TIGARD CITY COUNCIL & TOWN CENTER DEVELOPMENT AGENCY

MEETING DATE AND TIME: February 4, 2020 - 6:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:
Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Public Comment items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 6:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 6:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-718-2419, (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

• Qualified sign language interpreters for persons with speech or hearing impairments; and
• Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-718-2419 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:
http://www.tigard-or.gov/city_hall/council_meeting.php

CABLE VIEWERS: The first City Council meeting of the month may be shown live on Channel 28 at 6:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday</td>
<td>6:00 p.m.</td>
</tr>
<tr>
<td>Sunday</td>
<td>11:00 a.m.</td>
</tr>
<tr>
<td>Friday</td>
<td>10:00 p.m.</td>
</tr>
<tr>
<td>Monday</td>
<td>6:00 a.m.</td>
</tr>
</tbody>
</table>
TIGARD CITY COUNCIL & TOWN CENTER DEVELOPMENT AGENCY
MEETING DATE AND TIME: February 4, 2020 - 6:30 p.m. Business Meeting
MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

1. BUSINESS MEETING
   A. Call to Order
   B. Roll Call
   C. Pledge of Allegiance
   D. Call to Council and Staff for Non-Agenda Items

2. PUBLIC COMMENT (Two Minutes or Less, Please)
   A. Follow-up to Previous Public Comment
   B. Public Comment – Sign Up Sheet

3. TOWN CENTER DEVELOPMENT AGENCY BOARD/TOWN CENTER ADVISORY COMMISSION JOINT MEETING 6:35 p.m. estimated time

4. TOWN CENTER DEVELOPMENT AGENCY - RECEIVE UPDATE ON SENIOR CENTER AFFORDABLE HOUSING PROJECT 7:15 p.m. estimated time

5. CONSIDERATION OF A RESOLUTION IN SUPPORT OF ARTWORK TO BE PLACED ON THE HIGHWAY 99 SUPPORT STRUCTURE AS PART OF TIGARD'S OUTDOOR MUSEUM 7:30 p.m. estimated time

6. ADMINISTRATIVE REPORTS

7. NON AGENDA ITEMS

8. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss real property transaction negotiations under ORS 192.660(2)(e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. 7:35 p.m. estimated time
9. ADJOURNMENT 7:50 p.m. estimated time
ISSUE
Town Center Development Agency Board/ Town Center Advisory Commission Joint Meeting

STAFF RECOMMENDATION / ACTION REQUEST
Meet with the Town Center Advisory Commission to discuss its 2019 Annual Report and draft 2020 Goals.

KEY FACTS AND INFORMATION SUMMARY
The Town Center Advisory Commission (TCAC) makes recommendations to the Board of the Town Center Development Agency (TCDA) on urban renewal policy, budget and implementation measures. Since updating its bylaws in September 2017, the TCAC makes recommendations on urban renewal policy, budget and implementation measures for the Tigard Triangle Urban Renewal area as well as the City Center (Downtown) urban renewal area.

Two items will inform the joint meeting discussion - the TCAC's 2019 Annual Report, and the 2020 Draft Goals. The 2019 Annual Report was previously provided in the December 5, 2019 Council Newsletter.

The 2019 TCAC Goals were:
1. Downtown: Identify new revitalization projects & drive existing projects to completion in the Downtown Urban Renewal District.
2. Tigard Triangle: Participate in the development of the Tigard Triangle Equitable Urban Renewal Implementation Project.
3. SW Corridor: Consider, investigate and recommend specific planning components associated with the adopted SW Corridor alignment and station locations in both
downtown and the Triangle.
4. Affordable Housing: Recommend specific programs and policies to City staff and Council that directly affect, support and encourage the development and preservation of affordable housing downtown and in the Triangle.
5. Equitable Business Development: Recommend specific programs and policies to City staff and Council that directly affect, support and encourage equitable business development downtown and in the Triangle.

The TCAC’s specific recommendations for TCDA are also included in the 2019 Annual Report; these are:

Continue to work with Metro and TriMet to ensure light rail stations are walkable and activate the area around them.

- Ensure that the Hall Street station design optimally connects with the Downtown Main Street area
- Provide safe and effective pedestrian access across Hall Blvd
- Provide bike and pedestrian access on the Highway 217 crossing

Implement A New Tigard Triangle: Equitable Urban Renewal Implementation Strategy Plan

- Look for opportunities to partner with developers and other agencies to increase the supply of affordable housing units.
- Land in the Tigard Triangle is going to become increasingly expensive and difficult to acquire, especially if the Southwest Corridor project is funded. Acquire land prioritized in the implementation plan.
- Develop opportunities for equitable business development in the Triangle through urban renewal funding and other funding sources such as grants.

The TCAC developed draft goals for 2020 at its January 8th meeting. The TCAC will present and review these draft goals with the TCDA Board before finalizing them at their February 12th meeting.

OTHER ALTERNATIVES
N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS
Tigard City Council Goals 2019-2021
Goal 2: Invest and connect key areas of the city to promote economic growth and community vitality
Strategy 2.2: Continue to make Downtown Tigard a place people want to be by making substantial progress on projects that attract new residential and business investment.
Tigard Strategic Plan Goal 3:
Engage the community through dynamic communication.

DATES OF PREVIOUS COUNCIL CONSIDERATION
February 5, 2019: Joint meeting with TCAC

Attachments

2019 TCAC Annual Report
The Town Center Advisory Commission (TCAC) adopted annual goals and objectives for calendar year 2019. The annual agenda for the TCAC was largely devoted to developing and implementing the goals. This report is organized around the adopted 2019 TCAC Goals and Objectives.

Aspirational Goal: Facilitate opportunities for development that promotes walkability, equity, and connectivity across both urban renewal districts. 

Outcomes
Walkability within and connectivity between the two urban renewal districts continues to be a key issue for the commission. In June, we received a briefing on the Red Rock Creek Trail design which includes a proposed trail that would cross Highway 217 on the SW Corridor overpass. The TCAC sent a letter to Mayor Snider in his role as chair of the TCDA Board and as a member of the SW Corridor Steering Committee, strongly supporting the inclusion of bike and ped facilities in the overpass design (See attached letter).

The TCAC participated in the development of “A New Tigard Triangle: Equitable Urban Renewal Implementation Strategy”. Several commissioners were on the New Tigard Triangle sub-committee and we held a joint working session with the sub-committee in our August meeting. A final draft of the plan was presented in our October meeting and we voted to recommend acceptance of the New Tigard Triangle Strategy by the TCDA along with the guidance that land acquisition for parks and roads be prioritized (See attached recommendation).

The TCAC supported several projects that promote walkability, equity, and connectivity across Downtown and the Tigard Triangle:
- Senior Center Affordable Senior Housing
- A New Tigard Triangle Implementation Strategy
- 72nd and Dartmouth development assistance
- Tigard Street Heritage Trail

Goal 1. Downtown: Identify new revitalization projects & drive existing projects to completion in the Downtown Urban Renewal District.

Outcomes
Progress has been made on several existing projects:

- Construction has begun on Tigard Street Heritage Trail/Rotary Plaza. The project includes a public restroom, which the TCAC has strongly advocated for.
• The Main Street at Fanno project continues to move forward. The TCDA approved the project plan at its September 3 meeting, which was one of the milestones in the development agreement.

• Members of the TCAC participated in the selection of Northwest Housing Alternatives to be the developer of the Senior Center affordable senior housing project and are participating in the stakeholder meetings that will help select the architect and provide ongoing input into the design of the project.

• Another area of focus for the TCAC this year has been the Universal Plaza. Members of the TCAC volunteered to assist in a “public life” survey run by Gehl Studios. We had briefings on the survey results in our August and September meetings. The Commission is concerned about activation and maintenance of the plaza. A representative of the TCAC will help evaluate proposals from consultants for the activation, design and engineering of Universal Plaza.

The joint Urban Renewal Improvement Programs Joint Committee made two new matching grant awards: 1) Stirato Bakery & Bistro for interior buildout and 2) Fraternal Order of Eagles for paint and signage. We also saw the successful completion of the Senet Taphouse and Versus Board Games project. These projects continue to revitalize the Downtown district and draw more people into the city center.

**Goal 2. Tigard Triangle: Participate in the development of the Tigard Triangle Equitable Urban Renewal Implementation Project.**

**Outcomes**

The key initiative for the TCAC in 2019 was the development of The Tigard Triangle Equitable Urban Renewal Implementation Strategy (renamed A New Tigard Triangle: Planning for Equitable Development).

The goal of the plan is to provide direction for strategic public investments that support and catalyze equitable development in the Triangle that is consistent with the community’s vision, ensuring that everyone has the opportunity to benefit from the area’s economic transformation.

There were a significant number of public outreach meetings as well as stakeholder interviews. And a subcommittee of four commissioners and four community members was formed to develop the criteria used to rank projects and review the draft prioritized list.

The draft implementation plan was reviewed by TCAC and TCAC Subcommittee at a joint meeting in August. The subcommittee strongly recommended continued public outreach as projects are being considered.

A final draft of the plan was presented in our October meeting and we voted to recommend acceptance of the New Tigard Triangle Strategy by the TCDA along with the guidance that land acquisition for parks and roads be prioritized (See attached recommendation).
Goal 3. SW Corridor: Consider, investigate and recommend specific planning components associated with the adopted SW Corridor alignment and station locations in both downtown and the Triangle.

Outcomes
The TCAC received a briefing from city staff on the Hall Blvd. station design in our May meeting. While the station will be outside the Downtown Urban Renewal District, we are concerned about how the city can link the station with downtown. This includes the design of the pedestrian crossing and transit-oriented development along Commercial Street.

In October, a TriMet representative presented an update on the SW Corridor project including a significant budget shortfall and possible ways to close the funding gap. Community Development Director Kenny Asher outlined Mayor Snider’s concerns over the narrowing of Barbur Blvd. and the elimination of the section to Bridgeport as possible ways to eliminate the shortfall. The commission continues to support the LPA that preserves naturally occurring affordable housing and does not necessitate on-grade crossing of Hall Blvd.

Goal 4. Affordable Housing: Recommend specific programs and policies to City staff and Council that directly affect, support and encourage the development and preservation of affordable housing downtown and in the Triangle.

Outcomes
The TCAC was directly involved with several affordable housing initiatives:

- The commission participated in the selection of the developer for the Senior Center affordable senior housing project and has two members on the stakeholder committee. The stakeholder committee has provided input on the selection of an architect and will provide design and implementation input throughout the project.

- CPAH’s Red Rock Creek Commons project broke ground in October. The TCDA’s provision of developer assistance, pursuant to the TCAC’s recommendation, early in the lifecycle of this project was instrumental in moving the project forward.

- The New Tigard Triangle: Planning for Equitable Development Project ranks affordable housing as a priority in the near term (next 5 years). Funding will be requested in future TCDA budgets to provide development assistance for affordable housing.

Goal 5. Equitable Business Development: Recommend specific programs and policies to City staff and Council that directly affect, support and encourage equitable business development downtown and in the Triangle.

Outcomes
In March, the TCAC received a presentation from the Metro project manager for the Southwest Equitable Development Strategy (SWEDS). He gave a briefing on SWEDS and on potential programs to support equitable business development.

In exchange for developer assistance, the developer of the 72nd and Dartmouth project was open to an agreement to provide below market rent for a portion of the building’s retail space. The hope was that this could be used to support equitable business development. Staff developed an outline for such an agreement, but also reported it would be challenging to implement. Due to the challenges of administering such a program, we reduced our recommendation from $1.6 M to $1.0M in developer assistance. While there was a consensus on the decision, the commission recognizes that we may have missed an opportunity to promote equitable development. Consequently, the commission hopes to enhance our knowledge base concerning means and methods of achieving equity.

Business and development assistance ranked as a near term priority in the New Tigard Triangle report. Business and development assistance program development with a focus on equity will be a part of Phase 2 of the project.

The Town Center Advisory Commission is already looking forward to 2020 and the kickoff of our key initiative: the implementation of A New Tigard Triangle: Equitable Urban Renewal Implementation Strategy Plan.

On behalf of the Town Center Advisory Commission,

Kate Rogers
Chair

Recommendations for Town Center Development Agency Consideration

Background:
The Town Center Advisory Commission (TCAC) is charged with advising the Town Center Development Agency (TCDA) on policy and projects related to the City Center Urban Renewal Plan and the Tigard Triangle Urban Renewal Plan. The commission is charged with producing an annual report and recommendations for the TCDA’s consideration.

2019 Recommendations

- Continue to work with Metro and TriMet to ensure light rail stations are walkable and activate the area around them
  - Ensure that the Hall Street station design and location promote connectivity with the Downtown Main Street area
- Provide safe and effective pedestrian access across Hall Blvd.
- Provide bike and pedestrian access on the Highway 217 crossing

Implement A New Tigard Triangle: Equitable Urban Renewal Implementation Strategy Plan:

- Look for opportunities to partner with developers and other agencies to increase the supply of affordable housing units
- Land in the Tigard Triangle is going to become increasingly expensive and difficult to acquire, especially if the Southwest Corridor project is funded. So, we would like to see land acquisition prioritized in the implementation plan.
- Develop opportunities for equitable business development in the Triangle through urban renewal funding and other funding sources such as grants.
AIS-4100

Business Meeting One

Meeting Date: 02/04/2020
Length (in minutes): 15 Minutes
Agenda Title: TCDA - Update on Senior Center Affordable Housing Project
Submitted By: Sean Farrelly, Community Development
Item Type: Update, Discussion, Direct Staff  Meeting Type: Town Center Development Agency
Public Hearing: No  Publication Date: 

Information

ISSUE
Receive update on Senior Center Affordable Housing Project

STAFF RECOMMENDATION / ACTION REQUEST
The Board of the TCDA is requested to participate in the discussion.

KEY FACTS AND INFORMATION SUMMARY
The Tigard City Council’s current goals include a strategy (3.2) to promote the development of affordable housing in Tigard. The strategy is being implemented in part with the Tigard Senior Center Affordable Senior Housing project that would provide affordable senior housing adjacent to the Tigard Senior Center.

The Board of the TCDA authorized the signing of an Exclusive Negotiating Agreement with non-profit affordable housing developers Northwest Housing Alternatives (NHA) on October 8, 2019. Since then, there has been significant progress. The Tigard Senior Housing Advisory Committee (made up of stakeholders from the Tigard Senior Center, Town Center Advisory Committee, neighborhood and Councilor Tom Anderson) has met five times. The meetings covered the following topics:

- October 14 - An overview of the project and NHA’s and the City’s goals
- October 28 - Interviews and recommendations for architect firm (selected SERA Architects)
- November 18 - Design charette
- December 16 - Interviews and recommendation of general contractor advisors (selected Walsh Construction)
- January 13 - Reviewed latest site plan concept
The Advisory Committee will tour an NHA-operated affordable senior housing development in Wilsonville on February 6.

SERA Architects and Northwest Housing Alternatives have worked through several site plan and building configuration options. The current site plan calls for a 4-story building with between 50 and 60 affordable senior units (final count to be determined) and 87 parking spaces. Existing Senior Center conditions have 48 parking spaces, so it appears that the parking demand for the senior center and residents can be accommodated (along with NHA’s strategy to accommodate the portion of residents without their own car- daily vanpools for residents to shopping and leisure activities, etc.) NHA will present the most current site plan at the February 4 Board meeting.

The City’s attorneys are working up a draft Development Agreement and lease. After further negotiation, the documents will be brought to the TCDA Board for their consideration.

OTHER ALTERNATIVES
No alternatives for consideration at this time.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS
Tigard City Council Goals 2019-21
Goal 2: Invest and connect key areas of the city to promote economic growth and community vitality
Strategy 2.2 Continue to make Downtown Tigard a place people want to be by making substantial progress on projects that attract new residential and business investment. Cultivate more relationships with future developers that share our multigenerational transit-oriented development vision.

Goal 3: Ensure Tigard grows and develops in a smart and inclusive manner.
Strategy 3.2: Complete an Affordable Housing Plan and adopt recommended strategies to promote the development and retention of affordable housing in Tigard. Increase advocacy at the regional level for housing that is affordable, funding strategies, and consider an excise tax.

Tigard Comprehensive Plan
Housing
Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.
Special Planning Areas- Downtown
Goal 15.2: Facilitate the development of an urban village.
Policy 6: New housing in the downtown shall provide for a range of housing types, including ownership, workforce, and affordable housing in a high-quality living environment.

Tigard Strategic Plan
Goal 2: Ensure development advances the vision
DATES OF PREVIOUS COUNCIL CONSIDERATION
June 4, 2019- Senior Center Affordable Senior Housing Briefing
August 13, 2019- Receive Update on Senior Center Affordable Housing Project
October 8, 2019- Consider Agreement with Northwest Housing Alternatives

Attachments
No file(s) attached.
ISSUE
Shall the City adopt a Resolution of support to apply to Oregon Department of Transportation (ODOT) for approval of artwork to be placed on the Highway 99W support structure as part of Tigard's Outdoor Museum?

STAFF RECOMMENDATION / ACTION REQUEST
Staff recommends approval of the resolution.

KEY FACTS AND INFORMATION SUMMARY
The City's grant from the National Endowment for the Arts Our Town program provides funding for three major artworks in Tigard's Outdoor Museum along the Tigard Heritage Trail.

A competitive selection process resulted in two murals proposed for the support structure of the Highway 99W overpass along the trail.

The Oregon Department of Transportation (ODOT) maintains authority over the right-of-way in this location and is responsible for the maintenance of the overpass. An art directive issued in October 2013 specifies terms under which local jurisdictions may request placement of artwork within the ODOT right-of-way. Staff have reviewed the approval criteria and determined that the proposal meets the standards set by ODOT.

ODOT requires that the local governing body adopt a resolution of support as part of the application process, and that the resolution provide certain details related to jurisdictional authority, artwork lifespan, and proposed maintenance.
This resolution meets the requirements set by ODOT for application to add the artwork.

OTHER ALTERNATIVES
Council could opt not to adopt the resolution. This option would require that staff find an alternative location for a muralist or find an alternative artist prior to the close of the grant in August 2020, or return a portion of the grant.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS
Continue to make Downtown Tigard a place people want to be by making substantial progress on projects that attract new residential and business investment: Construction of the Tigard Street Heritage Trail/Rotary Plaza

DATES OF PREVIOUS COUNCIL CONSIDERATION
N/A

Attachments
Resolution
Resolution Exhibit A
Mural Mock-Up
WHEREAS, the City of Tigard has partnered with the Oregon Department of Transportation to complete the Tigard Heritage Trail along the historic Oregon Electric Railway right-of-way located within the city’s jurisdiction; and

WHEREAS, a vital component of this trail is Tigard’s Outdoor Museum, an outdoor art and history museum that highlights the contributions of Tigard and Washington County’s diverse communities to our region and state; and

WHEREAS, the city, through a comprehensive public engagement process determined that the community desired artistic interpretation of history; and

WHEREAS, the city sought proposals for artworks through a competitive process; and

WHEREAS, a committee composed of residents and elected officials selected a proposal for two murals to be placed along the trail on the support structure of the Highway 99 overpass; and

WHEREAS, the Council has reviewed the proposed murals and determined them to meet the city’s goals for placemaking and arts development in the downtown; and

WHEREAS, the location of the artwork has historically been a target of vandalism and the proposed murals will include an anti-graffiti coating to reduce this vandalism; and

WHEREAS, the murals are proposed to remain in place for 10 years, or longer if the work does not deteriorate; and

WHEREAS, the city will assume responsibility for the care and maintenance of the murals in accordance with the instructions of the artist; and

WHEREAS, the murals are proposed to be completed no later than June 15, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council requests that the Oregon Department of Transportation approve the creation of two murals on the supports of the Highway 99 overpass through the agency’s art directive HWY 01 effective October 1, 2013.

SECTION 2: This resolution is effective immediately upon passage.
PASSED: This _______ day of ________________ 2020.

Mayor - City of Tigard

ATTEST:

__________________________
City Recorder - City of Tigard
Exhibit A

Highway Division
DIRECTIVE

NUMBER
HWY 01
SUPERSEDES
New
EFFECTIVE DATE
10-1-2013
PAGE NUMBER
1 of 6
REFERENCE

SUBJECT
Placement of Artwork on State Highway Right of Way

APPROVED SIGNATURE

PURPOSE:

To describe the process to allow artwork to be placed on state highway right of way either as part of ODOT's project development process or through the District Manager.

GENERAL:

There has been an increasing interest by local communities to incorporate artwork within the state highway system. The overall design of the state highway system should blend with the natural and cultural environment keeping in mind the intended traffic volume and preservation of valuable adjacent scenic lands and natural and historic resources. ODOT recognizes the effects of the state highway system on local communities and how artwork can enhance and reflect the historic and cultural character of the community.

This Directive provides a process for ODOT to allow for the enhancement of the state highway system by including local community artwork on state highway right of way and will apply to artwork requested or approved after the effective date of the Directive. Safety is of primary concern for ODOT; therefore any Artwork allowed to be placed on state highway right of way must be found by ODOT to not diminish the safety of motorists or the state highway system.

It should be noted that this Directive is intended to provide a means to guide ODOT decision makers in determining the appropriateness of allowing artwork to be placed on state highway right of way. It is not to imply ODOT's review or approval of the artwork itself. The content of the artwork is determined by the Local Government as described in this Directive.

After ODOT's review and approval of the proposed placement of artwork, ODOT will initiate an Intergovernmental Agreement (IGA) with the requesting Local Government. Should the Local Government desire to change the design, content or format of the Artwork during the term of the IGA, a new proposal must be submitted following the process outlined in this Directive.

Artwork on the state highway differs from the City/County Entrance Program and the Highway Beautification Program described in Oregon Administrative Rule Chapter 734, Division 57.

DEFINITIONS:

"Artwork" — Any drawing, painting, sculpture, statue, or other item of a creative or artistic nature intended or used to attract the interest or attention of motorists but does not include roadside memorials; political, advertising, or other unpermitted signs. For the purposes of this
Directive, “Artwork” also does not include standard architectural elements, whether structural or not, such as light poles, overpass screening, sound walls, or bridge components designed into the highway feature by ODOT during the project development process and are owned and maintained by ODOT.

“Local Government” – The City or County with jurisdiction in the area where the Artwork is proposed. When a state highway is on recognized tribal land, the Tribal Government with jurisdiction in the area will be considered the “Local Government” for purposes of this Directive.

MINIMUM CRITERIA:

A Local Government's proposal for the placement of Artwork on state highway right of way must address the following criteria. Each proposal will be evaluated by ODOT on a case-by-case basis as described in this Directive.

Safety
Artwork must not interfere with the operation, maintenance or use of the highway. It must not block sight distance of an intersection, road approach, or traffic control device or cause a distraction for motorists, therefore, the proposed Artwork must:

1. Be located outside the highway clear zone as described in the AASHTO Roadside Design Guide;
2. Be placed as far from the travel way or edge of the pavement as practical;
3. Not be attached to or imitate a traffic control device;
4. Not have moving elements or simulate movement;
5. Not have bold or vibrant colors, reflective or glaring materials or surface finishes, or have illumination or other elements that would cause the proposed Artwork to be a distraction to motorists. Any illumination must be shielded to prevent light from being directed at the highway and of such low intensity or brilliance as to not cause glare or to impair the vision of motorists on the highway. Flashing or blinking lights, are not allowed; and
6. Be of a size and scale so to not demand the attention of motorists to the point the driver is distracted by the Artwork.

The safety of the highway system and motorists is of utmost concern for ODOT. The following will be considered by ODOT in determining if the proposals to place Artwork on highway right of way meet this Directive. The Artwork:

1. Does not attract pedestrians to an area not designed or intended for pedestrian traffic or placed at a location that would cause motorists to stop or to enter or exit the highway in areas not designed for such use;
2. Is not placed on trees, rocks or other natural features (ground mounted, free standing artwork may be allowed);
3. Is not attached to any bridge structure, sound wall or other highway feature other than artwork that may be incorporated as part of the project development process. A mural painted on a bridge structure, sound wall or other highway feature may be allowed when located on a low speed highway and is part of an overall graffiti prevention strategy;
4. Does not interfere with the horizontal or vertical clearance of the roadway so as not to impede freight mobility or movement of motor vehicles, bicycles, or pedestrians;
5. Is not placed within 500 feet of traffic control devices or other signs, gores, decision points, or other Artwork; and
6. Does not adversely affect highway structures, drainage patterns or storm water runoff quality, landscaping, natural vegetation or other plantings.

Content and Format
The content or format of the Artwork is to be determined by the Local Government through a public review process. The Artwork must depict the historic or cultural characteristic of the community and blend with the surrounding area.

The Artwork shall not contain text, interpretation of the Artwork, information on the artist, or advertising or other form of a commercial message (business, product, or brand name, logo, phone number, web page, etc.). It shall not resemble or imitate a traffic control device, represent or pay tribute to a specific individual, or contain elements that move, shimmer, shake or contain other methods to attract the attention of motorists.

Design
The design of all Artwork must be coordinated with the aesthetic design of the highway system and all its features taking into consideration the roadway design, the clear zone, motorists, and the environment. The Artwork shall not be suspended over the highway.

Artwork must be designed using long lasting materials and construction techniques which will require minimal care and resist vandalism and must be no larger than a size and scale that is compatible with the surrounding area and landscape.

Maintenance
Maintenance of the proposed Artwork and the surrounding area will be the responsibility of the requesting Local Government as set out in the IGA. The Artwork must be kept clean and in good repair. Artwork damaged by vehicular crashes, vandalism including graffiti, acts of nature, or regular wear or aging must be repaired or removed by the Local Government in a timely manner.

Offensive graffiti must be removed promptly. All maintenance must be conducted in a manner to minimize interference with highway traffic. No direct access (ingress or egress) to the Artwork is allowed from the main travel way of an access controlled highway.

If the Artwork is not maintained, repaired, or removed as required, the Artwork may be removed by ODOT at the Local Government’s expense without commitment by ODOT for restoration, replacement, or compensation to the Local Government. Any Artwork removed by ODOT will be stored for 30 days for recovery by the Local Government.

Compliance with State and Federal Regulations
The proposed Artwork must comply with all state and federal regulations including regulations for Outdoor Advertising, and the marking and signing of state highways.
Location
Artwork will be considered on primary and secondary state highways as part of the project development process or by the District Manager after first considering if it is more appropriate to transfer the roadway, sidewalk or the property to the Local Government.

Artwork will not be allowed on the Interstate highway system (along the mainline or the entrance and exit ramps) or in the median of any expressway, freeway or divided highway.

Artwork located on property outside the state highway right of way but visible from the highway must comply with Outdoor Advertising Sign regulations.

Artwork must be located within the territorial or zoning jurisdiction of the requesting Local Government.

Financial Responsibilities
All costs, including labor, materials, supplies, and traffic control for the design, engineering, testing, construction, installation, maintenance, repair and removal of the artwork will be the responsibility of the requesting Local Government. When illumination is included as part of the artwork, the Local Government will be responsible for the cost of the electricity and any necessary utility lines and permits.

ODOT will assume the administrative costs associated with reviewing the proposal for Artwork and for executing the IGA with the requesting Local Government if the proposal is approved.

APPLICATION PROCESS:

A proposal for Artwork on state highway right of way must be submitted in writing by the Local Government that has jurisdiction in the area where the Artwork is proposed to be located. When there is an ongoing project development process, the proposal request will be submitted to the Project Leader. Other proposals are to be submitted to the local District Manager.

The Local Government must ensure that the proposal is developed through a public process. The method of gathering local support will be determined by the Local Government.

The Artwork proposal must:
• include a full description or drawing of the proposed Artwork including the proposed materials and how it expresses the community's historic or cultural character;
• include the proposed location (highway and milepoint) for the Artwork;
• show how the proposal meets the criteria outlined in this Directive;
• include the name, address, and telephone number of the Local Government contact person responsible for the proposal;
• include an adopted resolution that describes the following:
  o the Local Government's jurisdiction in the area of the project site;
  o the Local Government's approval of the Artwork content;
  o the Artwork's proposed life span;
• the Local Government's commitment to ensure maintenance of the Artwork including timely graffiti removal/repair and removal of the Artwork at the end of its life span; and
• a schedule for commencing and completing the proposed Artwork installation.
• include design plans stamped by a licensed professional engineer registered in the State of Oregon demonstrating structural stability, the ability to withstand the necessary wind loads, the means or method of installation, and how the proposed Artwork meets the Safety criteria outlined above.

**ODOT REVIEW:**

The proposed site for installation of Artwork by a Local Government must be reviewed and approved by ODOT prior to development of an IGA. ODOT will apply the criteria in this Directive when reviewing proposals for placement of Artwork on state highway right of way. Considerations will include the location, potential for motorist distraction, impact to highway maintenance or operations, impact to motorist safety, and access for Artwork maintenance. Additional site specific criteria and conditions may be applied to the Artwork proposal as determined by the ODOT Project Leader or District Manager. The approval for placement of Artwork will be granted at ODOT’s sole discretion.

When Artwork is proposed as part of the project development process, the Project Leader will coordinate the review with the Region Technical Center, the local District Manager, and the Federal Highway Administration; ensure the conditions of this Directive are met; and incorporate the Artwork into the highway project, if approved. If the proposal is approved, the Project Leader will be responsible to initiate an IGA to document the Local Government’s responsibility for the Artwork. If the proposal is denied, the Project Leader will notify the Local Government in writing.

When the Artwork is proposed outside of the project development process, the District Manager will coordinate the review with the Region Technical Center and the Federal Highway Administration and ensure the criteria of this Directive are met. If the proposal is approved, the District Manager will be responsible to initiate an IGA to document the Local Government’s responsibility for the Artwork. If the proposal is denied, the District Manager will notify the Local Government in writing.

**DOCUMENTATION:**

Upon approval by ODOT of the proposal for placement of Artwork on state highway right of way, ODOT will initiate an Intergovernmental Agreement (IGA) with the Local Government. The IGA must include:
• the location (highway and milepoint) and description of the Artwork;
• the duration the Artwork is allowed on the state highway right of way;
• a requirement that the Local Government, at no cost to ODOT, must move or remove the Artwork when:
  1. requested by CDOT;
  2. the Artwork interferes with construction, maintenance or operation of the state highway;
3. federal or state laws are interpreted in such a way that would prohibit Artwork on state highway right of way; or
4. the IGA terminates.
- indemnification of ODOT by the Local Government from third party claims;
- compliance with environmental regulations when conducting work on state highway right of way;
- payment by the Local Government of any costs resulting from legal action involving ODOT regarding the Artwork;
- the Local Government's responsibility to maintain the Artwork and any area surrounding the Artwork. Artwork damaged by crashes, vandalism, or acts of nature must be repaired or removed by the Local Government within 14 days of discovery. Offensive graffiti must be repaired or removed within 48 hours of discovery.
- if the Artwork is not maintained, repaired, or removed as required, the Artwork may be removed by ODOT at the Local Government's expense without commitment for restoration, replacement, or compensation to the Local Government;
- a requirement for a utility permit as necessary to address electric lines serving the Artwork;
- notification of the District Manager at least 48 hours prior to any onsite work; and
- traffic control according to Oregon Temporary Traffic Control Handbook (OTTCH) and the Manual on Uniform Traffic Control Devices (MUTCD).

06/14/13