban Reserves and Rural Reserves. Designation of the Urban and Rural Reserves by this agreement will help accomplish the purpose of the 2007 Oregon Legislature in enacting Senate Bill 1011, now codified in ORS 195.137 to 195.145 (“the statute”):

Facilitate long-term planning for urbanization in the region that best achieves

- Livable communities;
- Viability and vitality of the agricultural and forest industries; and
- Protection of the important natural landscape features that define the region.

RECITALS

WHEREAS, Metro and Multnomah, Washington and Clackamas Counties (“the four governments”) have declared their mutual interest in long-term planning for the three-county area in which they exercise land use planning authority to achieve the purpose set forth in the statute; and

WHEREAS, the Oregon Legislature enacted the statute in 2007, at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, the statute authorizes the four local governments to designate Urban Reserves and Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission (“LCDC”) adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their joint effort to designate reserves and to enter into formal agreements among them to designate

reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the statute and the rules set forth certain factors to be considered in the designation of reserves, and elements to be included in ordinances adopting reserves; and

WHEREAS, the four governments have followed the procedures and considered the factors set forth in the statute and the rule; and

WHEREAS, the four governments have completed an extensive and coordinated public involvement effort; and

WHEREAS, the four governments have coordinated their efforts with cities, special districts, school districts and state agencies in the identification of appropriate Urban and Rural Reserves;

NOW, THEREFORE, Metro and Multnomah County agree as follows:

AGREEMENT

- A. **Metro agrees** to consider the following policies and Urban Reserve designations at a public hearing and to incorporate them in the Regional Framework Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:
1. A policy that designates as Urban Reserves those areas shown as proposed Urban Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
 2. A policy that determines that the Urban Reserves designated by the Regional Framework Plan pursuant to this agreement are intended to provide capacity for population and employment between 2010 and 2060, a total of 50 years from the date of adoption of the ordinance designating the reserves.
 3. A policy that gives highest priority to Urban Reserves for future addition to the urban growth boundary (UGB).
 4. A map depicting the Urban Reserves adopted by Metro and the Rural Reserves adopted by Multnomah County following this agreement.
 5. A policy that Metro will not add Rural Reserves designated by ordinance following this agreement to the regional UGB for 50 years.
 6. A policy that Metro will not designate Rural Reserves as Urban Reserves for 50 years.
 7. A policy that Metro will require a "concept plan", the required elements of which will be specified in the Urban Growth Management Functional Plan in consultation with the county, for an area of Urban Reserves under consideration for addition to the UGB to be

completed prior to the addition. Concept plans shall include elements on finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Exhibit B and other subjects critical to the creation of great communities. Concept plans will provide that areas added to the UGB will be governed and planned by cities prior to urbanization.

8. A policy that Metro will review the designations of Urban and Rural Reserves, in coordination with Clackamas, Multnomah and Washington Counties, 20 years after the adoption of reserves by the local governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.

B. Multnomah County agrees to consider the following policies and Rural Reserve designations at a public hearing and to incorporate them in its Comprehensive Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:

1. A policy that designates as Rural Reserves the areas shown as proposed Rural Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
2. A map depicting the Rural Reserves designated by the Comprehensive Plan and the Urban Reserves adopted by Metro following this agreement.
3. A policy that Multnomah County will not include Rural Reserves designated pursuant to this agreement in the UGB of any city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
4. A policy that Multnomah County will not re-designate Rural Reserves as Urban Reserves in the county for 50 years from the date of adoption of the ordinance designating the reserves.
5. A policy that commits Multnomah County, together with an appropriate city, to participation in development of a concept plan for an area of Urban Reserves under consideration for addition to the UGB.
6. A policy that the county will review the designations of Urban and Rural Reserves, in coordination with Metro and Clackamas and Washington Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.

C. Multnomah County and Metro agree to follow this process for adoption of the ordinances that will carry out this agreement:

1. Each government will hold at least one public hearing on its draft ordinance prior to its adoption.

2. Metro and the county will hold their final hearings and adopt their ordinances no later than June 8, 2010.
3. If testimony at a hearing persuades Metro or Multnomah County that it should revise its ordinance in a way that would make it inconsistent with this agreement, then it shall continue the hearing and propose an amendment to the agreement to the other party and to Clackamas and Washington Counties.
4. If Multnomah County or Metro proposes an amendment to the agreement, the party proposing the agreement will convene the four governments to consider the amendment. Any objections or concerns raised by a government that is not party to this IGA shall be considered carefully and the four governments shall take reasonable, good faith steps to reach consensus on the amendment. After this consultation, Multnomah County and Metro may agree to an amendment.
5. Metro and Multnomah County will adopt a common set of findings, conclusions and reasons that explain their designations of Urban Reserves and Rural Reserves as part of their ordinances adopting the reserves. Metro and the county will incorporate maps into their respective plans that show both the Urban and Rural Reserves in Exhibit A to this agreement, with the county showing only the reserves in the county.
6. Metro and Multnomah County will establish, in coordination with Clackamas and Washington Counties, a process for making minor revisions to boundaries between Urban Reserves and undesignated land that can be made at the time of concept planning, and a process for making minor additions to Rural Reserves, with notice to, but without convoking all four reserves partners.
7. Within 45 days after adoption of the last ordinance adopting reserves of the four governments, Multnomah County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.

D. This agreement terminates on December 31, 2060.

MULTNOMAH COUNTY

METRO

Ted Wheeler
Chair, Multnomah County
Board of Commissioners

David Bragdon,
Metro Council President

Dated:

Dated:

Approved as to form:

Approved as to form:

Exhibit B to Agreement between Metro and Multnomah County

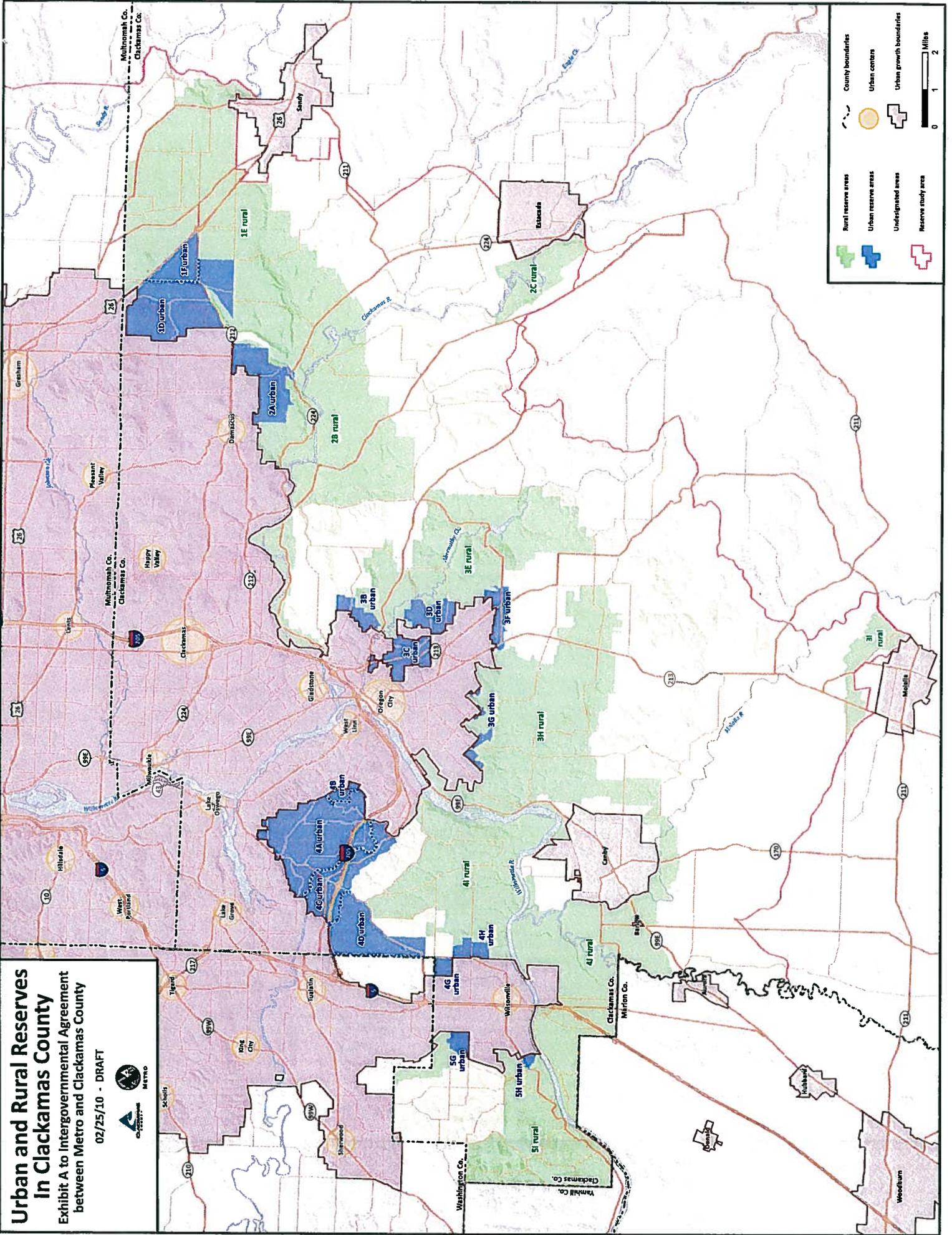
PRINCIPLES FOR CONCEPT PLANNING OF URBAN RESERVES

1. Concept planning for specific, enumerated Urban Reserves on the Urban and Rural Reserves map may occur separately and at different times.
2. A concept plan for any Urban Reserve area must be approved by the county, the city or cities who will govern the area and Metro.
3. The City of Gresham shall be invited to participate in concept planning of Urban Reserves in the area south of Lusted Road and west of SE 302nd, identified as Area 1C (Clackanomah) on the regional reserve map.
4. Concept plans shall provide that any area added to the UGB shall be governed by an existing city, or by a new city, with preferences to the following.
5. Concept planning for Urban Reserve areas that are suitable for industrial and other employment uses – such as portions of Clackanomah - will recognize the opportunity to provide jobs in this part of the region.
6. Concept planning for Urban Reserve areas that are suitable for a mix of urban uses – such as Area 1C – will recognize the opportunity to provide employment and mixed- use centers with housing at higher densities and employment at higher floor-to-area ratios, and will include designs for a walkable, transit-supportive development pattern.
7. Concept planning shall recognize environmental and topographic constraints and habitat areas and will reduce housing and employment capacity expectations accordingly.

Urban and Rural Reserves In Clackamas County

Exhibit A to Intergovernmental Agreement
between Metro and Clackamas County

02/25/10 - DRAFT



Legend

- Rural reserve areas (Green square)
- Urban reserve areas (Blue square)
- Undesignated areas (Light purple square)
- Reserve study area (Light pink square)
- County boundaries (Dashed line)
- Urban centers (Yellow circle)
- Urban growth boundaries (Black outline)

Scale: 0 1 2 Miles

**Intergovernmental Agreement
Between Metro and Clackamas County
To
Adopt Urban and Rural Reserves**

This Agreement is entered into by and between Metro and Clackamas County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of agreeing on the elements of an ordinance to be adopted by Metro designating Urban Reserves and of an ordinance to be adopted by Clackamas County designating Rural Reserves, all in Clackamas County.

PREFACE

This agreement will lead to the designation of Urban Reserves and Rural Reserves. Designation of the Urban and Rural Reserves by this agreement will help accomplish the purpose of the 2007 Oregon Legislature in enacting Senate Bill 1011, now codified in ORS 195.137 to 195.145 (“the statute”):

Facilitate long-term planning for urbanization in the region that best achieves

- Livable communities;
- Viability and vitality of the agricultural and forest industries; and
- Protection of the important natural landscape features that define the region.

RECITALS

WHEREAS, Metro and Multnomah, Washington and Clackamas Counties (“the four governments”) have declared their mutual interest in long-term planning for the three-county area in which they exercise land use planning authority to achieve the purpose set forth in the statute; and

WHEREAS, the Oregon Legislature enacted the statute in 2007, at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, the statute authorizes the four local governments to designate Urban Reserves and Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission (“LCDC”) adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their joint effort to designate reserves and to enter into formal agreements among them to designate

reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the statute and the rules set forth certain factors to be considered in the designation of reserves, and elements to be included in ordinances adopting reserves; and

WHEREAS, the four governments have followed the procedures and considered the factors set forth in the statute and the rule; and

WHEREAS, the four governments have completed an extensive and coordinated public involvement effort; and

WHEREAS, the four governments have coordinated their efforts with cities, special districts, school districts and state agencies in the identification of appropriate Urban and Rural Reserves;

NOW, THEREFORE, Metro and Clackamas County agree as follows:

AGREEMENT

- A. **Metro agrees** to consider the following policies and Urban Reserve designations at a public hearing and to incorporate them in the Regional Framework Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:
1. A policy that designates as Urban Reserves those areas shown as proposed Urban Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
 2. A policy that determines that the Urban Reserves designated by the Regional Framework Plan pursuant to this agreement are intended to provide capacity for population and employment between 2010 and 2060, a total of 50 years from the date of adoption of the ordinance designating the reserves.
 3. A policy that gives highest priority to Urban Reserves for future addition to the urban growth boundary (UGB).
 4. A map depicting the Urban Reserves adopted by Metro and the Rural Reserves adopted by Clackamas County following this agreement.
 5. A policy that Metro will not add Rural Reserves designated by ordinance following this agreement to the regional UGB for 50 years.
 6. A policy that Metro will not designate Rural Reserves as Urban Reserves for 50 years.
 7. A policy that Metro will require a "concept plan", the required elements of which will be specified in the Urban Growth Management Functional Plan in consultation with the county, for an area of Urban Reserves under consideration for addition to the UGB to be

completed prior to the addition. Concept plans shall include elements on finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Exhibit B and other subjects critical to the creation of great communities. Concept plans will provide that areas added to the UGB will be governed and planned by cities prior to urbanization.

8. A policy that Metro will review the designations of urban and rural reserves, in coordination with Clackamas, Multnomah and Washington Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.

B. Clackamas County agrees to consider the following policies and Rural Reserve designations at a public hearing and to incorporate them in its Comprehensive Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:

1. A policy that designates as Rural Reserves the areas shown as proposed Rural Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
2. A map depicting the Rural Reserves designated by the Comprehensive Plan and the Urban Reserves adopted by Metro following this agreement.
3. A policy that Clackamas County will not include Rural Reserves designated pursuant to this agreement in the UGB of any city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
4. A policy that the county will not re-designate Rural Reserves as Urban Reserves for a city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
5. A policy that commits the county, together with an appropriate city or cities, to participation in development of a concept plan for an area of Urban Reserves under consideration for addition to the UGB.
6. A policy that the county will review the designations of Urban and Rural Reserves, in coordination with Metro and Multnomah and Washington Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.

C. Clackamas County and Metro agree to follow this process for adoption of the ordinances that will carry out this agreement:

1. Each government will hold at least one public hearing on its draft ordinance prior to its adoption.

2. Metro and the county will hold their final hearings and adopt their ordinances no later than June 8, 2010.
 3. If testimony at a hearing persuades Metro or the county that it should revise its ordinance in a way that would make it inconsistent with this agreement, then it shall continue the hearing and propose an amendment to the agreement to the other party and to Multnomah and Washington Counties.
 4. If Clackamas County or Metro proposes an amendment to the agreement, the party proposing the agreement will convene the four governments to consider the amendment. Any objections or concerns raised by a government that is not party to this IGA shall be considered carefully and the four governments shall take reasonable, good faith steps to reach consensus on the amendment. After this consultation, Clackamas County and Metro may agree to an amendment.
 5. Metro and Clackamas County will adopt a common set of findings, conclusions and reasons that explain their designations of Urban Reserves and Rural Reserves as part of their ordinances adopting the reserves. Metro and the county will incorporate maps into their respective plans that show both the Urban and Rural Reserves in Exhibit A to this agreement, with the county showing only the reserves in the county.
 6. Metro and Clackamas County will establish, in coordination with Multnomah and Washington Counties, a process for making minor revisions to boundaries between Urban Reserves and undesignated land that can be made at the time of concept planning, and a process for making minor additions to Rural Reserves, with notice to, but without convoking all four reserves partners.
 7. Within 45 days after adoption of the last ordinance adopting reserves of the four governments, Clackamas County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.
- D. **Clackamas County and Metro further agree** to work with the city of Sandy to revise their three-party Intergovernmental Agreement on Green Corridors and Rural Reserve and Population Coordination, dated December 3, 1997, to ensure protection of visual resources along U.S. Highway 26 between the Metro urban growth boundary and the Sandy urban growth boundary.
- E. This agreement terminates on December 31, 2060.

CLACKAMAS COUNTY

METRO

Lynn Peterson
 Chair, Clackamas County
 Board of Commissioners

David Bragdon,
 Metro Council President

Dated:

Approved as to form:

Dated:

Approved as to form:

Exhibit B to Agreement between Metro and Clackamas County

PRINCIPLES FOR CONCEPT PLANNING OF URBAN RESERVES

1. Concept planning for specific, enumerated Urban Reserves on the Urban and Rural Reserves map may occur separately and at different times.
2. A concept plan for any Urban Reserve area must be approved by the county, the city or cities who will govern the area and Metro, with ample opportunities for public involvement, including recognized citizen involvement entities, such as community planning organizations, hamlets and neighborhood associations. Concept plans will recognize community-based planning efforts such as the Stafford Hamlet Values & Vision Statement.
3. The following cities shall be invited to participate in concept planning of the following Urban Reserves:
 - Areas 1D and 1F (Clackanomah) – Damascus, Gresham and Sandy
 - Area 3C (Newell Creek Canyon/Holly Lane) – Oregon City
 - Area 4A and 4B (North Stafford Area) – Tualatin, Lake Oswego and West Linn
 - Area 4C (North Borland Road) - Tualatin, Lake Oswego and West Linn
4. Concept plans shall provide that any area added to the UGB shall be governed by one or more of the following cities, or a new city, with preferences to the following:
 - Areas 1D and 1F (Clackanomah) – Damascus and Gresham
 - Area 3C (Newell Creek Canyon/Holly Lane) – Oregon City
 - Area 4A and 4B (North Stafford Area) – Tualatin, Lake Oswego and West Linn
 - Area 4C (North Borland Road) - Tualatin, Lake Oswego and West Linn
5. Concept planning for Urban Reserve areas that are suitable for industrial and other employment uses – such as portions of Clackanomah and the Borland Road area - will recognize the need to provide jobs in this part of the region and will recognize that portions of the areas are intended principally to meet employment needs.
6. Concept planning for Urban Reserve areas that are suitable for a mix of urban uses – such as the Borland Road area – will recognize the opportunity to provide employment and mixed-use centers with housing at higher densities and employment at higher floor-to-area ratios, and will include designs for a walkable, transit-supportive development pattern.
7. Concept planning shall recognize environmental and topographic constraints and habitat areas, such as the buttes in the Clackanomah area, Newell Creek Canyon in Urban Reserve Area 3C and the riparian areas along creeks in the North Stafford Area. These areas include important natural features and sensitive areas that are not appropriate for urban development. Concept planning will reduce housing and employment capacity expectations accordingly.

8. Concept planning for the portion of the Clackanomah area along Highway 26 will recognize the need to provide and protect a view corridor considering, among other things, landscaping, signage and building orientation. Metro and Clackamas County also recognize the need to work with the City of Sandy to revise the existing intergovernmental agreement among the parties.

WORK SESSION ITEMS

PowerPoint?

1. Land Use Application Fees (Comm. Dev.)
2. Fee Schedule Update (Comm. Dev.)
3. Tonquin Employment Area Update (Comm. Dev.)
- 4.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. Oregon Festival & Event Association award "Best Festival/Event" award for 2009 Pumpkin Regatta
2. Tree City USA / Arbor Week Presentation
3. Police Officers Swearing-In (Matthew Messina, Matthew Randolph, Evelina Powlison, Seth Cecilian)
4. Crime Reports on City Web Page – Police (Chief Barker)
5. Proclamation – CDBG

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. URAC Annual Report -TDC (Comm. Dev.)
3. TPAC Annual Report (Comm. Dev.)
4. Resolution UPAA Amendment with Washington County (Comm. Dev.) (Tentative)
5. Budget Adjustments (Finance)
6. *New* Liquor License Application – Agave Grill
7. Resolution – CUP-10-01 MITCH Charter School

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA-09-10 CURD Maximum Indebtedness (City agenda) (Legislative) (Comm. Dev.)
- 2.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Acceptance of SW Concept Plan [tentative]
2. Ordinance Core Area Parking District Tax (Comm Dev)
3. Picnic Shelter Name (Comm Servs)
- 4.

EXECUTIVE SESSION ITEMS

- 1.

WORK SESSION ITEMS

PowerPoint?

1. Presentation on survey results by NRC representatives (1 hr)
2. Neighborhood Traffic Mitigation Process (*Stop Sign/Speed Hump Review*) (Eng)
3. Volunteer of the Year selection
- 4.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update
2. 3rd Annual Health and Safety Fair Announcement (April 17)
3. Proclamation – Volunteer Appreciation Week April 18-24, 2010 (Volunteer Svcs.)
4. 2010 Crawfish Festival Announcement – Chamber of Commerce
5. Proclamation – Earth Day

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Resolution Fee Schedule Update (Comm. Dev.)
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA-10-01 Doggie Day Care in CG (**Legislative**) (Comm. Dev.)
- 2.
- 3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Ordinance regarding filming in city limits (Comm.Dev.)
- 2.
- 3.
- 4.
- 5.

EXECUTIVE SESSION ITEMS

- 1.

MEETING DATE: Tuesday, April 13, 2010
LOCATION: TBD

start time: 6p

SPECIAL WORK SESSION ITEMS

PowerPoint?

1. FY 10/11 Budget Discussion

2.

3.

4.

5.

WORK SESSION ITEMS

PowerPoint?

1. PTA-09-03 Historic Regs Update (Comm. Dev.)

2. PTA-09-04 Tree Preservation Regs Phase 3 (Comm. Dev.)

3. Advisory Committee Update

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. Tualatin Tomorrow – Growth/Housing/Town Center

2. Historic Week Proclamation (Comm. Dev.)

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2.

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. CUP-09-07 Doggie Day Care (**Quasi-judicial**) (Comm. Dev.) (*Tentative*)

2.

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1.

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.

WORK SESSION ITEMS

PowerPoint?

1. PTA-09-09 CUP Criteria and List of Uses (Comm. Dev.)

2.

3.

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update

2.

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2.

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA -08-06 Sign Design Standards (**Legislative**) (Comm. Dev.)

2.

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Clackamas County TDT ordinance

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.

March

| <i>Sun</i> | <i>Mon</i> | <i>Tue</i> | <i>Wed</i> | <i>Thu</i> | <i>Fri</i> | <i>Sat</i> |
|---|--|--|--|---|---|---|
| | 1 6:00p CIC Meeting 6:30p Tualatin Tomorrow-Tualatin Road Extension Forum Police Dept. Training Room | 2 11:30a – Tasty Tuesday (Costco Wilsonville) 6:30p TLAC | 3 | 4 7:30a Key Leaders Breakfast (Country Club) 6:45p Clackamas County C-4 Meeting @ County Develop. Services Bldg. | 5 7:30a Chamber Networking Sponsored by True Health Med. @ Heritage Center, | 6 |
| 7 7a-5p ERCU – Lake of Commons | 8 5:00p Work Session 7:00p Council/TDC Mitg | 9 11:30a – Tasty Tuesday (Hayden's) 6:00p TPARK | 10 | 11 7:00p TPAC Meeting, Council Chambers | 12 7:30a Chamber Networking @ Lakeside Dental, 8225 SW Tualatin Sherwood Road | 13 NLC Conference (Washington D.C.) |
| 14 NLC Conference (Washington D.C.) | 15 NLC Conference (Washington D.C.) | 16 NLC Conference (Washington D.C.) 11:30a – Tasty Tuesday (Cheer Me Up Coffee) 6:30p TAAC | 17 NLC Conference (Washington D.C.) 5:30p Chamber Alive After Five @ Farmers Insurance, 8380 SW Nyberg Ste. B | 18 NLC Conference (Washington D.C.) 11:30a Chamber Luncheon @ Hayden's Lakefront Grill | 19 7:30a Chamber Networking sponsored by TKM Design @ Heritage Center | 20 |
| 21 | 22 5:00p Work Session 7:00p Council/TDC Mitg | 23 | 24 | 25 | 26 7:30a Chamber Networking sponsored by Clackamas Women's Services @ VFW, 18820 SW Boones Ferry Rod. | 27 |
| 28 | 29 11:30a – Tasty Tuesday (Holiday Inn-Wilsonville) 6:30p Tualatin Tomorrow VIC Meeting @ Heritage Center | 30 | 31 | | | |

2010

April

| <i>Sun</i> | <i>Mon</i> | <i>Tue</i> | <i>Wed</i> | <i>Thu</i> | <i>Fri</i> | <i>Sat</i> |
|--|--|---|------------|---|------------|---|
| | | | | 1 6:45p Clackamas County C-4 Meeting @County Develop. Services Bldg. | 2 | 3 Time? Easter Egg Hunt (TCP) |
| 4 | 5 6:00p CIC Meeting | 6 11:30a - Tasty Tuesday (Bellagio's Pizza) | 7 | 8 7:00p TPAC Meeting, Council Chambers | 9 | 10 8:30a Reason to Run (TCP) |
| 11 7a-5p ERCU - Lake of Commons | 12 5:00p Work Session 7:00p Council/TDC Mtg | 13 11:30a - Tasty Tuesday (Mashita's) 6:00p Sp. Work Session: Budget review | 14 | 15 7:00p Urban Renewal Advisory Committee, City Offices 18876 SW Martinazzi Avenue | 16 | 17 10a-1p Health & Safety Fair (Pohl Center) |
| 18 | 19 | 20 11:30a - Tasty Tuesday (Hot Seat) | 21 | 22 11:30a Chamber Celebrate Tualatin Luncheon @ Country Club 5:30p Volunteer BBQ @ Hazelbrook | 23 | 24 |
| 25 | 26 5:00p Work Session 7:00p Council/TDC Mtg | 27 11:30a - Tasty Tuesday (Fred Meyer) 6:30p Tualatin Tomorrow VIC Steering Committee; Council Chambers | 28 | 29 | 30 | |

2010

May

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|------------------------------|---|--|---|---|--|--|
| | | | | | | 1 |
| 2 | 3 6:00p CIC Meeting | 4 11:30a - Tasty Tuesday (Famous Dave's) | 5 | 6 5p Metro RTP Public Hearing 6:45p Clackamas County C-4 Meeting @ County Develop. Services Bldg. | 7 | 8 10-2:00p Bulky Waste Day @ Allied in Wilsonville |
| 9 | 10 5:00p Work Session: 1st Budget Committee Mtg. 7:00p Council/TDC Mtg | 11 5:30p-7:30p Tualatin Tomorrow Annual Event; Juanita Pohl Center | 12 | 13 7:00p TPAC Meeting, Council Chambers | 14 9:30a YAC Project F.R.I.E.N.D.S. | 15 10-2:00p Yard Debris Drop Off Event @ Grimm's Fuel |
| 16 | 17 Chamber Crawdaddy Open Golf Tournament | 18 | 19 12:00p Core Area Parking District Board, Council Chambers | 20 | 21 | 22 |
| 23 | 24 Public Works Week 2010 | 25 | 26 | 27 | 28 | 29 |
| 7a-5p ERCU - Lake of Commons | 5:00p Work Session 7:00p Council/TDC Mtg | 6:00p 2nd Budget Committee Meeting 6:30p Tualatin Tomorrow VIC Steering Committee | | | | |
| 30 | 31 Memorial Day Holiday CITY OFFICES AND LIBRARY CLOSED | | | | | |
| | | | | | | |

2010