TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION

Monday, May 10, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Chris Barhyte
Councilor Monique Beikman
Councilor Joelle Davis
Councilor Jay Harris
Councilor Donna Maddux
Councilor Ed Truax

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 18878 SW Martinazzi Avenue, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

Council meetings are televised "live" on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS FOR PUBLIC HEARINGS

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

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; ORS *192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 92.660(2)(m)* security issues. **All discussions within this session are confidential**. Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.

OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR MAY 10, 2010

A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Page No.

1. Tualatin Youth Advisory Council – Project F.R.I.E.N.D.S. Update.. 5
2. New Employee Introductions – *David Valenzuela, Operations*
3. "Pedaling in the Park" Bicycle Event Presentation.. 13
4. Proclamation Designating the Month of May 2010 as "National Community Action Month".........14 in the City of Tualatin
5. Proclamation Designating May 16 – 22, 2010 "Public Works Week" in the City of Tualatin.........15
6. Proclamation Designating the Week of May 16 – 22, 2010 as "Emergency Medical Services Week" in the City of Tualatin – *MetroWest Ambulance Representative Justin Scott*......16
7. *Library Food for Fines with Tualatin School House Pantry*.. ..17
8. *Walk & Bike to School Day*..20
9. Commuter Rail / High Speed Rail Update

C. CITIZEN COMMENTS
This section of the agenda allows citizens to address the Commission regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA *(Item No. 1)*

Page No.

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Resolution No. **4973-10** Awarding the Bid for the Aquifer Storage and Recovery Well Rehabilitation..............21

E. PUBLIC HEARINGS – *Legislative or Other*

Page No.

1. Public Hearing to Consider an Ordinance Relating to Sign Design Standards and Review for Freestanding Signs in Commercial Planning Districts and Non-Conforming Signs; Amending Provisions and TDC 20; 31.071; 35.200; and 38.220 and Adding a New Section 38.075 (PTA-08-06).......................26

F. PUBLIC HEARINGS – *Quasi-Judicial*
None.

G. GENERAL BUSINESS

Page No.

1. Ordinance No. **1301-10** Establishing a Transportation Development Tax; and Adding a New Chapter 2-8, to the Tualatin Municipal Code 96

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT

CITY COUNCIL SIGN-UP SHEET

DATE: May 10, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

Council Update May 10, 2010

TUALATIN YOUTH ADVISORY COUNCIL

Project F.R.I.E.N.D.S.

(Finding Relations In Every New Diverse Student)

- Friday, May 14th
- Day long anti-stereotyping workshop for 5^{th} graders
- Bridgeport and Tualatin Elementary will be participating
- Washington County Commission on Children and Families

Project F.R.I.E.N.D.S

- Updated curriculum
  - More interactive
  - Less lecture
- Revised schedule
  - Shorter lunch period
  - More time for lessons

Project F.R.I.E.N.D.S

- Pre-workshop visits to Bridgeport and Tualatin Elementary Schools were held on April 23rd and 28th.
- We discussed stereotypes, watched the video, and took a survey.

Project F.R.I.E.N.D.S

- Stay tuned for the Project F.R.I.E.N.D.S video!

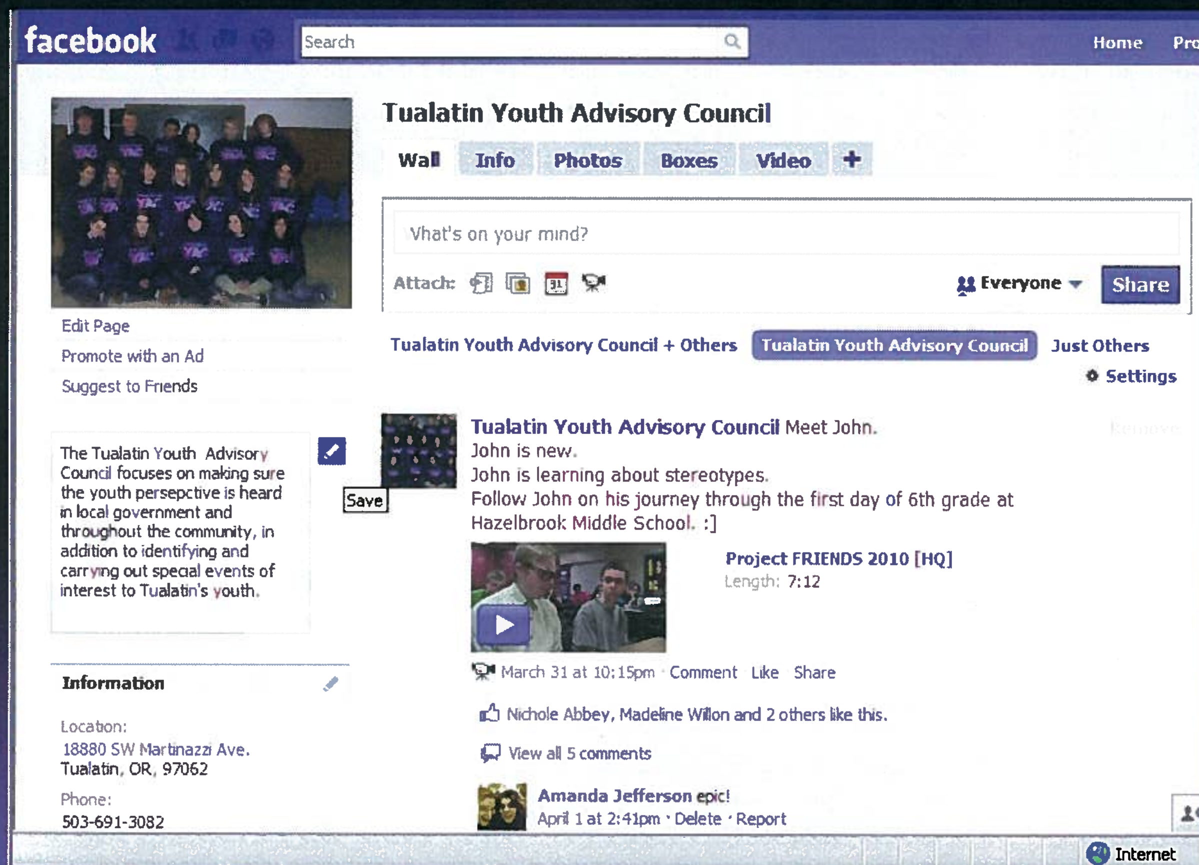
Movies on the Commons

- This Summer's movies are:

July 3	Astro Boy
July 10	The Spy Next Door
July 17	Shark Tale
July 24	Monsters vs. Aliens
July 31	Where the Wild Things Are
August 7	Cloudy With a Chance of Meatballs
August 14	The Goonies
August 21	Up

Other YAC activities

- New member recruitment begins May 24!
- Become a fan of the YAC on Facebook!




TUALATIN YAC
See you next month!

Wheel be rollin'!

City of Tualatin's

Pedaling in the Park

Family fun ride and kids' bike rodeo!

Sunday, May 23, 2010

Tualatin Commons

9:00 a.m. to 1:00 p.m.

Rain or shine!

FREE! Registration not required

FREE! Registration not required

Bring the whole family to join in the fun as we close down city streets to ride from the Tualatin Commons to Community Park and across the Tualatin River.

Free kids bike safety and skills development activities at 9:00 a.m.
Family fun ride at 10:45 a.m.

Prizes * Wacky Bike Games * Food Concessions * Fun

Questions? Call 503.691.3061
www.ci.tualatin.or.us

City of Tualatin

Proclamation

Proclamation Declaring May 2010 as "National Community Action Month" in the City of Tualatin

WHEREAS Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

WHEREAS Community Action Agencies have a 40-plus year history of promoting self sufficiency for the limited income; and

WHEREAS Community Action Agencies have made an essential contribution to individuals and families in Oregon, by providing them with innovative and cost-effective programs; and

WHEREAS Community Action Agencies are needed as major participants in the reform of the welfare system as we know it; and

WHEREAS welfare reform in Oregon has benefited from the state's partnership with community action agencies; and

WHEREAS the limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

WHEREAS Oregon and the entire United States must continue to wage war on poverty by providing support and opportunities for all citizens in need of assistance.

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

The month of May 2010 is hereby proclaimed COMMUNITY ACTION MONTH in the City of Tualatin in recognition of the hard work and dedication of Tualatin's Community Action agencies.

INTRODUCED AND ADOPTED this 10th day of May, 2010.

CITY OF TUALATIN, OREGON

BY________________________
Mayor

ATTEST:

BY________________________
City Recorder

Proclamation

PROCLAIMING MAY 16-22, 2010
PUBLIC WORKS WEEK IN THE CITY OF TUALATIN

WHEREAS public works services in our community are an integral part of our citizens' everyday lives; and

WHEREAS the support of an understanding and informed citizenry is vital to the efficient operation and construction of public works systems such as water, sewers, streets, parks, and drainage and programs such as building maintenance, park maintenance, emergency management, and solid waste management; and

WHEREAS the health, safety, and comfort of this community greatly depend on design, construction, operation, and maintenance of these facilities and services; and

WHEREAS the quality and effectiveness of these facilities, as well as their planning, design, construction, and maintenance are vitally dependent upon the efforts and skill of public works employees and officials; and

WHEREAS the efficiency of the qualified and dedicated personnel who provide public works is materially influenced by the people's attitude and understanding of the importance of the work they perform.

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

Section 1. May 16 through 22, 2010, is proclaimed as PUBLIC WORKS WEEK in the City of Tualatin.

Section 2. Tualatin residents are urged to acquaint themselves with the issues involved in providing our public works services and to recognize the contributions that public works employees and officials make every day to our health, safety, comfort, and quality of life.

INTRODUCED AND ADOPTED this 10th day of May, 2010.

CITY OF TUALATIN

By ______________________
Mayor

ATTEST:

By ______________________
City Recorder

Proclamation

PROCLAMATION DESIGNATING THE WEEK OF MAY 16 - 22, 2010 AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF TUALATIN

WHEREAS Emergency Medical Services (EMS) is a vital service to the community, the members of emergency medical service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week. This year's National theme, "Anytime, Anywhere, We'll be there," underscores the commitment and dedication of the EMS providers who serve Oregon; and

WHEREAS access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury. As this year's theme emphasizes, it's important that we publicize safety and honor the dedication of those who provide the day-to-day lifesaving services of medicines' "front line." The brave men and women who serve as EMS providers are often first on the scene of a disaster, a motor vehicle crash or other event that may place them in a hazardous environment; and

WHEREAS emergency medical service teams consist of emergency physicians, emergency room nurses, emergency medical technicians, paramedics, firefighters and emergency medical dispatchers, the members of emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. Our citizens of Northwest Oregon benefit daily from the knowledge and skill of these highly trained individuals. It is appropriate to recognize the value and accomplishments of emergency medical service providers by designating Emergency Medical Services Week.

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

The week of May 16 – 22, 2010 is hereby proclaimed *Emergency Medical Services Week* in the City of Tualatin and everyone in the community is encouraged to observe this week with appropriate programs, ceremonies, and activities.

INTRODUCED AND ADOPTED this 10th day of May, 2010.

CITY OF TUALATIN, OREGON

BY ______________________
Mayor

ATTEST:

BY ______________________
City Recorder

Food for Fines Program
May 9-15

Tualatin Public Library

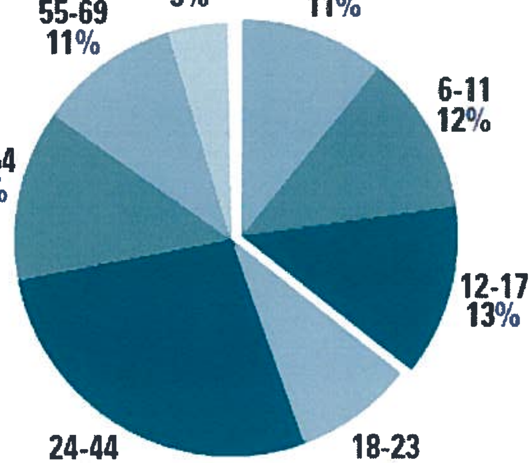
Tualatin School House Pantry

TUALATIN SCHOOL HOUSE PANTRY

"... because we care"

Phone: (503) 783-0721
pantry@schoolhousepantry.org

36% of those receiving food are children



Ages of food recipients

- Clients are given a 3 - 5 day supply of food including fresh milk, eggs and meat.
- Pantry serves 450 families each month.
- Service area includes Tualatin, Durham, Lake Oswego and West Linn

Food for Fines

- Donate 1 lb of food at the Library
- Receive $1 credit off your library fines (up to $10)
- Certificate is good for one year.

Tualatin Public Library
Community Services Dept.
18878 SW Martinazzi Ave.
503-691-3074
www.tualatinlibrary.org

Washington County
Cooperative Library Services

Walk + Bike to School Day

- May 5, 2010
- Thank you to Councilors Barhyte and Beikman for all their hard work!
- The fun continues all month with the Walk + Bike to School Challenge!

HIGH SPEED RAIL UPDATE
May 10, 2010

- Provide background before ODOT open houses on HSR Goals.
- Slides are from other presentations.
- Commentary is combinations of others and mine.

Schedule

May 13, 2010 4:30-6:30 p.m.
ODOT Transportation Building
Conference Room 122
355 Capitol St NE,
Salem, OR

May 18, 2010 4:30-6:30 p.m.
Campbell Center
155 High Street
Eugene, OR

May 19, 2010 4:30-6:30 p.m.
ODOT Region 1 Office
Conference Room A & B
123 NW Flanders
Portland, OR

May 20, 2010 4:30-6:30 p.m.
Wilsonville City Hall
City Council Chambers
29799 SW Town Center Loop
Wilsonville, OR

May 25, 2010 4:30-6:30 p.m.
Albany City Hall
333 Broadalbin Street SW
Albany, OR

May 26, 2010 4:30-6:30 p.m.
Oregon City City Hall
Commission Chambers
625 Center Street
Oregon City, OR

June 2, 2010 4:30-6:30 p.m.
Woodburn City Hall
270 Montgomery Street
Woodburn, OR

June 3, 2010 4:30-6:30 p.m.
Lake Oswego City Hall
Council Chambers
380 A Ave.
Lake Oswego, OR

June 9, 2010 4:30-6:30 p.m.
Junction City City Hall
680 Greenwood Street
Junction City, OR

Oregon Department of Transportation

Passenger Rail in Oregon

Presented to
Northwest Corridor Rail Summit
March 9, 2010

Kelly Taylor
Rail Division Administrator
Oregon Department of Transportation

Oregon Department of Transportation

Oregon Department of Transportation

Passenger Rail

Pacific Northwest Rail Corridor, 1992

Amtrak *Cascades & Coast Starlight* Service

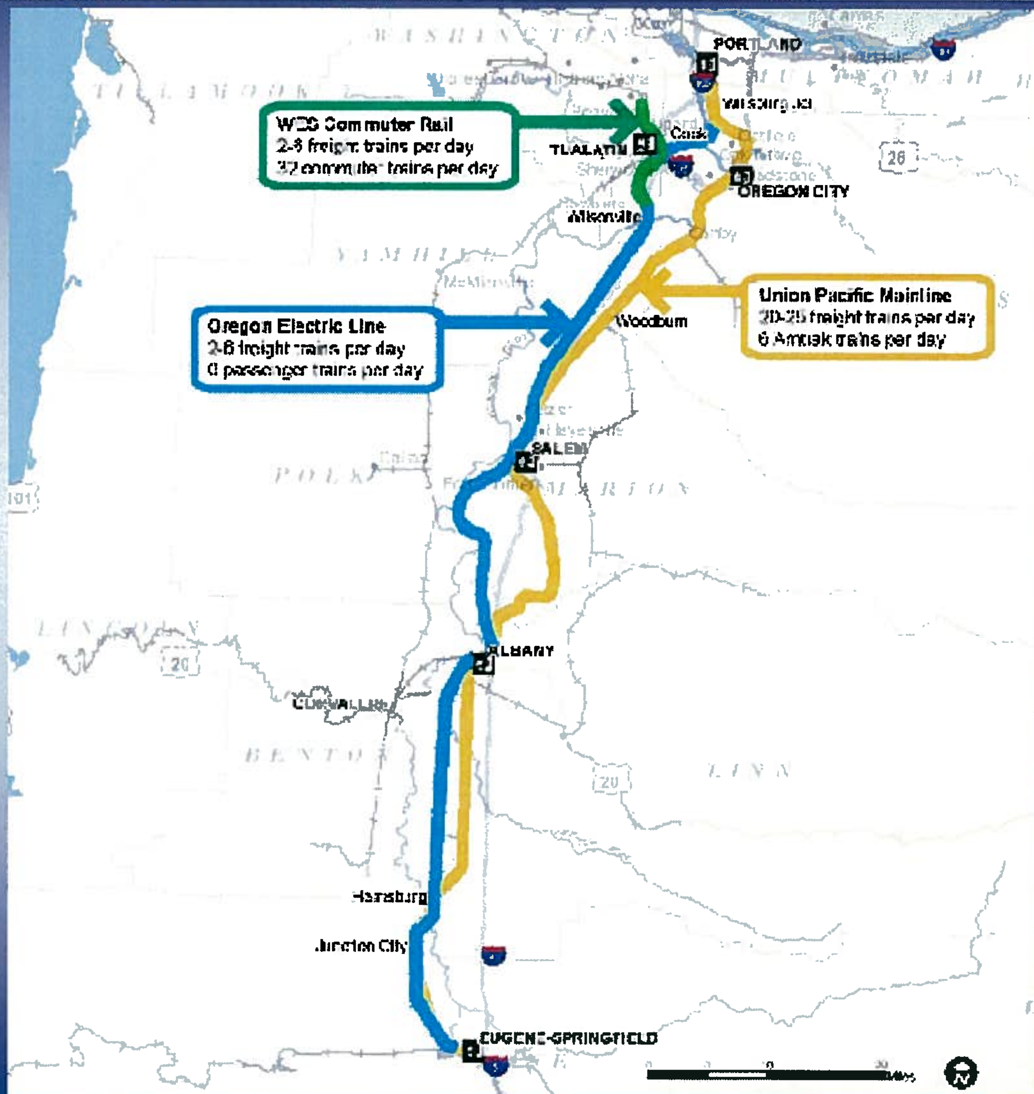
Oregon segment 124 miles

Draft Goals

- Increase round trips from 2 to 6+
- Increase average speed from 42 to 65 MPH
- Increase maximum speed from 79 to 110 MPH
- Increase on-time performance from 68% to 95%
- Reduce carbon emissions
- Avoid increased highway costs
- Enhance intermodal connections

Eugene to Portland in 1 hour 55 minutes

Oregon Department of Transportation



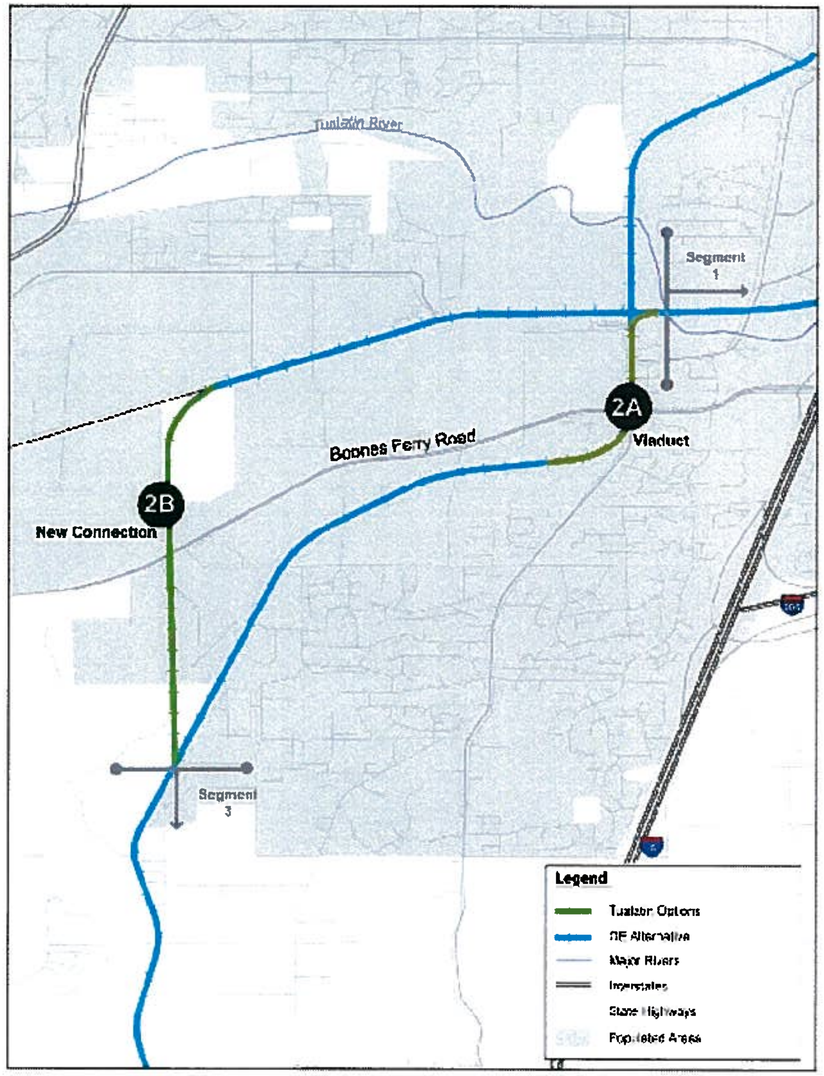
Where to Grow?

UP

OE

Other

Figure 4. Options for Segment 2 (Tualatin Area) of the OE Alternative



Cascadia High-Speed Rail

Cascadia High-Speed Railvolution

The high performance electric-based program Rail

Designed and Produced by

Rudy Niederer and Brad Perkins

The Stations

Eugene – Franklin Blvd and Agate Street

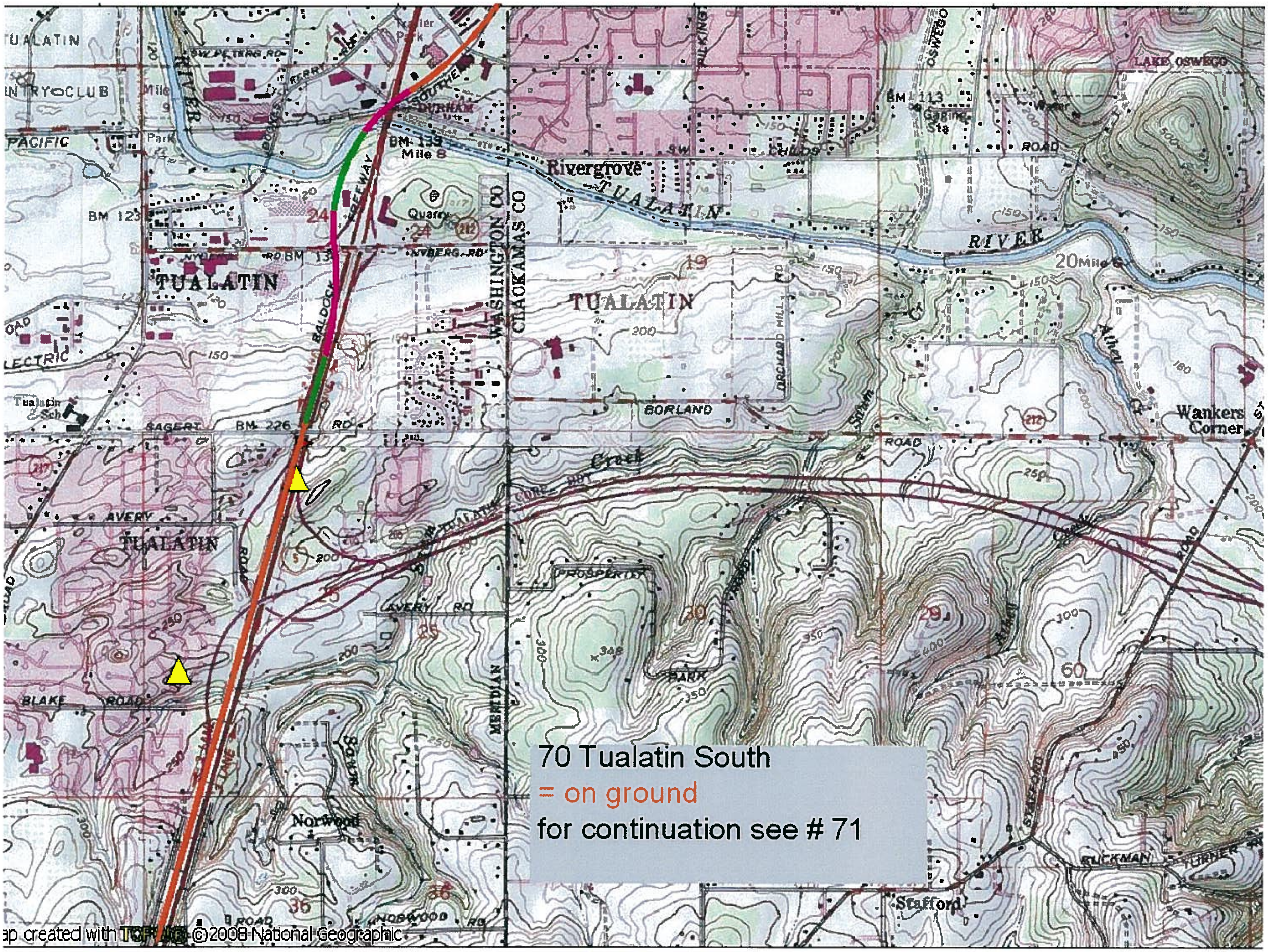
Albany – I-5 and Hwy 20

Salem – I-5 and State Street

Tualatin SW Nyberg Street and SW 75th Avenue

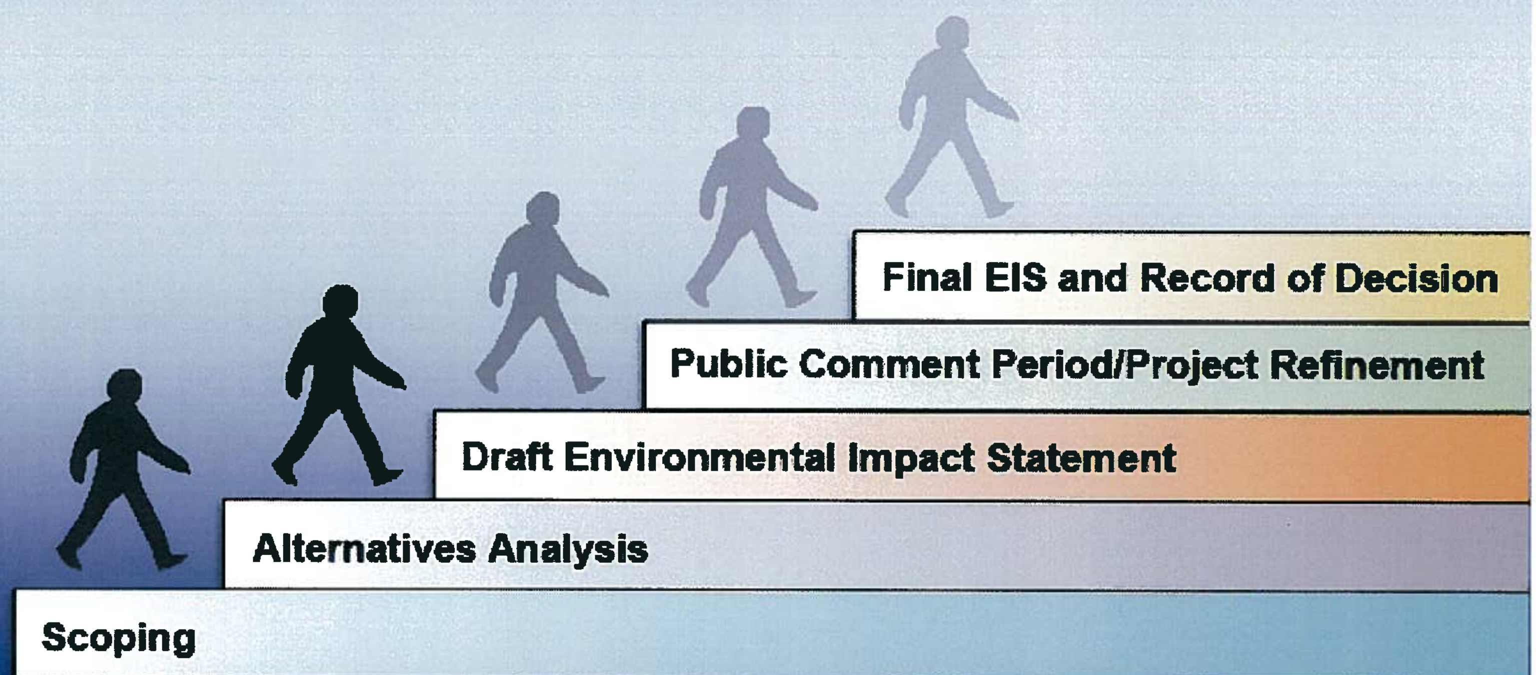
Portland – rose Quarter and Interstate Boulevard

Vancouver WA – 39th Street


70 Tualatin South
= on ground
for continuation see # 71
TUALATIN
Rivergrove
TUALATIN RIVER
WASHINGTON CO
CLACKAMAS CO
BORLAND
Wankers Corner
PROSPERITY
MERIDIAN
Norwood
Stafford
LAKE OSWEGO
BLAKE ROAD
AVERY
SAGERT
NYBERG RD
BALDOCK
FREEWAY
Quarry
Map created with TOPO! ©2008 National Geographic

Oregon Department of Transportation

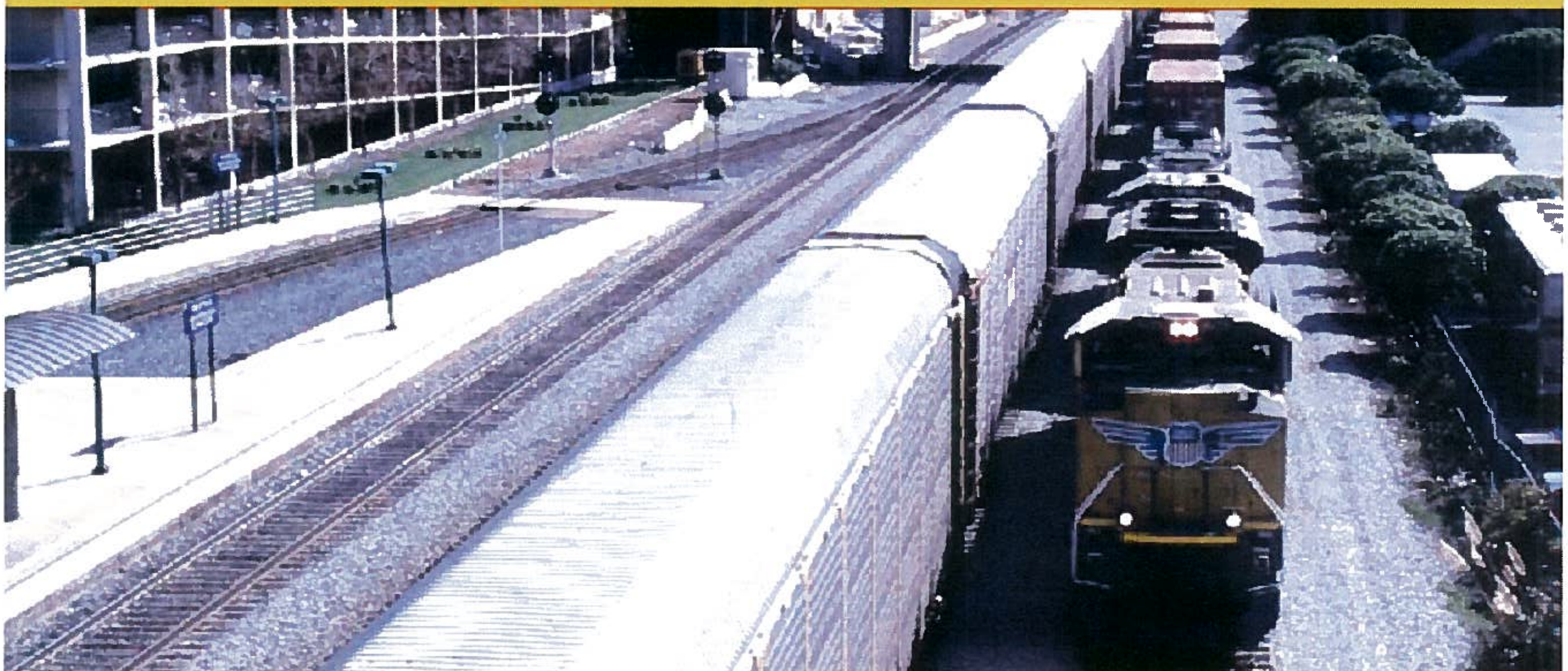
NEPA / PE Process Steps



Passenger Rail Solutions – Balanced Approach

Northwest Corridor Rail Summit – March 9, 2010

Brock Nelson – Director of Public Affairs



UNION PACIFIC

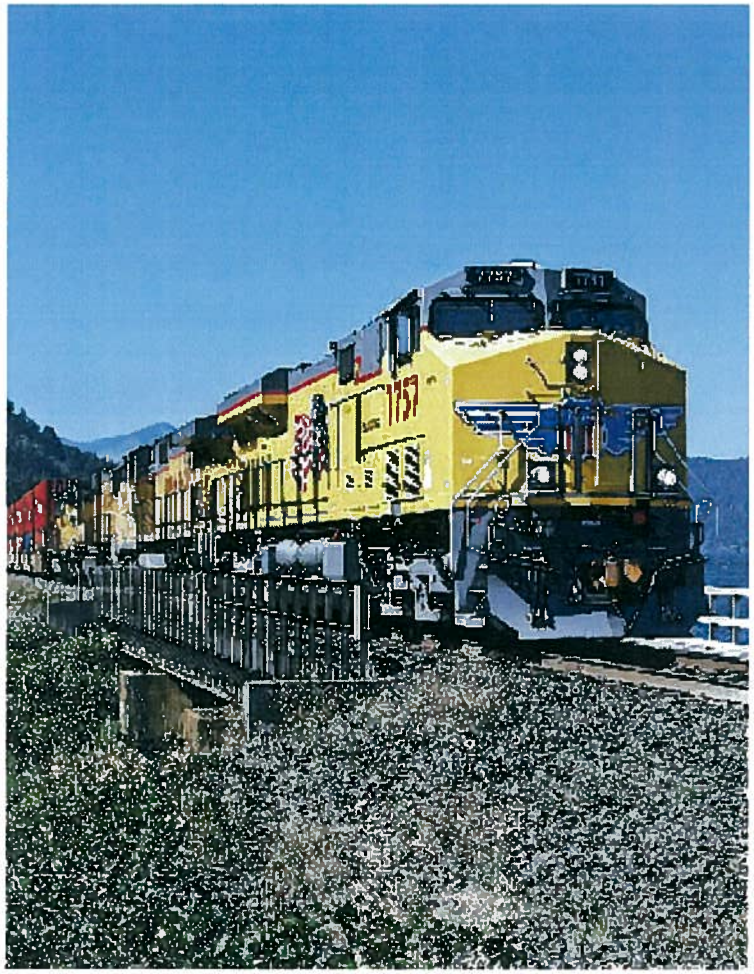
BUILDING AMERICA®

Both Passenger & Freight Solutions Required

- Communities <u>want passenger</u> rail transportation to . . .
  - Reduce traffic congestion
  - Avoid/reduce road construction and maintenance
  - Provide answer to future capacity needs

- Communities <u>depend on freight</u> rail transportation to . . .
  - Supply the goods they use everyday (food, vehicles, energy)
  - Reduce dependency on foreign oil through its fuel efficiency
  - Lower emissions by two thirds
  - Reduce highway congestion
  - Make products affordable by means of cost-effective shipping
  - Support infrastructure with private funds – not taxpayer dollars

Principles for Achieving Appropriate Balance



- Safe commuter and freight operations
- Reliable service for passengers and freight customers
- Protect capacity to accommodate future freight traffic growth
- Market-based compensation and no additional exposure to liability

Commuter/Intercity Passenger Rail

- UP is willing to discuss passenger rail proposals
- Safety must be priority
  - Separate track/right-of-way preferable
  - Positive Train Control systems must be present
  - Commuter agencies must meet all UP and FRA safety standards and fund all incremental safety requirements
- Freight service must not be compromised
  - Including UP's ability to expand, operate on demand, service existing customers and locate new customers
- Commuter growth capacity must be funded by commuter agency and freight growth capacity must be protected
- Commuter agencies must indemnify/protect UP against all liability
- Commuter agencies must pay all costs: developing proposals, return on UP assets/property, UP tax liability, etc.

QUESTIONS

APPROVED BY TUALATIN CITY COUNCIL
Date 5-10-2010
Recording Secretary M. Smith / Sfor

STAFF REPORT
CITY OF TUALATIN

TO:	Honorable Mayor and Members of the City Council
THROUGH:	Sherilyn Lombos, City Manager SL
FROM:	Michael A. McKillip, City Engineer MAK Kaaren Hofmann, Civil Engineer Kaaren
DATE:	May 10, 2010
SUBJECT:	RESOLUTION AWARDING THE BID FOR THE AQUIFER STORAGE AND RECOVERY WELL REHABILITATION

ISSUE BEFORE THE COUNCIL:
Awarding the Aquifer Storage and Recovery Well Rehabilitation project to Boart Longyear Company

RECOMMENDATION:
Staff recommends that the Council adopt the attached resolution awarding the Aquifer Storage and Recovery Well Rehabilitation project and authorizing the Mayor to execute a contract with Boart Longyear Company in the amount of $208,818.00.

EXECUTIVE SUMMARY:

- The City has been actively pursuing the installation of an aquifer storage and recovery well.
- In testing completed over the last year, the loss of production in the well was caused by a biomass plugging the aquifer. Therefore, the recommendation was to complete a comprehensive rehabilitation of the well to remove the biomass.
- The Invitation to Bid was published in the *Daily Journal of Commerce* on March 25 and 30, 2010.
- The bids for this project were opened on Tuesday, April 13, 2010 at 2:00 p.m. Boart Longyear was the only bidder that responded.
- The bid submitted was for $95,109.00 except this number didn't include all of their lump sum items. Once those were added the bid price was actually $349,367.00.
- The Engineer's Estimate for the work was $210,000.00.

- Clarifying questions were asked of the bidder and it was determined that one bid item was unclear which is why the bid was $150,000 over the engineer's estimate.
- The purchasing rules allow for the City to negotiate with the lowest responsible bidder.
- The City provided a clearer specification as a part of the negotiations and this revised specification will be included in the signed contract.
- Based on our negotiations, the bidder provided a revised bid price of:
  - $208,818.00
- The comprehensive rehabilitation consists of removal of the pump, cleaning of the pump components & screens, mechanical cleaning, chemical treatment of the aquifer, flushing of the system, reinstallation of the pump, video inspection and testing of the production well upon completion.

OUTCOMES OF DECISION:
Awarding of the contract will result in the following:

1. Construction of the proposed project will provide rehabilitation of the well and will allow production to continue.

Not awarding the contract will result in the following:

1. All work on the project will stop until a decision is made to re-bid the project.

FINANCIAL IMPLICATIONS:
Funds are available for this project in the Water Development Charge Fund.

Attachments: A. Resolution
B. Narrative on Chronology

RESOLUTION NO. 4973-10

RESOLUTION AWARDING THE BID FOR THE AQUIFER STORAGE AND RECOVERY WELL REHABILITATION

WHEREAS the project was advertised in the *Daily Journal of Commerce* on March 25 and 30, 2010; and

WHEREAS one proposal was received prior to the close of the bid period on April 13, 2010; and

WHEREAS Boart Longyear Company submitted the lowest responsible bid for the project in the negotiated amount of $208,818.00; and

WHEREAS there are funds available for this project in the Water Development Charge Fund.

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

Section 1. The contract is awarded to Boart Longyear Company.

Section 2. The Mayor and City Recorder are authorized to execute a contract with Boart Longyear Company in the amount of $208,818.00.

Section 3. The City Engineer is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 10th day of May, 2010.

CITY OF TUALATIN, OREGON

By ______________________
Mayor

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

ATTEST:

By ______________________
City Recorder

MSA
Murray, Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 900 ▪ Portland, Oregon 97204-2919 ▪ PHONE 503.225.9010 ▪ FAX 503.225.9022

MEMORANDUM

DATE: April 23, 2010

PROJECT: 00-0500.501

TO: Ms. Kaaren Hofmann, P.E, Civil Engineer
City of Tualatin, Oregon

FROM: Brian Ginter, P.E.
Murray, Smith & Associates, Inc.

RE: Aquifer, Storage and Recovery (ASR) Well No. 1 Rehabilitation – Bid Process and Results Summary

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Introduction

The City of Tualatin (City) recently completed the advertisement and bidding process for the rehabilitation of its ASR Well No. 1 and received one bid for the project. This memorandum describes and documents the advertisement process and results from the bidding of the project.

Advertisement and Bidding of Project

Contract documents used for the advertisement and bidding of the ASR Well No. 1 Rehabilitation project were produced using the City's standard Bidding Requirements & Contract Forms and General Specifications. Technical specifications for the project were developed by Murray, Smith and Associates, Inc. (MSA) and GSI Water Solutions, Inc. (GSI) in a format consistent with the City's standard specifications. The project was advertised in the Daily Journal of Commerce on March 25 and March 30, 2010.

Due to highly specialized nature of ASR well rehabilitation, within the technical specifications of the contract documents a list of four (4) prequalified Water Well Drillers and Pump Contractors were identified for the project. These contractors were prequalified on the basis of having completed rehabilitation and chemical treatment of wells similar in size and subsurface structure as the City's ASR well within the past five years. By means of the Special Provision to the City's General Specifications, contractors not included on the prequalified list were provided with an opportunity to become prequalified through a detailed Request for Qualification procedure. No contractors submitted a Request for Qualification during the advertisement and bidding process.

A mandatory pre-bid meeting for the project was held on March 31, 2010 at the City's offices to provide prospective bidders with the opportunity to ask questions relating to bidding or constructing the work under this contract. The Invitation to Bid for the project explicitly stated that a bidder's failure to attend the pre-bid meeting shall cause any bid submitted by that bidder to be deemed non-responsive. Two prequalified contractors were in attendance at this meeting, Boart Longyear Company and Hansen Drilling. A third prequalified contractor, Schneider Equipment, failed to attend the meeting due to a scheduling error at their offices. The fourth prequalified contractor failed to attend the meeting and there was no subsequent correspondence.

Bids for the project were opened April 13, 2010 at the City's offices. The Engineer's estimate for the project was $207,790.00. Boart Longyear Company submitted the lone bid for the project at $349,367.00.

Bidding Results and Findings

Boart Longyear Company was the only contractor to submit a bid for the project. The proposed amount of the bid presented by the contractor was stated as $95,109.00 due to an error in filling out the Proposal form. The Proposal form includes lump sum pay items and several unit price pay items. The actual bid amount, based on the sum of the unit prices for each bid item totaled $349,367.00. This total represents the actual bid quantity based on the procedure for resolving discrepancies as outlined in the contract documents.

In a letter addressed to MSA dated April 15, 2010, Boart Longyear Company stated their assumption in completing the Proposal was that any Proposal item not having a unit quantity (i.e., a lump sum pay item) was interpreted as an optional work item and was not included in the written total bid amount on the Proposal form. Furthermore, based on conversations regarding the bid item for chemical treatment of the well, Boart Longyear Company acknowledged in the letter that they misinterpreted the bid item and overestimated the bid for this item.

It is understood that the City has initiated a process with Boart Longyear to correct the bid price for the bid item described above and based on this correction the total bid amount is approximately $208,818.00. As Boart Longyear is deemed a responsive bidder, they meet the qualification requirements for this project and their bid for the project is within 1 percent of the engineer's estimate for the project, it is recommended that the City award the ASR Well No. 1 Rehabilitation project to Boart Longyear Company.

STAFF REPORT
CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 5-10-2010
Recording Secretary M. Smith/sjm

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

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

DATE: May 10, 2010

SUBJECT: AN ORDINANCE RELATING TO SIGN DESIGN STANDARDS FOR FREESTANDING SIGNS IN COMMERCIAL PLANNING DISTRICTS; AND AMENDING TDC 20.030; 31.071; 35.200 & 38.220; AND ADDING A NEW SECTION, 38.075 TO THE TDC (PTA-08-06)

ISSUE BEFORE THE COUNCIL:
Council consideration regarding the request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) Chapter 38-Sign Regulations and TDC 31.071 Architectural Review Procedures which would add provisions for design standards and a "Level I" review process for freestanding signs in the Central Commercial (CC) & General Commercial (CG) Planning Districts, restricting freestanding pole signs to Collector and Local Commercial streets, revisions to TDC 35.200 Non-Conforming Signs allowing structural modifications to non-conforming freestanding signs, and with corresponding amendments to TDC 20.020 Sign Design Objectives. The proposed amendment will apply to new or modified existing freestanding signs in CC and CG Planning Districts.

RECOMMENDATION:
The Tualatin Planning Advisory Committee (TPAC) did not reach agreement on a recommendation at their April 8, 2010 meeting. Two separate motions to approve the proposed amendment, one with retaining the 25% improvement of non-conforming standards and one increasing the improvement to 50%, failed. Both motions tied with a 3-3 vote (with one individual member abstaining on each motion).

Staff recommends that the City Council consider the staff report and supporting attachments and provide direction.

EXECUTIVE SUMMARY:

- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) and a decision by the City Council is a legislative action
- At the January 28, 2008 Council Work Session considering Sign Amortization and Freeway Oriented Activity Signs (resulting in PTA-08-01 for Freeway Signs and revisions to the non-conforming sign provisions in Ordinance 1261-08 adopted on June 9, 2008), the Council expressed interest in developing design standards for freestanding signs. The Council was concerned about the appearance and the height and size of freestanding pole signs under the current standards and the persistence of non-conforming pole signs that do not meet existing or proposed new standards. At the December 8, 2008 and April 27, 2009 Council Work Sessions, the Tualatin City Council discussed creating design standards for freestanding signs and a process for reviewing sign design, looked at restrictions on freestanding pole signs and creating a process for transitioning existing nonconforming freestanding signs to new standards.
- At the April 27, 2009 Work Session, the Council requested staff initiate a draft amendment to the TDC that would allow the Council to consider a package of sign revisions that would include provisions to:
  1. Revise the standards for freestanding signs to require design elements for pole signs and add a sign design review process similar to the "Level I Single Family Residential Architectural Review" process;
  2. Allow only monument style freestanding signs on Arterial Streets in the CC & CG Planning Districts and restrict pole signs to Collector & Local Commercial streets where taller signs can increase the visibility of a business to nearby higher-capacity arterial streets such as SW Nyberg Street, SW Tualatin-Sherwood Road and SW Boones Ferry Road;
  3. Add a program to require or encourage the transition of non-conforming pole signs to a sign meeting new standards.
- 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. Information and comments from the meetings and letters/emails provided by business, property owners, sign companies and the Chamber was presented to Council on March 8 and to TPAC on March 11, 2010.
- At the March 8, 2010 Council Work Session, the Council indicated interest in a proposed amendment that will:
  1. Remove proposed Non-Conforming Sign Amortization provisions.

2. Keep the proposed allowance for retaining Non-conforming sign status with a minimum 25% reduction in sign dimension and partial compliance with Sign Design Standards.
3. Keep the proposed Sign Design Standards requirements and method.
4. Require monument signs on Arterial streets. Allow pole signs on Collector and local commercial street frontages. Existing pole signs on Arterial streets can remain as non-conforming.
5. Look at allowing increased freestanding sign size for multi-tenant commercial centers that are on property smaller than the 3 acre Major Commercial Center (MCC) size.

- The Community Development Department prepared the proposed amendment to the sign code in response to the Council's direction. From the policy & public interest perspective, the proposed amendment will:
  1. Introduce sign design standards and a design review process for freestanding signs to improve the appearance and interest of signs in commercial districts;
  2. Allow monument-style freestanding signs on arterial street frontages in the CC and CG Planning Districts and restrict pole signs to provide a more consistent and attractive appearance for commercial developments;
  3. Retain business identification and visibility for commercial locations away from arterial streets by allowing pole signs that meet sign design standards on collector & local commercial streets, and;
  4. Improve the appearance of the commercial districts by providing an incentive to allow existing non-conforming pole signs in CC and CG Planning districts to be structurally improved with partial compliance to dimensional and design standards.
- PTA-08-06 revises 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. The proposed sign design review process for freestanding signs will be a Level I ministerial process with specific and optional structure, site and exterior sign design standards for the applicant to choose from. The design standards introduce options for sign shape, materials, dimensional graphics, lighting and landscaping that encourage new & replacement signs to be compatible with the design of the buildings the signs identify and have required design elements to promote more attractive and interesting signs in comparison to the typical "box cabinet on a pole" design.
- PTA-08-06 revises 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. Currently, Central and General Commercial developments [as well as CG uses in the Light Manufacturing (ML) Planning District properties in Central Urban Renewal Blocks 28 & 29] may have either freestanding monument or pole signs, subject to standards for location and sign dimensions.

- The Council and sign owners expressed interest in employing incentives for choosing the lower profile monument-style signs. As an incentive to choose a monument style sign, Staff recommends increasing the sign face area allowance for monument signs from 40 square feet to 48 square feet to match the sign face area currently allowed for pole signs in the CC and CG Planning Districts [in TDC 38.220(1)(a)].
- At the January 29 meeting and in a letter, a tenant and a representative of the 1.7 acre Tualatin West Center (Plaid Pantry, Donut King, Oil Can Henry's and others) on SW Boones Ferry Road asked for consideration of an allowance for additional freestanding signage for smaller, multi-tenant centers, similar to the larger freestanding signs allowed for a Major Commercial Center (MCC) (defined in TDC 31.060). A MCC has a minimum of 3 acres of site area and with at least one building of no less than 30,000 square feet of gross floor area, or consists of at least two buildings with one having no less than 12,000 square feet of gross floor area. Currently there are 10 MCCs, including the Hedges Green Shopping Center, Martinazzi Square and Nyberg Woods. A MCC is allowed one pole sign (20 ft. high/100 sq. ft. area) or one MCC monument sign (10 ft./55 sq. ft. area) (or up to one of each on a corner lot).

  The participants believe that the current 48 sq. ft. freestanding pole sign area maximum is inadequate for a multi-tenant center such as the Tualatin Center that currently is a single frontage lot with two non-conforming freestanding pole signs. The issue is discussed in Attachment G. Staff disagrees that larger signs for smaller commercial centers are needed, but does find that the 550 ft. single-frontage of the Tualatin Center represents a situation where a 2nd monument sign is appropriate. The proposed freestanding sign standards include a provision to allow a 2nd freestanding monument sign for a property that is 1.5-2.9 acres in size, with a single frontage (not a corner lot) that has a minimum of 500 ft. of linear street frontage.
- Sign company representatives noted that the sign design standards may result in more irregular or asymmetrical shapes and composition of sign copy (i.e. the Claim Jumper pole sign). The effective sign message area will be significantly reduced if a single - width x height- measurement of sign face area is employed. Staff identified existing provisions of the Sign Code [TDC 38.120(1)(d), (2)(d)] that allow the sign face area of a freestanding pole and monument signs to be calculated by enclosing a sign face within three (3) "graphic rectangles" rather than one graphic rectangle (-width x height-). This measurement method will encourage businesses to choose a more complex sign design without having to give up some sign copy within an allowed amount of sign face area.
- Approximately 48 of 65 existing pole signs in CC and CG Planning Districts are non-conforming to existing dimensional standards (See Attachment G, Inventory Tables). Approximately 61 of 65 would become non-conforming in respect to the proposed Sign Design standards and pole sign restrictions proposed in PTA-08-06. As an incentive to transition existing signs into conformance with new design standards, the proposed amendment will revise the Non-conforming Sign

provisions of TDC 35.200 to allow non-conforming freestanding signs in the CC and CG Planning to be structurally altered when reducing the height and size of a non-conforming sign in TDC 35.200(2) and meeting two (2) (vs 3 proposed) of the Sign Design Standards design elements proposed in TDC 38.075.

- The proposed PTA language as prepared by staff is provided in Attachment A. The Plan Amendment approval criteria are addressed in the Analysis and Findings section of this report (Attachment C).
- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 6.030 Commercial Planning District Objectives; TDC 20.030-Sign Design Objectives; TDC 31.071 Architectural Review Procedure; TDC Chapter 35-Non-conforming Uses, Structures and Signs; TDC Chapter 38-Sign Regulations; 73.020 Findings & Objectives for Architectural Review Process. The Analysis and Findings section of this report (Attachment C) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment C) examines the application with respect to the criteria for a Plan Amendment.

OUTCOMES OF DECISION:

Approval of the PTA request will result in the following:

1. New or replaced freestanding signs in the CC/CG Planning Districts will be required to meet Sign Design standards using the Level I Sign Design Review process.
2. New or replaced freestanding signs on Arterial streets such as SW Boones Ferry Road, SW Martinazzi and SW Tualatin-Sherwood Road will be required to be monument-style signs. Pole and monument signs will be allowed on Collector and Local Streets.
3. Non-conforming freestanding signs in the CC/CG Planning Districts retain non-conforming sign status if structurally altered when brought partially into compliance by a minimum of 25% of dimensional standards [(existing – current standard) x 25%] and adding a minimum of the Sign Design Elements.

Denial of the PTA request will result in the following:

1. The current provisions of the Sign Code will remain unchanged and freestanding signs will be required to comply with current sign standards without consideration for sign design.
2. Non-conforming freestanding signs may remain indefinitely subject to compliance with current non-conforming sign standards. Alteration of non-conforming freestanding sign structure will jeopardize non-conforming status.

ALTERNATIVES TO RECOMMENDATION:
The alternatives for Council are:
- Approve the proposed PTA with alterations.
- Deny the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:
The Applicant is the Planning Division. No fee is required. Funds have been budgeted in the Planning Division's FY 09/10 budget to prepare and process City-initiated amendments.

DISCUSSION:
At the April 8 TPAC meeting, TPAC members were in general agreement with the proposed PTA-08-06 amendments and the specific sign code and non-conforming sign provisions proposed by staff. The committee members disagreed on just one issue, the minimum percentage of improvement standard to modify the structure of a non-conforming freestanding sign.

The staff proposal is based on the current language in TDC 35.200(2) that allows a non-conforming former freeway oriented activity area pole sign to be retained if the dimensions are reduced by a minimum of 25%. TPAC members discussed whether a 25% compliance standard was a sufficient standard for the public and whether a larger percentage amount is necessary for the pole signs that are not the 45 ft. tall & 250 square foot freeway activity pole signs.

A TPAC motion to approve the proposed amendment with a minimum 50% of improvement resulted in a tie 3-3 vote (with one abstention) and failed. A separate motion to approve the staff recommendation with the 25% standards also tied with a 3-3 vote (with one abstention) and failed. With no official action by the committee, TPAC asked that their discussion be reported to the Council.

PUBLIC INVOLVEMENT:
The proposed amendment is a legislative amendment and no neighbor/developer meeting was required. Staff reviewed the Sign Amendments with the Tualatin Chamber of Commerce President and Director on July 31, 2009.

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, 2010 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. A summary of comments provided at meetings and collected letters & emails from interested parties are included as Attachment F. Staff responses to the Attachment F comments and Updated Pole Sign Inventory Tables are listed in Attachment G.

Attachments: A. Proposed Text Amendment Language-TDC 20; 31.071; 35.200; 38.075 & 38.220
B. Background Information
C. Analysis and Findings
D. CC/CG Planning District Pole Sign Location Map & Reference List; Map 11-1 showing Arterial, Collector & Local Streets.
E. Example Sign Design Elements
F. Comments, letters & emails from Sign owners, Business owners, Sign Companies & Tualatin Chamber of Commerce
G. Staff Response to Public Comments

DRAFT

ORDINANCE NO. __________

AN ORDINANCE RELATING TO SIGN DESIGN STANDARDS FOR FREESTANDING SIGNS IN COMMERCIAL PLANNING DISTRICTS; AND AMENDING TDC 20.030; 31.071; 35.200; & 38.220; AND ADDING A NEW SECTION, 38.075, TO THE TDC (PTA 08-06)

WHEREAS upon the application of the City of Tualatin Community Development Department, a public hearing was held before the City Council of the City of Tualatin on May 10, 2010, relating to sign design standards & review for freestanding signs in Commercial Planning Districts & transition/amortizing non-conforming signs and amending provisions and TDC 20; 31.071; 35; & 38.200 (PTA-08-06); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting, marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS a notice of public hearing was given as required by mailing to affected property owners which is evidenced by the Affidavit of Mailing, marked "Exhibit C" attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 10, 2010, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of _-_ ; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report dated May 10, 2010; which are incorporated by this reference, and;

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 20.030 is amended to read as follows:

The following are the City's Sign Objectives.

(1) Preserve the right of free speech exercised through the use of signs.

(2) Protect the public health, safety and welfare.

(3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.

(4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.

(5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.

(6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.

(7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.

(8) Protect and enhance property values.

(9) Protect and enhance the City's economy.

(10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.

(11) Allow greater sign heights and dimensions for Major Commercial Centers.

(12) Allow only temporary signs on a property with no building.

(13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.

(14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.

(15) Regulate the number, height and dimensions of temporary signs.

(16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.

(17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.

(18) Allow indirect and internal illumination in residential planning districts for conditional uses.

(19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.

(20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.

(21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

(22) Adopt Sign Design standards and a Sign Design Review process for freestanding signs in commercial districts that encourage attractive and creative signage with varied design elements such as proportionally wider sign bases or pylons, a mix of exterior materials that have a relationship to building architecture, use of

dimensional lettering and logos with halo or internal lighting and is consistent with the high quality of developments desired in commercial districts.

(23) In Central Commercial and General Commercial planning districts, allow permanent freestanding monument signs on Arterial Streets, and restrict permanent freestanding pole signs to Collector or Local Commercial Street frontages.

(24) Create an incentive for improvement of existing freestanding signs and adopt provisions allowing non-conforming freestanding signs in commercial districts to retain non-conforming sign status when structurally altered subject to improved compliance with Sign dimension and Sign Design standards.

Section 2. TDC 31.071 is amended to read as follows:

(1) An applicant for a building or other permit subject to architectural review, except Level I (Clear and Objective) Single-family Architectural Review and Sign Design Review, shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC 73.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7). An applicant for Sign Design Review shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to TDC 31.071(8). Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

(a)-(u) NO CHANGE TO EXISTING TEXT PROPOSED

(2)-(7) NO CHANGE TO EXISTING TEXT PROPOSED

(8) An applicant for a new freestanding monument or pole sign or a replacement or renovation of a non-conforming freestanding monument or pole sign in CC/CG Planning Districts subject to TDC 35.210 shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to this section. An application shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level 1 (Clear and Objective) Sign Design Review application:

(i) A completed City fact sheet;

(ii) The names, addresses, and telephone numbers of the property owners and applicants;

(iii) The signatures of the property owners and applicants;

(iv) The site address and the assessor's map number and tax lot number;

(v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, driveway & access locations, and trees 8" or greater in diameter; and
(vi) Three copies of sign elevations, drawn to scale, for each side of the sign and including exterior sign design & materials with calculation of the sign height, sign base & face dimensions, sign face height, sign face area and the areas of exterior materials.

Section 3. TDC 35.200 is amended to read as follows:

(1) A nonconforming sign is a lawfully erected sign including existing signs legally erected prior to May 13, 1992, either in the City or in those portions of Washington or Clackamas Counties which were annexed to the City after erection of the sign and do not comply with the provisions of the Tualatin Development Code, are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this Section.

(2) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. To provide for a transition to current sign standards, Non-conforming freestanding signs in a former Freeway Oriented Activity Area or in a CC or CG Planning District may be structurally altered when the sign height, sign face height and sign face area are reduced by a minimum of 25 percent of the nonconforming dimension or area and a minimum of two Sign Design Elements – Structure & Site and Sign Design – Sign Exterior of TDC 38.075. The sign face or the copy on the sign face, or both, may be changed after first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(3) Nonconforming signs shall comply with the provisions of the Tualatin Development Code when one or more of the following occurs:
(a) A nonconforming sign is relocated from one location to another on the same tax lot or to a different tax lot.
(b) The use on the tax lot where a Freeway Oriented Activity Sign is located is changed.
(c) A nonconforming sign's structure, including but not limited to the support elements or framework, is changed, except as allowed in TDC 35.200(2) and in the ML and MG Districts where a nonconforming pole sign's total sign height and sign face area shall be reduced to no higher than 15 feet and no greater than 40 square feet, respectively.
(d) A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent

renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

(e) A sign permit is issued for a new conforming sign on the same property or on abutting property under the same ownership containing a nonconforming sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a freestanding pole or monument sign for a freestanding pole or monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on abutting property under the same ownership shall be brought into conformance <u>or meet the sign transition provisions of TDC 35.200(2)</u>. The Community Development Director shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

> “A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on abutting property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign before construction begins, including but not limited to grading, on the new conforming sign.

(4) Signs for which variances were granted prior to May 13, 1992 may remain provided the provisions of the variance approval are met.

Section 4. TDC 38.220 is amended to read as follows:

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. <u>Two for a single-frontage lot with 1.5-2.9 acres in lot area and 500 feet of frontage on one public street, provided the signs are not less than 300 feet apart from each other.</u> Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than ~~40~~ <u>48</u> square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.
(vi) Illumination: Subject to Sign Design Review Standards of TDC 38.075, Direct, indirect or internal.
(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.
(viii) Design: Subject to Sign Design Review Standards of TDC 38.075.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:
(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.
(ii) Number: One per separate building up to a maximum of four buildings.
(iii) Number of Sides: No more than two.
(iv) Height Above Grade: No higher than six feet.
(v) Area: No more than 32 square feet.
(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).
(vii) Illumination: Subject to Sign Design Review Standards of TDC 38.075, Indirect or internal.
(ix) Design: Subject to Sign Design Review Standards of TDC 38.075.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above, except on an Arterial Street frontage. If used, the following standards apply:
(i) Number: One for a single Collector or Local Street frontage lot. two for a corner lot with two or more Collector or Local Street frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more Collector or Local Street frontages, provided no more than one sign is on each frontage. Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.
(ii) Number of Sides: There is no restriction, except Major Commercial Center Signs are limited to two sides.
(iii) Height Above Grade: No higher than 15 feet, except the Major Commercial Center Sign may be up to 20 feet.
(iv) Height of Sign Face: No higher than eight feet, except the Major Commercial Center Sign may be up to 10 feet.
(v) Area: No more than 48 square feet, except the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).
(vii) Illumination: Subject to Sign Design Review Standards of TDC 38.075, Direct, indirect or internal, except the Major Commercial Center sign shall not be direct.
(viii) Mechanical Readerboard: For churches, cinemas and theaters, the sign may be a mechanical readerboard.
(ix) Design: Subject to Sign Design Review Standards of TDC 38.075.
(d) NO CHANGE TO EXISTING TEXT PROPOSED
(2) NO CHANGE TO EXISTING TEXT PROPOSED

Section 5. A new section, TDC 38.075 is added to the Tualatin Development Code to read as follows:

(1) Purpose of Sign Design Review.
The purpose of Sign Design Review is to implement the purposes and objectives of TDC Chapter 20 Sign Design and promote freestanding signs in commercial areas that are attractive to the community, compatible with the design and architecture of the development and the community, and provide adequate business identification.
(2) Standards for Sign Design Review.
Development of the following is subject to the provisions set forth in TDC 38.075(3) and standards and criteria set forth in TDC 38.220, in addition to all other applicable TDC standards:
(a) new freestanding monument or pole sign including Service Station signs allowed in TDC 38.110(17)(a-b).
(b) transition of a non-conforming freestanding monument or pole sign in CC/CG Planning Districts subject to TDC 35.200.
(3) No Sign or Building permits shall be issued for signs described in TDC 38.075(2) until plans for the proposed sign have been approved pursuant to the following review, and all other applicable TDC standards are met:
(a) LEVEL 1 – Clear and Objective Sign Design Review.
(i) A Level I Sign Design Review decision is a ministerial decision.
(ii) Application for Level I (Clear and Objective) Sign Design Review shall be made pursuant to the application procedures set forth in TDC 31.071(8).
(iii) A proposed sign that meets all standards set forth in TDC 38.075(4) shall be administratively approved by the Community Development Director.
(iv) Variances to standards set forth in TDC 38.075(3) are prohibited.
(4) Sign Design Standards:
(a) Level I (Clear and Objective) Sign Design Review Standards. Signs shall:
(i) On sign face elevations, provide support poles, pylons, columns or monument base that have a width at least thirty percent (30%) of

the sign face width; provide at least three (3) of the Sign Design Elements – Sign Structure & Site in TDC 38.075(3)(a)(ii) and provide at least three (3) of the Sign Design Elements – Sign Exterior in TDC 38.075(3)(a)(iii). 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.

(ii) Sign Design Elements – Sign Structure & Site.

Sign structure & site includes (minimum of 3 applied):

(A) Two (2) or more individual pole, pylon or column supports separated by a minimum of 24".

(B) Monument-style base occupying 75 percent or greater (>75%) of sign face width.

(C) Sign setback minimum of 5 ft. from property lines, measured to any feature of sign structure.

(D) Minimum 36" pylon or column width or diameter.

(E) Landscape plantings including shrubs and groundcover or hardscape features including decorative rock or masonry located at the base of the freestanding sign.

(iii) Sign Design Elements – Sign Exterior.

Sign Exterior Design includes (minimum of 3 applied:)

(A) Frame trim, cap, wing, grill, exposed bracketing or other decorative sign frame element(s);

(B) Variation in sign profile including use of asymmetrical & curvilinear shapes and planes, and irregular height of sign elements;

(C) Use of three (3) or more exterior sign materials that are elements of the site's building architecture, including masonry, concrete, ceramic, glass (figured, block or tile), stucco, metal fabric, metal tubing and wood timber materials;

(D) Use of 3-dimensional lettering and graphic;

(E) Use of "halo," baffled and shrouded indirect illumination sources, or internally-lighted "push-thru" lettering and graphic;

(F) No more than 20 percent of sign face feature is illuminated with direct lighting (exposed incandescent bulb, neon tube, LED or LCD electronic bulbs) or internally-lighted panels (fluorescent tube or other light source behind a translucent panel).

INTRODUCED AND ADOPTED this 10TH day of May, 2010.

CITY OF TUALATIN, OREGON

BY_________________________
Mayor

ATTEST:

BY_________________________
City Recorder

ATTACHMENT B

PTA-08-06: BACKGROUND INFORMATION

Pertinent background information obtained from the proposed PTA-08-06 and other supporting documents is summarized in this section.

The amendment was initiated by the Community Development Department at the request of the City Council (Attachment D).

At the January 28, 2008 Council Work Session considering Sign Amortization and Freeway Oriented Activity Signs, the Council was concerned about the appearance and the height and size of freestanding pole signs under the current standards and the persistence of non-conforming pole signs that do not meet existing or proposed new standards. At the December 8, 2008 and April 27, 2009 Council Work Sessions, the Tualatin City Council discussed creating design standards for freestanding signs and a process for reviewing sign design, looked at restrictions on freestanding pole signs and creating a process for transitioning existing non-conforming freestanding signs to new standards

In the April 27, 2009 Work Session, the Council requested staff initiate a draft amendment to the TDC that would allow the Council to consider a matrix of sign revisions that would include provisions to: 1) Allow only monument style freestanding signs on Arterial Streets in the CC & CG Planning Districts and restrict pole signs to Collector & Local Commercial streets where taller signs can increase the visibility of a business to nearby higher-capacity arterial streets such as SW Nyberg Street, SW Tualatin-Sherwood Road and SW Boones Ferry Road; 2) Revise the standards for freestanding signs to require design elements for pole signs and add a sign design review process similar to the "Level I Single Family Residential Architectural Review" process, and; 3) Add a program to require or encourage the transition of non-conforming pole signs to a sign meeting new standards.

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. Information and comments from the meetings and letters/emails provided by business, property owners, sign companies and the Chamber was presented to Council on March 8 and to TPAC on March 11, 2010.

At the March 8, 2010 Council Work Session, the Council indicated interest in a proposed amendment that will:

1. Remove proposed Nonconforming Sign Transition/Amortization provisions.
2. Keep proposed allowance for retaining non-conforming sign status with a minimum 25% reduction in sign dimension and partial compliance with Sign Design Standards.
3. Keep proposed Sign Design Standards requirements and method.

4. Require monument signs on Arterial streets. Allow pole signs on Collector and local commercial street frontages. Existing pole signs on Arterial streets can remain as non-conforming.
5. Look at allowing increased freestanding sign size for multi-tenant commercial centers that are on property smaller than the 3 acre Major Commercial Center (MCC) size.

ATTACHMENT C

PTA-08-06: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 1.032 must be met if the proposed PTA is to be granted. The Plan Amendment criteria are addressed below.

A. 1. Granting the amendment is in the public interest.

The proposed amendment to the Tualatin Development Code (TDC) Chapter 35 Nonconforming Signs, Chapter 38 Sign Regulations and related sections of TDC Chapter 20 Sign Design and 31.071 Architectural Review Procedure would add provisions for design standards and a "Level I" review process for freestanding signs in the Central & General Commercial (CC & CG) Planning Districts, restrict freestanding pole signs to Collector and Local Commercial streets, and add revisions to TDC 35.200 Non-Conforming Signs allowing alterations to a non-conforming freestanding sign with a minimum 25% reduction in non-conforming dimensions and partial compliance with Sign Design Standards.

The public interest is to:

1) Allow signage that adequately identifies commercial uses, and does not result in sign clutter;
2) Improve the visual appearance of the community by setting design standards for freestanding signs in commercial developments;
3) Provide consistency of freestanding signs and avoid unattractive and simplistic "plastic-faced cabinet on a metal pole" pole signs by requiring freestanding pole signs in commercial areas to have design features similar to the more attractive and smaller monument-style freestanding signs;
4) Improve the appearance of the commercial districts by creating incentives to bring existing non-conforming freestanding pole signs closer to compliance with dimension and design standards.

TDC Chapter 38 is City of Tualatin's Sign regulations that are intended to implement the Sign Objectives of TDC Chapter 20, ensure orderly signage and establish reasonable regulations for sign design (TDC 38.030). The Sign Objectives are public interest policies and include an objective for signage that adequately identifies commercial uses without resulting in sign clutter [TDC 20.030(10)] and objectives to retain a quality of visual appearance, streetscape, landscaping and urban character in the City [TDC 20.030(6,7)]. The proposed amendment responds to the City Council's interest in improving the appearance and consistency of signage in the City's commercial areas. The proposed design standards for freestanding signs applied with a brief and open sign design review process, putting an emphasis on the lower-profile and generally more attractive monument-style signs and establishing a process to transition existing non-conforming freestanding signs to compliance with sign style, size and design standards follow the interests that Council expressed in recent work sessions. With the proposed provisions listed above and adding Sign Design Objectives 20.020(21 & 21) the amendment satisfies public interests #1, #2, #3 & #4.

The proposed amendments respond to the need for adequate identification of businesses in commercial areas while avoiding sign clutter by:

1) Emphasizing the use of monument-style signs on Arterial street frontages as consistent, attractive and effective signage for streets with higher traffic volumes;
2) Establishing sign design standards with a flexible set of structure and exterior design options for a business to choose from, and;
3) Allowing pole signs on Collector and Local Commercial street frontages where a greater need for exposure or visibility may exist. Monument-style freestanding signs with the lower profile and a scale relative to landscaping and pedestrians (versus a pole sign with a size and scale relative to a highway or busy street) provide a visible and consistent place for business messages and with a more attractive and compatible appearance. Allowing pole signs on Collector or Local Commercial streets such as SW Seneca Street, SW Tonka Street or SW McEwan Road recognizes the desire of retail business for some opportunity to be identified from a busier arterial street. This meets public interests #1 and #3.

The proposed Sign Design Standards identify the design elements of sign structure, site features, the mix of exterior materials, dimensional features and illumination that contribute to an interesting and quality appearance. The existing sign standards are for number, size and location, with no guidelines or standards for the design of the sign. A freestanding pole sign consisting of a single metal pole supporting a rectangular, plastic-panel faced sign cabinet is not attractive to the community and not compatible with the quality and interest of the design of commercial development in Tualatin. The proposed design standards introduce a requirement for wider or more complex sign base with landscaping, a minimum setback to a property line or right-of-way, variation in sign shape & materials, use of dimensional features and indirect/halo illumination. The design standards are proposed to be applied in a menu-format Level I Sign Design Review process that will provide applicants with choices and flexibility and not require significant time and costs for processing. Having standards for improving the appearance of signage for the Tualatin community while retaining opportunity for creativity and unique features that can enhance a business's identity, meets public interests #2 & #3.

The existing Non-conforming Sign provisions of TDC 35.200 allow non-conforming signs to remain indefinitely subject to requirements such as not relocating the sign or altering the sign structure. A sign could be non-conforming for size or location and remain with any sign face changes allowed by permit. Adoption of PTA-08-01 allowed non-conforming freestanding signs to be structurally altered when the sign is brought into conformance by a minimum of 25% of the non-conforming size or dimension [(existing – current standard) x 25%] [TDC 35.200(2)].

As an incentive to transition existing freestanding signs into conformance with new design standards and other sign standards, the proposed amendment will revise the Non-conforming Sign provisions of TDC 35.200 to allow structural alteration of a non-conforming freestanding sign with the 25% improvement to conformance standard. Approximately 61 (of 65) existing pole signs in CC and CG Planning Districts are, or would become, non-conforming in respect to the proposed Sign Design standards. Also, staff proposes increasing the sign face area allowed for a freestanding monument sign from a maximum of 40 sq. ft. to 48 sq. feet to equal the sign face area allowed for a pole sign. Staff has identified existing provisions of the sign code that allow the sign face area of a freestanding pole and monument signs to be calculated by enclosing a sign face within three (3) "graphic rectangles" rather than one graphic rectangle (-length x width-). This will encourage businesses to choose a more complex sign design without facing a reduction in the amount of sign copy within a measured sign face area. These provisions meet public interest #4.

Granting the amendment is in the public interest. Criterion "1" is met.

B. 2. The public interest is best protected by granting the amendment at this time.

The proposed sign design and Non-Conforming Sign amendments respond to the City Council's interest in improving the less than satisfactory appearance and the tall height & large size of freestanding pole signs under the current standards and the persistence of non-conforming pole signs that do not or would not meet existing or proposed new standards. At an April 2009 work session, the Council directed staff to propose revisions to the City's Sign regulations that addressed freestanding sign design standards, pole sign locations, and transition of non-conforming signs to compliance with current sign code. The Council has determined that this is in the current public interest and existing development conditions are conducive to achieving their objective.

If adopted at this time, the proposed amendment would implement the Sign Design Review standards and process and avoid the construction of new freestanding signs without meeting sign design standards. New freestanding pole signs would be restricted from Arterial streets. This is timely protection of a public interest issue identified by the Council.

The public interest is best protected by granting the amendment at this time.

Criterion "2" is met.

C. 3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan are presented below.

TDC 20.030 Objectives (6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through." (7) "Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin."

The proposed amendment will protect the appearance of the City and quality streetscapes, landscaping and urban character by requiring freestanding signage in commercial development to meet structure and exterior sign design standards that improve the visual appearance of signs in accordance with the high quality of Tualatin's commercial district streetscapes, architecture and urban character. The proposed amendment conforms to TDC 20.030(6-7).

TDC 20.030 Objectives "(10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter."

The proposed amendment will restrict the taller and larger freestanding pole signs to the Collector and Local Commercial streets of the CC & CG Planning District, allowing monument style signs on Arterial streets. The number of freestanding signs will not change. The height and dimensions of freestanding pole signs on Collector or Local Commercial streets will not change. Signs on Arterial streets will meet the monument-style sign dimensions that are adequate for higher traffic volume/moderate traffic speed streets through commercial districts such as Tualatin-Sherwood Road, SW Boones Ferry & Lower Boones Ferry Road. In response to comments about the comparative size standards for pole and monument signs and a request for additional sign area for smaller commercial centers, staff proposes an increase in the sign face area for freestanding monument signs as shown in Attachment A (Section 38.220).

The proposed sign design standards and restrictions on freestanding pole signs will create both higher quality sign appearance while improving the consistency of sign type, and will avoid a cluttered appearance. The proposed amendment conforms to TDC 20.030(10).

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

D. 4. The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

The characteristics of the area of the City affected by this amendment are the retail commercial developments in CC and CG Planning Districts including the Lake of the Commons area, the Central Urban Renewal District and the future Town Center Plan areas west of SW Boones Ferry Road as well as the CG Planning Districts on Lower Boones Ferry Road at the I-5 Exit 290 interchange. (Attachment D). The proposed amendments to the Sign Regulations of TDC Chapter 38, the Non-Conforming Sign provisions of TDC 35.200 (& 35.210) that will introduce Sign Design Review process and standards and provisions for revising the structure of non-conforming signs are intended to provide adequate identity for commercial retail while improving the appearance of freestanding signs in the CC & CG districts.

The suitability of the area for particular land uses and improvements.

As indicated above, the proposed amendment is intended to improve the appearance consistency of freestanding signs in commercial districts while retaining good visibility for business identification from public streets.

Trends in land improvement and development.

As described in the public interest section, the trend is the Council's continued interest in improving the appearance of the City's commercial districts and bringing sign size, scale and quality of appearance into conformance with architecture and landscaping associated with the Lake of the Commons and developments in the Bridgeport area. The proposed revisions to the CC & CG Planning District freestanding sign and nonconforming sign requirements recognizes this trend by establishing sign design review standards, restrictions on freestanding pole signs, and incentives for reducing the size and improving the appearance of non-conforming signs that ensure better sign appearance while retaining opportunities for adequate business identification.

Property values.

The proposed amendments will require more structural and exterior features on freestanding signs for commercial developments in the CC & CG Planning Districts that may result in additional cost. As personal property and not building or real estate property value, sign standards and the costs of signs are not a significant factor for the property values of commercial or residential development. A sign code with standards that contribute toward more consistent and attractive freestanding signage may improve the visual appearance of a commercial area and have a beneficial effect on commercial property values.

The needs of economic enterprises and the future development of the area.

As described in the public interest section, the trend in retail commercial development is located in high quality, well designed development in areas with consistent high standards for architecture and appearance. The proposed revisions to the CC &CG Planning District sign standards with Sign Design Review standards and process recognizes this trend by setting higher standards for freestanding signs while retaining opportunities for adequate business visibility to public streets.

Needed right-of-way and access for and to particular sites in the area.

The proposed sign amendments do not affect right of way and access.

Natural resources of the City and the protection and conservation of said resources.

Not applicable because the proposed sign regulation amendments do not impact or alter natural resources associated with a development.

Prospective requirements for the development of natural resources in the City.

Not applicable because proposed sign regulation amendments do not impact or alter natural resources associated with a development.

The public need for healthful, safe, aesthetic surroundings and conditions.

The purpose of the proposed amendment is to improve the quality of the aesthetic surroundings in commercial areas of the city by introducing sign design standards and process and a transition program to bring non-conforming freestanding signs into compliance with higher quality design and material standards.

Proof of a change in a neighborhood or area.

Does not apply to revisions to the sign standards, requirements and process. There is no evidence of change in a neighborhood or area that would be relevant to the proposed amendment.

A mistake in the plan map or text.

None is alleged.

The factors listed in Section 1.032(4) were consciously considered.

Criterion "4" is met.

E. 5. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding signs because it does not apply to existing school sites and does not represent a constraint or conflict with land available for future school sites.

F. 6. Oregon Statewide Planning Goals

Of the 14 Statewide Goals, each of the goals were considered and found to not be applicable to this amendment regarding signs.

G. 7. Metro's Urban Growth Management Functional Plan (UGMFP).

The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the CC & CG Planning District areas as "EA Employment Area" (Bridgeport & East Nyberg Street areas) as "TC Town Center" (downtown) and CO Corridor (SW Pacific Hwy.). The proposed amendment revising the sign standards for commercial developments does not affect the EA, TC and CO classifications.

H. 8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's Planning Area.

Criterion 8 was considered and found to not be applicable to this amendment regarding signs because it does not have any impact on Level of Service on transportation facilities.

Pole Sign Inventory Map Reference
PTA-08-06

Sign Map No.	Business Name	Street Name
1	Safeway	SW Lower Boones Ferry Road
2	The Difference	SW Lower Boones Ferry Road
3	Prestige Cleaners	SW 63rd Avenue
4	Walgreen's	SW Lower Boones Ferry Road
5	Space Age Fuel	SW McEwan Road
6	Players	SW McEwan Road
7	Arby's	SW Lower Boones Ferry Road
8	Chevron	SW Lower Boones Ferry Road
9	Stonesthrow Apartments	SW Nyberg Lane
10	Capital Financial	SW Bradbury Court
11	South Lake Center	SW 65th Avenue
12	Baja Fresh	SW 65th Avenue
13	Taco Bell	SW McEwan Road
14	Carl's Jr Restaurant	SW McEwan Road
15A	24-Hour Fitness	SW McEwan Road
15B	24-Hour Fitness	SW McEwan Road
16	Pioneer Commercial Center	SW McEwan Road
17	Denny's (formerly) Stars Caberet (now)	SW McEwan Road
18	Denny's (formerly) Stars Caberet (now)	SW McEwan Road
19	Motel 6	SW McEwan Road
20	Motel 6	SW McEwan Road
21	Burger King	SW McEwan Road
22	Lucky Panda	SW Hazel Fern Road

Sign Map No.	Business Name	Street Name
23	Claim Jumper	SW Lower Boones Ferry Road
24	Verizon	SW Hazel Fern Road
25	New Village Inn	SW 72nd Avenue
26	Texaco (formerly) Shoppes #3	SW Hazel Fern Road
27	Arco (formerly) Shoppes at Bridgeport (Shoppes 1)	SW Hazel Fern Road
28	Best Inn & Suites (formerly) Phoenix Grand Hotel (Shoppes 2)	SW Lower Boones Ferry Road
29	Own-A-Car	SW Pacific Highway
30	Expressions Futons & Furniture	SW Pacific Highway
31	Western RV Center	SW Pacific Drive
32	Hedges Greene - Haggens	SW Tualatin-Sherwood Road
33	Applebee's Restaurant	SW Old Tualatin-Sherwood Road
34	Dutch Bros	SW Old Tualatin-Sherwood Road
35	Plaid Pantry	SW Boones Ferry Road
36	Oil Can Henry's	SW Boones Ferry Road
37	Paragon Automotive Repair	89th Avenue
38	Evergreen Business Park Roberg	SW Tualatin-Sherwood Road
39	Exhaust Specialties	SW Old Tualatin-Sherwood Road
40	GlassPro / Marsh Transmission	SW Tualatin-Sherwood Road
41	Oak Tree Business Park	SW Mohave Court
42	Goodyear	SW Mohave Court
43	Furniture Outlet	SW Nyberg Street

Attachment D
CC/CG Planning District Pole Sigr
location Map & Reference List; Map
11-1 showing Arterial, Collector 8
Local Streets

Pole Sign Inventory Map Reference
PTA-08-06

Sign Map No.	Business Name	Street Name
44	Furniture Outlet	SW Nyberg Street
45	Jiggles	SW Nyberg Street
46	Jiggles	SW Nyberg Street
47	Big Kmart/Michaels	SW Nyberg Street
48	Tualatin Plaza	SW Nyberg Road
49	United Rental	SW Tonka Street
50	Parkers LA-Z-Boy Furniture Gallery	SW Nyberg Street
51	Nyberg Crossing / Jack-in-the-Box / Fred Meyer	SW Nyberg Street
52	Nyberg Creek Crossing: Coldstone / Quiznos / Samari Sam	SW Nyberg Street
53	Fred Meyer	SW Martinazzi Avenue
54	Fred Meyer	SW Nyberg Street
55	Amish Workbench/Fabric Gallery	SW Nyberg Street
56	McDonald's	SW Boones Ferry Road

Sign Map No.	Business Name	Street Name
57	Pizza Hut	SW Tonka Street
58	Tualatin Transmission	SW Tonka Street
59	Tualatin West Center	SW Boones Ferry Road
60	Bushwackers	SW Tonka Street
61	7-11	SW Nyberg Road
62	Nyberg Woods Center	SW Nyberg Street
63	Nyberg Retail/76 Station	SW Nyberg Street
64	Shell/Jackson's	SW Nyberg Street
65	Globe Lighting	SW 65th Avenue
66	Golden Key Mini Storage	SW Bradbury Court
67	Hadco Supply	SW Lower Boones Ferry Road
68	NW Natural Gas	SW McEwan Road
69	Oswego Storage	SW McEwan Road
70	Public Storage Inc. II	SW McEwan Road
71	Kem Equipment	SW Herman Road

Pole Sign Permits PTA-08-06

TUALGIS

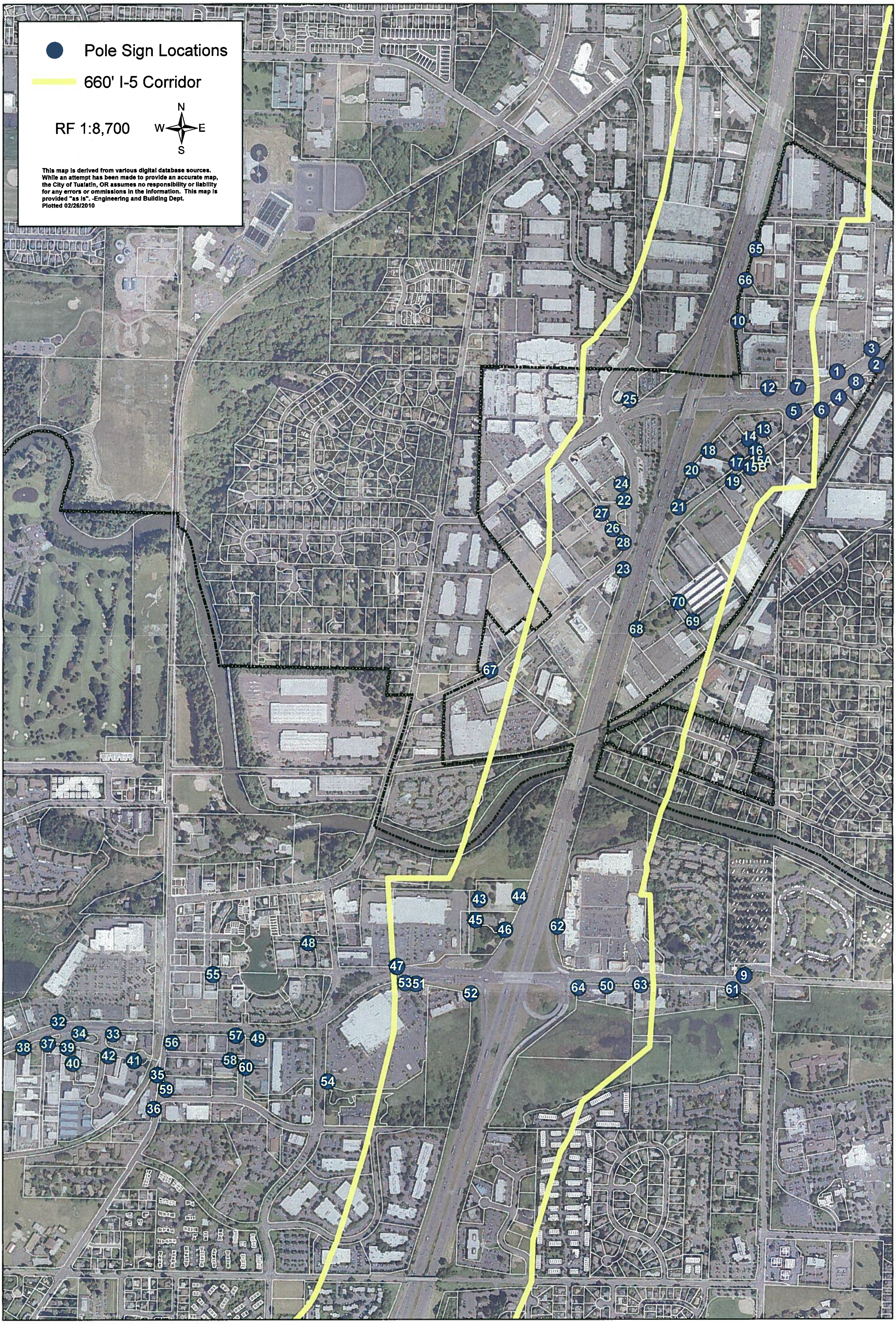
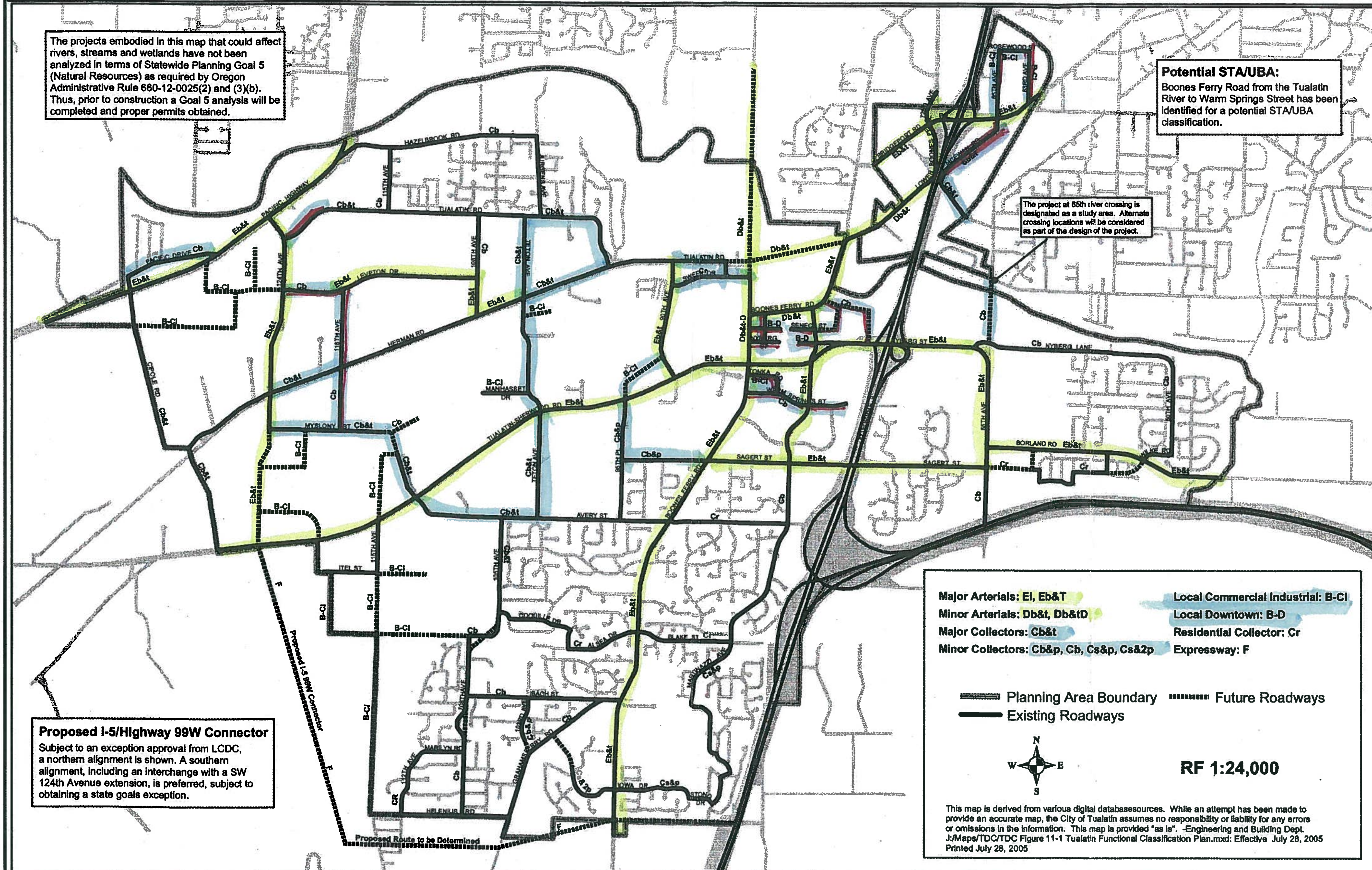


Figure 11-1: Functional Classification Plan

TUALGIS



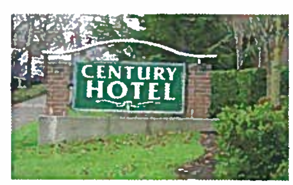
Level I (Clear & Objective) Sign Design Review Standards–Draft VII–

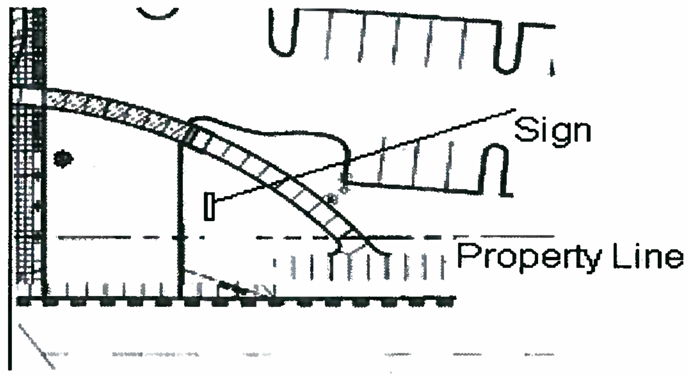
The Level I Sign Design Review standards differ for each of two aspects of **sign structure and sign feature including support columns/base, setback,** landscaping and sign shape and material design elements. The standards apply to all freestanding signs in the CC and CG Planning Districts. The following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

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 (4 or more) Sign Design Element provided.

As shown below, there are 5 Sign Design Structure & Site Elements and 6 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 Exterior		
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)]	
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)]	

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)] 	
Pole, Pylon or Column Support Width	The width of pole, pylon or column support is a minimum of 36 inches. [38.075(4)(a)(ii)(D)]	
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	
Sign Structure & Frame Decorative Features	Sign Frame & structure elements including trim, cap, wing, grill exposed bracketing and other decorative sign frame features. [38.075(4)(a)(iii)(A)]  
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)]   
Variety of exterior materials	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)]   

Dimensional Lettering & Graphic Features	Use 3-dimensional (raised) sign letters and graphic copy including "Channel Letters". [38.075(4)(a)(iii)(D)] 
Indirect/Halo/Push-thru Illumination of Sign Copy	Use of "halo", baffled and shrouded indirect illumination sources, push-thru lettering and light sources internal to individual letter & graphic elements (Illuminated Channel).
Maximum 20% of Sign Face is exposed bulb or translucent panels lit by fluorescent tube	No more than 20 percent of sign face feature is illuminated with direct lighting (exposed incandescent bulb, neon tube, LED or LCD electronic bulbs) or internally lighted panels (fluorescent tube lighting behind translucent panel). [73.190(1)(a)(iv)(E)]

ATTACHMENT G

PTA-08-06
STAFF RESPONSES & UPDATED POLE SIGN INVENTORY

The Staff responses to comments and issues raised by business and property owners of pole signs and others in their letters, emails and participation in various meetings associated with the Sign Design and Non-conforming Sign amendments in PTA-08-06 (Attachment F) are compiled below. Tables of an Updated Pole Sign Inventory from the March 11, 2010 TPAC Meeting and the March 8, 2010 Council Work Session are below.

Staff Responses to Comments Received from Business & Property Owners of Freestanding Pole Signs, the Sign Industry and Tualatin Chamber of Commerce.

In summary, the information and comments ranged as follows:

1. 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.
   Response: The Council decided to withdraw the proposed non-conforming sign transition/amortization program that would have required removal or replacement. Existing non-conforming freestanding signs and signs that become non-conforming with new sign standards will not have to be replaced except as currently required in TDC Chapter 35 (Alteration of sign structure, relocation).

2. 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.
   Response: Council reviewed the sign value and cost information presented by Security Signs and others. Staff noted that the Sign Design Level I program provided several design element options to choose from, some of which already may exist on a particular sign, can be fabricated on the existing sign or are inexpensive (ie. adding landscaping at the base of the sign). The example Level I sign design worksheet shows what the options are and how an applicant can assess ways to use the simple process to conform to the standards.

3. 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.
   Response. The Council decided to withdraw the proposed non-conforming sign transition/amortization program that would have required removal or replacement.

4. 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.

Response: The Council decided to withdraw the proposed non-conforming sign transition/amortization program that would have required removal or replacement. The freeway exemption is moot.

5. 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.

Response: The Council received the sign industry information on sign types and visibility. A copy of the information is included in Attachment F. With the withdrawal of the proposed non-conforming sign transition/amortization requirement, only new or owner relocated/reconfigured signs would be subject to restrictions on pole sign locations. Existing pole signs can remain as non-conforming. The Council kept their interest in setting a standard for the lower profile monument-style signs on arterial street frontages. Staff is proposing an increase in the sign face area for freestanding monument signs to equal the 48 square feet that pole signs are allowed. No change to the maximum 8 ft. height is proposed.

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;

Response: The proposed sign design standards include these elements.

2. Allow smaller, multi-tenant centers to have additional freestanding sign area as currently allowed for Major Commercial Centers (MCC) (3 acres and larger);

Response. Under current standards, a MCC can have one 20 ft high/100 sq. ft. freestanding pole sign or (and for a corner lot) a 10 ft. high/55 sq. ft. monument sign. Staff reviewed the multi-tenant commercial centers that were not eligible for the MCC size freestanding sign and found that most of them have frontages on arterial streets (proposed restriction on a pole sign), most are on corner lots (allows two freestanding signs), most are less than 2 acres in size (reducing the minimum site size to 1.0 or 1.5 acres), and most consist of a single, one-story building.

The tenant and owner of the Tualatin Center raised the question about small commercial center signage in respect to their belief that more freestanding sign space was needed to display the center's tenants. The Tualatin Center is 1.7 acres, has 550 ft. of arterial street frontage, is one extended building, has two existing non-conforming pole signs that display only two of the center's six tenants.

Staff does not agree that creating a larger freestanding sign standard for small centers is necessary for commercial centers to identify multiple tenants and that such a provision will be a significant benefit for Tualatin Center due to its non-conformities and the way it allocates its existing signage. Noting that most smaller centers are primarily located on corner lots where more than one freestanding sign is allowed, staff proposed language allowing up to two freestanding signs on an extended frontage such as Tualatin Center that will allow both pole signs to remain as non-conforming (type) with an opportunity to change to two monument style signs with the same amount of sign face area as pole signs are allowed today.

3. Look at allowing Service Stations to have pole or pylon style signs instead of lower profile monument-style signs;

Response. Currently, service stations in Tualatin are located on Arterial Streets such as SW Lower Boones Ferry Road, SW Nyberg Street, and SW Tualatin-Sherwood Road. The Sign Code allows freestanding pole (and monument) signs for service stations [TDC 38.110(17)] with a provision specifying fuel price displays be part of the sign face area. The owner of the Space Age service station (SW Lower Boones Ferry Road & McEwan Road) commented that a taller pole style sign is important in a busy commercial area (where service stations are located) to identify a station location. Staff notes that under the revised amendment, the existing non-conforming pole signs for service stations can remain. Also, the Space Age station has frontage on SW McEwan Road and SW Old Boones Ferry Road where a pole sign would be allowed and visibility to SW Lower Boones Ferry Road is adequate. No revision is proposed.

The recommendations from Security Signs are:

1. Allow pole signs on all streets;

Response. Following review of the information about pole signs and signage on arterial streets, the Council remained interested in a standard allowing monument style freestanding signs on arterial streets such as Tualatin-Sherwood Road and Boones Ferry Road. Pole signs would be restricted to Collector and Local Commercial street frontages where opportunity for visibility to the higher volume streets may be beneficial for a business.

2. An 8-year amortization deadline is too short and the 25% conformance improvement concept is "...confusing and impractical.";

Response. The transition/amortization was withdrawn from the PTA-08-06 amendment proposal. Staff disagrees that the 25% compliance incentive is a problem. It exists today for former freeway oriented activity signs and would be applied in a similar manner to non-conforming freestanding signs in CC and CG Planning District locations.

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;

Response. Staff added options and eligible sign features to both the Sign Site/Structure and Sign Exterior Design lists, keeping with the minimum three selections. Staff notes that most of the existing monument signs will meet the design standards without any additions or modifications and that many of the existing pole signs may have one or two design elements already. For example, with a 5 ft. setback and landscaping, two of the three site/structural design elements are accomplished. New signs or relocated signs will be required to meet the sign design standards, while existing non-conforming signs can remain or meet the reduced standards under the 25% compliance provisions.

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.

Response. Staff identified existing provisions of the sign code that allow the sign face area of a freestanding pole and monument signs to be calculated by enclosing a sign face within three (3) "graphic rectangles" rather than one graphic rectangle (-length x width-). This will encourage businesses to choose a more complex sign design without facing a reduction in the amount of sign copy within a measured sign face area.

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 (Not proposed in April 2010 version of PTA-08-06).

TABLE I Pole Signs in Commercial Districts (3-4-10)

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**

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 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 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.

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

CITY OF TUALATIN
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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 L Carney

David Carney
Alexandra Carney

Attachment I
Comments, letters & emails from
Sign owners, Business owners
Sign Companies & Tualatin
Chamber of Commerce

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

February 4, 2010

CITY OF TUALATIN
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COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

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 <u>not</u> 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,

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 errected 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 pantry
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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

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

Chris Girard
President & CEO

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COMMUNITY DEVELOPMENT
PLANNING DIVISION

SECURITY SIGNS
Quality Since 1925

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.

2424 SE Holgate Blvd Portland, OR 97202 503.232.4172 Fax 503.230.1861 www.securitysigns.com
State Contractor Numbers: OR 122809 WA SECURSI 020C

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

Melissa Hayden
Project Manager
503 546 7114

BELMAR PROPERTIES INC

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
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MAR 0 1 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

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 able to add back as the economy regains it's 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,

S. J. Clendenin

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

Please consider the environment before printing this email.

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@lzbpdx.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."

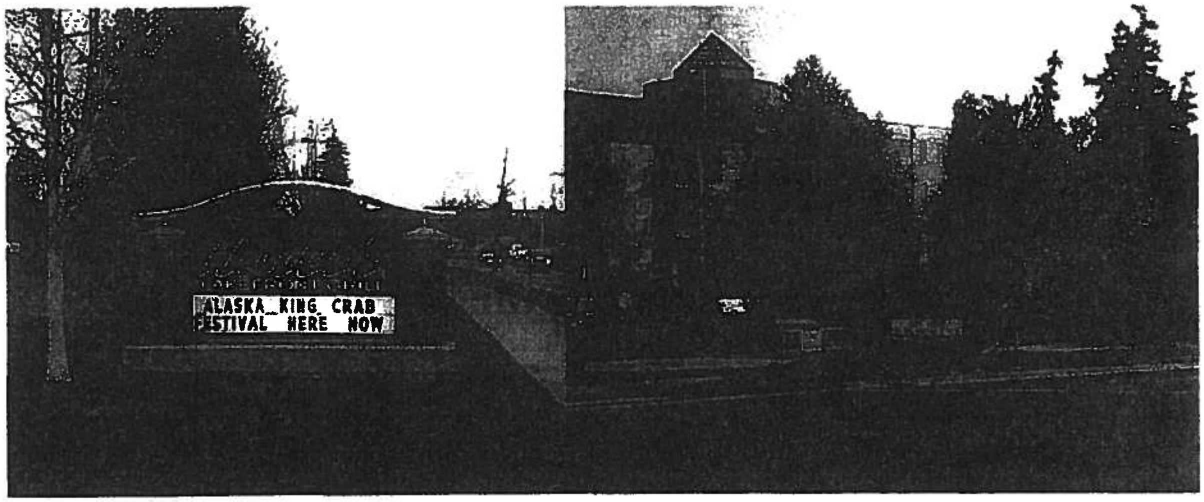
These are some of the most common goals cited as justification for sign ordinances that ban pylon (or pole) signs and mandate monument style signs in the business district. Many affected businesses believe this tide of regulation arises out of a visceral dislike of commercialism, but while that sentiment 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 as 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.

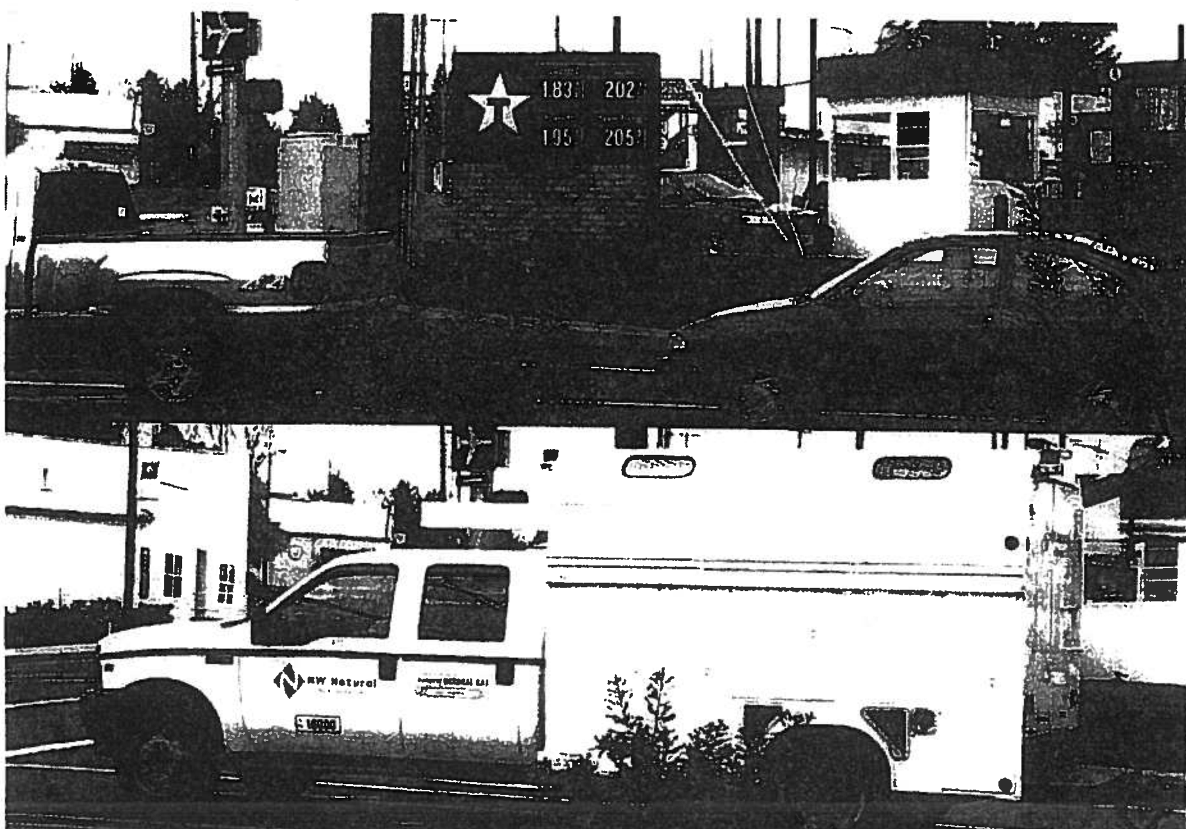
A commercial zoning designation itself establishes the need for commercial speech. Once a city has decided to zone a property and allow a business to be established, it is in its best interests to see that the property functions to its maximum economic capacity without directly conflicting with such 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.



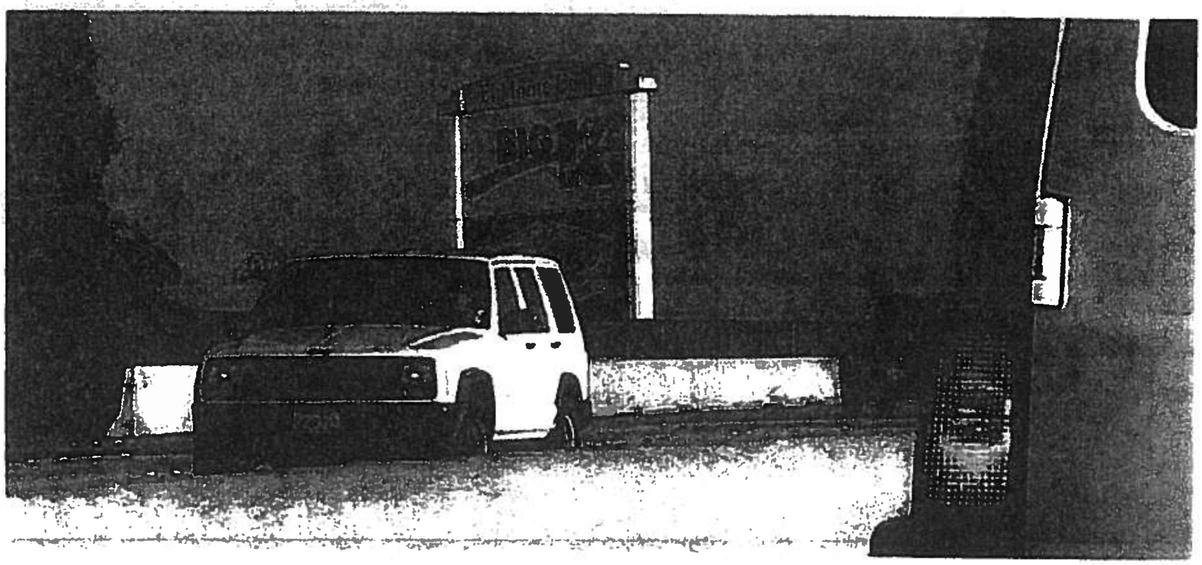
On-premise sign limitations can easily result in any number of alternative efforts to communicate to the street, including larger window displays (which consume more energy), more product displays on the sidewalk (which can inhibit pedestrian traffic), sidewalk signs, inflatable signs on rooftops, balloons, 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]

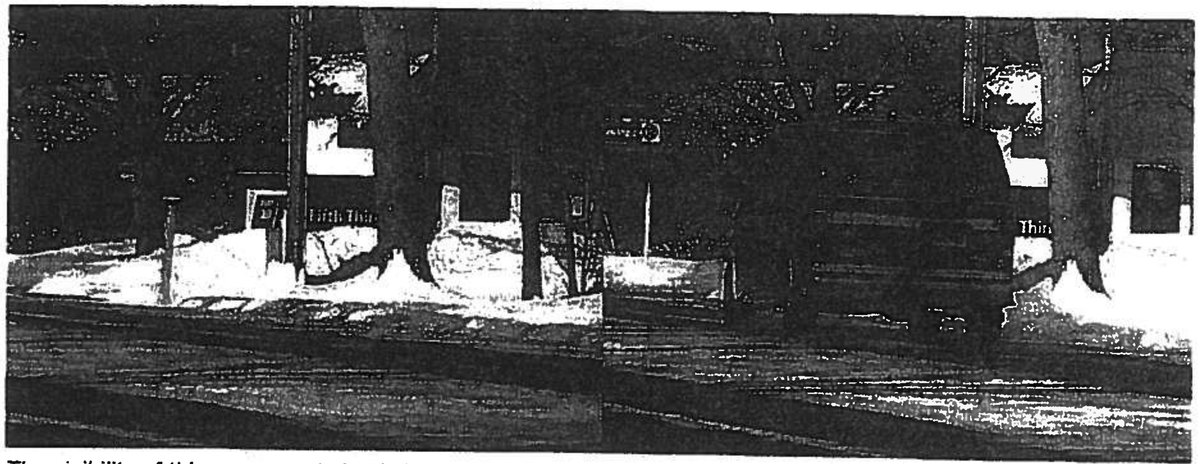
The on-premise business sign is not a mere land use activity, it is speech. Its purpose is not to function as an architectural embellishment for the visual delight of people seeking respite, as in their residential neighborhood, but rather to communicate an enticing message about the products or services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

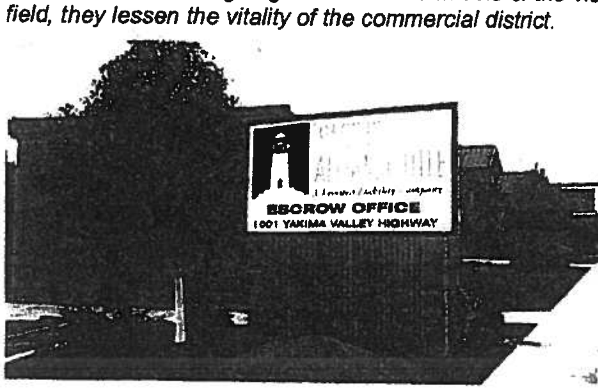
Potential Pitfalls

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.



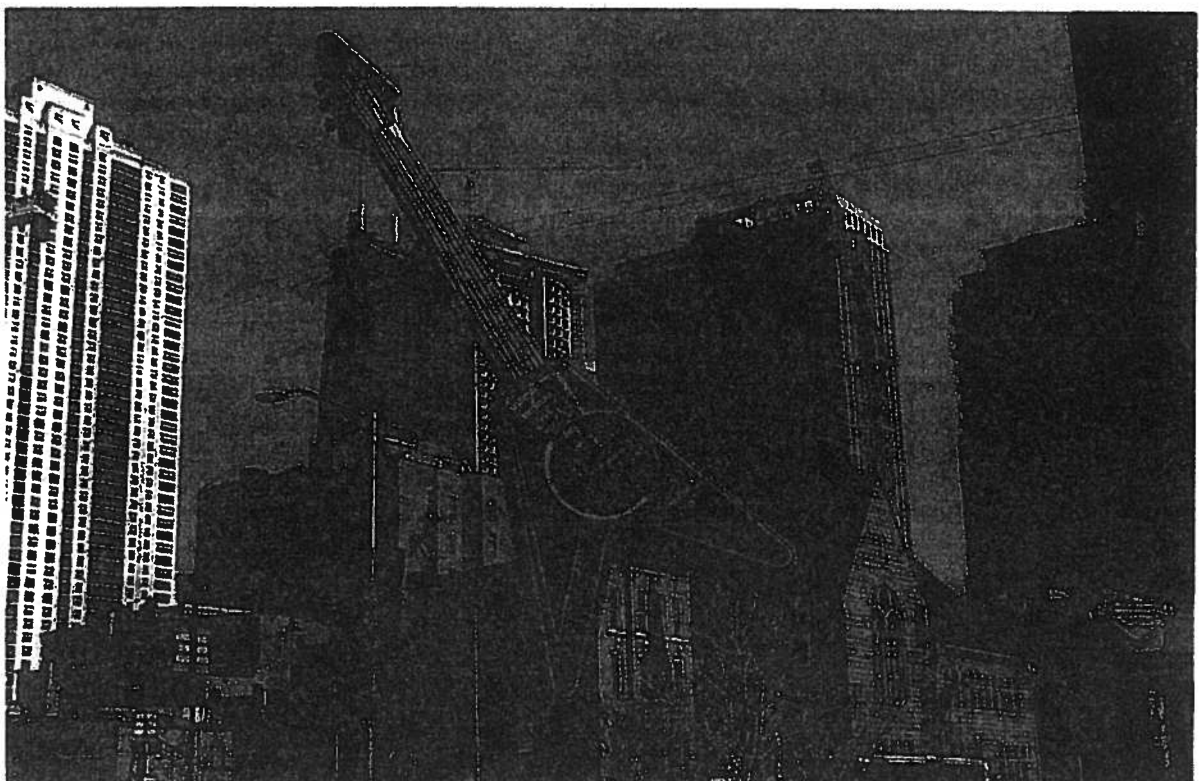
relating to readability and conspicuity. The MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all streets and highways. Its sole purpose is to ensure traffic safety. The MUTCD requires the use of pole signs, and carefully specifies the distance 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.

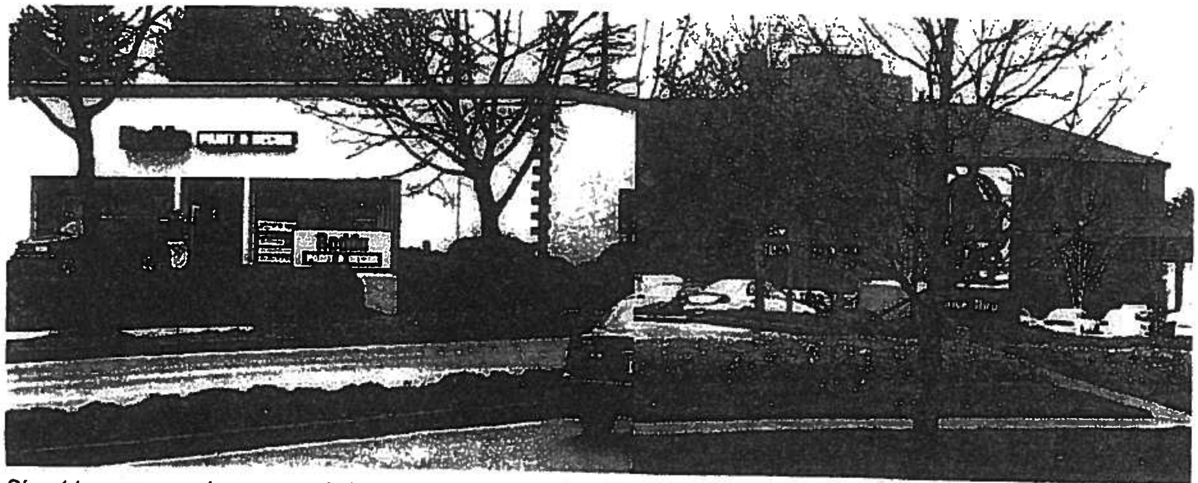
A city should exercise the same level of care in crafting its mandated sign height limits. Street-by-street specificity should be incorporated, taking into consideration the character of each street and the signage needs along it. A two lane street with 25 mph traffic does not call for the same kind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

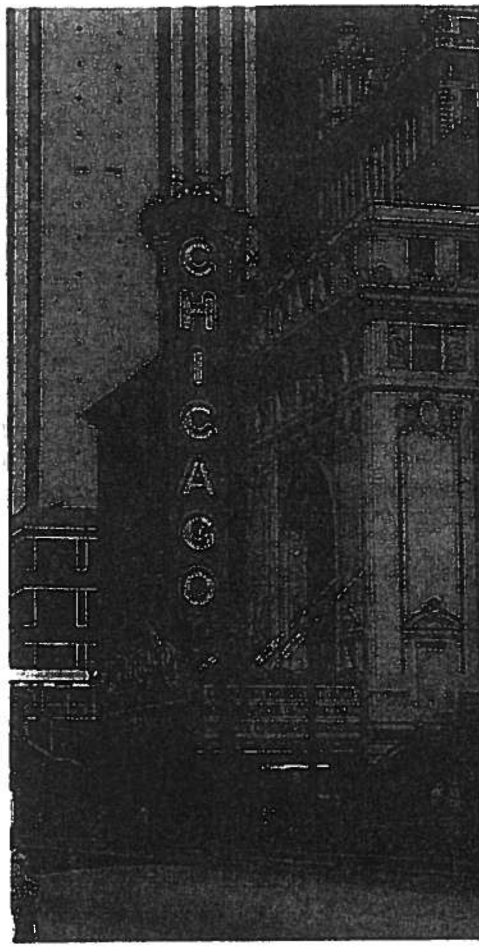
A requirement that businesses build monument signs and ignore other alternatives, despite visibility concerns, fails all standards of validity. Monument signs do not guarantee traffic safety; to the contrary, they can become contributors to traffic safety problems through reduced visibility and blocked 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.

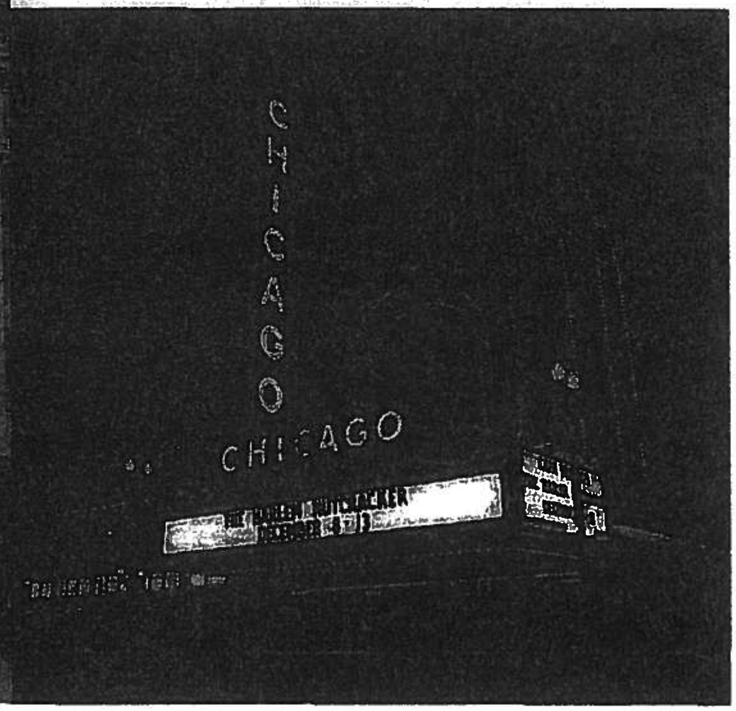
Footnotes

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

[2] Garvey. P.M., et al. 2002 Real Word 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.

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

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?

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

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 façade 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

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Poll

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- Better
- Same
- Worse

View Results

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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 column@visualinformationgroup.com.

SIGN DESIGN STANDARDS (PTA-08-06)

[redacted]

VALUE OF SIGNS: THE SMALL BUSINESS PERSPECTIVE

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.

Mobile Society (cont.)

Burger King Study

- Surveyed motorist customers at local fast food restaurants:

  "How did you first become aware of the restaurant?"

Mobile Study (cont.)

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

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

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

Attracting New Customers

<u>Annual Signtronix Traffic Survey</u>

- 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)

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%
Their Sign	*47%*

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

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

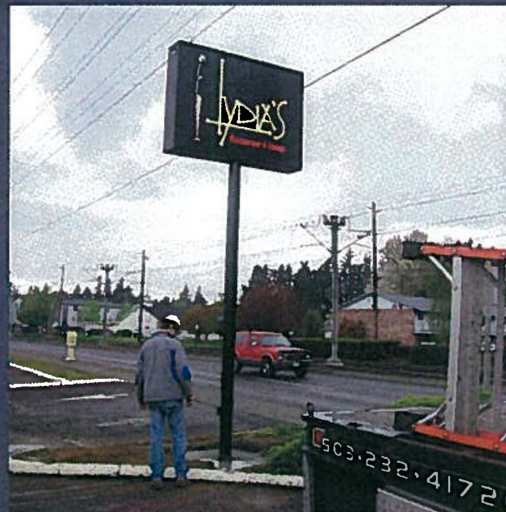
The Cost

- 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.

$7,500

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

$8,000



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

$8,500

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

$14,000

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

$16,000

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

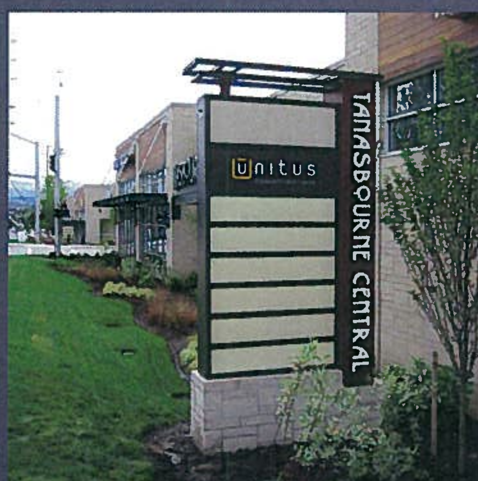
$21,000

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

$25,000

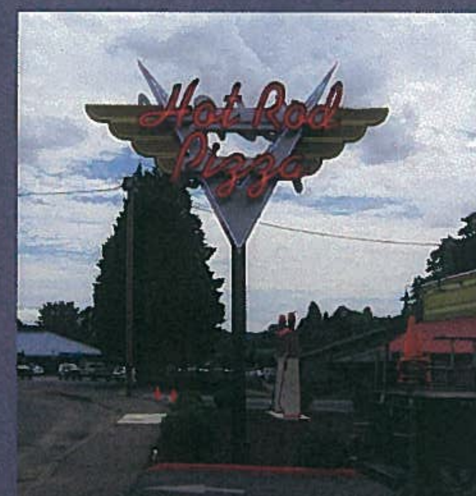
- 50 square feet
- 15’ overall height
- Pole sign with 30% base coverage and non rectangular details.

$28,000



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

$30,000



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

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.

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.

ATTACHMENT G

PTA-08-06
STAFF RESPONSES & UPDATED POLE SIGN INVENTORY

The Staff responses to comments and issues raised by business and property owners of pole signs and others in their letters, emails and participation in various meetings associated with the Sign Design and Non-conforming Sign amendments in PTA-08-06 (Attachment F) are compiled below. Tables of an Updated Pole Sign Inventory from the March 11, 2010 TPAC Meeting and the March 8, 2010 Council Work Session are below.

Staff Responses to Comments Received from Business & Property Owners of Freestanding Pole Signs, the Sign Industry and Tualatin Chamber of Commerce.

In summary, the information and comments ranged as follows:

1. 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.

   Response: The Council decided to withdraw the proposed non-conforming sign transition/amortization program that would have required removal or replacement. Existing non-conforming freestanding signs and signs that become non-conforming with new sign standards will not have to be replaced except as currently required in TDC Chapter 35 (Alteration of sign structure, relocation).

2. 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.

   Response: Council reviewed the sign value and cost information presented by Security Signs and others. Staff noted that the Sign Design Level I program provided several design element options to choose from, some of which already may exist on a particular sign, can be fabricated on the existing sign or are inexpensive (ie. adding landscaping at the base of the sign). The example Level I sign design worksheet shows what the options are and how an applicant can assess ways to use the simple process to conform to the standards.

3. 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.

   Response. The Council decided to withdraw the proposed non-conforming sign transition/amortization program that would have required removal or replacement.

4. 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.

<u>Response:</u> The Council decided to withdraw the proposed non-conforming sign transition/amortization program that would have required removal or replacement. The freeway exemption is moot.

5. 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.

<u>Response:</u> The Council received the sign industry information on sign types and visibility. A copy of the information is included in Attachment F. With the withdrawal of the proposed non-conforming sign transition/amortization requirement, only new or owner relocated/reconfigured signs would be subject to restrictions on pole sign locations. Existing pole signs can remain as non-conforming. The Council kept their interest in setting a standard for the lower profile monument-style signs on arterial street frontages. Staff is proposing an increase in the sign face area for freestanding monument signs to equal the 48 square feet that pole signs are allowed. No change to the maximum 8 ft. height is proposed.

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;

<u>Response:</u> The proposed sign design standards include these elements.

2. Allow smaller, multi-tenant centers to have additional freestanding sign area as currently allowed for Major Commercial Centers (MCC) (3 acres and larger);

<u>Response.</u> Under current standards, a MCC can have one 20 ft high/100 sq. ft. freestanding pole sign or (and for a corner lot) a 10 ft. high/55 sq. ft. monument sign. Staff reviewed the multi-tenant commercial centers that were not eligible for the MCC size freestanding sign and found that most of them have frontages on arterial streets (proposed restriction on a pole sign), most are on corner lots (allows two freestanding signs), most are less than 2 acres in size (reducing the minimum site size to 1.0 or 1.5 acres), and most consist of a single, one-story building.

The tenant and owner of the Tualatin Center raised the question about small commercial center signage in respect to their belief that more freestanding sign space was needed to display the center's tenants. The Tualatin Center is 1.7 acres, has 550 ft. of arterial street frontage, is one extended building, has two existing non-conforming pole signs that display only two of the center's six tenants.

Staff does not agree that creating a larger freestanding sign standard for small centers is necessary for commercial centers to identify multiple tenants and that such a provision will be a significant benefit for Tualatin Center due to its non-conformities and the way it allocates its existing signage. Noting that most smaller centers are primarily located on corner lots where more than one freestanding sign is allowed, staff proposed language allowing up to two freestanding signs on an extended frontage such as Tualatin Center that will allow both pole signs to remain as non-conforming (type) with an opportunity to change to two monument style signs with the same amount of sign face area as pole signs are allowed today.

3. Look at allowing Service Stations to have pole or pylon style signs instead of lower profile monument-style signs;

Response. Currently, service stations in Tualatin are located on Arterial Streets such as SW Lower Boones Ferry Road, SW Nyberg Street, and SW Tualatin-Sherwood Road. The Sign Code allows freestanding pole (and monument) signs for service stations [TDC 38.110(17)] with a provision specifying fuel price displays be part of the sign face area. The owner of the Space Age service station (SW Lower Boones Ferry Road & McEwan Road) commented that a taller pole style sign is important in a busy commercial area (where service stations are located) to identify a station location. Staff notes that under the revised amendment, the existing non-conforming pole signs for service stations can remain. Also, the Space Age station has frontage on SW McEwan Road and SW Old Boones Ferry Road where a pole sign would be allowed and visibility to SW Lower Boones Ferry Road is adequate. No revision is proposed.

The recommendations from Security Signs are:

1. Allow pole signs on all streets;

Response. Following review of the information about pole signs and signage on arterial streets, the Council remained interested in a standard allowing monument style freestanding signs on arterial streets such as Tualatin-Sherwood Road and Boones Ferry Road. Pole signs would be restricted to Collector and Local Commercial street frontages where opportunity for visibility to the higher volume streets may be beneficial for a business.

2. An 8-year amortization deadline is too short and the 25% conformance improvement concept is "...confusing and impractical.";

Response. The transition/amortization was withdrawn from the PTA-08-06 amendment proposal. Staff disagrees that the 25% compliance incentive is a problem. It exists today for former freeway oriented activity signs and would be applied in a similar manner to non-conforming freestanding signs in CC and CG Planning District locations.

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;

Response. Staff added options and eligible sign features to both the Sign Site/Structure and Sign Exterior Design lists, keeping with the minimum three selections. Staff notes that most of the existing monument signs will meet the design standards without any additions or modifications and that many of the existing pole signs may have one or two design elements already. For example, with a 5 ft. setback and landscaping, two of the three site/structural design elements are accomplished. New signs or relocated signs will be required to meet the sign design standards, while existing non-conforming signs can remain or meet the reduced standards under the 25% compliance provisions.

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.

Response. Staff identified existing provisions of the sign code that allow the sign face area of a freestanding pole and monument signs to be calculated by enclosing a sign face within three (3) "graphic rectangles" rather than one graphic rectangle (-length x width-). This will encourage businesses to choose a more complex sign design without facing a reduction in the amount of sign copy within a measured sign face area.

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 (Not proposed in April 2010 version of PTA-08-06).

TABLE I Pole Signs in Commercial Districts (3-4-10)

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**

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 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 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.

STAFF REPORT
CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 5-10-2010
Recording Secretary M. Smith / sjm

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Michael A. McKillip, City Engineer MK

DATE: May 10, 2010

SUBJECT: AN ORDINANCE ESTABLISHING A TRANSPORTATION DEVELOPMENT TAX; AND ADDING A NEW CHAPTER, 2-8, TO THE TUALATIN MUNICIPAL CODE

ISSUE BEFORE THE COUNCIL:
Should the Council adopt the Transportation Development Tax for that portion of the City that is in Clackamas County?

RECOMMENDATION:
Staff recommends that Council adopt the attached ordinance establishing a new Transportation Development Tax in the Clackamas County portion of the City of Tualatin.

EXECUTIVE SUMMARY:

- Washington County has enacted a Transportation Development Tax (TDT), applicable in Washington County and the incorporated cities within the County, which all development must pay to help fund transportation projects within the County and applies in the Washington County portion of the City of Tualatin.
- The City has treated residents in both counties as equals, making no distinction between areas. Residents and businesses in the portion of Tualatin located in Clackamas County use facilities in Washington County on a regular basis and receive benefit from them.
- The list of eligible projects includes projects in Clackamas County, as listed in Appendix C, of the attached Ordinance. The same methodology was also used.
- This tax is adopted to ensure that new development contributes to extra capacity transportation improvements needed to accommodate additional vehicle traffic and demand for transit facilities generated by such development.

- This process is identical to the process that was used by the City when the Transportation Impact Fee (TIF) was adopted. The TIF was voted into being in 1986 and Tualatin imposed the Washington County TIF rates in Clackamas County in 2003.
- The TDT is calculated by using trips generated by each land use. The methodology works from trips generated to $/TSFGFA for most uses. For example:
  - Single Family Residential:
    Detached Single Family Residential Unit is a dwelling unit (ITE 210)
    TIF: 1 Dwelling Unit X 10 AWT X $360/AWT = $3,600.00
    TDT: 1 Dwelling Unit X $3,679/DU = $3,679.00
  - Commercial/Industrial:
    3,000 sf Medical Office Building (ITE 720)
    TIF: 3 TSFGFA X 34.17 AWT X $330/AWT = $33,828.30
    TDT: 3 TSFGFA X $12,246/TSFGFA = $36,738.00

AWT – Average Weekday Trips
TSFGFA – Thousand Square Feet Gross Floor Area
TIF & TDT rates used are the current rates.

OUTCOMES OF DECISION:
If this ordinance is not adopted, the portion of the City within Clackamas County will continue to pay the TIF that was adopted in 2003.

FINANCIAL IMPLICATIONS:
Adopting the TDT will increase the amount paid by developments to offset their impacts on the transportation system. This increased amount will allow Tualatin to construct more of the projects on the eligible project list.

PUBLIC INVOLVEMENT:
Notices were mailed to the persons who have indicated in the past that they wanted to be notified of any changes to SDC's in Tualatin; this list included the Homebuilder's Association. Official notice was published in The Times on March 4, 2010. In addition, staff discussed this matter with the Homebuilder's Association.

Attachments: A. Ordinance

ORDINANCE NO. 1301-10

AN ORDINANCE ESTABLISHING A TRANSPORTATION DEVELOPMENT TAX; AND ADDING A NEW CHAPTER, 2-8, TO THE TUALATIN MUNICIPAL CODE

WHEREAS the City of Tualatin lies in both Washington and Clackamas Counties; and

WHEREAS the residents of Tualatin all benefit from the transportation improvements within the City, regardless of which county those improvements are located in; and

WHEREAS Washington County has enacted a Transportation Development Tax ("TDT"), applicable in Washington County and the incorporated cities within the County, which all development must pay to help fund transportation projects within the County and applies in the Washington County portion of the City of Tualatin; and

WHEREAS the City Council wishes to assure that all Tualatin developers and property owners are treated equally by adopting an ordinance to impose a transportation development tax equal to the Washington County TDT on developers and property owners in the Clackamas County portion of Tualatin to fund transportation projects located within Tualatin; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by mailing a copy of the notice under Tualatin Community Plan, which is evidenced by the Affidavit of Mailing marked "Exhibit B."

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. A new section, 2-8-010, is added to the Tualatin Municipal Code to read as follows:

This chapter shall be known as the City of Tualatin Transportation Development Tax ordinance.

Section 2. A new section, 2-8-020 is added to the Tualatin Municipal Code to read as follows:

Purpose and Scope.

(1) This tax is adopted to ensure that new development contributes to extra capacity transportation improvements needed to accommodate additional vehicle traffic and demand for transit facilities generated by such development.

(2) This tax shall provide funds for extra capacity improvements to city arterials, certain collectors, certain state facilities, and transit facilities, as listed in the Capital Improvements Project List as listed in the Washington County Transportation Development Tax Manual, which is attached as Appendix C. This tax applies to those properties within the City of Tualatin that are not subject to the Washington County transportation development tax.

(3) This ordinance is intended to comply with ORS 223.297-314. Any reference to SDCs or System Development Charges in this ordinance, its exhibits or appendices, shall be deemed to refer to both this ordinance, and to the equivalent provision under the above-cited statutes, unless the context requires otherwise.

Section 3. A new section, 2-8-030, is added to the Tualatin Municipal Code to read as follows:

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

(1) "Applicant" means the person seeking to obtain a building permit.

(2) “Application” means an application for a building permit.

(3) "Arterial" means a roadway or street that has the functional classification of “arterial” in a city or county comprehensive plan or transportation plan.

(4) "Building official" means the person or designee, licensed by the state and designated by the City to administer the State Structural Specialty Code for the City.

(5) "Building permit" means the permit issued by the Building Official pursuant to the International Building Code. In addition, "building permit" means the mobile home placement permit issued by the City. For those uses for which no building permit is provided, the final approval granted by the jurisdiction approving the use shall be deemed a building permit for purposes of this chapter.

(6) “City” means the City of Tualatin.

(7) "Collector" means a roadway or street that has the functional classification of “collector” in a city or county comprehensive plan or transportation plan.

(8) "Comprehensive plan" means the comprehensive plan, transportation plan, capital improvements plan, public facilities plan or equivalent plan adopted by ordinance by the City.

(9) "Condition of development approval" means a requirement imposed on an applicant by a county or city land use or limited land use decision, or site plan approval.

(10) "Construction cost index" means the adjustment to the TDT calculated as set forth in Washington County Code section 3.17.050F and Appendix D of the Washington County TDT.

(11) "Contiguous" means that a property and an improvement, or portion of an improvement, share a common boundary line. Determination of what is contiguous shall include the area of all property subject to the development approval. The boundary lines and area of an improvement shall be determined by the right of way and easement areas for the improvement. In addition, multiple properties under common ownership separated by one or more of the following: common area, non-motorized vehicle or pedestrian way, creek, wetland, park, or similar areas; shall be deemed to include the boundary of such additional area in their boundary line, up to 100 feet between the properties at the boundary with the improvement. Any portion of an improvement that is located beyond the frontage of a property, as determined by the extension of boundary lines perpendicular to the frontage of the property, shall not be contiguous to that property. An intersection improvement shall be deemed contiguous to all property with frontage on the intersection, or that touches the intersection at a point.

(12) "Credit" means the amount by which an applicant may be able to reduce the TDT as provided in this Ordinance.

(13) "Development" means any man-made change to improved or unimproved real estate, including a building or other land construction, or making a physical change in the use of a structure or land, in a manner that increases the usage of transportation capital improvements or which may contribute to the need for additional or enlarged transportation capital facilities as determined in this chapter. "Development" includes "New Development".

(14) "Extra capacity facilities or improvements" mean those transit, arterial and collector improvements that are necessary in the interest of public health, safety and welfare to increase traffic capacity to address new development. Such improvements include, but are not limited to, signalization, channelization, widening, drainage work, pedestrian safety, lighting, acquisition of right-of-way and necessary easements, street extensions, railroad crossing protective devices, bridges and bike paths, and transit.

(15) "Improvement fee" means an SDC for costs associated with capital improvements to be constructed after the effective date of this Ordinance.

(16) "ITE Trip Generation Manual" means that publication entitled "Trip Generation, 7th Edition" (2001) published by the Institute of Transportation Engineers.

(17) "Minimum standard facility" for roads means facilities to meet the adopted standards for a local public street or road applicable in the location of the subject development. For transit, "minimum standard facility" means the capital facilities necessary to provide standard transit service.

(18) "New development" means development for which a building permit is required, and which occurs on or after the effective date of this Ordinance.

(19) "Occupancy permit" means the occupancy permit provided for in the International Building Code or other ordinance of the City. If no occupancy permit is provided for a particular use, the final inspection and approval shall serve as the occupancy permit.

(20) "Over-capacity" means that portion of an improvement that is built larger or with greater capacity than is necessary to serve the applicant's new development or mitigate for transportation system impacts attributable to the applicant's new development.

(21) "Permit" means a building permit.

(22) "Previous use" means the most intensive lawful, permitted use existing at a particular property within the past 36 months prior to the date of application for a building permit. Where the site was used simultaneously for several different uses (mixed use) then, for the purposes of this Chapter, all of the specific use categories shall be considered. Where the previous use is composed of a primary use with one or more ancillary uses that support the primary use and are owned and operated in common, that primary use shall be deemed to be the sole use of the property.

(23) "Proposed use," means the use proposed by the applicant for the new development. Where the applicant proposes several different uses (mixed use) for the new development then, for purposes of this Chapter, all of the specific use categories shall be considered. Where the proposed use is composed of a primary use with one or more ancillary uses that support the primary proposed use and are owned and operated in common, that primary use shall be deemed to be the sole proposed use of the property.

(24) "Qualified public improvement" means any transportation system capital facility or conveyance of an interest in real property that increases the capacity of the county or city transportation system, and is:

(a) Required as a condition of development approval;

(b) Identified in the Washington County Transportation Development Capital Improvement Projects List and the additional projects identified in the City of Tualatin's Appendix D, which is attached and incorporated into this ordinance by this reference; and

(c) (i) Not located on or contiguous to property that is the subject of development approval, or

(ii) Located on or contiguous to property that is the subject of development approval and, in the opinion of the City Engineer, is required to be built larger or with greater capacity (over-capacity) than is necessary for the applicant's new development or to mitigate for transportation system impacts attributable to the applicant's new development.

(25) "Reimbursement charge" means an SDC for costs associated with capital facilities that have already been constructed which have been determined to have capacity available to serve new development.

(26) "Road" means a county road, city street, or state highway.

(27) "Transportation Development Tax Capital Improvement Projects List" or "Project List" means the program set forth in the Appendix C, which is attached to this ordinance, that identifies facility improvements projected to be funded with transportation TDT revenues, and includes the estimated cost, timing, and percentage of costs eligible for funding from TDT revenues for each project.

(28) "TDT Methodology Report" means the report entitled "Washington County Transportation Development Tax Methodology Report", dated August 2008, which is attached as Appendix A.

(29) "Temporary construction facility" means those facilities needed on an interim basis for construction of specific uses, structures or road improvements, and which are intended to be discontinued when construction is complete. Such facilities include, but are not limited to, accessory construction structures, staging areas, parking, and park-and-ride lots in conjunction with construction of a facility.

(30) "Temporary use" means a use or structure on improved or unimproved real estate that is of impermanent nature, and is used for less than ninety days in a calendar year.

(31) "Tualatin Transportation Development Tax" or "TTDT" means a reimbursement charge, an improvement charge or a combination of those assessed or collected at the time of increased usage of transportation capital facilities or issuance of a development permit or building permit. "TTDT" also means the tax imposed under this chapter.

Section 4. A new section, 2-8-040, is added to the Tualatin Municipal Code to read as follows:

Imposition and Exceptions.

(1) A Tualatin transportation development tax is imposed on all development in the City that is not subject to the Washington County Transportation Development Tax. The amount of the tax shall be calculated consistent with and according to Washington County Code section 3.17.050.

(a) Except as otherwise provided in this Chapter, a TDT shall be imposed upon all development for which an application is filed, or was required to be filed, after the effective date of this ordinance, and for which a building permit is issued and for which the applicant is not subject to the Washington County TDT.

(b) The applicant shall at the time of application provide the information requested on a TTDT application form regarding the proposed uses and the previous use, if any, of the property, including the following:

i. A description of each of the previous and proposed uses for the property for which the Permit is being sought with sufficient detail to allow calculation of trip generation for the entire property under the previous use and for the proposed uses of the Development.

ii. For residential uses, the number of residential dwellings, including type (i.e., single family, multi-family, manufactured housing, etc.).

iii. For non-residential uses, the number of units (i.e., number of square feet, students, movie screens, vehicle fueling positions, beds, etc.) for the land use as listed in Appendix B (i.e., office, shopping center, etc.) included in the Development.

(2) The uses listed and described in this subsection are exempt, either partially or fully, from payment of the TTDT. Any applicant seeking an exemption under this section shall request that exemption, in writing, no later than the time of application for the building permit. Where development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development that qualify under this section are eligible for an exemption. The balance of the development that does not qualify for any exemption under this section shall be subject to the full TTDT.

(a) Remodeling or replacement of existing structures, including mobile homes, except to the extent that the remodeling or replacement creates demands on the transportation system greater than those of the existing use of the property;

(b) Temporary uses which do not exceed ninety days in a calendar year;

(c) Temporary construction facilities as determined by the City Engineer;

(d) Development not subject to this chapter pursuant to TMC 2-8-060 (Transition);

(e) A transit improvement that has the impact of removing vehicle trips or reducing vehicle miles of travel on the City's or county major roadway system, as approved by the City Engineer;

(f) Construction, remodeling or expansion of federal or state facilities and uses otherwise exempt from taxation by counties;

(g) Relocation due to government acquisition of the entire previous use as part of a project listed in Appendix C to the extent the use at the new site does not exceed the size or impact of the previous use. Any additional size or impact shall be subject to the tax.

Section 5. A new section, 2-8-050, is added to the Tualatin Municipal Code to read as follows:

Amount.

(1) Except as otherwise provided in this Chapter, the amount of the TTDT due shall be calculated in the same manner as provided in Washington County Code section 3.17.050.

(2) For new development for which a previous use existed on the property, the amount of the TTDT due shall be determined by calculating the TTDT of the previous use(s) on the property and subtracting that sum from the TTDT for all of the proposed use(s) as provided in subsection (1) of this section. Except as provided for in subsection (3) of this section, the proposed use and the previous use shall be determined based on the rates listed in Appendix B.

(3) If the City Engineer determines that a particular use does not have a basis for TTDT calculation stated in Appendix B the City Engineer shall either:

(a) Determine the TTDT based on the use listed in Appendix B most similar in trip generation; or

(b) At the election. and expense, of the applicant, consider an alternate TDT based on a traffic study to estimate the weekday average person trip generation of a same or similar use verified by a registered traffic engineer. If an alternate TDT is utilized, the City Engineer may make such adjustments as deemed applicable in consideration of location, size and other appropriate factors.

i. The applicant's traffic study methodology must be consistent with Appendix A and follow standard professional traffic engineering practice.

ii. The applicant's study must provide complete and detailed documentation, including verifiable data. Supporting documentation must rely upon generally accepted sampling methods, sources of information, demographics, growth projections, and techniques of analysis.

iii. The TTDT shall be determined according to the methodology set forth in Appendix A, applied to the trip generation determined by the traffic study.

(c) If all of the above criteria are not met, the City Engineer shall provide the Applicant a written decision explaining the basis for rejecting the proposed study, and shall determine the TTDT according to subsection (3) of this section.

(4) When a single structure includes more than one use. The City Engineer for purposes of establishing the TTDT shall proportion the uses accordingly.

(5) TTDT rates are set forth in Appendix B for the period from July 1, 2009, through June 30, 2013, unless the transition provisions (Washington County Code Section 3.17.160) apply to the development. If an alternate TDT, calculated consistent with subsection 3 of this Section, is applied prior to July 1, 2013 the TDT shall be calculated consistent with the phase-in methodology in Appendix A.

(6) Beginning July 1, 2013 and notwithstanding any other provision, the tax rates per unit for each land use set forth in Appendix B for the period from July 1, 2012 through June 30, 2013 shall on July 1 of each succeeding year be adjusted automatically based on a five-year moving average of the TTDT index described in Appendix D. A final product ending in $0.49 or less shall be rounded down to the nearest dollar, $0.50 or more up to the next dollar. The TTDT index shall be calculated based on a combination of the following indices:

(a) The Oregon Composite Construction Cost Index reflecting the cost of materials (weighted 50%),

(b) The U.S. Bureau of Labor Statistics Employment Cost Index for Private Industry Workers, by Occupational Group and Industry, Construction Group reflecting the cost of labor (weighted 30%), and;

(c) The average annual change in total real market value of Washington County real property as estimated from data published by the Washington County Department of Assessment and Taxation reflecting the cost of right-of-way (weighted 20%).

If the above index factors use a different base year (i.e., calendar year or fiscal year), the most recent year with complete data shall be used.

(7) The City Council shall implement the adjustment annually by resolution and order adopted by May 1 of each year, to take effect on July 1 of that year, including a revised rate table showing adjusted rates for all land uses. In no event shall there be an increase of over ten percent (10%) per year.

Section 6. A new section, 2-8-060 is added to the Tualatin Municipal Code to read as follows:

Payment.

(1) Unless deferred, the tax imposed is due and payable at the time of issuance of a building permit by the city. Except as otherwise provided in this chapter, no building permit shall be issued for a development subject to this tax unless the tax is first paid in full.

(2) In those cases where the amount due exceeds the amount of TTDT on a single family detached residence (ITE Code 210), the applicant may request a payment deferral. The request must be made in writing to the City Engineer no later than the time of application for a building permit. The City Engineer shall grant deferral of the transportation development tax, however, any deferred charge shall be paid in full prior to the issuance of an occupancy permit. The amount of TTDT due on deferred obligations shall be the amount in effect at the time of issuance of the occupancy permit. Deferred TTDT obligations shall not be eligible for internal financing unless so requested at the time of application for deferral.

Section 7. A new section, 2-8-070 is added to the Tualatin Municipal Code to read as follows:

Credit.

An applicant for a building permit, or occupancy permit if deferral has been granted, shall be entitled to a credit against the tax for constructing eligible capital improvements as defined in this section. The City Engineer shall determine credit eligibility.

(1) A transportation capital improvement constructed on a public road or transit facility, and accepted by the jurisdiction operating the facility, is eligible for credit provided it meets all the following criteria, and the requirements of either subsections (b) or (c) below:

(a) The City Engineer determines that the timing, location, design and scope of the improvement is consistent with and furthers the objectives of the capital improvement program of the jurisdiction issuing the credit.
(b) The improvement is required to fulfill a condition of development approval issued by the jurisdiction with land use decision-making authority.
(c) The improvement must provide additional capacity to meet future transportation needs, or be constructed to address an existing safety hazard. Improvements to mitigate a safety hazard created primarily by the development are not eligible.

(d) Improvements that primarily function as access to a private street, driveway or development parcel are not eligible.

(e) The applicant shall have the burden of demonstrating in its application for credit that a particular improvement qualifies for credit.

(f) Improvements, including travel lanes and bike lanes, must be at ultimate alignment, line and grade.

(g) New roads are eligible projects as long as they meet the remaining project eligibility criteria. An existing dirt or gravel road is deemed new if its daily traffic volume is below two hundred vehicles per day.

(h) Bike lanes are eligible if required pursuant to applicable street or road standards.

(i) No credit shall be granted for utility relocation except for that portion which otherwise would have been the legal obligation of the jurisdiction pursuant to a franchise, easement or similar relationship.

(j) No credit shall be granted for minor realignments not designated on the comprehensive plan.

(k) No more than 13.5 percent of the total eligible construction cost shall be creditable for survey, engineering, and inspection.

(l). No credits shall be granted for storm sewer improvements that are also eligible for stormwater SDC credits.

(2) The City Engineer shall provide credit for the documented, reasonable cost of construction of all or part of a qualified public improvement listed in Appendix C, based on the following criteria:

(a) Transportation improvements located neither on nor contiguous to the property that is the subject of development approval shall be eligible for full credit.

(b) Transportation improvements located on or contiguous to the property that is the subject of development approval, and required to be built larger, or with greater capacity than is necessary for the particular development project shall be eligible. Credit for these improvements may be granted only for the cost of that portion of the improvement that a) exceeds the city's minimum standard facility size; or b) exceeds the capacity needed to serve the particular development project or property.

(c) Road right-of-way required to be dedicated pursuant to the applicable comprehensive plan or development conditions is eligible as follows:

i. To the extent an improvement is located neither on nor contiguous to the property that is the subject of development approval, the reasonable market value of land purchased by the applicant from a third party and necessary to complete that improvement is creditable.

ii. Road right-of-way located on or contiguous to the property that is the subject of development approval shall be eligible for credit to the extent necessary to construct the facility in excess of the local government's minimum standard facility needed to serve the particular development project or property. Credit for such right of way shall be allowed based on market value as determined by the county tax records.

(3) The City Engineer shall provide credit for a transportation capital improvement to a facility that is not a qualified public improvement. Such improvements shall be eligible for credit for a portion of the cost of the improvement as follows:

(a) The improvement was made to a roadway designated as an arterial or collector in the adopted transportation plan of the county or city issuing the credit.

(b) Transportation improvements neither located on nor contiguous to the property that is the subject of development approval shall be eligible for 75% credit for arterials, and 50% for collectors.

(c) Transportation improvements located on or contiguous to the property that is the subject of development approval, and required to be built larger, or with greater capacity than is necessary for the particular development project shall be eligible for 75% credit for arterials, and 50% for collectors. Such credit may be granted only for the cost of that portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property.

(d) Road right-of-way required to be dedicated pursuant to the applicable comprehensive plan or development conditions is not creditable. The reasonable market value of land purchased by the applicant from a third party and necessary to complete an improvement under subsection (3)(b) of this section is creditable. Credit for right-of-way acquired from a third party shall be for the portion of the improvement for which credit is allowed, and for the percent of costs eligible for credit.

Section 8. A new section, 2-8-080, is added to the Tualatin Municipal Code to read as follows:

Credit Application and Administration.

(1) All requests for credit vouchers must be in writing and filed with the City Engineer not more than 90 days after acceptance of the improvement. The amount of any credit shall be determined by the City Engineer and based upon the subject improvement contract documents, and other appropriate information, provided by the applicant for the credit. In the request, the Applicant must identify the improvement(s) for which credit is sought and explain how the improvement(s) meet the requirements of this section. The Applicant shall also document, with credible evidence, the value of the improvement(s) for which credit is sought. If, in the City Engineer's opinion, the improvement(s) meets the requirements of this section and the City Engineer concurs with the proposed value of the improvement(s), a TTDT Credit shall be granted for the eligible amount. The value of the TTDT Credits under this section shall be determined by the City Engineer based on the actual cost of construction and right of way, as applicable, as verified by receipts and other credible evidence submitted by the Applicant. Upon a finding by the City Engineer that the contract amounts, including payments for right of way, exceed prevailing market rates for a similar project, the credit shall be based upon market rates.

(2) The City Engineer shall respond to the applicant's request in writing within 30 days of receipt of a technically complete request. The City Engineer shall provide a written explanation of the decision on the TTDT credit request.

(3) Upon approval, the City Engineer shall provide the applicant with a credit voucher, on a form provided by the department. The department shall retain the original credit voucher. The credit voucher shall state a dollar amount that may be applied against any TTDT imposed against the subject property. In no event shall a subject property be entitled to redeem credit vouchers in excess of the TTDT imposed. Credits are limited to the amount of the charge attributable to the development of the specific lot or parcel for which the credit is sought and shall not be a basis for any refund.

(4) A credit shall have no cash or monetary value. A credit shall only apply against the TTDT and its only value is to be used to reduce the TTDT otherwise due, subject to all conditions, limitations, and requirements of this chapter.

(5) When issued by the City Engineer, a credit shall be the personal property of the applicant. Credits shall remain the personal property of the applicant unless transferred by the applicant or its authorized agent as transferor. Any person claiming the right to redeem a credit shall have the burden of demonstrating that any credit issued to another person has been transferred to him or her.

(6) Credits shall be apportioned against the property that was subject to the requirement to construct an improvement eligible for credit. Unless otherwise requested by the applicant, apportionment against lots or parcels constituting the property shall be proportional to anticipated average weekday trips generated by the respective lots or parcels. Upon written application to the City Engineer, however, credits shall be reapportioned from any lot or parcel to any other lot or parcel within the confines of the property originally eligible for the credit. In the case of multi-phase development, excess credit generated in one phase may be applied to reduce the TTDT in subsequent phases of the original development project. Reapportionment shall be noted on the original credit voucher retained by the department.

(7) Credits may be reassigned from a property to another property if all the following conditions are met.

(a) A request for reassignment of a credit voucher must be made in writing to the City Engineer signed by the person who owns the credit. The request for reassignment of a credit voucher shall contain all the information necessary to establish that such a reassignment is allowable under this subsection. The burden of proof that a reassignment is allowable is on the applicant. The City Engineer shall respond in writing to the applicant's request for reassignment within 30 days of receipt of the request.

(b) A credit voucher may not be reassigned to a property outside the City.

(c) Credits may be reassigned within the City if the City Engineer determines that either:

i. the lot or parcel that is to receive the credit is adjacent to and served by the transportation improvements that generated the credits, or

ii. the development on property receiving the credit would have impacts and traffic patterns affecting substantially the same facilities as the property that generated the credit.

(d) When a credit voucher or portion of a credit voucher is reassigned a notation shall be placed on the initial credit voucher that a reassignment has been made. The amount reassigned shall be deducted from the credit voucher.

(e) When a reassignment occurs a new credit voucher shall be issued for the reassigned credit amount.

i. The new credit voucher shall note the property to which the initial credit was assigned; subsequent reassignments shall also note the property to which the initial credit was assigned.

ii. The new credit voucher shall note the credit voucher number from which it was reassigned, if multiple reassignments occur each credit voucher number shall be noted.

iii. The new credit voucher shall have the same expiration date as the initial credit voucher.

iv. Apportionment against lots or parcels constituting the property to which a reassignment has been made is allowed as described in subsection (6) of this section.

(f) A reassigned credit voucher shall follow all rules regarding redemption of credits.

(g) The City may charge a fee for administering the reassignment of credits.

(8) Any credit must be redeemed not later than the issuance of the building permit or, if deferral was permitted, issuance of the occupancy permit. The applicant is responsible for presentation of any credit prior to issuance of the building or occupancy permit. Except as provided in TMC 2-8-110, under no circumstances shall any credit redemption be considered after issuance of a building permit or, if deferral was granted, issuance of an occupancy permit.

(9) Credit vouchers shall expire on the date ten years after the acceptance of the applicable improvement by the appropriate jurisdiction. No extension of this deadline shall be granted.

Section 9. A new section, 2-8-090, is added to the Tualatin Municipal Code to read as follows:

All moneys derived from this tax shall be placed in the same fund as the Washington County TDT revenue, including interest on the fund and shall be used for those purpose other than those activities described as, or for the benefit of, extra capacity facilities as defined in this chapter.

Section 10. A new section, 2-8-100 is added to the Tualatin Development Code to read as follows:

Use of TDT Revenues.

(1) Any capital improvement being funded wholly or in part with revenues from this Transportation Development Tax shall be included in the TTDT Capital Improvement Projects List, adopted as Appendix C to this Ordinance, and shall include, for each project, the estimated cost, timing and percentage of costs eligible to be funded with revenues from the TTDT. The TTDT Capital Improvement Projects List may be modified at any time by resolution of the City Council.

(2) TTDT revenues may be used for purposes that include, but are not limited to, the following, for any project on the Projects List:

(a) Design and construction plan preparation;

(b) Permitting;

(c) Land and materials acquisition, including any costs of acquisition or condemnation;

(d) Construction of transportation capital improvements;

(e) Design and construction of new streets, transit facilities, sanitary sewers, drainage facilities, or other public improvements required by the construction of transportation capital improvements;

(f) Relocating utilities required by the construction of improvements, for which the city is legally obligated to pay under easement, franchise or law;

(g) Landscaping required or designed as part of the project;

(h) Construction management and inspection;

(i) Surveying, soils and material testing;

(j) Acquisition of capital equipment that is an intrinsic part of a facility;

(k) Demolition that is part of the construction of any of the improvements on this list;

(l) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide money to construct or acquire transportation facilities.

(3) TTDT revenue may be spent for direct costs of complying with ORS 223.297 to 223.314, including the consulting, legal, and administrative costs required for developing and updating the system development charges methodologies and capital improvement project list, and the costs of collecting and accounting for system development charges expenditures.

(4) Money on deposit in the TTDT fund shall not be used for:

(a) Any expenditure that would be classified as a maintenance or repair expense; or

(b) Costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(5) TTDT revenues shall be spent on improvements within the boundaries of the City and for improvements outside the boundaries but which directly benefit the City.

Section 11. A new section, 2-8-110, is added to the Tualatin Development Code to read as follows:

Refunds.

Refunds of the TTDT may be made upon initiation of the City Engineer or upon written application filed with the City Engineer. The City Engineer shall allow refunds upon a finding that there was clerical error in the calculation of the TTDT. Refunds shall be allowed for failure to redeem a credit voucher or offset provided the claim for refund is in writing and actually received by the City within thirty days of the date of issuance of the building permit or occupancy permit if deferral was granted. No refund shall be granted for any reason other than those expressly provided for in this section.

Section 12. A new section, 2-8-120, is added to the Tualatin Municipal Code to read as follows:

Administration.

Proof of payment of the TTDT to the City shall be required prior to issuance of a building permit or occupancy permit if deferred.

Section 13. A new section, 2-8-130, is added to the Tualatin Municipal Code to read as follows:

Collection.

(1) Notwithstanding issuance of a building or occupancy permit without payment, the TTDT tax liability shall survive and be a personal obligation of the permittee.

(2) Intentional failure to pay the tax within 60 days of the due date shall result in a penalty equal to 50 percent of the tax. Interest shall accrue from the 60-day point at the legal rate established by statute.

(3) In addition to an action at law and any statutory rights, the City may:

(a) Refuse to issue any permits of any kind to the delinquent party for any development;

(b) Refuse to honor any credits held by the delinquent party for any development;

(c) Condition any development approval of the delinquent party on payment in full, including penalties and interest;

(d) Revoke any previous deferrals issued to the delinquent party, in which case the amount immediately shall be due, and refuse to issue any new deferrals;

(e) Withdraw the amount due, including penalties and interest, from any offset account held by the City for the delinquent party.

(4) For purposes of this section, "delinquent party" includes any person controlling a delinquent corporate permittee, including but not limited to any partnership, limited liability company or joint venture and, conversely, any corporation or entity controlled by a delinquent individual permittee.

Section 14. A new section, 2-8-140, is added to the Tualatin Municipal Code to read as follows:

Annual review.

(1) The City Engineer shall provide an annual accounting and review of the TTDT. This annual report shall be completed by January 1 of each year, and account for the previous fiscal year. The annual accounting shall include:

(a) A list of the amount spent on each project funded, in whole or in part, with TTDT revenues;

(b) The amount of revenue collected;

(c) The costs of complying with the System Development Charge provisions (ORS 223.297 to 223.314, as described in ORS 223.307) and/or other administrative expenses; and

(d) The annual accounting for fiscal years 2009 and beyond shall also include the amount of Traffic Impact Fee revenue collected, and Traffic Impact Fee revenue spent. Traffic Impact Fee funds shall be accounted for separately from the Transportation Development Tax funds.

(2) The City Engineer shall deliver a copy of the annual accounting report to the City Council.

(3) After reviewing the report, the City Council shall consider whether to amend the ordinance, including adjustment to the tax imposed, as necessary to address changing conditions.

Section 15. A new section, 2-8-150, is added to the Tualatin Municipal Code to read as follows:

Review of Decisions; Appeals.

(1) Review of Expenditures.

(a) Any citizen or other interested person may challenge an expenditure of TTDT revenues as being in violation of this chapter provided a written petition for review is filed with the City Council within two years of the expenditure. The petition shall identify with reasonable certainty the expenditure, the relevant facts and the specific provision alleged to have been violated.

(b) The City Council shall order an investigation and direct that within 60 days of receipt of the petition a written report be filed recommending appropriate action. Within 30 days of receipt of the report, the City Council shall conduct a hearing to determine whether the expenditure was proper. At least a ten-day notice of the hearing, including a copy of the report, shall be mailed to the petitioner. Petitioner shall have a reasonable opportunity to present his or her position at the hearing.

(c) The City Council may adopt rules of procedure governing the hearing including that the hearing may be continued if necessary to further address the issues.

(d) The petitioner shall have the burden of proof. Evidence and argument shall be limited to grounds specified in the petition. The City Council shall issue a written decision stating the basis for its conclusion and directing appropriate action be taken.

(e) Review of the City Council's decision shall be as provided in ORS 34.010 to 34.100.

(2) Review of decisions of the City Engineer:

(a) The City Engineer's decisions under this section shall be in writing and mailed by regular mail to the last known address of the applicant.

(b) Any person aggrieved by a discretionary decision of the City Engineer may appeal the decision to the City Council. The appeal shall be in writing and must be filed with the City Engineer within fourteen days of the date the City Engineer's decision was mailed.

(c) The appeal shall state the relevant facts, applicable ordinance provisions and relief sought. The City Council shall hear the appeal in the same manner as provided for development permit applications. The City may by resolution establish a reasonable appeal fee.

(d) The appellant shall have the burden of proving that an error was committed resulting in substantial prejudice.

(e) In an appeal of a decision to deny a credit, the applicant shall have the burden of demonstrating that the particular improvement qualified for the credit under TMC 2-8-070. The City Engineer may deny the credit requested, in whole or in part, if it is determined that the credit application does not meet the requirements of TMC 2-8-070 or that the improvement for which the credit is requested is not on the Project List in Appendix C, for credits allowed under Section 3.17.070B. An appeal from the City

Engineer's decision shall be heard by the City Council in the manner provided in this section.

Section 16. A new section, 2-8-160, is added to the Tualatin Municipal Code to read as follows:

Transition.

(1) Except as otherwise provided in this section, this chapter shall apply to issuance of building permits for all development for which a building permit application is received by the City, on or after the effective date. This shall not include resubmittal of building permit applications previously deemed incomplete if the requested information is submitted within 180 days of the date the application was first submitted.

(2) The prior provisions of TMC chapter 2-4, the Traffic Impact Fee, shall continue to be fully applicable and shall govern all building permit applications received by the City prior to the effective date of the ordinance codified in this chapter. This shall include building permit applications deemed incomplete if the requested information is submitted within 180 days of the date the application was first submitted.

(3) The existing provisions of TMC chapter 2-4, the Traffic Impact Fee, shall continue to apply to proposed developments under this subsection provided they have received final permits or a final limited land use decision prior to the effective date of this ordinance, such that the applicant would be entitled to apply for and receive a building permit, except for:

(a) residential developments;

(b) a change in use of an existing structure; and

(c) minor additions to an existing use not requiring discretionary approval.

To be subject to the Traffic Impact Fee, any building permits issued pursuant to such approvals must be issued by July 1, 2012. Any building permits issued after that date shall be subject to the applicable TDT, regardless of the date of the final land use permit. For purposes of this subsection, "permits" shall have the meaning set forth in ORS 227.160 for cities. Limited land use decision shall have the meaning set forth in ORS 197.015(12). Any person claiming to be eligible to pay TIF rather than the TDT under this subsection shall provide sufficient written evidence to the City Engineer demonstrating all facts required to determine eligibility.

(4) Notwithstanding these amendments, the prior provisions of TMC 2-4, the Traffic Impact Fee shall continue to be fully applicable and shall govern use of revenues collected prior to the effective date of these amendments.

(5) All deferrals, credits, and Bancroft payment agreements shall continue and be administered under the terms in existence when issued except that all credits which have not previously expired, shall be valid for a period of ten years from the original date of acceptance of the improvement by the jurisdiction for credits. Only credits issued after the effective date of this ordinance shall be permitted to transfer from the property to which they were originally issued. Enactment of this ordinance shall in no way impact any budget or appropriations, contracts, permits, condemnation proceedings any systems development charge, fee, or tax imposed by the City.

INTRODUCED AND ADOPTED this 10th day of May, 2010.

CITY OF TUALATIN, OREGON

BY________________________
Mayor

ATTEST:

BY________________________
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.

COMMUNITY NEWSPAPERS
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E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
Notice of Hearing: Proposed Tax
TT11416

A copy of which is hereto annexed, was published in the entire issue of said newspaper for
1
week in the following issue:
March 4, 2010

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this March 4, 2010.

Robin A. Burgess

NOTARY PUBLIC FOR OREGON
My commission expires

Acct #108462
Attn: Linda Odermott
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

Size: 2 x 2
Amount Due $72.00 *
*Please remit to address above.

NOTICE OF HEARING
CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN in accordance with ORS 223.304(7)(a), that the City of Tualatin City Council will meet at 7:00 p.m., Monday, May 10, 2010, in the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

A RESOLUTION ADOPTING A TRANSPORTATION DEVELOPMENT TAX IN THE CLACKAMAS COUNTY PORTION OF THE CITY OF TUALATIN.

The proposed Transportation Development Tax (TDT) will be applicable to the Clackamas County portion of Tualatin and mirror the Methodology used in Washington County's Transportation Development Tax. It will add two projects to the project list for Clackamas County. The TDT will replace the City's current Traffic Impact Fee found in TMC 2-4.

Individuals wishing to comment may do so in writing to the City Engineer's Office prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. .

Copies of the Methodology report to be used are available for inspection at no cost and will be provided at reasonable costs. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable costs. For information, contact Michael A. McKillip, City Engineer at (503) 691.3030. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
Tualatin City Manager

Publish 03/04/2010. TT11416

EXHIBIT A

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Linda Odermott, being duly sworn, depose and say:

That on the 2nd day of February, 2010, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Intent to Create Transportation Development Tax in Clackamas County portion of Tualatin, by mailing notice to parties requesting notice. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined by the written requests for notices from the interested parties, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

L Odermott
Linda Odermott

SUBSCRIBED AND SWORN TO before me this 21st day of April, 2010.

Maureen A Smith
Notary Public of Oregon
My commission expires: July 4, 2013

OFFICIAL SEAL
MAUREEN A SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 438788
MY COMMISSION EXPIRES JULY 4, 2013

RE: NOTICE OF INTENT TO CREATE TRANSPORTATION DEVELOPMENT TAX IN CLACKAMAS COUNTY PORTION OF TUALATIN

EXHIBIT B

City of Tualatin

www.ci.tualatin.or.us

COPY

February 2, 2010

Drake Butsch
Home Builders Association of Metropolitan Portland
15555 SW Bangy Rd., Ste 301
Lake Oswego, OR 97035

Re: Notice of Intent to Create Transportation Development Tax
In Clackamas County portion of Tualatin

Dear Mr. Butsch:

In May, the City of Tualatin will consider adopting a Transportation Development Tax in the Clackamas County portion of the City of Tualatin that will mirror the Washington County Transportation Development Tax. The proposed tax would replace the City's current Traffic Impact Fee. This notice is being sent in accordance with ORS 223.304(7)(a).

The hearing on this issue will be held at the May 10, 2010 Council Meeting. We expect to adopt the Methodology and Procedures used in the Washington County TDT adopted in Washington County Ordinance 691. The project list would add two projects located in the Clackamas County portion of Tualatin. The Methodology Report is available for review at the Tualatin City Library or the City Engineer's Office.

If you have any questions, please contact Mike McKillip, City Engineer, at 503-691-3030.

Very truly yours,

Brenda L. Braden

Brenda Braden
Tualatin City Attorney

EXHIBIT A pg1

COPY

February 2, 2010

Don Miner
Oregon Manufactured Housing Association
2255 State Street
Salem, Or 97301

Re: Notice of Intent to Create Transportation Development Tax
In Clackamas County portion of Tualatin

Dear Mr. Miner:

In May, the City of Tualatin will consider adopting a Transportation Development Tax in the Clackamas County portion of the City of Tualatin that will mirror the Washington County Transportation Development Tax. The proposed tax would replace the City's current Traffic Impact Fee. This notice is being sent in accordance with ORS 223.304(7)(a).

The hearing on this issue will be held at the May 10, 2010 Council Meeting. We expect to adopt the Methodology and Procedures used in the Washington County TDT adopted in Washington County Ordinance 691. The project list would add two projects located in the Clackamas County portion of Tualatin. The Methodology Report is available for review at the Tualatin City Library or the City Engineer's Office.

If you have any questions, please contact Mike McKillip, City Engineer, at 503-691-3030.

Very truly yours,

Brenda L. Braden

Brenda Braden
Tualatin City Attorney

EXHIBIT A, pg 1

APPENDIX A

WASHINGTON COUNTY

Transportation Development Tax
Methodology Report

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WASHINGTON COUNTY

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1.0 BACKGROUND AND INTRODUCTION

In 1990, the voters of Washington County approved a tax on developing properties called the Traffic Impact Fee (TIF)[1]. The TIF is collected countywide, including within cities, through intergovernmental agreements between the County and each city. Revenues from the TIF are used for major improvements to the arterial and collector road system throughout the County. From approval in 1990 through December 2006, approximately $230 million in TIF-dedicated funds were collected. During recent years, countywide TIF revenues have been in the range of $15 to $17 million per year.

Staff estimates that the current TIF program provides for approximately 20% of future needed capacity improvements to the countywide arterial and collector road system. In October 2007, staff was directed to develop options for changing or replacing the TIF program to increase revenues from new development. Because the TIF was adopted as a voter-approved tax, changes to the TIF program, such as increasing[2] the TIF rates, must first receive voter approval.

This report presents the methodology for calculating the total transportation SDC-eligible costs. These costs represent the maximum transportation SDC rates. Also included is the adjustment methodology and phase-in schedule calculation.

Some of the data in this report were prepared using computer spreadsheet software. The results may vary from what would be obtained using a calculator to compute the same data. These variations are a result of rounding. For currency calculations, all results have been rounded to the nearest dollar.

A. Legislative Authority

While Washington County voters have the authority to impose taxes on new development, the Oregon Court of Appeals ruled in 2002 that the County's TIF qualifies as a "System Development Charge" (SDC) and must comply with statutory provisions governing such charges.

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[1] The Traffic Impact Fee (TIF) was adopted and voted on as a tax. In 2002 the Court of Appeals for the State of Oregon ruled that the statutes pertaining to SDCs apply to TIF.

[2] Construction costs have increased by as much as 31.2 % in a single year, but annual TIF rate increases are limited to a maximum of 6% by the current TIF ordinance.

SDCs are one-time fees charged to new development to help pay a portion of the costs associated with building capital facilities to meet needs created by growth. SDCs are authorized for five types of capital facilities including transportation, water, sewer, stormwater, and parks and recreation. The source of authority for the adoption of SDCs is found both in state statute and in the County's own plenary authority to adopt this type of fee. SDCs have been in use in Oregon since the mid-1970's, but State legislation regarding SDCs was not adopted until 1989, when the Oregon Systems Development Act (SDC Act) was passed. The purpose of this Act was to "...provide a uniform framework for the imposition of system development charges..." Legislative additions and modifications to the Act were made in 1993, 1999, 2001, and 2003. The Oregon Systems Development Act requires local governments that enact SDCs to:

- adopt SDCs by ordinance or resolution;
- develop a methodology outlining how the SDCs were developed;
- adopt a plan and project list to designate capital improvements that can be funded with "improvement fee" SDC revenues;
- provide credit against the amount of the SDC for the construction of certain "qualified public improvements";
- separately account for and report receipt and expenditure of SDC revenues, and develop procedures for challenging expenditures; and
- use SDC revenues for capital improvements and compliance costs only - operations and maintenance uses are prohibited.

B. "Improvement fee" and "Reimbursement fee" SDCs

The SDC Act provides for the imposition of two types of SDCs: (1) "improvement fee", and (2) "reimbursement fee". An "improvement fee" SDC may be charged for new capital improvements that will address future capacity needs. Revenues from "improvement fee" SDCs may be used only for capacity-increasing capital improvements included in a plan and list of projects that identifies the expected timing, cost, and growth-required percentage for each project.

"Reimbursement fee" SDCs may be charged for the costs of existing capital facilities if "excess capacity" is available to accommodate growth. Revenues from "reimbursement fees" may be used for *any* capital improvement project, including major repairs, upgrades, or renovations. A SDC may include both an improvement fee and a reimbursement fee SDC if the basis for both exists.

C. Requirements and Options for Credits, Exemptions, Rate Incentives, and Discounts

<u>(1) Credits</u>
A credit is a reduction in the amount of the SDC for a specific development. The SDC Act requires that credit must be provided for the construction of any "qualified public improvement" that (1) is required as a condition of development

approval, (2) is identified in the plan and list of projects on which improvement fee SDC revenues may be used, and (3) either is not located on or contiguous to property that is the subject of development approval, or is located on or contiguous to such property and is required to be built larger or with greater capacity than is necessary to meet the needs of the particular development project.

The credit for a qualified public improvement may be applied only against an SDC for the same type of improvement (e.g., a transportation improvement can only be used for a credit for a transportation SDC), and must be granted only for the cost of that portion of an improvement which exceeds the minimum standard facility size or capacity needed to serve the particular project. For multi-phase projects, any excess credit must be applied only against SDCs that accrue in subsequent phases of the original development project.

In addition to these required credits, the County may, if it so chooses, provide a greater credit, establish a system providing for the transferability of credits, provide a credit for a capital improvement not identified in the required list of projects, or provide a share of the cost of an improvement by other means (i.e., partnerships, other County revenues, etc.).

(2) Exemptions / Rate Incentives / Discounts
The County may "exempt" certain types of development from the SDC, or provide another type of “rate incentive” if the exemption or incentive is tied to an adopted Countywide goal or policy. Investigating a TDT credit or fee reduction for land use types that have programs or features aimed at reducing motor vehicle trips, has been deferred to a later date.

2.0 TRANSPORTATION SDC METHODOLOGY

A. SDC Basis and Justification

The County has developed a list of transportation SDC-eligible motor vehicle and transit capital improvement projects. These capital improvements generally come from one or more of the following transportation plans: Metro Regional Transportation Plan (Metro 2004), Washington County Transportation Plan, and various city transportation plans. The SDC-eligible capital improvements are needed to serve motor vehicle and transit transportation needs through approximately 2030. Planned motor vehicle and transit capital improvement projects were analyzed to identify 1) the capacity-increasing portion of costs for each project, 2) the future growth benefit (versus current capacity needs), 3) the share of costs projected to be funded through other revenue sources, and 4) the growth-required, SDC-eligible portion. The lists also show the estimated timing of each project.

This transportation SDC methodology is for an "improvement fee" only and establishes the connection between a project's impacts and the SDC through the use of trip generation data. *Trip Generation* (7th Ed., 2003) published by the Institute of Transportation Engineers (ITE) was used to estimate the number of new trips generated by each new development. The SDC to be paid by new development is based on the impact each specific development will have on the transportation facilities for which the SDC is charged.

B. Future Trip-Ends

The ITE *Trip Generation* manual includes motor vehicle trip estimates for various land use types. Each trip is considered to have two ends, one at the origin and one at the destination. To accurately calculate SDC rates using *Trip Generation*, it is necessary to estimate the number of new motor vehicle trip-ends (origin trips and destination trips) so that the cost per trip is not overstated. The average daily number of motor vehicle trip-ends for the years 2008 and 2030 were estimated by County staff using data from the Metro Regional Travel Demand Forecast.

In addition to motor vehicle trips, this transportation SDC methodology also considers transit trips. In order to use *Trip Generation,* estimates for motor vehicle occupancy and transit trips are required. The average motor vehicle occupancy rate was estimated by County staff, again using data from the Metro Travel Demand Forecast, at 1.33 persons for 2008, increasing to 1.42 persons in 2030. Metro Travel Demand Forecast and RTP data were also used by County staff to develop estimates of current (2008) transit trips (equal to approximately 4.15% of motor vehicle trip-ends), and year 2030 transit trips (expected to increase to 6.75% by 2030). The projected increases in the average daily motor vehicle, transit, and total[3] person trip-ends for Washington County are shown in Table 1, below.

TABLE 1
PROJECTED GROWTH IN WASHINGTON COUNTY
AVERAGE DAILY TRIP-ENDS
(2008 – 2030)

Trip Category	Estimated 2008	Projected 2030	Increase
Average Daily Motor Vehicle trip-ends*	2,593,363	3,529,900	936,537
Motor vehicle person trip-ends	3,410,584	4,948,525	1,537,941
Transit person trip-ends	106,191	234,808	128,617
Total motor vehicle and transit person trip-ends	3,516,775	5,183,333	1,666,558

** Includes through-trip-ends using county and city roads, estimated at 37,320 per day in 2008, increasing to 50,200 per day in 2030.*

[3] The total person trip-ends includes only motor vehicle and transit person trip-ends, and does not include pedestrian or bicycle person trip-ends.

C. Capital Improvements Included in the Transportation SDC

The total SDC-eligible portion of costs for motor vehicle capital improvements included in the County's SDC-eligible project list is $2,329,850,413. For transit capital improvements, the total is $264,412,104. The SDC-eligible growth benefit was identified for each project based on the portion needed to serve new development.

SDC-eligible costs for motor vehicle capital improvements were based upon the proportion of the improvement that is related to capacity and the proportion of that capacity that is attributed to a future rather than an existing need. Oftentimes, transportation projects are a combination of capacity, safety and reconstruction elements. Because SDC funds are restricted to use on capacity elements only, Table 1 was developed to standardize the decision process for determining the portion of a road project that is related to capacity. All roadway capacity projects were categorized as having a 100, 75, 50 or 25 percent capacity share based on the presence of the typical project elements shown on the table below.

TABLE 2
GUIDELINE FOR DETERMINING PROPORTION OF IMPROVEMENT RELATED TO CAPACITY

Type of Improvement	Percent of Improvement Related to Need for Extra Capacity*			
	100%	75%	50%	25%
Add through-lane	✓			
Add turn lane	✓			
Extend existing or construct new roadway	✓			
Grade separate intersection	✓			
Reconfigure intersection (e.g., roundabout)	✓			
Add signal interconnect or adaptive signal system	✓			
Add new signal, upgrade existing traffic signal, or change signal phasing		✓		
Do minor lane widening requiring reconstruction			✓	
Realign roadway				✓
Add backage road to improve access				✓

*For projects with multiple improvement elements, percentage of improvement related to extra-capacity need is equal to the element having the highest individual assigned percentage. Improvements not listed on this table have no significant extra-capacity element which would qualify them for SDC eligibility.

For project locations where a deficiency currently exists, the future growth share is less than 100%, reflecting that the project also addresses a non-growth need. The future growth share was estimated using the Metro regional model for 2008 and 2030. The future share was less than 100% when the 2008 V/C[4] exceeded the Washington County acceptable level of service standard of 0.98. In those locations the eligible growth share was calculated by subtracting the acceptable V/C standard (0.98) from the 2008 V/C ratio and dividing by the 2030 V/C ratio. This ratio was multiplied by the eligible capacity amount to get the eligible SDC amount.

Formula 1

1.	(1	-	((Existing (2008) V/C	-	0.98)	/	Future (2030) V/C))

D. Compliance Costs

The County incurs costs to comply with legal requirements for SDCs and may recoup a portion of these costs in accordance with ORS 223.307(5). Estimated compliance costs for this option during the 23-year collection period are shown in Table 2, below.

TABLE 3
ESTIMATED COMPLIANCE COSTS
(2008 – 2030)

Initial Transportation SDC CIP and Methodology Development	$250,000
Transportation SDC CIP and Methodology Updates (5 X $40,000 for consulting and staff services)	$200,000
SDC and CIP Management, Coordination, Accounting and Reporting Costs ($208,000 per year for engineering, legal, audit, financial reporting and staff services)	$4,784,000
Total Estimated 23-year Compliance Costs	$5,234,000

E. Calculation of Transportation SDC-Eligible Costs

The Transportation SDC-eligible costs are calculated using the following series of formulas which:

1. calculate the cost per person trip-end for motor vehicle improvements, transit improvements, and compliance costs;
2. identify the number of "new" trips for each type of land use;
3. adjust trip rates to allow for differences in trip lengths;
4. calculate the motor vehicle, transit and compliance costs per unit of development;
5. calculate adjusted cost per unit,
6. calculate percent of need recovered; and
7. calculate the phase-in schedule.

[4] V/C stands for Volume to Capacity Ratio

1. Cost Per Person Trip-End

The SDC-eligible capital improvements identified in the appendices include both motor vehicle improvements and transit improvements. The Cost Per Person Trip-End is calculated for each of these travel modes and for compliance costs by dividing the SDC-eligible costs by the increase in the average number of new person trip-ends shown in Table 1, page 5, using the following formula:

Formula 2

2.	SDC-Eligible Project Cost	÷	Increase In Person Trip-Ends	=	SDC-Eligible Cost Per New Person Trip-End

The SDC-Eligible Cost Per Person Trip-End for each travel mode and for compliance costs are shown in Table 3, below.

TABLE 4
SDC-ELIGIBLE COST PER PERSON TRIP-END

Type of Cost	SDC-Eligible Project Costs		Total New ADT Person Trip-Ends		Percent of Need Recovered		Cost Per New Person Trip-End
Motor Vehicle Costs	$2,329,850,413	÷	1,666,558	X	28%	=	$391
Transit Costs	264,412,104	÷	1,666,558	X	28%	=	$44
Compliance Costs	$5,234,000	÷	1,666,558	X	100%	=	$3
TOTAL	**$2,599,496,517**						**$439**

Table 5 lists the number of new trips generated for each selected ITE land use category, using Formula 3. Column 1 through 3 lists land use categories, their ITE code numbers, and Unit used for calculation. Column 4 contains either the Weekday Average or, when not available, the Weekday PM Peak Trip Rate from ITE Trip Generation. Column 5 identifies the total person-trips (Column 4 X 1.42 persons per vehicle), plus Column 4 X 6.75% (projected transit trips per motor vehicle trip). Column 6 identifies the percentage of trips that are new or primary, as opposed to pass-by or diverted trips. Column 7 is the result of multiplying columns 5 and 6 by each other, producing the number of new person trips generated per day for each land use category. (NOTE: Because of small sample sizes in Trip Generation, some land use categories do not include trip rates or a number of net new trips generated. For these categories, the trip generation rate for the land use which is the most similar to actual land use is used).

2. New Person Trip-Ends Per Unit of Development
The number of new person trip-ends generated per day is calculated for each type of land use using the following formula:

Formula 3

3.	ITE Trip Rate	X	Number of Person Trips	X	Percent New / Primary Trips	=	New Person Trip-Ends

The ITE *Trip Generation* manual contains trip rates based on trip generation studies conducted nationwide, and provides the base data of unadjusted counts of trips generated by various types of land use.

These rates and equations represent vehicles entering and exiting a site at its driveways. There are instances, however, when the total number of trips generated by a site is different from the amount of new traffic added to the street system. These sites attract a portion of their trips from traffic on the way from an origin to an ultimate destination. The total trip rates included in *Trip Generation* include all traffic entering or leaving a location or development, and do not account for traffic that is passing by or diverted from other routes and interrupt a "primary" trip between two other locations. These "pass-by" and "diverted" trips are not "new" because they would occur regardless of development activity. Primary trips are trips made for the specific purpose of visiting the generator. The TDT methodology accounts for new or primary trips only and factors out the pass-by and diverted trips from the rate calculations.

"New" trips are often based on the assumption that all trips from residential land uses are new trips (therefore, percentage = 100%), and all other land uses are evaluated to reflect the percentage of their trips that are "new" versus the remainder (which are "pass-by" or "diverted" trips). No land use category has greater than 100% new/primary trips, but some categories have as few as 12% new/primary trips. The percentages used to account for pass-by and diverted link trips in this methodology are based on the data included in the ITE *Trip Generation Handbook, 7^{th} Edition* (2004).

TABLE 5
NEW PERSON TRIP-ENDS PER UNIT OF DEVELOPMENT

Column 1 Land Use Category	Column 2 ITE Code	Column 3 Unit*	Column 4 Weekday Average Trip Rate	Column 5 Total Person Trips	Column 6 % Primary Trips	Column 7 New Person Trip-Ends
Residential						
Single Family Detached	210	/dwelling unit	9.57	14.24	100%	14.24
Apartment	220	/dwelling unit	6.72	10.00	100%	10.00
Residential Condomunium/Townhouse	230	/dwelling unit	5.86	8.72	100%	8.72
Manufactured Housing (in Park)	240	/dwelling unit	4.99	7.42	100%	7.42
Assisted Living	254	/bed	2.74	4.08	100%	4.08
Continuing Care Retirement	255	/unit	2.81	4.18	100%	4.18
Recreational						
Park	411	/acre	1.59	2.37	100%	2.37
Golf Course	430	/hole	35.74	53.16	100%	53.16
Golf Driving Range**	432	/tee	12.50	18.59	100%	18.59
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	33.50	49.83	100%	49.83
Bowling Alley	437	/lane	33.33	49.58	100%	49.58
Multiplex Movie Theater**	445	/screen	136.40	202.90	100%	202.90
Health/Fitness Club	492	/T.S.F.G.F.A.	32.93	48.98	100%	48.98
Recreation/Community Center	495	/T.S.F.G.F.A.	22.88	34.03	100%	34.03
Institutional/Medical						
Elementary School (Public)	520	/student	1.29	1.92	100%	1.92
Middle/Junior High School (Public)	522	/student	1.62	2.41	100%	2.41
High School (Public)	530	/student	1.71	2.54	100%	2.54
Private School (K-12)	536	/student	2.48	3.69	100%	3.69
Junior College	540	/student	1.20	1.79	100%	1.79
University/College	550	/student	2.38	3.54	100%	3.54
Church	560	/T.S.F.G.F.A.	9.11	13.55	100%	13.55
Day Care Center/Preschool	565	/student	4.48	6.66	100%	6.66
Library	590	/T.S.F.G.F.A.	54.00	80.33	100%	80.33
Hospital	610	/bed	11.81	17.57	100%	17.57
Nursing Home	620	/bed	2.37	3.53	100%	3.53
Clinic	630	/T.S.F.G.F.A.	31.45	46.78	100%	46.78
Commercial/Services						
Hotel/Motel	310	/room	8.92	13.27	100%	13.27
Building Materials/Lumber	812	/T.S.F.G.F.A.	45.16	67.18	52%	34.93
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	49.12	73.07	48%	35.07
Specialty Retail Center	814	/T.S.F.G.L.A.	44.32	65.93	43%	28.35
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	56.02	83.33	48%	40.00
Hardware/Paint Store	816	/T.S.F.G.F.A.	51.29	76.29	45%	34.33
Nursery/Garden Center	817	/T.S.F.G.F.A.	36.08	53.67	66%	35.42
Shopping Center	820	/T.S.F.G.L.A.	42.94	63.87	43%	27.47
Factory Outlet Center	823	/T.S.F.G.F.A.	26.59	39.55	43%	17.01
New Car Sales	841	/T.S.F.G.F.A.	33.34	49.59	66%	32.73
Automobile Parts Sales	843	/T.S.F.G.F.A.	61.91	92.09	44%	40.52
Tire Superstore	849	/T.S.F.G.F.A.	20.36	30.29	67%	20.29
Supermarket	850	/T.S.F.G.F.A.	102.24	152.08	34%	51.71
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	737.99	1097.76	24%	263.46
Convenience Market with Fuel Pump	853	/V.F.P.	542.60	807.12	16%	129.14
Wholesale Market	860	/T.S.F.G.F.A.	6.73	10.01	48%	4.81
Discount Club	861	/T.S.F.G.F.A.	41.80	62.18	48%	29.85
Home Improvement Superstore	862	/T.S.F.G.F.A.	29.80	44.33	32%	14.18
Electronics Superstore	863	/T.S.F.G.F.A.	45.04	67.00	27%	18.09
Office Supply Superstore**	867	/T.S.F.G.F.A.	34.00	50.58	66%	33.38
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	90.06	133.96	41%	54.93
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	88.16	131.14	38%	49.83
Furniture Store	890	/T.S.F.G.F.A.	5.06	7.53	20%	1.51
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	156.48	232.76	27%	62.85
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	246.49	366.65	27%	99.00

TABLE 5
NEW PERSON TRIP-ENDS PER UNIT OF DEVELOPMENT

Column 1 Land Use Category	Column 2 ITE Code	Column 3 Unit*	Column 4 Weekday Average Trip Rate	Column 5 Total Person Trips	Column 6 % Primary Trips	Column 7 New Person Trip-Ends
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	89.95	133.80	38%	50.84
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	127.15	189.14	37%	69.98
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	716.00	1065.05	30%	319.52
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	496.12	737.98	30%	221.39
Drive-Thru Restaurant (No Seating)**	935	/T.S.F.G.F.A.	1538.50	2288.52	30%	686.56
Drinking Place/Bar**	936	/T.S.F.G.F.A.	113.40	168.68	50%	84.34
Quick Lubrication Vehicle Shop	941	/Service Stall	40.00	59.50	58%	34.51
Automobile Care Center	942	/T.S.F.G.L.A.	40.10	59.65	58%	34.60
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	168.56	250.73	14%	35.10
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	152.84	227.35	12%	27.28
Office						
General Office Building	710	/T.S.F.G.F.A.	11.01	16.38	100%	16.38
Medical-Dental Office Building	720	/T.S.F.G.F.A.	36.13	53.74	100%	53.74
Government Office Building	730	/T.S.F.G.F.A.	68.93	102.53	100%	102.53
U.S. Post Office	732	/T.S.F.G.F.A.	108.19	160.93	83%	133.57
Office Park	750	/T.S.F.G.F.A.	11.42	16.99	100%	16.99
Port/Industrial						
Truck Terminal	030	/T.S.F.G.F.A.	9.85	14.65	100%	14.65
General Light Industrial	110	/T.S.F.G.F.A.	6.97	10.37	100%	10.37
General Heavy Industrial	120	/T.S.F.G.F.A.	1.50	2.23	100%	2.23
Manufacturing	140	/T.S.F.G.F.A.	3.82	5.68	100%	5.68
Warehouse	150	/T.S.F.G.F.A.	4.96	7.38	100%	7.38
Mini-Warehouse	151	/T.S.F.G.F.A.	2.50	3.72	100%	3.72
Utilities**	170	/T.S.F.G.F.A.	7.60	11.31	83%	9.38

* Abbrevations used in the "Unit" colum:
T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area
T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area
V.F.P. = Vehicle Fueling Position

** Because there is no ITE Weekday Average Trip Rate for this category,
the Trip Rate shown is the ITE PM Peak Hour Trip Rate multiplied by a factor of ten.

3. Trip Length Adjustment

Table 6 lists the net adjusted trip-ends per day for each type of development, as calculated using Formula 4. Column 1 through 3 restates the ITE codes and land use categories, and Column 4 restates the new trips per day from the last column of Table 4. Column 5 presents the trip length factor for each type of land use. Column 6 displays the net adjusted trips per day for each land use category; the result of multiplying the number of trips (Column 4) by the trip length factor (Column 5).

The ITE trip generation rates do not account for differences in the lengths of trips for different types of development. Because longer trips have a relatively greater impact on the road system than do shorter trips, an adjustment factor is needed to account for differences in trip lengths relative to the length of an "average" trip. The net adjusted trip-ends generated per day is determined for each type of land use by multiplying the number of new person trip-ends (from Formula 3) by the trip length factor for each type of land use:

Formula 4

4.	New Person Trip-Ends	X	Trip Length Factor	=	Net Adjusted Trip-Ends Per Day

Trip length data from surveys conducted for the U.S. Department of Transportation and published in the "National Household Travel Study" (2001) were used in developing the Trip Length Factors, as were concepts and methods recommended by James C. Nicholas, in "The Calculation of Proportionate-Share Impact Fees" (American Planning Association, 1988), and "Development Impact Fee Policy and Administration", (American Planning Association, 1990).

TABLE 6
NET ADJUSTED TRIP-ENDS PER UNIT OF DEVELOPMENT

Column 1 Land Use Category	Column 2 ITE Code	Column 3 Unit*	Column 4 New Person Trip-Ends	Column 5 Trip Length Factor	Column 6 Net Adjusted Trip-Ends
Residential					
Single Family Detached	210	/dwelling unit	14.24	1.00	14.24
Apartment	220	/dwelling unit	10.00	1.00	10.00
Residential Condomunium/Townhouse	230	/dwelling unit	8.72	1.00	8.72
Manufactured Housing (in Park)	240	/dwelling unit	7.42	1.00	7.42
Assisted Living	254	/bed	4.08	1.00	4.08
Continuing Care Retirement	255	/unit	4.18	1.00	4.18
Recreational					
Park	411	/acre	2.37	1.11	2.63
Golf Course	430	/hole	53.16	1.50	79.74
Golf Driving Range**	432	/tee	18.59	1.11	20.64
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	49.83	1.11	55.31
Bowling Alley	437	/lane	49.58	1.11	55.03
Multiplex Movie Theater**	445	/screen	202.90	1.11	225.21
Health/Fitness Club	492	/T.S.F.G.F.A.	48.98	1.11	54.37
Recreation/Community Center	495	/T.S.F.G.F.A.	34.03	1.11	37.78
Institutional/Medical					
Elementary School (Public)	520	/student	1.92	0.40	0.77
Middle/Junior High School (Public)	522	/student	2.41	0.40	0.96
High School (Public)	530	/student	2.54	0.75	1.91
Private School (K-12)	536	/student	3.69	0.75	2.77
Junior College	540	/student	1.79	0.75	1.34
University/College	550	/student	3.54	0.75	2.66
Church	560	/T.S.F.G.F.A.	13.55	0.40	5.42
Day Care Center/Preschool	565	/student	6.66	0.40	2.67
Library	590	/T.S.F.G.F.A.	80.33	0.40	32.13
Hospital	610	/bed	17.57	1.06	18.62
Nursing Home	620	/bed	3.53	1.06	3.74
Clinic	630	/T.S.F.G.F.A.	46.78	1.06	49.59
Commercial/Services					
Hotel/Motel	310	/room	13.27	1.24	16.45
Building Materials/Lumber	812	/T.S.F.G.F.A.	34.93	0.84	29.34
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	35.07	0.84	29.46
Specialty Retail Center	814	/T.S.F.G.L.A.	28.35	0.84	23.81
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	40.00	0.84	33.60
Hardware/Paint Store	816	/T.S.F.G.F.A.	34.33	0.84	28.84
Nursery/Garden Center	817	/T.S.F.G.F.A.	35.42	0.84	29.75
Shopping Center	820	/T.S.F.G.L.A.	27.47	0.84	23.07
Factory Outlet Center	823	/T.S.F.G.F.A.	17.01	0.84	14.29
New Car Sales	841	/T.S.F.G.F.A.	32.73	0.84	27.49
Automobile Parts Sales	843	/T.S.F.G.F.A.	40.52	0.84	34.04
Tire Superstore	849	/T.S.F.G.F.A.	20.29	0.84	17.04
Supermarket	850	/T.S.F.G.F.A.	51.71	0.84	43.43
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	263.46	0.42	110.65
Convenience Market with Fuel Pump	853	/V.F.P.	129.14	0.42	54.24
Wholesale Market	860	/T.S.F.G.F.A.	4.81	0.84	4.04
Discount Club	861	/T.S.F.G.F.A.	29.85	0.84	25.07
Home Improvement Superstore	862	/T.S.F.G.F.A.	14.18	0.84	11.92
Electronics Superstore	863	/T.S.F.G.F.A.	18.09	0.84	15.19
Office Supply Superstore**	867	/T.S.F.G.F.A.	33.38	0.84	28.04
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	54.93	0.84	46.14
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	49.83	0.84	41.86
Furniture Store	890	/T.S.F.G.F.A.	1.51	0.84	1.26
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	62.85	0.84	52.79
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	99.00	0.84	83.16

TABLE 6

NET ADJUSTED TRIP-ENDS PER UNIT OF DEVELOPMENT

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Land Use Category	ITE Code	Unit*	New Person Trip-Ends	Trip Length Factor	Net Adjusted Trip-Ends
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	50.84	1.00	50.84
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	69.98	0.50	34.99
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	319.52	0.50	159.76
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	221.39	0.50	110.70
Drive-Thru Restaurant (No Seating)**	935	/T.S.F.G.F.A.	686.56	0.50	343.28
Drinking Place/Bar**	936	/T.S.F.G.F.A.	84.34	0.50	42.17
Quick Lubrication Vehicle Shop	941	/Service Stall	34.51	0.84	28.99
Automobile Care Center	942	/T.S.F.G.L.A.	34.60	0.84	29.06
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	35.10	0.42	14.74
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	27.28	0.42	11.46
Office					
General Office Building	710	/T.S.F.G.F.A.	16.38	1.06	17.36
Medical-Dental Office Building	720	/T.S.F.G.F.A.	53.74	1.06	56.97
Government Office Building	730	/T.S.F.G.F.A.	102.53	1.06	108.69
U.S. Post Office	732	/T.S.F.G.F.A.	133.57	1.06	141.59
Office Park	750	/T.S.F.G.F.A.	16.99	1.06	18.01
Port/Industrial					
Truck Terminal	030	/T.S.F.G.F.A.	14.65	1.06	15.53
General Light Industrial	110	/T.S.F.G.F.A.	10.37	1.06	10.99
General Heavy Industrial	120	/T.S.F.G.F.A.	2.23	1.06	2.37
Manufacturing	140	/T.S.F.G.F.A.	5.68	1.06	6.02
Warehouse	150	/T.S.F.G.F.A.	7.38	1.06	7.82
Mini-Warehouse	151	/T.S.F.G.F.A.	3.72	1.06	3.94
Utilities**	170	/T.S.F.G.F.A.	9.38	1.06	9.95

* Abbrevations used in the "Unit" colum:
T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area
T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area
V.F.P. = Vehicle Fueling Position

** Because there is no ITE Weekday Average Trip Rate for this category,
the Trip Rate shown is the ITE PM Peak Hour Trip Rate multiplied by a factor of ten.

4. Unadjusted Cost Per Unit

Table 7 displays the cost per unit for each land use category. Column 1 through 3 restates the ITE land use codes and categories, Column 4 restates the net adjusted trip-ends for each land use category (from Table 6). The Motor Vehicle Improvements Cost Per Unit, shown in Column 5, is calculated by multiplying the net adjusted trip-ends (Column 4) by the motor vehicle improvements cost per trip-end (from Table 4). The Transit Improvements Cost Per Unit, shown in Column 6, is calculated by multiplying the net adjusted trip-ends for each land use category (Column 4) by the transit improvements cost per trip-end (from Table 4). The Compliance Cost Per Unit shown in Column 7 is calculated by multiplying the net adjusted person trip-ends for each land use category (Column 4) by the compliance cost per person trip-end (from Table 4). The total unadjusted cost per unit is the sum of the motor vehicle, transit and compliance cost per unit, and is displayed in column 8.

The motor vehicle improvements cost per unit of development is calculated for each type of land use by multiplying the net adjusted person trip-ends for each land use (from Table 6) by the $391 motor vehicle improvements cost per trip-end (from Table 4).

Formula 5

5.	Net Adjusted Person Trip-Ends Per Unit	X	Motor Vehicle Improvements Cost Per Trip-End	=	Motor Vehicle Improvements Cost Per Unit

The transit improvements cost per unit of development is calculated for each type of land use by multiplying the net adjusted person trip-ends for each land use (from Table 6) by the $44 transit improvements cost per trip-end (from Table 4).

Formula 6

6.	Net Adjusted Person Trip-Ends Per Unit	X	Transit Improvements Cost Per Trip-End	=	Transit Improvements Cost Per Unit

The compliance cost per unit of development is calculated for each type of land use by multiplying the net adjusted person trip-ends for each land use (from Table 6) by the $3 compliance cost per trip-end (from Table 4).

Formula 7

7.	Net Adjusted Person Trip-Ends Per Unit	X	Compliance Improvements Cost Per Trip-End	=	Compliance Improvements Cost Per Unit

TABLE 7
COST PER UNIT OF DEVELOPMENT

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Land Use Category	ITE Code	Unit*	Net Adjusted Trip-Ends	Motor Vehicle Cost Per Unit	Transit Cost Per Unit	Compliance Cost Per Unit	Unadjusted cost per unit
Residential							
Single Family Detached	210	/dwelling unit	14.24	$5,572	$632	$45	$6,249
Apartment	220	/dwelling unit	10.00	$3,913	$444	$31	$4,388
Residential Condomunium/Townhouse	230	/dwelling unit	8.72	$3,412	$387	$27	$3,827
Manufactured Housing (in Park)	240	/dwelling unit	7.42	$2,906	$330	$23	$3,259
Assisted Living	254	/bed	4.08	$1,595	$181	$13	$1,789
Continuing Care Retirement	255	/unit	4.18	$1,636	$186	$13	$1,835
Recreational							
Park	411	/acre	2.63	$1,028	$117	$8	$1,153
Golf Course	430	/hole	79.74	$31,215	$3,543	$250	$35,008
Golf Driving Range**	432	/tee	20.64	$8,079	$917	$65	$9,061
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	55.31	$21,652	$2,457	$174	$24,283
Bowling Alley	437	/lane	55.03	$21,542	$2,445	$173	$24,159
Multiplex Movie Theater**	445	/screen	225.21	$88,158	$10,005	$707	$98,870
Health/Fitness Club	492	/T.S.F.G.F.A.	54.37	$21,283	$2,415	$171	$23,869
Recreation/Community Center	495	/T.S.F.G.F.A.	37.78	$14,788	$1,678	$119	$16,585
Institutional/Medical							
Elementary School (Public)	520	/student	0.77	$300	$34	$2	$337
Middle/Junior High School (Public)	522	/student	0.96	$377	$43	$3	$423
High School (Public)	530	/student	1.91	$747	$85	$6	$837
Private School (K-12)	536	/student	2.77	$1,083	$123	$9	$1,215
Junior College	540	/student	1.34	$524	$59	$4	$588
University/College	550	/student	2.66	$1,039	$118	$8	$1,166
Church	560	/T.S.F.G.F.A.	5.42	$2,122	$241	$17	$2,380
Day Care Center/Preschool	565	/student	2.67	$1,043	$118	$8	$1,170
Library	590	/T.S.F.G.F.A.	32.13	$12,577	$1,427	$101	$14,105
Hospital	610	/bed	18.62	$7,289	$827	$58	$8,175
Nursing Home	620	/bed	3.74	$1,463	$166	$12	$1,641
Clinic	630	/T.S.F.G.F.A.	49.59	$19,411	$2,203	$156	$21,770
Commercial/Services							
Hotel/Motel	310	/room	16.45	$6,440	$731	$52	$7,223
Building Materials/Lumber	812	/T.S.F.G.F.A.	29.34	$11,486	$1,304	$92	$12,881
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	29.46	$11,532	$1,309	$93	$12,933
Specialty Retail Center	814	/T.S.F.G.L.A.	23.81	$9,321	$1,058	$75	$10,454
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	33.60	$13,152	$1,493	$106	$14,750
Hardware/Paint Store	816	/T.S.F.G.F.A.	28.84	$11,289	$1,281	$91	$12,661
Nursery/Garden Center	817	/T.S.F.G.F.A.	29.75	$11,647	$1,322	$93	$13,062
Shopping Center	820	/T.S.F.G.L.A.	23.07	$9,031	$1,025	$72	$10,128
Factory Outlet Center	823	/T.S.F.G.F.A.	14.29	$5,592	$635	$45	$6,272
New Car Sales	841	/T.S.F.G.F.A.	27.49	$10,762	$1,221	$86	$12,070
Automobile Parts Sales	843	/T.S.F.G.F.A.	34.04	$13,323	$1,512	$107	$14,942
Tire Superstore	849	/T.S.F.G.F.A.	17.04	$6,672	$757	$54	$7,483
Supermarket	850	/T.S.F.G.F.A.	43.43	$17,002	$1,930	$136	$19,068
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	110.65	$43,315	$4,916	$348	$48,578
Convenience Market with Fuel Pump	853	/V.F.P.	54.24	$21,231	$2,409	$170	$23,811
Wholesale Market	860	/T.S.F.G.F.A.	4.04	$1,580	$179	$13	$1,772
Discount Club	861	/T.S.F.G.F.A.	25.07	$9,813	$1,114	$79	$11,006
Home Improvement Superstore	862	/T.S.F.G.F.A.	11.92	$4,664	$529	$37	$5,231
Electronics Superstore	863	/T.S.F.G.F.A.	15.19	$5,948	$675	$48	$6,671
Office Supply Superstore**	867	/T.S.F.G.F.A.	28.04	$10,976	$1,246	$88	$12,309
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	46.14	$18,060	$2,050	$145	$20,255
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	41.86	$16,385	$1,860	$131	$18,376
Furniture Store	890	/T.S.F.G.F.A.	1.26	$495	$56	$4	$555
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	52.79	$20,664	$2,345	$166	$23,175
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	83.16	$32,551	$3,694	$261	$36,506

TABLE 7
COST PER UNIT OF DEVELOPMENT

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Land Use Category	ITE Code	Unit*	Net Adjusted Trip-Ends	Motor Vehicle Cost Per Unit	Transit Cost Per Unit	Compliance Cost Per Unit	Unadjusted cost per unit
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	50.84	$19,902	$2,259	$160	$22,321
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	34.99	$13,697	$1,554	$110	$15,361
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	159.76	$62,536	$7,097	$502	$70,134
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	110.70	$43,331	$4,918	$348	$48,596
Drive-Thru Restaurant (No Seating)**	935	/T.S.F.G.F.A.	343.28	$134,373	$15,250	$1,078	$150,701
Drinking Place/Bar**	936	/T.S.F.G.F.A.	42.17	$16,507	$1,873	$132	$18,513
Quick Lubrication Vehicle Shop	941	/Service Stall	28.99	$11,347	$1,288	$91	$12,726
Automobile Care Center	942	/T.S.F.G.L.A.	29.06	$11,376	$1,291	$91	$12,758
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	14.74	$5,771	$655	$46	$6,472
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	11.46	$4,485	$509	$36	$5,030
Office							
General Office Building	710	/T.S.F.G.F.A.	17.36	$6,795	$771	$55	$7,621
Medical-Dental Office Building	720	/T.S.F.G.F.A.	56.97	$22,300	$2,531	$179	$25,009
Government Office Building	730	/T.S.F.G.F.A.	108.69	$42,544	$4,828	$341	$47,713
U.S. Post Office	732	/T.S.F.G.F.A.	141.59	$55,423	$6,290	$445	$62,158
Office Park	750	/T.S.F.G.F.A.	18.01	$7,048	$800	$57	$7,905
Port/Industrial							
Truck Terminal	030	/T.S.F.G.F.A.	15.53	$6,079	$690	$49	$6,818
General Light Industrial	110	/T.S.F.G.F.A.	10.99	$4,302	$488	$35	$4,825
General Heavy Industrial	120	/T.S.F.G.F.A.	2.37	$926	$105	$7	$1,038
Manufacturing	140	/T.S.F.G.F.A.	6.02	$2,358	$268	$19	$2,644
Warehouse	150	/T.S.F.G.F.A.	7.82	$3,061	$347	$25	$3,433
Mini-Warehouse	151	/T.S.F.G.F.A.	3.94	$1,543	$175	$12	$1,731
Utilities**	170	/T.S.F.G.F.A.	9.95	$3,893	$442	$31	$4,366

* Abbrevations used in the "Unit" colum:
T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area
T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area
V.F.P. = Vehicle Fueling Position

** Because there is no ITE Weekday Average Trip Rate for this category,
the Trip Rate shown is the ITE PM Peak Hour Trip Rate multiplied by a factor of ten.

5. Adjusted Cost Per Unit
Table 8 displays the final rates per unit for each land use category. Column 1 through 3 restates the ITE land use codes and categories, Column 4 restates the net adjusted trip-ends for each land use category (from Table 6). The unadjusted rate for each land use category is shown in Column 5 (from Table 7). The 2008/09 TIF Rate schedule was estimated in Column 6. The percent increase is shown in Column 7. The traffic impact adjustment factor is shown in column 8. The adjustment factor including the minimum and maximum adjustment is shown in column 9. Column 10 shows the ADJUSTED COST PER UNIT.

The Washington County Coordinating Committee and Board of County Commissioners addressed concerns regarding the new rate structure as compared to the existing Traffic Impact Fee (TIF) rate schedule. The rates were compared to the 2008/09 TIF rate schedule and adjusted to reflect the policy direction that the TDT rates to double the 2008 /09 TIF rates. The following adjustment process was used to develop the final rate schedule.

The ratio of the unadjusted costs per unit of development was compared to the 2008/09 Traffic Impact Fee rate schedule. This ratio is expressed as a percentage increase as shown in formula 8.

Formula 8

8.	Unadjusted Cost per unit	/	2008/09 TIF	=	Percent Increase from 2008/09 TIF

An initial target adjustment factor was developed by adding 200% to the percentage increase from the 2008/09 TIF schedule and dividing by 2 (reflecting a doubling), as shown in formula 9.

Formula 9

9.	(Percent Increase from 2008/09 TIF	+	200%)	/	2	=	ADJUSTMENT FACTOR

Adjustment factor with minimum and maximum
The final adjustment factor applied a minimum and maximum to the ratio developed from formula 9. A maximum of 250% and a minimum of 150% were used. This adjustment accomplishes the policy goal to limit the absolute increase compared to current TIF.

The County finds that no land use subject to the TDT is being charged for 100% of their particular impact to the transportation system, and that the gap between forecasted transportation revenue and future needed transportation expenditures is huge. Also, the County recognizes that an existing TIF was in place for 18 years prior to adoption of the new TDT. The County finds that the TDT rate structure considers the existing TIF and tries to make sure that rates don't increase too dramatically, but also tries to make sure that all land uses have a minimum level of increase above current TIF levels. The County believes it is equitable to increase all rates to at least 150% of the 2008/09 Traffic Impact fee even though this means certain land uses have a relatively higher capture rate. In no case is any land use being charged more than 100% of their particular impact to the transportation system.

ADJUSTED COST PER UNIT
The final adjusted cost per unit is determined by multiplying the 2008/09 TIF by the adjustment factor with minimum and maximum.

Formula 10

10.	2008/09 TIF	*	Final adjustment factor with minimum and maximum	=	FINAL ADJUSTED COST PER UNIT

TABLE 8

ADJUSTED COST PER UNIT

Column 1	Column .	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Land Use Category	ITE Code	Unit*	Net Adjusted Trip-Ends	Unadjusted Cost per Unit	2008/09 TIF	Percent Increase	Target adjustment factor	Final adjustment factor with minumum and maximum	ADJUSTED COST PER UNIT
Residential									
Single Family Detached	210	/dwelling unit	14.24	$6,249	$3,390	184%	192%	192%	$6,515
Apartment	220	/dwelling unit	10.00	$4,388	$2,068	212%	206%	206%	$4,262
Residential Condomunium/Townhouse	230	/dwelling unit	8.72	$3,827	$1,983	193%	196%	196%	$3,896
Manufactured Housing (in Park)	240	/dwelling unit	7.42	$3,259	$1,631	200%	200%	200%	$3,260
Assisted Living	254	/bed	4.08	$1,789	$1,119	160%	180%	180%	$2,013
Continuing Care Retirement	255	/unit	4.18	$1,835	$1,119	164%	182%	182%	$2,036
Recreational									
Park	411	/acre	2.63	$1,153	$516	223%	212%	212%	$1,092
Golf Course	430	/hole	79.74	$35,008	$4,632	756%	478%	250%	$11,580
Golf Driving Range**	432	/tee	20.64	$9,061	$4,632	196%	198%	198%	$9,162
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	55.31	$24,283	$816	2976%	1588%	250%	$2,040
Bowling Alley	437	/lane	55.03	$24,159	$265	9110%	4655%	250%	$663
Multiplex Movie Theater**	445	/screen	225.21	$98,870	$42,059	235%	218%	218%	$91,494
Health/Fitness Club	492	/T.S.F.G.F.A.	54.37	$23,869	$2,566	930%	565%	250%	$6,416
Recreation/Community Center	495	/T.S.F.G.F.A.	37.78	$16,585	$3,026	548%	374%	250%	$7,566
Institutional/Medical									
Elementary School (Public)	520	/student	0.77	$337	$145	232%	216%	216%	$314
Middle/Junior High School (Public)	522	/student	0.96	$423	$145	291%	246%	246%	$357
High School (Public)	530	/student	1.91	$837	$196	427%	314%	250%	$490
Private School (K-12)	536	/student	2.77	$1,215	$145	836%	518%	250%	$363
Junior College	540	/student	1.34	$588	$219	269%	234%	234%	$512
University/College	550	/student	2.66	$1,166	$340	343%	272%	250%	$850
Church	560	/T.S.F.G.F.A.	5.42	$2,380	$1,508	158%	179%	179%	$2,698
Day Care Center/Preschool	565	/student	2.67	$1,170	$420	279%	239%	239%	$1,005
Library	590	/T.S.F.G.F.A.	32.13	$14,105	$5,605	252%	226%	226%	$12,658
Hospital	610	/bed	18.62	$8,175	$1,026	797%	498%	250%	$2,566
Nursing Home	620	/bed	3.74	$1,641	$353	465%	332%	250%	$882
Clinic	630	/T.S.F.G.F.A.	49.59	$21,770	$7,422	293%	247%	247%	$18,307
Commercial/Services									
Hotel/Motel	310	/room	16.45	$7,223	$740	977%	588%	250%	$1,849
Building Materials/Lumber	812	/T.S.F.G.F.A.	29.34	$12,881	$2,601	495%	348%	250%	$6,503
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	29.46	$12,933	$5,964	217%	208%	208%	$12,430
Specialty Retail Center	814	/T.S.F.G.L.A.	23.81	$10,454	$3,458	302%	251%	250%	$8,645
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	33.60	$14,750	$5,964	247%	224%	224%	$13,339
Hardware/Paint Store	816	/T.S.F.G.F.A.	28.84	$12,661	$4,523	280%	240%	240%	$10,853
Nursery/Garden Center	817	/T.S.F.G.F.A.	29.75	$13,062	$3,074	425%	312%	250%	$7,686
Shopping Center	820	/T.S.F.G.L.A.	23.07	$10,128	$3,881	261%	230%	230%	$8,945
Factory Outlet Center	823	/T.S.F.G.F.A.	14.29	$6,272	$3,881	162%	181%	181%	$7,017
New Car Sales	841	/T.S.F.G.F.A.	27.49	$12,070	$4,039	299%	249%	249%	$10,074
Automobile Parts Sales	843	/T.S.F.G.F.A.	34.04	$14,942	$3,881	385%	293%	250%	$9,703
Tire Superstore	849	/T.S.F.G.F.A.	17.04	$7,483	$3,881	193%	196%	196%	$7,622
Supermarket	850	/T.S.F.G.F.A.	43.43	$19,068	$8,500	224%	212%	212%	$18,034
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	110.65	$48,578	$8,500	572%	386%	250%	$21,250
Convenience Market with Fuel Pump	853	/V.F.P.	54.24	$23,811	$8,500	280%	240%	240%	$20,405
Wholesale Market	860	/T.S.F.G.F.A.	4.04	$1,772	$3,458	51%	126%	150%	$5,187
Discount Club	861	/T.S.F.G.F.A.	25.07	$11,006	$8,500	129%	165%	165%	$14,003
Home Improvement Superstore	862	/T.S.F.G.F.A.	11.92	$5,231	$2,601	201%	201%	201%	$5,216
Electronics Superstore	863	/T.S.F.G.F.A.	15.19	$6,671	$3,881	172%	186%	186%	$7,216
Office Supply Superstore**	867	/T.S.F.G.F.A.	28.04	$12,309	$3,881	317%	259%	250%	$9,703
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	46.14	$20,255	$3,881	522%	361%	250%	$9,703
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	41.86	$18,376	$3,881	473%	337%	250%	$9,703
Furniture Store	890	/T.S.F.G.F.A.	1.26	$555	$816	68%	134%	150%	$1,224
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	52.79	$23,175	$8,500	273%	236%	236%	$20,088
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	83.16	$36,506	$8,500	429%	315%	250%	$21,250

TABLE 8

ADJUSTED COST PER UNIT

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Land Use Category	ITE Code	Unit*	Net Adjusted Trip-Ends	Unadjusted Cost per Unit	2008/09 TIF	Percent Increase	Target adjustment factor	Final adjustment factor with minumum and maximum	ADJUSTED COST PER UNIT
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	50.84	$22,321	$8,128	275%	237%	237%	$19,288
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	34.99	$15,361	$8,500	181%	190%	190%	$16,180
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	159.76	$70,134	$8,500	825%	513%	250%	$21,250
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	110.70	$48,596	$8,500	572%	386%	250%	$21,250
Drive-Thru Restaurant (No Seating)**	935	/T.S.F.G.F.A.	343.28	$150,701	$8,500	1773%	986%	250%	$21,250
Drinking Place/Bar**	936	/T.S.F.G.F.A.	42.17	$18,513	$8,128	228%	214%	214%	$17,384
Quick Lubrication Vehicle Shop	941	/Service Stall	28.99	$12,726	$8,500	150%	175%	175%	$14,863
Automobile Care Center	942	/T.S.F.G.L.A.	29.06	$12,758	$4,039	316%	258%	250%	$10,098
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	14.74	$6,472	$8,500	76%	138%	150%	$12,750
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	11.46	$5,030	$8,500	59%	130%	150%	$12,750
Office									
General Office Building	710	/T.S.F.G.F.A.	17.36	$7,621	$3,026	252%	226%	226%	$6,837
Medical-Dental Office Building	720	/T.S.F.G.F.A.	56.97	$25,009	$10,661	235%	217%	217%	$23,166
Government Office Building	730	/T.S.F.G.F.A.	108.69	$47,713	$21,506	222%	211%	211%	$45,363
U.S. Post Office	732	/T.S.F.G.F.A.	141.59	$62,158	$27,075	230%	215%	215%	$58,154
Office Park	750	/T.S.F.G.F.A.	18.01	$7,905	$5,089	155%	178%	178%	$9,041
Port/Industrial									
Truck Terminal	030	/T.S.F.G.F.A.	15.53	$6,818	$1,390	490%	345%	250%	$3,476
General Light Industrial	110	/T.S.F.G.F.A.	10.99	$4,825	$2,209	218%	209%	209%	$4,622
General Heavy Industrial	120	/T.S.F.G.F.A.	2.37	$1,038	$476	218%	209%	209%	$995
Manufacturing	140	/T.S.F.G.F.A.	6.02	$2,644	$1,220	217%	208%	208%	$2,543
Warehouse	150	/T.S.F.G.F.A.	7.82	$3,433	$1,547	222%	211%	211%	$3,264
Mini-Warehouse	151	/T.S.F.G.F.A.	3.94	$1,731	$827	209%	205%	205%	$1,693
Utilities**	170	/T.S.F.G.F.A.	9.95	$4,366	$2,209	198%	199%	199%	$4,393

* Abbrevations used in the "Unit" colum:
T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area
T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area
V.F.P. = Vehicle Fueling Position

** Because there is no ITE Weekday Average Trip Rate for this category,
the Trip Rate shown is the ITE PM Peak Hour Trip Rate multiplied by a factor of ten.

6. Percent of Need Recovered

Table 9 displays the percent of total future capacity need recovered by land use category. Column 1 through 3 restates the ITE land use codes and categories, Column 4 restates the net adjusted trip-ends for each land use category (from Table 6). Column 5 restates the SDC-Eligible cost per new person trip-end (from table 4). Column 6 restates the Final adjusted cost per unit (from table 6). The percent of need recovered is calculated by dividing the final adjusted cost per unit (column 7), by the net adjusted trip-ends (column 6) by the SDC Eligible cost per new person trip end (column 5).

Comparing the results of the final adjusted cost per unit to the SDC eligible cost per new person trip end ensures that no use pays more than the SDC eligible costs.

Formula 11

11.	Final adjusted cost per unit	/	Net Adjusted Trip-Ends	/	SDC Eligible Cost Per New Person Trip-End	=	Percent of need recovered

TABLE 9
PERCENT OF NEED RECOVERED

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Land Use Category	ITE Code	Unit*	Net Adjusted Trip-Ends	SDC-Eligible Cost Per New Person Trip-End	Final adjusted cost per unit	PERCENT OF NEED RECOVERED
Residential						
Single Family Detached	210	/dwelling unit	14.24	$1,560	$6,515	29%
Apartment	220	/dwelling unit	10.00	$1,560	$4,262	27%
Residential Condomunium/Townhouse	230	/dwelling unit	8.72	$1,560	$3,896	29%
Manufactured Housing (in Park)	240	/dwelling unit	7.42	$1,560	$3,260	28%
Assisted Living	254	/bed	4.08	$1,560	$2,013	32%
Continuing Care Retirement	255	/unit	4.18	$1,560	$2,036	31%
Recreational						
Park	411	/acre	2.63	$1,560	$1,092	27%
Golf Course	430	/hole	79.74	$1,560	$11,580	9%
Golf Driving Range**	432	/tee	20.64	$1,560	$9,162	28%
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	55.31	$1,560	$2,040	2%
Bowling Alley	437	/lane	55.03	$1,560	$663	1%
Multiplex Movie Theater**	445	/screen	225.21	$1,560	$91,494	26%
Health/Fitness Club	492	/T.S.F.G.F.A.	54.37	$1,560	$6,416	8%
Recreation/Community Center	495	/T.S.F.G.F.A.	37.78	$1,560	$7,566	13%
Institutional/Medical						
Elementary School (Public)	520	/student	0.77	$1,560	$314	26%
Middle/Junior High School (Public)	522	/student	0.96	$1,560	$357	24%
High School (Public)	530	/student	1.91	$1,560	$490	16%
Private School (K-12)	536	/student	2.77	$1,560	$363	8%
Junior College	540	/student	1.34	$1,560	$512	25%
University/College	550	/student	2.66	$1,560	$850	21%
Church	560	/T.S.F.G.F.A.	5.42	$1,560	$2,698	32%
Day Care Center/Preschool	565	/student	2.67	$1,560	$1,005	24%
Library	590	/T.S.F.G.F.A.	32.13	$1,560	$12,658	25%
Hospital	610	/bed	18.62	$1,560	$2,566	9%
Nursing Home	620	/bed	3.74	$1,560	$882	15%
Clinic	630	/T.S.F.G.F.A.	49.59	$1,560	$18,307	24%
Commercial/Services						
Hotel/Motel	310	/room	16.45	$1,560	$1,849	7%
Building Materials/Lumber	812	/T.S.F.G.F.A.	29.34	$1,560	$6,503	14%
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	29.46	$1,560	$12,430	27%
Specialty Retail Center	814	/T.S.F.G.L.A.	23.81	$1,560	$8,645	23%
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	33.60	$1,560	$13,339	25%
Hardware/Paint Store	816	/T.S.F.G.F.A.	28.84	$1,560	$10,853	24%
Nursery/Garden Center	817	/T.S.F.G.F.A.	29.75	$1,560	$7,686	17%
Shopping Center	820	/T.S.F.G.L.A.	23.07	$1,560	$8,945	25%
Factory Outlet Center	823	/T.S.F.G.F.A.	14.29	$1,560	$7,017	31%
New Car Sales	841	/T.S.F.G.F.A.	27.49	$1,560	$10,074	23%
Automobile Parts Sales	843	/T.S.F.G.F.A.	34.04	$1,560	$9,703	18%
Tire Superstore	849	/T.S.F.G.F.A.	17.04	$1,560	$7,622	29%
Supermarket	850	/T.S.F.G.F.A.	43.43	$1,560	$18,034	27%
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	110.65	$1,560	$21,250	12%
Convenience Market with Fuel Pump	853	/V.F.P.	54.24	$1,560	$20,405	24%
Wholesale Market	860	/T.S.F.G.F.A.	4.04	$1,560	$5,187	82%
Discount Club	861	/T.S.F.G.F.A.	25.07	$1,560	$14,003	36%
Home Improvement Superstore	862	/T.S.F.G.F.A.	11.92	$1,560	$5,216	28%
Electronics Superstore	863	/T.S.F.G.F.A.	15.19	$1,560	$7,216	30%
Office Supply Superstore**	867	/T.S.F.G.F.A.	28.04	$1,560	$9,703	22%
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	46.14	$1,560	$9,703	13%
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	41.86	$1,560	$9,703	15%
Furniture Store	890	/T.S.F.G.F.A.	1.26	$1,560	$1,224	62%
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	52.79	$1,560	$20,088	24%
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	83.16	$1,560	$21,250	16%

TABLE 9
PERCENT OF NEED RECOVERED

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Land Use Category	ITE Code	Unit*	Net Adjusted Trip-Ends	SDC-Eligible Cost Per New Person Trip-End	Final adjusted cost per unit	PERCENT OF NEED RECOVERED
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	50.84	$1,560	$19,288	24%
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	34.99	$1,560	$16,180	30%
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	159.76	$1,560	$21,250	9%
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	110.70	$1,560	$21,250	12%
Drive-Thru Restaurant (No Seating)**	935	/T.S.F.G.F.A.	343.28	$1,560	$21,250	4%
Drinking Place/Bar**	936	/T.S.F.G.F.A.	42.17	$1,560	$17,384	26%
Quick Lubrication Vehicle Shop	941	/Service Stall	28.99	$1,560	$14,863	33%
Automobile Care Center	942	/T.S.F.G.L.A.	29.06	$1,560	$10,098	22%
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	14.74	$1,560	$12,750	55%
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	11.46	$1,560	$12,750	71%
Office						
General Office Building	710	/T.S.F.G.F.A.	17.36	$1,560	$6,837	25%
Medical-Dental Office Building	720	/T.S.F.G.F.A.	56.97	$1,560	$23,166	26%
Government Office Building	730	/T.S.F.G.F.A.	108.69	$1,560	$45,363	27%
U.S. Post Office	732	/T.S.F.G.F.A.	141.59	$1,560	$58,154	26%
Office Park	750	/T.S.F.G.F.A.	18.01	$1,560	$9,041	32%
Port/Industrial						
Truck Terminal	030	/T.S.F.G.F.A.	15.53	$1,560	$3,476	14%
General Light Industrial	110	/T.S.F.G.F.A.	10.99	$1,560	$4,622	27%
General Heavy Industrial	120	/T.S.F.G.F.A.	2.37	$1,560	$995	27%
Manufacturing	140	/T.S.F.G.F.A.	6.02	$1,560	$2,543	27%
Warehouse	150	/T.S.F.G.F.A.	7.82	$1,560	$3,264	27%
Mini-Warehouse	151	/T.S.F.G.F.A.	3.94	$1,560	$1,693	28%
Utilities**	170	/T.S.F.G.F.A.	9.95	$1,560	$4,393	28%

* Abbrevations used in the "Unit" colum:
T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area
T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area
V.F.P. = Vehicle Fueling Position

** Because there is no ITE Weekday Average Trip Rate for this category,
the Trip Rate shown is the ITE PM Peak Hour Trip Rate multiplied by a factor of ten.

Phase-In Schedule

Table 10 displays the phase in schedule for TDT Rates. Column 1 through 3 restates the ITE land use codes and categories, Column 4 restates the 2008/09 traffic impact fee (from Table 7). Column 5 displays the inflation factor (1.06^4 = 1.262477). Column 6 shows the final adjustment factor with minimum and maximum (from Table 8), note three digit precision is given to help avoid rounding errors. Column 7 shows the annual increase for each use, note the cents is provided only to help avoid rounding errors. Column 8 displays the rate effective 7/1/2009. Column 9 displays the rate effective 7/1/2010. Column 10 displays the rate effective 7/1/2011. Column 11 displays the rate effective 7/1/2012.

The Washington County Coordinating Committee and Board of County Commissioners addressed concerns regarding the economic impact the new rate structure might have on current development activity by establishing a phased in rate schedule. The phase in schedule accounts for the automatic increase in the 2008/2009 Traffic Impact of six percent annually. Fully phased in by 7/1/2012 the Transportation Development Tax results in an increase from the 2008/09 TIF rates (as adjusted automatically), established by table 7 column 8 "adjustment factor". The following formulas were used to calculate the rates shown in table 9.

2012 TDT Rate

12.	2008/09 TIF	*	1.06^4 (1.262477)	*	Adjustment factor with minimum and maximum	=	2012 TDT

2009 TDT Rate

13.	(2012 TDT	-	2008/09 TIF)	*	0.25	+	2008/09 TIF	=	2009 TDT

2010 TDT Rate

14.	(2012 TDT	-	2008/09 TIF)	*	0.25	+	2009 TDT	=	2010 TDT

2011 TDT Rate

15.	(2012 TDT	-	2008/09 TIF)	*	0.25	+	2010 TDT	=	2011 TDT

Annual Increment

16.	(2012 TDT	-	2008/09 TIF)	*	0.25

TABLE 10

PHASE IN SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11
Land Use Category	ITE Code	Unit*	2008/09 TIF	Inflation Factor (1.06^4)	Final adjustment factor with minumum and maximum	ANNUAL INCREMENT	7/1/2009	7/1/2010	7/1/2011	7/1/2012
Residential										
Single Family Detached	210	/dwelling unit	$3,390	1.262477	192.174%	$1,208.67	**$4,599**	**$5,807**	**$7,016**	**$8,225**
Apartment	220	/dwelling unit	$2,068	1.262477	206.105%	$828.21	**$2,896**	**$3,724**	**$4,553**	**$5,381**
Residential Condomunium/Townhouse	230	/dwelling unit	$1,983	1.262477	196.480%	$734.02	**$2,717**	**$3,451**	**$4,185**	**$4,919**
Manufactured Housing (in Park)	240	/dwelling unit	$1,631	1.262477	199.920%	$621.23	**$2,252**	**$2,873**	**$3,494**	**$4,116**
Assisted Living	254	/bed	$1,119	1.262477	179.971%	$355.77	**$1,474**	**$1,830**	**$2,186**	**$2,542**
Continuing Care Retirement	255	/unit	$1,119	1.262477	182.014%	$362.99	**$1,482**	**$1,845**	**$2,208**	**$2,571**
Recreational										
Park	411	/acre	$516	1.262477	211.665%	$215.74	**$732**	**$948**	**$1,163**	**$1,379**
Golf Course	430	/hole	$4,632	1.262477	250.000%	$2,496.79	**$7,129**	**$9,625**	**$12,122**	**$14,619**
Golf Driving Range	432	/tee	$4,632	1.262477	197.808%	$1,733.80	**$6,366**	**$8,099**	**$9,833**	**$11,567**
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	$816	1.262477	250.000%	$439.86	**$1,256**	**$1,696**	**$2,136**	**$2,575**
Bowling Alley	437	/lane	$265	1.262477	250.000%	$142.96	**$408**	**$551**	**$694**	**$837**
Multiplex Movie Theater	445	/screen	$42,059	1.262477	217.537%	$18,362.49	**$60,422**	**$78,784**	**$97,146**	**$115,509**
Health/Fitness Club	492	/T.S.F.G.F.A.	$2,566	1.262477	250.000%	$1,383.31	**$3,950**	**$5,333**	**$6,716**	**$8,099**
Recreation/Community Center	495	/T.S.F.G.F.A.	$3,026	1.262477	250.000%	$1,631.38	**$4,658**	**$6,289**	**$7,921**	**$9,552**
Institutional/Medical										
Elementary School (Public)	520	/student	$145	1.262477	216.009%	$62.71	**$208**	**$271**	**$333**	**$396**
Middle/Junior High School (Public)	522	/student	$145	1.262477	245.685%	$76.31	**$222**	**$298**	**$374**	**$450**
High School (Public)	530	/student	$196	1.262477	250.000%	$105.65	**$302**	**$407**	**$513**	**$619**
Private School (K-12)	536	/student	$145	1.262477	250.000%	$78.29	**$224**	**$302**	**$380**	**$458**
Junior College	540	/student	$219	1.262477	234.459%	$107.09	**$326**	**$433**	**$540**	**$647**
University/College	550	/student	$340	1.262477	250.000%	$183.17	**$523**	**$706**	**$889**	**$1,073**
Church	560	/T.S.F.G.F.A.	$1,508	1.262477	178.905%	$474.47	**$1,982**	**$2,457**	**$2,931**	**$3,406**
Day Care Center/Preschool	565	/student	$420	1.262477	239.398%	$212.21	**$632**	**$844**	**$1,056**	**$1,269**
Library	590	/T.S.F.G.F.A.	$5,605	1.262477	225.819%	$2,593.76	**$8,199**	**$10,793**	**$13,387**	**$15,980**
Hospital	610	/bed	$1,026	1.262477	250.000%	$553.19	**$1,579**	**$2,133**	**$2,686**	**$3,239**
Nursing Home	620	/bed	$353	1.262477	250.000%	$190.23	**$543**	**$733**	**$924**	**$1,114**
Clinic	630	/T.S.F.G.F.A.	$7,422	1.262477	246.647%	$3,922.53	**$11,345**	**$15,268**	**$19,190**	**$23,113**
Commercial/Services										
Hotel/Motel	310	/room	$740	1.262477	250.000%	$398.63	**$1,138**	**$1,537**	**$1,935**	**$2,334**
Building Materials/Lumber	812	/T.S.F.G.F.A.	$2,601	1.262477	250.000%	$1,402.06	**$4,003**	**$5,405**	**$6,807**	**$8,209**
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	$5,964	1.262477	208.434%	$2,432.31	**$8,396**	**$10,828**	**$13,261**	**$15,693**
Specialty Retail Center	814	/T.S.F.G.L.A.	$3,458	1.262477	250.000%	$1,863.92	**$5,322**	**$7,186**	**$9,050**	**$10,913**
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	$5,964	1.262477	223.666%	$2,719.01	**$8,683**	**$11,402**	**$14,121**	**$16,840**
Hardware/Paint Store	816	/T.S.F.G.F.A.	$4,523	1.262477	239.962%	$2,294.74	**$6,818**	**$9,112**	**$11,407**	**$13,702**
Nursery/Garden Center	817	/T.S.F.G.F.A.	$3,074	1.262477	250.000%	$1,657.28	**$4,732**	**$6,389**	**$8,046**	**$9,704**
Shopping Center	820	/T.S.F.G.L.A.	$3,881	1.262477	230.482%	$1,853.02	**$5,734**	**$7,587**	**$9,440**	**$11,293**
Factory Outlet Center	823	/T.S.F.G.F.A.	$3,881	1.262477	180.799%	$1,244.43	**$5,126**	**$6,370**	**$7,614**	**$8,859**
New Car Sales	841	/T.S.F.G.F.A.	$4,039	1.262477	249.414%	$2,169.85	**$6,209**	**$8,379**	**$10,549**	**$12,719**
Automobile Parts Sales	843	/T.S.F.G.F.A.	$3,881	1.262477	250.000%	$2,092.10	**$5,973**	**$8,065**	**$10,157**	**$12,249**
Tire Superstore	849	/T.S.F.G.F.A.	$3,881	1.262477	196.399%	$1,435.52	**$5,317**	**$6,752**	**$8,188**	**$9,623**
Supermarket	850	/T.S.F.G.F.A.	$8,500	1.262477	212.165%	$3,566.88	**$12,067**	**$15,634**	**$19,201**	**$22,768**
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	$8,500	1.262477	250.000%	$4,581.91	**$13,082**	**$17,664**	**$22,246**	**$26,828**
Convenience Market with Fuel Pump	853	/V.F.P.	$8,500	1.262477	240.064%	$4,315.35	**$12,815**	**$17,131**	**$21,446**	**$25,761**
Wholesale Market	860	/T.S.F.G.F.A.	$3,458	1.262477	150.000%	$772.57	**$4,230**	**$5,003**	**$5,776**	**$6,548**
Discount Club	861	/T.S.F.G.F.A.	$8,500	1.262477	164.740%	$2,294.59	**$10,795**	**$13,089**	**$15,384**	**$17,678**
Home Improvement Superstore	862	/T.S.F.G.F.A.	$2,601	1.262477	200.555%	$996.15	**$3,597**	**$4,593**	**$5,589**	**$6,586**
Electronics Superstore	863	/T.S.F.G.F.A.	$3,881	1.262477	185.938%	$1,307.37	**$5,188**	**$6,496**	**$7,803**	**$9,111**
Office Supply Superstore	867	/T.S.F.G.F.A.	$3,881	1.262477	250.000%	$2,092.10	**$5,973**	**$8,065**	**$10,157**	**$12,249**
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	$3,881	1.262477	250.000%	$2,092.10	**$5,973**	**$8,065**	**$10,157**	**$12,249**
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	$3,881	1.262477	250.000%	$2,092.10	**$5,973**	**$8,065**	**$10,157**	**$12,249**
Furniture Store	890	/T.S.F.G.F.A.	$816	1.262477	150.000%	$182.32	**$998**	**$1,181**	**$1,363**	**$1,545**
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	$8,500	1.262477	236.326%	$4,215.07	**$12,715**	**$16,930**	**$21,145**	**$25,360**
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	$8,500	1.262477	250.000%	$4,581.91	**$13,082**	**$17,664**	**$22,246**	**$26,828**

TABLE 10

PHASE IN SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	**Column 8**	**Column 9**	**Column 10**	**Column 11**
Land Use Category	ITE Code	Unit*	2008/09 TIF	Inflation Factor (1.06^4)	Final adjustment factor with minumum and maximum	ANNUAL INCREMENT	**7/1/2009**	**7/1/2010**	**7/1/2011**	**7/1/2012**
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	$8,128	1.262477	237.314%	$4,055.78	**$12,183**	**$16,239**	**$20,295**	**$24,351**
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	$8,500	1.262477	190.358%	$2,981.85	**$11,482**	**$14,464**	**$17,446**	**$20,427**
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	$8,500	1.262477	250.000%	$4,581.91	**$13,082**	**$17,664**	**$22,246**	**$26,828**
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	$8,500	1.262477	250.000%	$4,581.91	**$13,082**	**$17,664**	**$22,246**	**$26,828**
Drive-Thru Restaurant (No Seating)	935	/T.S.F.G.F.A.	$8,500	1.262477	250.000%	$4,581.91	**$13,082**	**$17,664**	**$22,246**	**$26,828**
Drinking Place/Bar	936	/T.S.F.G.F.A.	$8,128	1.262477	213.889%	$3,454.88	**$11,583**	**$15,037**	**$18,492**	**$21,947**
Quick Lubrication Vehicle Shop	941	/Service Stall	$8,500	1.262477	174.859%	$2,566.06	**$11,066**	**$13,632**	**$16,198**	**$18,764**
Automobile Care Center	942	/T.S.F.G.L.A.	$4,039	1.262477	250.000%	$2,177.32	**$6,217**	**$8,394**	**$10,571**	**$12,748**
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	$8,500	1.262477	150.000%	$1,899.15	**$10,399**	**$12,298**	**$14,197**	**$16,097**
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	$8,500	1.262477	150.000%	$1,899.15	**$10,399**	**$12,298**	**$14,197**	**$16,097**
Office										
General Office Building	710	/T.S.F.G.F.A.	$3,026	1.262477	225.911%	$1,401.28	**$4,428**	**$5,829**	**$7,230**	**$8,632**
Medical-Dental Office Building	720	/T.S.F.G.F.A.	$10,661	1.262477	217.293%	$4,646.27	**$15,307**	**$19,954**	**$24,600**	**$29,246**
Government Office Building	730	/T.S.F.G.F.A.	$21,506	1.262477	210.930%	$8,940.86	**$30,447**	**$39,388**	**$48,329**	**$57,270**
U.S. Post Office	732	/T.S.F.G.F.A.	$27,075	1.262477	214.787%	$11,585.81	**$38,661**	**$50,247**	**$61,833**	**$73,419**
Office Park	750	/T.S.F.G.F.A.	$5,089	1.262477	177.671%	$1,581.39	**$6,670**	**$8,252**	**$9,833**	**$11,414**
Port/Industrial										
Truck Terminal	030	/T.S.F.G.F.A.	$1,390	1.262477	250.000%	$749.42	**$2,140**	**$2,889**	**$3,639**	**$4,388**
General Light Industrial	110	/T.S.F.G.F.A.	$2,209	1.262477	209.180%	$906.36	**$3,116**	**$4,022**	**$4,929**	**$5,835**
General Heavy Industrial	120	/T.S.F.G.F.A.	$476	1.262477	209.180%	$195.06	**$671**	**$866**	**$1,061**	**$1,256**
Manufacturing	140	/T.S.F.G.F.A.	$1,220	1.262477	208.329%	$497.37	**$1,718**	**$2,215**	**$2,713**	**$3,210**
Warehouse	150	/T.S.F.G.F.A.	$1,547	1.262477	210.970%	$643.32	**$2,190**	**$2,834**	**$3,477**	**$4,120**
Mini-Warehouse	151	/T.S.F.G.F.A.	$827	1.262477	204.579%	$327.38	**$1,155**	**$1,482**	**$1,810**	**$2,137**
Utilities	170	/T.S.F.G.F.A.	$2,209	1.262477	198.810%	$834.05	**$3,044**	**$3,878**	**$4,712**	**$5,546**

* Abbrevations used in the "Unit" colum:

T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area

T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area

V.F.P. = Vehicle Fueling Position

WASHINGTON COUNTY

Transportation Development Tax
Temporary Discount Methodology Report

WASHINGTON COUNTY

Transportation Development Tax
Temporary Discount Methodology Report

1.0 BACKGROUND AND INTRODUCTION

Ordinance 691-A enacted the Transportation Development Tax (TDT), was adopted by the voters of Washington County in November, 2008, and took effect July 1, 2009. Due to economic conditions, the Board of Commissioners considered a temporary discount to the TDT. Because the TDT is adopted as a countywide tax and a System Development Charge (SDC) under ORS Chapter 223, a modification to the charge requires a modification to the methodology.

2.0 TDT METHODOLOGY AND TEMPORARY DISCOUNT METHODOLOGY

The TDT methodology, consisting of Appendix A to Ordinance 691-A, is hereby incorporated by reference. The TDT methodology is hereby amended to add the following:

Temporary Discount Schedule

The discount schedule applies temporary discounts to reduce the TDT rates during the phase-in period, subject to Board approval in this Ordinance. The following is a summary of the discount schedule:

- 20% discount for the first year, between July 1, 2009 and June 30, 2010; retro-active for developments that pay the full TDT between July 1, 2009, and the effective date of this Ordinance.
- 10% discount between July 1, 2010 and June 30, 2011.
- 5% discount between July 1, 2011, and June 30, 2012.
- Discount is discontinued effective July 1, 2012.

Table 11 displays the discount schedule for the adopted TDT Rates. Column 1 through 3 restate the ITE land use codes and categories. Column 4 restates the TDT rates from Table 10 for 7/1/2009 through 6/30/2010, prior to the discount. Column 5 displays the discount rates for 11/20/2009 through 6/30/2010 after the discount of 20% is applied. Column 6 restates the TDT from Table 10 for 7/1/2010 through 6/30/2011 prior to the discount. Column 7 displays the discount rates for 7/1/2010 through 6/30/2011 after the 10% discount is applied. Column 8 restates the TDT from Table 10 for 7/1/2011 through 6/30/2012 prior to the discount. Column 9 displays the discount rates for 7/1/2011 through 6/30/2012 after the 5% discount is applied. Column 10 restates the TDT from Table 10 for 7/1/2012 through 6/30/2013.

The discount schedule accounts for the automatic increases TDT annually during the phase in period. The following formulas were used to calculate the rates shown in table 11.

2009 Discount (20%)

17.	7/1/2009 Rate	*	0.8	=	11/20/2009 – 6/30/2010 Rate

2010 Discount (10%)

19.	7/1/2010 Rate	*	0.9	=	7/1/2010 – 6/30/2011 Rate

2011 Discount (5%)

20.	7/1/2011 Rate	*	0.95	=	7/1/2011 – 6/30/2012 Rate

TABLE 11
DISCOUNT SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
			Rates 11/20/2009 - 6/30/2010		Rates 7/1/2010 - 6/30/2011		Rates 7/1/2011 - 6/30/2012		
Land Use Category	ITE Code	Unit*	Prior to Discount	**With 20% Discount**	Prior to Discount	**With 10% Discount**	Prior to Discount	**With 5% Discount**	**Rates 7/1/2012 - 6/30/2013**
Residential									
Single Family Detached	210	/dwelling unit	$4,599	**$3,679**	$5,807	**$5,227**	$7,016	**$6,665**	**$8,225**
Apartment	220	/dwelling unit	$2,896	**$2,317**	$3,724	**$3,352**	$4,553	**$4,325**	**$5,381**
Residential Condomunium/Townhouse	230	/dwelling unit	$2,717	**$2,174**	$3,451	**$3,106**	$4,185	**$3,976**	**$4,919**
Manufactured Housing (in Park)	240	/dwelling unit	$2,252	**$1,801**	$2,873	**$2,586**	$3,494	**$3,320**	**$4,116**
Assisted Living	254	/bed	$1,474	**$1,180**	$1,830	**$1,647**	$2,186	**$2,077**	**$2,542**
Continuing Care Retirement	255	/unit	$1,482	**$1,185**	$1,845	**$1,660**	$2,208	**$2,097**	**$2,571**
Recreational									
Park	411	/acre	$732	**$585**	$948	**$853**	$1,163	**$1,105**	**$1,379**
Golf Course	430	/hole	$7,129	**$5,703**	$9,625	**$8,663**	$12,122	**$11,516**	**$14,619**
Golf Driving Range	432	/tee	$6,366	**$5,093**	$8,099	**$7,289**	$9,833	**$9,342**	**$11,567**
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	$1,256	**$1,005**	$1,696	**$1,526**	$2,136	**$2,029**	**$2,575**
Bowling Alley	437	/lane	$408	**$327**	$551	**$496**	$694	**$659**	**$837**
Multiplex Movie Theater	445	/screen	$60,422	**$48,337**	$78,784	**$70,906**	$97,146	**$92,289**	**$115,509**
Health/Fitness Club	492	/T.S.F.G.F.A.	$3,950	**$3,160**	$5,333	**$4,800**	$6,716	**$6,380**	**$8,099**
Recreation/Community Center	495	/T.S.F.G.F.A.	$4,658	**$3,726**	$6,289	**$5,660**	$7,921	**$7,524**	**$9,552**
Institutional/Medical									
Elementary School (Public)	520	/student	$208	**$166**	$271	**$244**	$333	**$317**	**$396**
Middle/Junior High School (Public)	522	/student	$222	**$177**	$298	**$268**	$374	**$355**	**$450**
High School (Public)	530	/student	$302	**$241**	$407	**$367**	$513	**$487**	**$619**
Private School (K-12)	536	/student	$224	**$179**	$302	**$272**	$380	**$361**	**$458**
Junior College	540	/student	$326	**$261**	$433	**$389**	$540	**$513**	**$647**
University/College	550	/student	$523	**$418**	$706	**$636**	$889	**$845**	**$1,073**
Church	560	/T.S.F.G.F.A.	$1,982	**$1,586**	$2,457	**$2,211**	$2,931	**$2,785**	**$3,406**
Day Care Center/Preschool	565	/student	$632	**$506**	$844	**$760**	$1,056	**$1,004**	**$1,269**
Library	590	/T.S.F.G.F.A.	$8,199	**$6,559**	$10,793	**$9,714**	$13,387	**$12,717**	**$15,980**
Hospital	610	/bed	$1,579	**$1,264**	$2,133	**$1,919**	$2,686	**$2,551**	**$3,239**
Nursing Home	620	/bed	$543	**$435**	$733	**$660**	$924	**$877**	**$1,114**
Clinic	630	/T.S.F.G.F.A.	$11,345	**$9,076**	$15,268	**$13,741**	$19,190	**$18,231**	**$23,113**
Commercial/Services									
Hotel/Motel	310	/room	$1,138	**$911**	$1,537	**$1,383**	$1,935	**$1,839**	**$2,334**
Building Materials/Lumber	812	/T.S.F.G.F.A.	$4,003	**$3,202**	$5,405	**$4,865**	$6,807	**$6,467**	**$8,209**
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	$8,396	**$6,717**	$10,828	**$9,745**	$13,261	**$12,597**	**$15,693**
Specialty Retail Center	814	/T.S.F.G.L.A.	$5,322	**$4,257**	$7,186	**$6,467**	$9,050	**$8,597**	**$10,913**
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	$8,683	**$6,946**	$11,402	**$10,261**	$14,121	**$13,415**	**$16,840**
Hardware/Paint Store	816	/T.S.F.G.F.A.	$6,818	**$5,454**	$9,112	**$8,201**	$11,407	**$10,837**	**$13,702**
Nursery/Garden Center	817	/T.S.F.G.F.A.	$4,732	**$3,785**	$6,389	**$5,750**	$8,046	**$7,644**	**$9,704**
Shopping Center	820	/T.S.F.G.L.A.	$5,734	**$4,587**	$7,587	**$6,828**	$9,440	**$8,968**	**$11,293**
Factory Outlet Center	823	/T.S.F.G.F.A.	$5,126	**$4,100**	$6,370	**$5,733**	$7,614	**$7,234**	**$8,859**
New Car Sales	841	/T.S.F.G.F.A.	$6,209	**$4,967**	$8,379	**$7,541**	$10,549	**$10,021**	**$12,719**
Automobile Parts Sales	843	/T.S.F.G.F.A.	$5,973	**$4,779**	$8,065	**$7,259**	$10,157	**$9,650**	**$12,249**
Tire Superstore	849	/T.S.F.G.F.A.	$5,317	**$4,253**	$6,752	**$6,077**	$8,188	**$7,778**	**$9,623**
Supermarket	850	/T.S.F.G.F.A.	$12,067	**$9,654**	$15,634	**$14,070**	$19,201	**$18,241**	**$22,768**
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	$13,082	**$10,466**	$17,664	**$15,897**	$22,246	**$21,133**	**$26,828**
Convenience Market with Fuel Pump	853	/V.F.P.	$12,815	**$10,252**	$17,131	**$15,418**	$21,446	**$20,374**	**$25,761**
Wholesale Market	860	/T.S.F.G.F.A.	$4,230	**$3,384**	$5,003	**$4,503**	$5,776	**$5,487**	**$6,548**
Discount Club	861	/T.S.F.G.F.A.	$10,795	**$8,636**	$13,089	**$11,780**	$15,384	**$14,615**	**$17,678**
Home Improvement Superstore	862	/T.S.F.G.F.A.	$3,597	**$2,878**	$4,593	**$4,134**	$5,589	**$5,310**	**$6,586**
Electronics Superstore	863	/T.S.F.G.F.A.	$5,188	**$4,151**	$6,496	**$5,846**	$7,803	**$7,413**	**$9,111**
Office Supply Superstore	867	/T.S.F.G.F.A.	$5,973	**$4,779**	$8,065	**$7,259**	$10,157	**$9,650**	**$12,249**
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	$5,973	**$4,779**	$8,065	**$7,259**	$10,157	**$9,650**	**$12,249**
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	$5,973	**$4,779**	$8,065	**$7,259**	$10,157	**$9,650**	**$12,249**
Furniture Store	890	/T.S.F.G.F.A.	$998	**$799**	$1,181	**$1,063**	$1,363	**$1,295**	**$1,545**
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	$12,715	**$10,172**	$16,930	**$15,237**	$21,145	**$20,088**	**$25,360**
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	$13,082	**$10,466**	$17,664	**$15,897**	$22,246	**$21,133**	**$26,828**

TABLE 11
DISCOUNT SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
			Rates 11/20/2009 - 6/30/2010		Rates 7/1/2010 - 6/30/2011		Rates 7/1/2011 - 6/30/2012		
Land Use Category	ITE Code	Unit*	Prior to Discount	**With 20% Discount**	Prior to Discount	**With 10% Discount**	Prior to Discount	**With 5% Discount**	**Rates 7/1/2012 - 6/30/2013**
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	$12,183	**$9,747**	$16,239	**$14,615**	$20,295	**$19,280**	**$24,351**
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	$11,482	**$9,185**	$14,464	**$13,017**	$17,446	**$16,573**	**$20,427**
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	$13,082	**$10,466**	$17,664	**$15,897**	$22,246	**$21,133**	**$26,828**
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	$13,082	**$10,466**	$17,664	**$15,897**	$22,246	**$21,133**	**$26,828**
Drive-Thru Restaurant (No Seating)	935	/T.S.F.G.F.A.	$13,082	**$10,466**	$17,664	**$15,897**	$22,246	**$21,133**	**$26,828**
Drinking Place/Bar	936	/T.S.F.G.F.A.	$11,583	**$9,266**	$15,037	**$13,534**	$18,492	**$17,568**	**$21,947**
Quick Lubrication Vehicle Shop	941	/Service Stall	$11,066	**$8,853**	$13,632	**$12,269**	$16,198	**$15,388**	**$18,764**
Automobile Care Center	942	/T.S.F.G.L.A.	$6,217	**$4,973**	$8,394	**$7,554**	$10,571	**$10,043**	**$12,748**
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	$10,399	**$8,319**	$12,298	**$11,068**	$14,197	**$13,488**	**$16,097**
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	$10,399	**$8,319**	$12,298	**$11,068**	$14,197	**$13,488**	**$16,097**
Office									
General Office Building	710	/T.S.F.G.F.A.	$4,428	**$3,542**	$5,829	**$5,246**	$7,230	**$6,869**	**$8,632**
Medical-Dental Office Building	720	/T.S.F.G.F.A.	$15,307	**$12,246**	$19,954	**$17,958**	$24,600	**$23,370**	**$29,246**
Government Office Building	730	/T.S.F.G.F.A.	$30,447	**$24,358**	$39,388	**$35,449**	$48,329	**$45,912**	**$57,270**
U.S. Post Office	732	/T.S.F.G.F.A.	$38,661	**$30,929**	$50,247	**$45,222**	$61,833	**$58,741**	**$73,419**
Office Park	750	/T.S.F.G.F.A.	$6,670	**$5,336**	$8,252	**$7,426**	$9,833	**$9,341**	**$11,414**
Port/Industrial									
Truck Terminal	030	/T.S.F.G.F.A.	$2,140	**$1,712**	$2,889	**$2,600**	$3,639	**$3,457**	**$4,388**
General Light Industrial	110	/T.S.F.G.F.A.	$3,116	**$2,493**	$4,022	**$3,620**	$4,929	**$4,682**	**$5,835**
General Heavy Industrial	120	/T.S.F.G.F.A.	$671	**$536**	$866	**$779**	$1,061	**$1,008**	**$1,256**
Manufacturing	140	/T.S.F.G.F.A.	$1,718	**$1,374**	$2,215	**$1,994**	$2,713	**$2,577**	**$3,210**
Warehouse	150	/T.S.F.G.F.A.	$2,190	**$1,752**	$2,834	**$2,550**	$3,477	**$3,303**	**$4,120**
Mini-Warehouse	151	/T.S.F.G.F.A.	$1,155	**$924**	$1,482	**$1,334**	$1,810	**$1,719**	**$2,137**
Utilities	170	/T.S.F.G.F.A.	$3,044	**$2,435**	$3,878	**$3,490**	$4,712	**$4,476**	**$5,546**

* Abbrevations used in the "Unit" colum:

T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area

T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area

V.F.P. = Vehicle Fueling Position

APPENDIX B

TDT RATE SCHEDULE 7/1/09 - 6/30/13

RATE PER UNIT OF DEVELOPMENT

Land Use Category	ITE Code	Unit*	7/1/09 - 6/30/10	7/1/10 - 6/30/11	7/1/11 - 6/30/12	7/1/12 - 6/30/13
Residential						
Single Family Detached	210	/dwelling unit	$4,599	$5,807	$7,016	$8,225
Apartment	220	/dwelling unit	$2,896	$3,724	$4,553	$5,381
Residential Condomunium/Townhouse	230	/dwelling unit	$2,717	$3,451	$4,185	$4,919
Manufactured Housing (in Park)	240	/dwelling unit	$2,252	$2,873	$3,494	$4,116
Assisted Living	254	/bed	$1,474	$1,830	$2,186	$2,542
Continuing Care Retirement	255	/unit	$1,482	$1,845	$2,208	$2,571
Recreational						
Park	411	/acre	$732	$948	$1,163	$1,379
Golf Course	430	/hole	$7,129	$9,625	$12,122	$14,619
Golf Driving Range	432	/tee	$6,366	$8,099	$9,833	$11,567
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	$1,256	$1,696	$2,136	$2,575
Bowling Alley	437	/lane	$408	$551	$694	$837
Multiplex Movie Theater	445	/screen	$60,422	$78,784	$97,146	$115,509
Health/Fitness Club	492	/T.S.F.G.F.A.	$3,950	$5,333	$6,716	$8,099
Recreation/Community Center	495	/T.S.F.G.F.A.	$4,658	$6,289	$7,921	$9,552
Institutional/Medical						
Elementary School (Public)	520	/student	$208	$271	$333	$396
Middle/Junior High School (Public)	522	/student	$222	$298	$374	$450
High School (Public)	530	/student	$302	$407	$513	$619
Private School (K-12)	536	/student	$224	$302	$380	$458
Junior College	540	/student	$326	$433	$540	$647
University/College	550	/student	$523	$706	$889	$1,073
Church	560	/T.S.F.G.F.A.	$1,982	$2,457	$2,931	$3,406
Day Care Center/Preschool	565	/student	$632	$844	$1,056	$1,269
Library	590	/T.S.F.G.F.A.	$8,199	$10,793	$13,387	$15,980
Hospital	610	/bed	$1,579	$2,133	$2,686	$3,239
Nursing Home	620	/bed	$543	$733	$924	$1,114
Clinic	630	/T.S.F.G.F.A.	$11,345	$15,268	$19,190	$23,113
Commercial/Services						
Hotel/Motel	310	/room	$1,138	$1,537	$1,935	$2,334
Building Materials/Lumber	812	/T.S.F.G.F.A.	$4,003	$5,405	$6,807	$8,209
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	$8,396	$10,828	$13,261	$15,693
Specialty Retail Center	814	/T.S.F.G.L.A.	$5,322	$7,186	$9,050	$10,913
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	$8,683	$11,402	$14,121	$16,840
Hardware/Paint Store	816	/T.S.F.G.F.A.	$6,818	$9,112	$11,407	$13,702
Nursery/Garden Center	817	/T.S.F.G.F.A.	$4,732	$6,389	$8,046	$9,704
Shopping Center	820	/T.S.F.G.L.A.	$5,734	$7,587	$9,440	$11,293
Factory Outlet Center	823	/T.S.F.G.F.A.	$5,126	$6,370	$7,614	$8,859
New Car Sales	841	/T.S.F.G.F.A.	$6,209	$8,379	$10,549	$12,719
Automobile Parts Sales	843	/T.S.F.G.F.A.	$5,973	$8,065	$10,157	$12,249
Tire Superstore	849	/T.S.F.G.F.A.	$5,317	$6,752	$8,188	$9,623
Supermarket	850	/T.S.F.G.F.A.	$12,067	$15,634	$19,201	$22,768
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	$13,082	$17,664	$22,246	$26,828
Convenience Market with Fuel Pump	853	/V.F.P.	$12,815	$17,131	$21,446	$25,761
Wholesale Market	860	/T.S.F.G.F.A.	$4,230	$5,003	$5,776	$6,548
Discount Club	861	/T.S.F.G.F.A.	$10,795	$13,089	$15,384	$17,678
Home Improvement Superstore	862	/T.S.F.G.F.A.	$3,597	$4,593	$5,589	$6,586
Electronics Superstore	863	/T.S.F.G.F.A.	$5,188	$6,496	$7,803	$9,111
Office Supply Superstore	867	/T.S.F.G.F.A.	$5,973	$8,065	$10,157	$12,249
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	$5,973	$8,065	$10,157	$12,249
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	$5,973	$8,065	$10,157	$12,249
Furniture Store	890	/T.S.F.G.F.A.	$998	$1,181	$1,363	$1,545
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	$12,715	$16,930	$21,145	$25,360

APPENDIX B

TDT RATE SCHEDULE 7/1/09 - 6/30/13

RATE PER UNIT OF DEVELOPMENT

Land Use Category	ITE Code	Unit*	7/1/09 - 6/30/10	7/1/10 - 6/30/11	7/1/11 - 6/30/12	7/1/12 - 6/30/13
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	$13,082	$17,664	$22,246	$26,828
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	$12,183	$16,239	$20,295	$24,351
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	$11,482	$14,464	$17,446	$20,427
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	$13,082	$17,664	$22,246	$26,828
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	$13,082	$17,664	$22,246	$26,828
Drive-Thru Restaurant (No Seating)	935	/T.S.F.G.F.A.	$13,082	$17,664	$22,246	$26,828
Drinking Place/Bar	936	/T.S.F.G.F.A.	$11,583	$15,037	$18,492	$21,947
Quick Lubrication Vehicle Shop	941	/Service Stall	$11,066	$13,632	$16,198	$18,764
Automobile Care Center	942	/T.S.F.G.L.A.	$6,217	$8,394	$10,571	$12,748
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	$10,399	$12,298	$14,197	$16,097
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	$10,399	$12,298	$14,197	$16,097
Office						
General Office Building	710	/T.S.F.G.F.A.	$4,428	$5,829	$7,230	$8,632
Medical-Dental Office Building	720	/T.S.F.G.F.A.	$15,307	$19,954	$24,600	$29,246
Government Office Building	730	/T.S.F.G.F.A.	$30,447	$39,388	$48,329	$57,270
U.S. Post Office	732	/T.S.F.G.F.A.	$38,661	$50,247	$61,833	$73,419
Office Park	750	/T.S.F.G.F.A.	$6,670	$8,252	$9,833	$11,414
Port/Industrial						
Truck Terminal	030	/T.S.F.G.F.A.	$2,140	$2,889	$3,639	$4,388
General Light Industrial	110	/T.S.F.G.F.A.	$3,116	$4,022	$4,929	$5,835
General Heavy Industrial	120	/T.S.F.G.F.A.	$671	$866	$1,061	$1,256
Manufacturing	140	/T.S.F.G.F.A.	$1,718	$2,215	$2,713	$3,210
Warehouse	150	/T.S.F.G.F.A.	$2,190	$2,834	$3,477	$4,120
Mini-Warehouse	151	/T.S.F.G.F.A.	$1,155	$1,482	$1,810	$2,137
Utilities	170	/T.S.F.G.F.A.	$3,044	$3,878	$4,712	$5,546

* Abbrevations used in the "Unit" colum:
  T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area
  T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area
  V.F.P. = Vehicle Fueling Position

Transportation Development Tax Road Project List

Jurisdiction	Road	From	To	Project	Project Cost (2008$)	Proportion of Project Related to Capacity (%)	Other Primary Funding Source	Other Primary Funding Revenue	Eligible Capacity Amount	Growth Share	Eligible SDC Amount	Estimated Project Completion Timeframe
Tualatin	Sagert	65th		signal - new	$679,770	75%			$509,828	69.4%	$354,047	2008-2017
Tualatin	Avery	Teton		signal - new	$339,885	75%			$254,914	100.0%	$254,914	2026+
Tualatin	Cummins	Cipole		signal - new	$339,885	75%			$254,914	100.0%	$254,914	2026+
Tualatin	Cipole	Herman		signal & realign railroad	$3,058,967	75%			$2,294,225	100.0%	$2,294,225	2018-2025
Tualatin	Avery	105th		signal - new	$254,914	75%			$191,185	100.0%	$191,185	2026+
Tualatin	Teton	Tualatin Rd		signal - new	$254,914	75%			$191,185	82.6%	$157,936	2018-2025
Tualatin	Leveton	108th		signal - new	$254,914	75%			$191,185	100.0%	$191,185	2026+
Tualatin	Grahams Ferry	Helenius		signal - new	$254,914	75%			$191,185	100.0%	$191,185	2026+
Tualatin	ORE 99W	130th		signal - new	$254,914	75%			$191,185	100.0%	$191,185	2026+
Tualatin	Blake	108th	105th	Widen to 3 lanes	$1,461,507	100%			$1,461,507	100.0%	$1,461,507	2026+
Tualatin	Hall	Tualatin Rd.	Durham Rd.	extension - 3 lanes & bridge	$42,485,656	100%			$42,485,656	100.0%	$42,485,656	2026+
Tualatin	Herman	Teton	Tualatin	Add left turn lane	$2,889,025	100%			$2,889,025	100.0%	$2,889,025	2008-2017
Tualatin	112th	Myslony	Tualatin-Sherwood	Add left turn lane & bike lanes	$3,194,921	100%			$3,194,921	100.0%	$3,194,921	2026+
Tualatin	Cipole	ORE 99W	Tualatin-Sherwood	Add left turn lane & bike lanes	$10,196,557	100%			$10,196,557	45.0%	$4,588,451	2018-2025
Tualatin	Herman	Cipole	124th Ave	Add left turn lane	$1,563,472	100%			$1,563,472	100.0%	$1,563,472	2008-2017
Tualatin	Leveton	108th	118th	widen to 5 lanes	$1,699,426	100%			$1,699,426	100.0%	$1,699,426	2018-2025
Tualatin	108th	Leveton	Herman	widen to 5 lanes	$849,713	100%			$849,713	100.0%	$849,713	2026+
Tualatin	Boones Ferry	Tualatin-Sherwood	Ibach	widen to 5 lanes	$5,098,279	100%			$5,098,279	92.0%	$4,690,416	2008-2017
Tualatin	McEwan	65th	Lake Oswego	widen to 3 lanes	$3,908,680	100%			$3,908,680	100.0%	$3,908,680	2026+
Tualatin	65th	Nyberg	Childs Rd	extension - 3 lanes & bridge	$16,994,262	100%			$16,994,262	100.0%	$16,994,262	2026+
Tualatin	ORE 99W	Cipole	River	widen to 6 lanes	$6,797,705	100%			$6,797,705	100.0%	$6,797,705	2026+
Tualatin	Tualatin	Herman	Boones Ferry	widen to 5 lanes	$4,248,566	100%			$4,248,566	52.9%	$2,249,241	2026+
Tualatin	65th	Sagert	Nyberg	widen to 5 lanes	$3,908,680	100%			$3,908,680	91.7%	$3,582,957	2026+
Tualatin	Sagert	Martinazzi	65th	widen to 5 lanes	$3,908,680	100%			$3,908,680	69.4%	$2,714,361	2026+
Tualatin	90th	Tualatin	Tualatin-Sherwood	widen to 5 lanes	$2,039,311	100%			$2,039,311	100.0%	$2,039,311	2026+
Tualatin	128th	Cummins	Leveton	extension - 2 lanes	$5,101,253	100%			$5,101,253	100.0%	$5,101,253	2026+
Tualatin	Loop Rd	Nyberg	Boones Ferry	new street - 2 lanes	$4,248,566	100%			$4,248,566	100.0%	$4,248,566	2026+
Tualatin	E-W connection	108th	112th	new street - 2 lanes	$1,869,369	100%			$1,869,369	100.0%	$1,869,369	2008-2017
Tualatin	Lower Boones Ferry	Tualatin	Boones Ferry	new street -3 lanes	$23,791,967	100%			$23,791,967	100.0%	$23,791,967	2018-2025
Tualatin	Boones Ferry	Martinazzi	Lower Boones Ferry	Widen to 5 lanes and bridge	$13,579,200	100%			$13,579,200	90.3%	$12,265,084	2018-2025

Washington County Tualatin $165,527,874

Tualatin	Borland	65th	City Limits Line	widen to 5 lanes	$4,500,000	100%			$4,500,000	100.0%	$4,500,000	
Tualatin	Borland	Wilke		signal - new	$339,885	100%			$339,885	100.0%	$339,885	

Clackamas County Tualatin $4,839,885

Appendix D - Washington County Transportation Development Tax
Weighted Average Inflation Index

	Year						Avg. 5-Year Change
	2002	2003	2004	2005	2006	2007	2003-2007
Index Components							
Materials Component							
Oregon Construction Cost Index[1]	164.3	171.7	161.7	205.8	248	240.9	
% Annual Change		0.045	-0.058	0.273	0.205	-0.029	0.087
Labor Component							
BLS Employment Cost Index[2]	90.1	93.5	96.7	100	103.6	107.6	
% Annual Change		0.038	0.034	0.034	0.036	0.039	0.036
Right-of-way Component							
Avg. Total Real Market Value[3]	$270,176	$279,865	$308,772	$315,784	$342,179	$399,958	
% Annual Change		0.036	0.103	0.023	0.084	0.169	0.083
Weighted Average Index.[4]							**0.071**

Notes:
[1]Construction Cost Trends, Composite Index (Oregon Dept. of Transportation)
[2]March 2001-December 2007 Table 5 . Employment Cost Index for Total Compensation, for private industry workers, by occupational group and industry, construction group (Bureau of Labor Statistics).
[3]Calculated as Total Real Market Value/(Total Property Accounts - Personal Property Accounts - Public Utility Accounts).
Source: Annual Summary of Assessment & Tax Roll, Total Value on the Tax Role and Total Taxes Extended on the Roll tables (Washington County Dept. of Assessment & Taxation).
[4]Weighted Avg. = ((Materials % Annual Change x 0.5) + (Labor % Annual Change x 0.3) + (Right-of-way % Annual Change x 0.2))