City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Agenda

Planning Commission

Monday, October 27, 2014 | **7:00 PM** | **Commission Chambers**

1. Call to Order

2. Public Hearing

The Commission's adopted goals and available staff resources shall be considered when recommending future agenda items. The Commission may add an item to a future agenda with consensus of the Commission.

2a. PC 14-127 Oregon City Sign Code Update (Planning File: L 14-01)

Sponsors: Planner Laura Terway

Attachments: Commission Report

L 14-01 Updated Staff Report

Exhibit 1: 2013-2015 Goals and Priorities of the City Commission

Exhibit 2: Draft Ordinance 14-1003

Exhibit 3a: Proposed Amendments to Chapter 15.28 of the Oregon City Municipal Code with Comments (dated October, 2014)

Exhibit 3b. Proposed Amendments to Chapter 15.28 of the Oregon City Municipal Code (dated October, 2014)

Exhibit 3c: Map of Properties with 600 feet or More of Frontage on an Arterial

Exhibit 4: On File

Exhibit 5: Report from the Community Advisory Team (CAT)

Exhibit 5: Appdendix A (1 of 2)

Exhibit 5: Appdendix A (2 of 2)

Exhibit 5: Appdendix B (1 of 2)

Exhibit 5: Appdendix B (2 of 2)

Exhibit 6: Applicant's Submittal

League of Oregon Cities Model Code

Summary of Local Mural Code

Exhibit 1a: City of Portland - Public Art Murals Program

Exhibit 1b: City of Portland - Painted Wall Signs

Exhibit 2a: City of Beaverton - Sign Code

Exhibit 2b: City of Beaverton - Arts Commission

Exhibit 3: City of Salem - Public Art

Exhibit 4b: City of Milwaukie - Newly adopted Ordinance

Exhibit 4a: City of Milwaukie - Plannning Commision Discussion of Murals

Exhibit 5: Los Angeles Mural Ordinance

Exhibit 6: The Dalles

Amended Policies with Sign Code

Exhibit 1: Current Policy for Signs in the Right-of-Way

Exhibit 2: Proposed Signs in the Right-of-Way Policy

Exhibit 3: Current Historic Review Board Policies

Exhibit 4: Proposed Historic Review Board Policies

Exhibit 5: OCMC Chapter 2.26 Arts Commission

Exhibit 6: Oregon City Existing Mural List

Sidewalk Widths

3. Communications

4. Adjournment

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).
Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.
ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 14-127

Agenda Date: 10/27/2014

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Planner Laura Terway

File Type: Land Use Item

SUBJECT:
Oregon City Sign Code Update (Planning File: L 14-01)

RECOMMENDED ACTION (Motion):
Staff requests the Planning Commission recommend approval of Planning file L 14-01 for the Sign Code Update to the City Commission for their consideration at the February 4, 2015 hearing.

BACKGROUND:
After nearly 20 years without a significant change, Oregon City has been working to review the sign regulations to better meet the needs of Oregon City residents and businesses now and into the future. The Oregon City Municipal Code currently has limitations on the type, quantity, size and material of signage allowed on public and property in chapter 15.28.

A comprehensive public process has resulted in many community discussions and recommendations to City staff for revisions to the signage standards. in addition to City Commission meetings, the Planning Commission has held work sessions to review the proposed code on February 24, 2014, March 24, 2014, April 28, 2014, June 23, 2014 and October 13, 2014 and hearings on April 14, 2014, May 12, 2014, June 23, 2014, July 28, 2014 and September 22, 2014.

BUDGET IMPACT:
Amount:
FY(s):
Funding Source:

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

STAFF REPORT AND RECOMMENDATION

October 20, 2014

FILE NO.:	Legislative File: L 14-01 Amendments to the Oregon City Sign Code Chapter 15.28 (Ord. 14-1003)
APPLICANT:	Oregon City Planning Division 221 Molalla Ave, Suite 200 Oregon City, Oregon 97045
REQUEST:	Adopt amendments to Chapter 15.28 (Signs) of the Oregon City Municipal Code.
LOCATION:	City-wide.
RECOMMENDATION:	Staff recommends approval of this application based on the satisfaction of all required criteria for a Legislative action.
REVIEWERS:	Laura Terway, AICP, Planner Tony Konkol, Community Development Director

17.50.170 - Legislative hearing process.
A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.
B. Planning Commission Review.
1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.
C. City Commission Review.
1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the

hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT 503-722-3789.

A. BACKGROUND/PROPOSED PROJECT
Oregon City's sign code is located in Chapter 15.28 of the Oregon City Municipal Code (OCMC). The code regulates the location, number and size of signs in Oregon City (Exhibi9t 7). The sign code governs when a sign permit is required, specifies prohibited signs, and exempts various types of signs from review. A majority of Oregon City's current sign code was adopted in 1994 (Ord. 94-1027). A minor amendment in 2005 added OCMC 15.28.075 – *Signs for listed conditional uses in residential zones* (Ord. 05-1002).

Goal 3 of the 2013-2015 Goals and Priorities of the Oregon City, City Commission was to "Enhance the Livability of the Community" (Exhibit 1). Under this goal, the City Commission identified a need to initiate an aggressive public involvement campaign to update the Oregon City Sign Code. More specifically the goal included the following tasks:

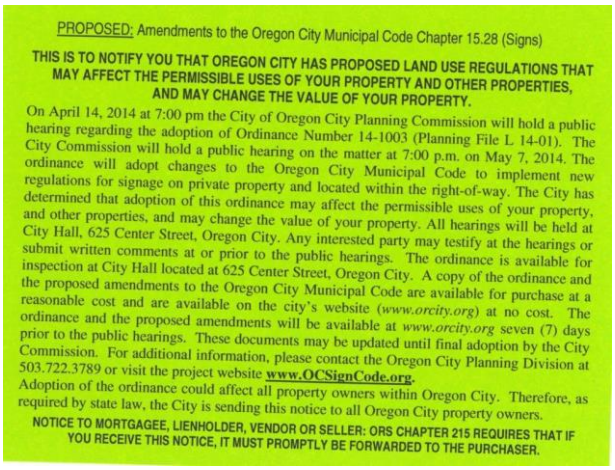
- Complete RFP for public outreach facilitator
- Review, revise, and adopt associated code amendments

The City has proposed a comprehensive rewrite of the City's sign code to create new sign standards that are safe, clear, fair and reflect Oregon City values. A draft Ordinance (14-1003) may be found in Exhibit 2 and the draft code can be found in Exhibit 3.

B. LOCATION
City-wide. Legislative actions involve the adoption or amendment of the city's land use regulations that affect the entire city or large portions of it.

C. PUBLIC NOTICE
The Legislative application for the Sign Code Update was submitted on February 24, 2014 and determined to be complete on March 10, 2014. Notice of the application was sent to the Department of Land Conservation and Development (DLCD), neighborhood associations, the Citizen Involvement Council (CIC), and over 10,700 green post cards were mailed to property owners within Oregon City and the abutting Urban Growth Boundary. The application was also posted online at www.orcity.org as well as on a project website (www.OCSignCode.org).





PROPOSED: Amendments to the Oregon City Municipal Code Chapter 15.28 (Signs)

THIS IS TO NOTIFY YOU THAT OREGON CITY HAS PROPOSED LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES, AND MAY CHANGE THE VALUE OF YOUR PROPERTY.

On April 14, 2014 at 7:00 pm the City of Oregon City Planning Commission will hold a public hearing regarding the adoption of Ordinance Number 14-1003 (Planning File L 14-01). The City Commission will hold a public hearing on the matter at 7:00 p.m. on May 7, 2014. The ordinance will adopt changes to the Oregon City Municipal Code to implement new regulations for signage on private property and located within the right-of-way. The City has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties, and may change the value of your property. All hearings will be held at City Hall, 625 Center Street, Oregon City. Any interested party may testify at the hearings or submit written comments at or prior to the public hearings. The ordinance is available for inspection at City Hall located at 625 Center Street, Oregon City. A copy of the ordinance and the proposed amendments to the Oregon City Municipal Code are available for purchase at a reasonable cost and are available on the city's website (*www.orcity.org*) at no cost. The ordinance and the proposed amendments will be available at *www.orcity.org* seven (7) days prior to the public hearings. These documents may be updated until final adoption by the City Commission. For additional information, please contact the Oregon City Planning Division at 503.722.3789 or visit the project website **www.OCSignCode.org**.

Adoption of the ordinance could affect all property owners within Oregon City. Therefore, as required by state law, the City is sending this notice to all Oregon City property owners.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

D. DECISION-MAKING CRITERIA:

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution request by the city commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

D. A Legislative request by the Planning Division.

All requests for amendment or change in this title shall be referred to the planning commission.

Finding: Complies. The Oregon City Planning Commission has proposed this Legislative application for amendments to Chapter 15.28 of the Oregon City Municipal Code in response to the 2013-2015 Goals and Priorities of the Oregon City, City Commission.

17.68.020 *Criteria.*

The criteria for a zone change are set forth as follows:

17.68.020.A. *The proposal shall be consistent with the goals and policies of the Oregon City Comprehensive Plan.*

Applicable Comprehensive Plan Goals and Policies

Section 1: Citizen Involvement

- *Goal 1.1 Citizen Involvement Program- Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*
  - *Policy 1.1.1- Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*
- *Goal 1.2 Community and Comprehensive Planning - Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

- Policy 1.2.1- *Encourage citizens to participate in appropriate government functions and land-use planning.*
- *Goal 1.3 Community Education- Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*
- *Goal 1.4 Community Involvement- Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*
  - *Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.*
- *Goal 1.5 Government/Community Relations - Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities*

Finding: Complies. As described in the Community Advisory Team report, beginning in July 2012 the City conducted a variety of meetings and open houses to engage the public throughout the development of the sign code amendments. All comments submitted throughout the Sign Code Update process are provided in Exhibit 4.

In addition, City staff sent a request to speak with all neighborhood associations and met with nearly each neighborhood as well as with the Chamber of Commerce, Main Street Oregon City, Citizen Involvement Committee, Natural Resources Committee, Historic Review Board, and the Transportation Advisory Committee. Further, multiple Open Houses were held throughout the process and a Community Advisory Team (CAT) was appointed to advise staff. The CAT participants were appointed by the Mayor to represent a variety of interests and met four times in open meetings advertised to the public. All information, materials and documents created during the community outreach process was posted to the project website (www.OCSignCode.org) for public review and comment (Exhibit 5).

A comprehensive public process has resulted in many community discussions and recommendations to City staff for revisions to the signage standards. The Planning Commission has held work sessions to review the proposed code on February 24, 2014, March 24, 2014, April 28, 2014, June 23, 2014 and October 13, 2014 and hearings on April 14, 2014, May 12, 2014, June 23, 2014, July 28, 2014 and September 22, 2014.

Section 2: Land Use

- *Goal 2.2 Downtown Oregon City - Develop the Downtown area, which includes the Historic Downtown Area, the "north end" of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.*
  - *Policy 2.2.5- Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.*
  - *Policy 2.3.1- Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.*
- *Goal 2.4 Neighborhood Livability- Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*
- *Goal 2.5 Retail and Neighborhood Commercial - Encourage the provision of appropriately scaled services to neighborhoods.*
  - *Policy 2.5.1- Encourage the redevelopment of linear commercial corridors in ways that encourage expansion of existing businesses and infill development, and at the same time reduces*

conflicting traffic movements, improves the aesthetic character of these commercial areas, and encourages trips by transit, bicycling and walking.

- *Policy 2.5.3 - Review design standards and the sign code to ensure compatibility with existing neighborhoods.*

Finding: Complies. The proposed signage standards will provide a variety of signage opportunities while balancing neighborhood livability. The proposed code will support downtown Oregon City businesses and other entities because the community input suggested expanded sign types for businesses and other users in the downtown area. In addition, the sign code will be beneficial to a variety of users and tailored to recognize the different needs of various neighborhoods throughout the City. The standards were developed through a comprehensive public planning process including inclusion by a wide variety of the public such as neighborhood associations, the Citizen involvement Committee, Main Street Oregon City, signage businesses, the Chamber of Commerce, those within the signage industry, and etc.

Section 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

- *Goal 5.2 Scenic Views and Scenic Sites - Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.*
  - *Policy 5.2.2 - Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.*
- *Goal 5.3 Historic Resources - Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.*
  - *Policy 5.3.1- Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.*

Finding: **Complies.** One of the purposes of the proposed Sign Code is to "Maintain and enhance the scenic and other aesthetic qualities of the city," and input from a variety of citizens and groups informed the implementation of the sign code criteria to achieve this goal. In addition, the amended regulations included provisions to ensure maintenance of the integrity of historic areas within the City.

Section 9: Economic Development

- *Goal 9.1 Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.*
- *Goal 9.2 Cooperative Partnerships - Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.*
  - *Policy 9.2.1 -Seek input from local businesses when making decisions that will have a significant economic impact on them.*
  - *Policy 9.2.2- Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan*
- *Goal 9.3 Retention of Existing Employers- Retain existing employers, both public and private, and encourage them to expand their operations within the City.*

Finding: **Complies.** One of the purposes of the Sign Code is to "Support the economic development of Oregon City businesses." The development of the sign code included input from a variety of business owners that resulted in provisions to allow a variety of signage types for businesses.

Goal 11.1 Provision of Public Facilities
Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities

Finding: Complies. The proposed Sign Code includes standards to allow signs to be placed in the right-of-way including limitations on the number, size and placement of signs. The proposed code allows the

adequate use of the right-of-way for automobiles, bicyclists and pedestrians in addition to limited signage.

Goal 11.6 Transportation Infrastructure
Optimize the City's investment in transportation infrastructure.
Finding: Complies. The proposed Sign Code includes standards to allow signs to be placed in the right-of-way including limitations on the number, size and placement of signs. The proposed code allows the adequate use of the right-of-way for automobiles, bicyclists and pedestrians in addition to limited signage. Allowing an additional use for the right-of-way will maximize the investment in such infrastructure.

Goal 12.3 Multi-Modal Travel Options
Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.
Finding: Complies. The proposed Sign Code includes standards to allow signs to be placed in the right-of-way including limitations on the number, size and placement of signs. The proposed code does not limit mobility for automobiles, bicyclists or pedestrians.

Goal 12.6 Capacity
Develop and maintain a transportation system that has enough capacity to meet users' needs.
Finding: Complies. The proposed Sign Code includes standards to allow signs to be placed in the right-of-way including limitations on the number, size and placement of signs. The proposed code does not decrease the capacity of the right-of-way for automobiles, bicyclists or pedestrians.

17.68.020.B. *That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*
Finding: Not Applicable. No changes to the public facilities or the zoning designations of property, which affect the demand on utilities, are proposed at this time.

17.68.020.C. *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*
Finding: Complies. The signage regulations proposed do not limit the capacity, function or level of service of the transportation system. The signage proposed within the right-of-way will maintain compliance with the Americans with Disabilities Act.

17.68.020.D. *Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*
Finding: Not Applicable. The Oregon City Comprehensive Plan addresses the Statewide Planning goals.

E. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of proposed amendments to Chapter 15.28 of the Oregon City Municipal Code to the City Commission as included in Exhibit 3 for their consideration.

F. EXHIBITS

1. 2013-2015 Goals and Priorities of the City Commission
2. Draft Ordinance 14-1003
3. Draft Code
   a. Proposed Amendments to Chapter 15.28 of the Oregon City Municipal Code with Comments (dated October, 2014)
   b. Proposed Amendments to Chapter 15.28 of the Oregon City Municipal Code (dated October, 2014)
   c. Map of Properties with 600 feet or More of Frontage on an Arterial
   d. Map of Sidewalk Widths
4. Comments Received Since Submittal of Legislative Application (On File)
5. Report from the Community Advisory Team (CAT)
6. Applicant's Submittal
7. Existing Sign Code – Oregon City Municipal Code Chapter 15.28









2013 - 2015 GOALS AND PRIORITIES

City Commission

OREGON CITY

City Commission of Oregon City

Mayor and Commissioners

Mayor Doug Neeley

Commission President Kathy Roth

Commissioner Rocky Smith, Jr.

Commissioner Carol Pauli

Commissioner Betty Mumm



City of Oregon City

Vision and Mission Statements

Vision: Celebrate Oregon City's historic role as a regional hub.

Mission: Build a sustainable, healthy community that promotes safety, economic opportunity, livability, environment, and uniqueness.

GOAL 1 Implement Economic Development Strategy and Maintain an Environment for Success

Cove Project

- Finalize a Disposition and Development Agreement for the Cove project

Oregon City Market Place Project (Rossman landfill)

- Continue to work with property owners and developers

Downtown

- Continue interface with the City and Main Street

Incorporating and Incentivizing Industrial Land

- Identify focus area and type of development
- Begin discussions with property owners
- Plan for site(s) development and preparation



GOAL 2 Address Critical Facility Needs

Library

- Site acquisition
- Bond election held
- Architect selection and preliminary site design plans
- Site dedication

Public Works

- Site acquisition in 2013
- Design concepts and financing in 2014

Campus Facility

- Clarify a location for a City campus facility

Police Station

- Conduct public opinion poll
- Determine financing for new police station

Ermatinger House

- Continue seeking grants to reach funding goal
- Determine maintenance and operations
- Full restoration by end of 2014

End of the Oregon Trail Interpretive Center

- Vision and programming for the site
- Consider other partners
- Plan for building repair and maintenance

GOAL 3 Enhance the Livability of the Community

South End Concept Planning Process

- Complete and adopt the South End concept plan and associated code amendments to implement the plan

Beavercreek Road Concept Plan

- Complete the adoption process for the Beavercreek Road concept plan once all appeals have been addressed

Willamette Falls Site

- Continue in due diligence for safety and stability
- Investigate a process to master plan the property
- Determine City's commitment to the property

Promenade, Municipal Elevator and Carnegie Center National Register Nomination

- Complete RFP for nomination package and hire consultant
- Submit nomination to the State of Oregon for consideration

Police Staffing

- Increase tax rates to fund and hire three or four new police officers

Sign Code

- Complete RFP for public outreach facilitator
- Review, revise, and adopt associated code amendments

GOAL 4 Seek Opportunities to Maintain Communications with Citizens and Facilitate Citizen Participation

Revitalize Arts Commission

- Review goals and implementation options at a Work Session in 2013



GOAL 5 Maintain Fiscal Health & Long Term Stability

2014 Water Rate Rollback

- Prepare for May 2013 ballot measure
- Document strategic planning timeline for master plan updates and rate studies for all Oregon City Public Works utilities

Parks Maintenance Utility Fee

- Consider implementing PMUF
- Consider incorporation of fees for police and public spaces

Effective Management of the City's Rights-of-Way

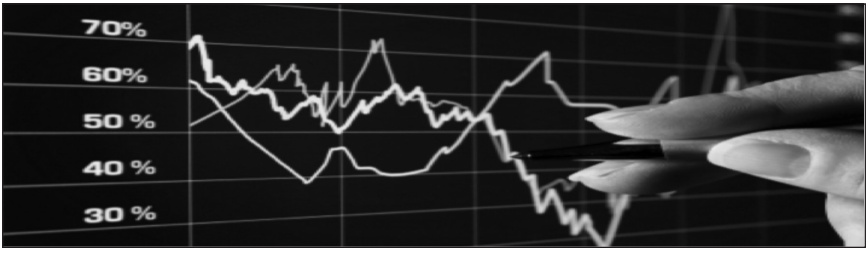
- Develop and adopt master utility ROW ordinance
- Determine effect to current utility users of ROW
- Hire new FTE for ROW and risk management, contingent on available funding

Review City Charter

- Develop detailed statement of changes, expectations, and required resources

Enhance Financial Reporting & Stewardship

- Implement a biennial budget for 2013 – 2015
- Develop five-year financial forecasts for the General Fund and major operating funds
- Adopt financial management policies
- Design the adopted budget to obtain the Distinguished Budget Presentation Award from GFOA and obtain the award within the next two cycles
- Develop Popular Annual Financial Report for Oregon City residents





City of Oregon City | PO Box 3040 | 625 Center Street | Oregon City, OR 97045
Ph (503) 657-0891 www.orcity.org

ORDINANCE NO. 14-1003

AN ORDINANCE AMENDING TITLE 15: BUILDINGS AND CONSTRUCTION, CHAPTER 15.28 SIGNS OF THE OREGON CITY MUNICIPAL CODE

WHEREAS, the City of Oregon City has adopted a sign ordinance to limit and review the amount of signage allowed within the City;

WHEREAS, the Oregon City Municipal Code may be amended and updated as necessary with the appropriate approval;

WHEREAS, the proposed chapter 15.28 will replace the existing chapter 15.28 of the Oregon City Municipal Code;

WHEREAS, as demonstrated in the staff report and findings for Legislative file L 14-01, the proposed code is consistent with state statutes and the goals and policies of the Oregon City Comprehensive Plan;

WHEREAS, the Oregon City Planning Commission and City Commission held a series of publicly noticed work sessions and hearings to review the proposed chapter 15.28;

WHEREAS, based on the oral and written testimony received at the public hearings, the Planning and City Commission voted to approve the proposed changes to the Oregon City Municipal code;

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Chapter 15.28 of the Oregon City Municipal Code as identified in Exhibit 1, is hereby adopted based on the findings contained in Exhibit 2, all of which are incorporated herein by reference.

Read for the first time at a regular meeting of the City Commission held on the ____day of _____, 2015, and the City Commission finally enacted the foregoing ordinance this ____ day of _____, 2015.

_____

_____ Mayor

Attested to this ____ day of _____2015:

_____

_____, City Recorder

Approved as to legal sufficiency:

_____

City Attorney

Exhibits:
Exhibit 1 – Chapter 15.28 of the Oregon City Municipal Code
Exhibit 2 - Staff Report and findings for Legislative File L 14-01

DRAFT

Oregon City Sign Code Staff Recommendation

October, 2014 DRAFT

Version 3: Note that all changes from the previous version are marked and the explanation of the changes is provided in the associated comment.

The following is intended to replace Chapter 15.28 of the Oregon City Municipal Code.

15.28.010 Purpose of sign regulations.

This chapter regulates the construction, placement and maintenance of signs to protect and enhance public health, safety, welfare and property. The code:

A. Allows signs compatible with the character and uses allowed in the zoning district in which they are located;

B. Maintains the effectiveness of traffic control signs throughout the City;

C. Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;

D. Maintains and enhances the scenic and other aesthetic qualities of the City; ~~and~~

E. Supports the economic development of Oregon City businesses;~~.~~

F. Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and

G. Is not intended to regulate the content of signs in any way.[LT1]

Proposed Changes to the Existing Code – Purpose Statement

- Minor rewording edits.
- "Supports the economic development of Oregon City businesses" is added.
- The scope of the chapter is separated into a separate section.
- Section "F" and "G" added for clarification.

15.28.020 Definitions.

"Abandoned ~~s~~Sign" means a sign structure where no sign has been in place for a continuous period of at least 6 months.

"A-frame ~~s~~Sign" also known as "sandwich board" or "tent sign" means a movable steeply angled sign with two sides that meets at the top in the shape of the letter "A" and is not attached to a structure or the ground.

"Air Blown Sign" means a sign that is intended to be inflated by air or other gas.

"Ancillary ~~s~~Sign" means any sign allowed by this code, with or without permit, that is not a freestanding, incidental freestanding, wall, roof or projecting sign. If allowed within the zoning designation, ancillary signs include, but are not limited to, signs which do not exceed six (6) square feet per sign face~~with an area less than 6 square feet~~, A-frame signs, flags (excluding attention flags), and banners.

"Attention ~~f~~Flag" also known as "flutter," "feather," "teardrop," or "blade," means a pole-supported sign made of fabric, vinyl, or other similar non-rigid material, where one side of the sign is more than three times as long as any other side.

"Banner" means a sign made of fabric, vinyl, or other similar non-rigid material.

"Banner on Street Light Pole[LT2]" means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed in the public right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.

"Billboard" means a sign with a display ~~surface~~ area of three hundred square feet or more, including but not limited to, outdoor advertising signs as defined in ORS 377.710(21).
"Business" means any trade, profession, occupation or pursuit of every kind conducted in the City for gain.
"Compensation" means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and where the building owner or leaseholder fully controls the content of the art mural.
"Construct" or "C~~c~~onstructed" means to construct, erect, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.
“Cross Street Banner” means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed over the public right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.
“Display” means an arrangement of objects intended to decorate, advertise, entertain, or inform people about something.
"Display ~~surface a~~Area" ~~is defined in Section 15.28.050.~~means the total size of all sign faces on a sign.
"Fence" and "F~~f~~encing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.
“Flag” means a piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached, excluding banners.
"Freestanding S~~s~~ign" means a sign wholly supported from the ground by its own integral structure.
"Frontage" means the full length of a parcel of property that abuts a dedicated street, highway,[1] ~~,~~ or a ~~the~~ City-approved ~~-~~vehicular public access easement.
“Government O~~o~~wned S~~s~~ign” means a signed owned by a government agency, but does not include a sign constructed by a third-party with grant funds obtained from a government agency.
"Incidental Freestanding Sign" means a sign wholly supported from the ground by its own integral structure. [LT3]The size allowed is less than that of a freestanding sign.
“Maintenance” means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing, or repairing unusable or broken portions of the sign, and repairing defective lighting~~changing light bulbs~~. [LT4]
"Premises" means a lot or number of contiguous lots under the same ownership~~as approved by the community development director~~.
"Projecting S~~s~~ign" means a sign projecting more than one foot from the wall of a building[2].
“Public M~~m~~ural” means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, metal, executed by hand directly upon, or affixed directly to an exterior wall of a building, where the work of visual art has been approved by the Arts Commission and accepted by the City into its public art collection pursuant to this Chapter.
"Roof S~~s~~ign" means a sign constructed or maintained wholly upon or over the roof of any building with the principal support on the roof structure.
"Sign" means any sign, display message, emblem, figure, painting, drawing, placard, poster, billboard, carving or other thing that is designed, used or intended to convey a message or image and is used to inform or attract the attention of the public, and the term includes the sign structure, display surface

[1] Note that highways and freeways are considered frontages.
[2] CAT suggested projecting signs should be signs projecting more than four (4) inches.

and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display ~~surface~~ area.

"Sign ~~f~~Face" means the total area as measured pursuant to Section 15.28.050.

"Sign O~~o~~fficial" means ~~the~~ any person designated by the City Manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

"Tenant ~~s~~Space" means the portion of a structure occupied by a single commercial lease holder, or an owner-occupied space with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

"Traffic C~~c~~ontrol S~~s~~ign or D~~d~~evice" means a sign approved by the Public Works Department through the right-of-way permit process ~~through the City's Public Works Department~~, where the sign complies with the City's Street Standards and/or the Manual on Uniform Traffic Control Devices (MUTCD). In addition, traffic control sign or device includes signs on private property associated with an approved traffic control plan prepared by a transportation engineer and approved by the City through a Site Plan and Design Review process that does not involve the content of a sign.

"Undeveloped ~~l~~Lot" means a property without a building, business or valid land use approval.

"Wall ~~s~~Sign" means a sign that is attached to the wall of a building and extends no more than twelve inches from a wall.

Proposed Changes to the Existing Code – Definitions

- The following definitions deleted: incidental sign, obsolete sign, temporary sign, natural materials and wall.
- New definitions for A-frame sign, air blown sign, ancillary sign, attention flag, banner, business, display, flag, government owned sign, tenant space, cross-street banners, and undeveloped lots.
- Minor rewording edits.

15.28.030 Scope of sign regulations.

All signs shall be constructed and maintained only as provided by this chapter, except for the following[3]:

A. Signs not visible from either a public right-of-way or property under different ownership, provided such signs ~~shall be~~are constructed and maintained in accordance with applicable law;

B. Signs inside a building, except for strobe lights ~~or floating lights~~ visible from the right-of-way or other private property;

C. ~~-~~Signs carved into or part of materials that are an integral part of a building;~~,~~

D. Signs attached to, or carried by a person;

E. Signs required by law or legal action;

F. ~~-~~Government owned signs within the right-of-way~~;~~,

~~G. Government owned signs within~~ government-designated parks, or within Metro-designated open space and at stormwater facilities;

~~H~~G. Public murals ~~as defined in 15.28.090 existing prior to adoption of this code~~identified on the Oregon City Existing Mural List; and

~~I~~H. Traffic control signs and devices.

~~J. In addition to this chapter, signs within historic districts shall be reviewed by the Historic Review Board for compliance with OCMC 17.40.060(E). However, that review shall not consider the content of the sign in any way.~~

[3] The Community Advisory team suggested signs painted on the sides of buildings to be exempt but did not vote to make a recommendation on the matter.

Proposed Changes to the Existing Code – Scope of Sign Regulations

- All government owned signs are no longer exempt.
- Items A-J are new exemptions.
- Clarify role of the Historic Review Board.

15.28.040 Permit required.

A. Permit Required. No sign shall be constructed except as provided by this chapter and after a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter.

B. The following signs on private property are subject to compliance with this chapter but do not require a sign permit:

1. Except public murals, changes of copy whereby the sign size and material are not changing but the message is changing ~~do not require a sign permit~~;
2. Freestanding or ~~auxiliary~~ancillary signs with no more than two faces, the total of which does not exceed six (6) square feet in area per sign face, excluding banners, and subject to the limitations identified for ancillary signs;
3. A-frame signs;
4. Flags (excluding attention flags).

The number of signs allowed on private property is identified within this chapter~~OCMC 15.28.060-15.28.090~~.

C. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application. The amount of the fee shall be adopted by resolution of the City Commission. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is constructed in compliance with the city code and to the specifications described in the approved sign permit. Any permit issued under this chapter shall be void if the sign is not constructed in accordance with any conditions of the permit and the applicable requirements of this chapter~~,~~ within ninety (90) days following the date of its issuance, excluding any appeals ~~and for LUBA or judicial review~~ of the City's decision. Any permit issued under this chapter shall remain in effect as long as the sign is constructed as approved in the permit and maintained as required in 15.28.140. If an applicant seeks to have the city treat its property as a premise for purposes of the sign code, then the application shall explain how the property meets the definition of premises in Section 15.28.020.

D. Appeals. Any party aggrieved by a decision of the sign official may appeal the decision to the Planning Commission. Any such appeal shall be in writing and be received by the City Recorder no later than fourteen (14) days after the date the challenged decision is final. The Planning Commission or City Commission may initiate an appeal on its own motion within the fourteen-day (14) period. The appropriate appeal fee established by resolution of the City Commission shall accompany the appeal. Proceedings before the P~~p~~lanning C~~c~~ommission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to City Commission review of planning commission decisions involving conditional use permits.

E. In addition to this chapter, signs shall be approved by the Historic Review Board as required by Oregon City Municipal Code section 17.40.060. The review shall not consider the content of the sign in any way.[LT5]

Proposed Changes to the Existing Code – Permit Required

- Minor edits, clarifications and reorganizations.
- Clarification of signs that do not require a permit.
- Removal of section D which required all existing signs without permits to obtain a permit within 120 days of adoption of the regulations.

15.28.050 Measuring ~~s~~Sign d~~D~~imensions.

A. The following criteria shall be used for the purpose of determining the boundaries of a sign ~~face~~:

1. The ~~S~~sign ~~area~~ face includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign face.
2. When signs are constructed in multiple separate pieces the sign face is calculated by measuring the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and light surface, but excluding essential sign structure, foundations or support on all pieces collectively.

B. Sign width is measured as the horizontal distance between the outermost area of sign face for wall signs and includes the supporting structure for all other sign types.

C~~B~~. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign including any supporting structure.

D~~C~~. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

Figure 15.28.050.A Two Dimensional Signs

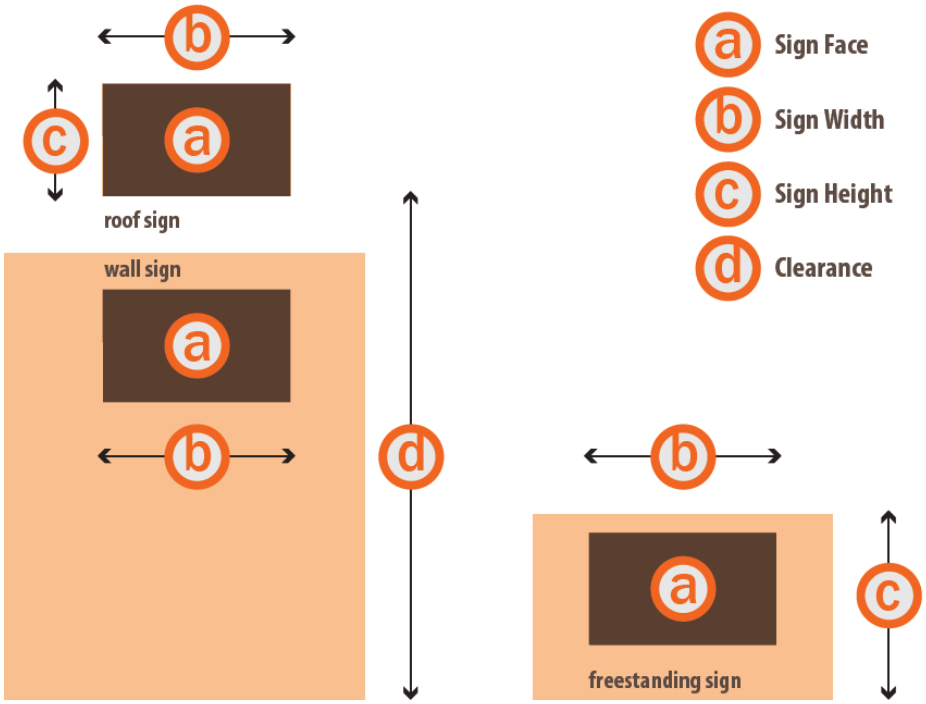
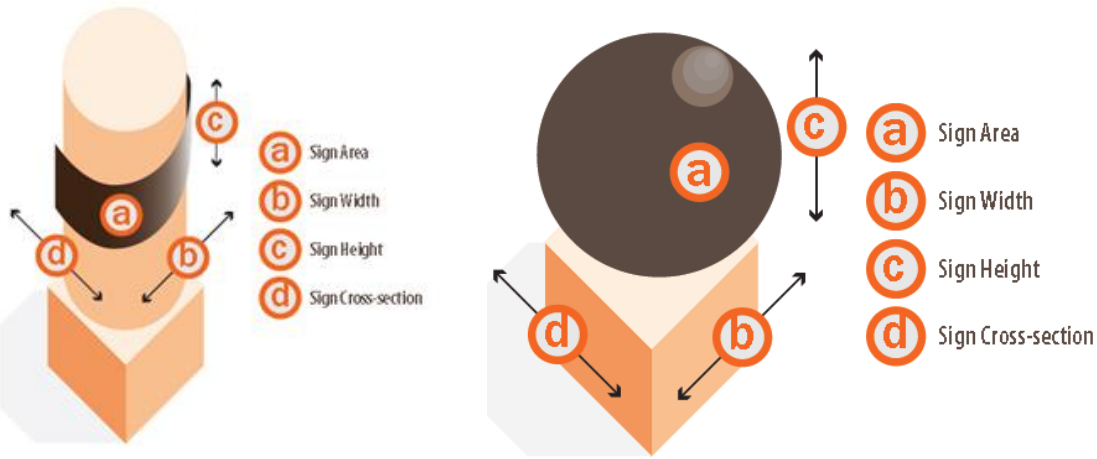


Figure 15.28.050.B Three Dimensional, Round or Irregular Signs



Proposed Changes to the Existing Code – Measuring the Boundaries of a Sign

- Entire section is new.

15.28.060 Signs in ~~R~~residential ~~Z~~zones.

This standard applies to the following zoning designations: "R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, "R-3.5" Dwelling District, and "R-2" Multi-Family Dwelling District.

A. General. The following standard shall apply to all signs in residential zones:

1. At least fifty percent (50%) of the wall sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
2. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.[4]
3. With the exception of projecting signs, signs shall not project over the right-of-way.
4. With the exception of wall signs, signs shall maintain a minimum clearance of ten (10) feet above grade over pedestrian or vehicular areas, and fourteen (14) feet above grade over areas of truck access.[LT6]

~~A.~~B. Wall Sign. The following standards apply to wall signs in residential zones:

1. One wall sign is allowed for each property frontage, not to exceed a maximum of three (3) wall signs. A wall sign is prohibited if there is a freestanding or projecting sign along the same property frontage, except in the "R-2" Multi-Family Dwelling District. In the "R-2" Multi-Family Dwelling District, a wall sign is prohibited if there is a projecting sign along the same property frontage.
2. Residentially zoned property may have a wall sign with a maximum ~~area~~ sign face of twelve (12) square feet and maximum length of five (5) linear feet, except in the "R-2" Multi-Family Dwelling District where wall signs may have a maximum ~~area~~sign face of twenty (20) square feet and maximum length of five (5) linear feet.
3. ~~At least fifty percent (50%) of the wall sign shall be constructed of metal, wood, stone, brick and rock or any combination thereof.~~
4. ~~If illuminated, the source of illumination for all signs within residential districts shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.~~

[4] The Community Advisory Team was split as to if electronic message centers or internally lit signs should be allowed for conditional uses and if a conditional use would be required to allow the sign type.

DRAFT

~~B.~~C. Freestanding Sign.~~:~~ The following standards apply to freestanding signs in residential zones:

~~1.~~ Freestanding signs are prohibited in r~~R~~esidentially zoned property~~, may have one freestanding sign if there is no wall sign on the same frontage~~ except in the "R-2" Multi-Family Dwelling District where one freestanding sign for each property frontage is allowed, not to exceed a maximum of three (3) freestanding signs. The sign

~~The freestanding sign may have a maximum area of twelve (12)[5] square feet, maximum length of five (5) linear feet and a maximum height of five (5) feet above grade, except in the "R-2" Multi-Family Dwelling District where freestanding signs~~ may ~~may~~ have a maximum display area of twenty (20) square feet ~~in size~~, maximum length of ten (10) linear feet, and maximum height of five (5) feet above grade.[LT7]

~~2. At least fifty percent (50%) of the freestanding sign shall be constructed of metal, wood, stone, brick and rock or any combination thereof.~~

~~3. If illuminated, the source of illumination for all signs within residential districts shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.~~

D. Incidental Freestanding Signs. Incidential freestandign signs are prohibited.

E. Projecting Signs. The following standards apply to projecting signs in residential zones:

1. One projecting sign is allowed for each property frontage, not to exceed a maximum of three (3) projecting signs. A projecting sign is prohibited if there is a freestanding or wall sign along the same property frontage, except in the "R-2" Multi-Family Dwelling District. In the "R-2" Multi-Family Dwelling District, a projecting sign is prohibited if there is a wall sign along the same property frontage.
2. A projecting sign may have a maximum sign face of twelve (12) square feet, except in the "R-2" Multi-Family Dwelling District where projecting signs may have a maximum sign face of twenty (20) square feet.
3. Signs projecting into the right-of-way shall recieve approval by the City Engineer.
4. The maximum projection from a building wall shall be six (6) feet and shall not project within two (2) feet of the curb line. The maximum projection above the wall on which the sign is constructed shall be one (1) foot, and the visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

F. Roof Signs. Roof signs are prohibited.[LT8]

~~C.~~G. Ancillary Signs.[6] The following standard applies to ancillary signs in residential zones:

1. A total of two (2) ancillary signs are allowed per property.
2. Banners are prohibited in residential zones unless approved under Section 15.28.070.

Proposed Changes to the Existing Code – Signs in Residential Zones.

- Delete OCMC 15.28.070.B.6 requiring that wall and freestanding signs will "be set back from the street as determined by the sign official, but not more than ten feet from the street right-of-way".
- Reduce the size of wall signs from twenty (20) square feet to twelve (12) square feet for properties in zones other than in the "R-2" Multifamily dwelling district.
- Allow portable signs, A-frame signs, sandwich boards, tent signs up to twelve (12) square feet, six (6) square feet per sign face and three (3) feet in height.
- Reduce maximum wall sign length from 10 to 5 feet.
- Remove the maximum five (5) foot height requirement for wall signs.
- The maximum size for freestanding signs is reduced from twenty (20) square feet to twelve (12) square feet for residential zones other than the "R-2" Multi-family dwelling district.

~~[5] CAT did not suggest a reduction in the size of freestanding signs for residential property.~~

[6] The number of ancillary signs allowed was a split decision by the Sign Code Community Advisory Team.

- The maximum length for freestanding signs is reduced from 10 to 5 feet for residential zones other than the "R-2" Multi-family dwelling district.
- For residential zones other than the "R-2" Multi-family dwelling district, the number of freestanding signs is changed from one freestanding or wall sign for each property frontage (with a maximum of three (3)) to a maximum of one freestanding sign.
- For properties within the "R-2" Multi-family dwelling district, the number of freestanding signs is changed from one freestanding or wall sign for each property frontage (with a maximum of three (3)) to allow one wall and freestanding sign for each property frontage (with a maximum of six (6)).
- The number of ancillary signs is now specified. Previously, a property would have been allowed more signs that did not require a permit.
- Added standards for projecting signs.
- Clairified that roof signs are prohibited.
- Freestanding signs are prohibited.

15.28.070 Signs for ~~C~~conditional u~~U~~ses in r~~R~~esidential z~~Z~~ones.

This standard applies to all conditional uses within a residential zoning district ("R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, "R-3.5" Dwelling District, and "R-2" Multi-Family Dwelling District) unless otherwise limited in the Conditional Use approval. Conditional Uses are identified within each applicable zoning designation.

A. General. The following standard shall apply to all signs for conditional uses in residential zones:
   1. With the exception of banners, at least fifty percent (50%) of the wall sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
   2. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.[7]
   3. With the exception of projecting signs, signs shall not project over the right-of-way.
   4. With the exception of wall signs, signs shall maintain a minimum clearance of ten (10) feet above grade over pedestrian or vehicular areas, and fourteen (14) feet above grade over areas of truck access.[LT9]

B. Wall Sign. The following standards apply to wall signs for conditional uses in residential zones:
   1. One (1) wall sign per frontage is allowed, not to exceed a maximum of three (3) wall signs.
   2. A wall sign may have a maximum ~~area~~ sign face of thirty-two (32) square feet and maximum length of ten (10) linear feet.
   3. ~~At least fifty percent (50%) of the wall sign shall be constructed of metal, wood, stone, brick and rock or any combination thereof.~~
   4. ~~If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.[8]~~

C. Freestanding Sign. The following standards apply to freestanding signs for conditional uses in residential zones:
   1. One (1) free-standing sign per lot is allowed.
   2. The sign may have a maximum display area of thirty-two (32) square feet, maximum length of ten (10) linear feet, and maximum height of fifteen (15) feet above grade.

---

[7] The Community Advisory Team was split as to if electronic message centers or internally lit signs should be allowed for conditional uses and if a conditional use would be required to allow the sign type.

[8] ~~The Community Advisory Team was split as to if electronic message centers or internally lit signs should be allowed for conditional uses and if a conditional use would be required to allow the sign type.~~

DRAFT

~~3. At least fifty percent (50%) of the freestanding sign shall be constructed of metal, wood, stone, brick and rock or any combination thereof.~~

~~4. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.~~[9]

D. Incidental Freestanding Signs. Incidential freestanding signs are prohibited.

E. Projecting Signs. The following standards apply to projecting signs for conditional uses in residential zones:

1. One projecting sign is allowed if there is not a freestanding or wall sign on the same frontage.
2. Signs projecting into the right-of-way shall recieve approval by the City Engineer.
3. A projecting sign may have a maximum sign face of thirty-two (32) square feet.
4. The maximum projection from a building wall shall be six (6) feet and shall not project within two (2) feet of the curb line. The maximum projection above the wall on which the sign is constructed shall be one (1) foot, and the visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

F. Roof Signs. Roof signs are prohibited.[LT10]

~~D.~~G. Ancillary Signs[10]. The following standards apply to ancillary signs for conditional uses in residential zones.

1. A total of two (2) ancillary signs (including banners) are allowed per property.
2. Additional standards for banners:
   a. For a single property, banners may be in place for up to thirty (30) days, up to twice per year.[11]
   b. Banners shall be securely placed against a building wall and may not project from the wall.
   c. Banners shall not be more than six (6) feet long and four (4) feet in height.
   d. Banners are prohibited within a historic district and on any property designated as a historic landmark.

Proposed Changes to the Existing Code – Signs for Conditional Uses in Residential Zones

- Increase the height of freestanding signs from eight (8) feet to fifteen (15) feet.
- Remove the maximum height of eight (8) feet requirement for wall signs.
- Allowing portable signs, A-frame signs, sandwich boards, tent signs up to twelve (12) square feet, six (6) square feet per sign face and three (3) feet in height.
- The number of ancillary signs is now specified. Previously, a property would have been allowed more signs that do not require a permit.
- Allow banners except for within a historic district and on any property designated as a historic landmark.
- Added standards for projecting signs.
- Clairified that roof signs are prohibited.

15.28.080 Signs in o~~O~~ffice, c~~C~~ommercial, m~~M~~ixed u~~U~~se and i~~I~~ndustrial z~~Z~~ones.

The following standards apply to signs in office, commercial, mixed use and industrial zones which are not idenified in 15.28.060 or 15.28.070, unless otherwise provided by this code.

A. General. The following standard shall apply to all signs in office, commercial, mixed use and industrial zones:

~~[9] The Community Advisory Team was split as to if electronic message centers or internally lit signs should be allowed for conditional uses and if a conditional use would be required to allow the sign type.~~

[10] The number of ancillary signs allowed was a split decision by the Sign Code Community Advisory Team.

[11] Members were split on this element of the recommendation.

DRAFT

1. With the exception of projecting signs, signs shall not project over the right-of-way.
2. With the exception of wall signs, signs shall maintain a minimum clearance of ten (10) feet above grade over pedestrian or vehicular areas, and fourteen (14) feet above grade over areas of truck access.

~~A.~~B. Wall Signs. The following standard applies to wall signs in office, commercial, mixed use and industrial zones:

1. The number of wall signs is unlimited provided the total combined display ~~surface~~ area of wall signs, projecting signs and banners is no larger than twenty (20) square feet[12] for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty (20) feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage may be up to one (1) square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.
2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one (1) foot from the structure are considered wall signs.[13]

~~B.~~C. Freestanding ~~s~~Signs. The following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:

1. One freestanding sign[14] is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred (600) linear feet a second freestanding sign is allowed.[15]~~.~~ In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.
2. Freestanding signs on the same frontage shall be separated by a minimum of fifty (50) feet distance.
3. Maximum display ~~surface~~ area:
   a. Where the street frontage is less than fifty (50) feet in length, the maximum display ~~surface~~ area shall not exceed fifty (50) square feet, with twenty-five square (25) feet maximum area per sign face.
   b. Where the street frontage is fifty (50) feet or greater but less than two hundred (200) feet in length, ~~surface~~ display area shall not exceed one hundred (100) square feet, with fifty (50) square feet maximum area per sign face.
   c. Where the street frontage is two hundred (200) feet or greater in length, the ~~surface~~ display area shall not exceed three hundred (300) square feet, with a maximum area of one hundred fifty (150) square feet per sign face.
   d. In no case shall any sign have a ~~surface~~ display area in excess of three hundred (300) square feet.
4. The greatest horizontal dimension shall not exceed twenty (20) linear feet and the height shall not exceed twenty-five (25) feet above grade, or thirty (30) feet above grade if the frontage is more than two hundred (200) feet in length.

~~C.~~D. Incidental ~~F~~freestanding ~~s~~Signs. The following standards apply to incidental signs in office, commercial, mixed use and industrial zones:

1. One incidental freestanding sign is allowed for each street frontage. No incidental freestanding sign face shall exceed ~~an area of~~ eight (8) square feet with a maximum ~~surface~~ display area of sixteen (16) square feet.

[12] The Community Advisory Team suggested a minimum.
[13] The Community Advisory Team suggested wall signs do not project from the building face no more than 4 inches.
[14] The CAT suggested allowing an additional sign of any type for each freestanding sign allowed but not constructed.
[15] Note that a second freestanding sign is allowed for large frontages on arterial roads.

DRAFT

~~2. Incidental freestanding signs shall not project over the right-of-way and a minimum clearance of ten (10) feet above grade shall be maintained over pedestrian or vehicular areas, fourteen (14) feet above grade over areas of truck access.~~

~~3.~~2. The height shall not exceed fifteen (15) feet above grade.

E. Projecting Signs. The following standards apply to projecting signs in office, commercial, mixed use and industrial zones: [LT11]

1. One projecting sign is allowed for each tenant space if there is not a freestanding or roof sign on the same frontage.
2. Signs projecting into the right-of-way shall recieve approval by the City Engineer.
3. The total combined display area of projecting signs and wall signs is no larger than one (1) square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.
4. Each ground floor tenant space may have a minimum sign face of twenty (20) square feet, regardless of the limitation in subsection E.2 above.[16]
5. The maximum projection from a building wall shall be six (6) feet and shall not project within two (2) feet of the curb line. The maximum projection above the wall on which the sign is constructed shall be one (1) foot, and the visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

~~D.~~F. Roof ~~s~~Signs. The following standards apply to roof signs in office, commercial, mixed use and industrial zones:

1. One roof sign is permitted for each frontage if there is no projecting sign or free-standing sign along the frontage.
2. Maximum display ~~surface~~ area:
   a. Where the street frontage is less than fifty (50) feet, the maximum display ~~surface~~ area shall not exceed fifty (50) square feet, with twenty-five (25) square feet maximum ~~area~~ per sign face.
   b. Where the street frontage is fifty (50) feet or greater but less than two-hundred (200) feet, ~~surface~~ display area shall not exceed one-hundred (100) square feet, with fifty (50) square feet maximum ~~area~~ per sign face.
   c. Where the street frontage is two hundred (200) feet or greater, the ~~surface~~ display area shall not exceed ~~an area of~~ three hundred (300) square feet, with a maximum ~~area~~ of one hundred fifty (150) square feet per sign face.
   d. In no case shall any sign have a ~~surface~~ display area in excess of three hundred (300) square feet.

~~3. The roof signs shall not project over the right-of-way and a minimum clearance of ten (10) feet above grade shall be maintained over pedestrian or vehicular areas, fourteen (14) feet above grade over areas of truck access.~~

~~4.~~3. The horizontal dimension shall not exceed twenty (20) feet and the vertical dimension may not exceed ten (10) feet.

~~5.~~4. Skirting is required to obscure exposed hardware used to attach the sign to the roof, as viewed from the adjacent street level perspective.

~~E. Projecting signs. The following standards apply to projecting signs in office, commercial, mixed use and industrial zones:~~

~~One projecting sign is allowed for each tenant space if there is not a freestanding or roof sign on the same frontage.~~

[16] The Community Advisory Team suggested a minimum.

~~4. The total combined display surface area of projecting signs and wall signs is no larger than one (1) square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.~~

~~Each ground floor tenant space may have a minimum sign area of twenty (20) square feet, regardless of the limitation in subsection E.2 above.~~[17]

~~1. The maximum projection from a building wall shall be six (6) feet and shall not project within two (2) feet of the curb line. The maximum projection above the wall on which the sign is constructed shall be one (1) foot, and the visible supporting structure shall be constructed of metal, wood, stone, brick and rock or any combination thereof.~~

~~2. A minimum clearance of ten (10) feet above grade shall be maintained over pedestrian or vehicular areas, fourteen (14) feet above grade over areas of truck access.~~

~~F.~~G. Ancillary Signs.[18] ~~.~~ The following standards apply to ancillary signs in office, commercial, mixed use and industrial zones.

1. A total of two (2) ancillary signs (including banners) are allowed per property.
2. Additional standards for banners:

~~a. A total of two (2) ancillary signs are allowed per property.~~

~~b.~~a. For a single property, banners may be in place for up to thirty (30) days, up to twice per year.[19]

~~c.~~b. Banners shall be securely placed against a building wall and may not project from the wall.

~~d.~~c. Banners shall comply with the wall sign size requirements and shall not be more than six (6) linear feet long and four (4) feet in height.

~~e.~~d. Banners are prohibited within a historic district and on any property designated as a historic landmark.

Proposed Changes to the Existing Code – Signs in ~~Office~~office, commercial, mixed use and industrial zones

- Wall signs are measured using the tenant space, and not using the entire building wall. The size of wall signs is unlimited so long as the total combined display ~~surface~~ area of wall signs and projecting signs is no larger than one (1) square foot for each lineal foot of the wall length of the tenant space on which the sign is constructed. The previous standard allowed two (2) square feet of signage for each linear foot of a wall.
- Signs on other project structures such as awnings, canopies, false fronts and wall extensions which do not extend more than a foot are considered wall signs.
- Increase the number of freestanding signs from one (1) per frontage from two (2) for frontages with six hundred (600) lineal feet or more on arterial streets.
- Multiple free-standing signs on the same frontage are required to be separated by fifty (50) feet. Previously all signs had to be separated by fifty (50) feet, regardless of frontage.
- Change the number of roof signs from one per premises (if there is no projecting sign or free-standing sign along the frontage) to one per frontage (if there is no projecting sign or free-standing sign along the frontage).
- Remove the requirements for civil and structural engineers and fire marshal approvals, as it is implemented by the Building Division upon review of building permits.

DRAFT

[17] ~~The Community Advisory Team suggested a minimum.~~

[18] The number of ancillary signs allowed was a split decision by the Sign Code Community Advisory Team.

[19] Members were split on this element of the recommendation.

- The height for roof signs is changed from a maximum of twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage [in no event shall any sign exceed thirty feet (30) in height] to a vertical maximum of ten (10) feet.
- Reduce the maximum horizontal dimension for roof signs from twenty (20) to ten (10) feet.
- Skirting is required around the base of roof signs.
- Remove the twenty (20) foot minimum distance between projecting signs.
- Increase the dimensions for projecting signs from a maximum size of sixteen (16) square feet per sign face, with total area of all faces not to exceed thirty-two (32) square feet to a maximum of twenty-four (24) square feet per sign face, with total area of all faces not to exceed forty-eight (48) square feet.
- The maximum projection from a building wall for projecting signs is increased from four (4) feet to six (6) feet. Eliminate the four (4) foot maximum vertical dimension of a projecting sign.
- The supporting structure for projecting signs shall be constructed of metal, wood, stone, brick, ~~and~~ rock or any combination thereof.
- Clarify standards for signs on structures including clearance requirements of eight (8) feet.
- Incidental signs previously were allowed to be for wall or freestanding and are now only applicable to freestanding and are renamed incidental freestanding signs. Reduce the size limitations from a maximum sixteen (16) square feet with a maximum sign face size of eight (8) square feet. Remove the maximum horizontal dimension of twenty (20) feet. Reduce the maximum height from 25 feet above grade, plus five (5) feet for each two-hundred (200) feet, or portion thereof, frontage in excess of two-hundred (200) feet [not to exceed thirty (30) feet] to fifteen (15) feet.
- Allow portable signs, A-frame signs, sandwich boards, tent signs up to twelve (12) square feet, six (6) square feet per sign face and up to three (3) feet in height.
- Allow temporary banners to be attached to building walls outside of historic districts or historic landmarks.
- The number of ancillary signs is now specified. Previously, a property would have been allowed more signs that do not require a permit.

15.28.090 Public ~~M~~murals.

A. Public Mural Program Intent and Purpose. The intent and purpose of this section is to encourage the production of public murals for acquisition by the City. Public murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime.

B. Criteria for Public Murals. The following criteria shall be met for public murals:

1. Public murals shall remain in place, without alteration, for a period of not less than five (5) years, except as may be specified by the Arts Commission in the conditions of approval. Within 30 days of the end of the approval period, the public mural shall be removed ~~or~~ unless a new approval ~~be~~ is granted. Alterations to an approved mural shall receive approval by the Arts Commission.

~~2. In historic districts, public murals shall be approved by the Historic Review Board as required by OCMC 17.40.060.~~

~~3.~~2. No public murals shall be allowed on single-~~-~~family dwellings, duplexes, or multi-family dwellings. As used in this subsection, single-~~-~~family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain a single-~~-~~family dwelling, duplex, or multi-family dwellings.

DRAFT

~~4.~~3. The public mural shall be painted, or if ceramic, glass tiles, tesserae, or metal, applied directly onto the surface of a building with a paint, ceramic, glass tiles, tesserae, or metal that ensures longevity, durability, and structural and surface stability. No part of the public mural shall exceed the height of the structure to which it is tiled, painted, or affixed.

4. No part of the public mural shall be placed over the exterior surface of any opening of a building, including its windows, doors, and vents.

5. No public mural may contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance, image or message of the public mural.

~~6. Public murals shall be painted, or if ceramic, glass tiles, tesserae, or metal applied directly onto the building surface with a paint, ceramic, glass tiles, tesserae, or metal that ensures longevity and durability, and structural and surface stability.~~ [LT12]

~~7.~~6. Public murals shall be located in a manner that is accessible to the public.

~~8.~~7. The artist ~~has~~ shall have a strong concept ~~and has demonstrated craftsmanship~~.

~~9.~~8. The proposal is not mechanically reproduced or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, images digitally printed on vinyl.

~~10.~~9. The proposed design is feasible in regards to budget, timeline and experience.

~~11.~~10. ~~The public mural will last a minimum of five years.~~ The mural proposal shall include methods to resist vandalism and weather impacts and commitment to repair the mural surface as necessary for a minimum of five years.

11. The scale is appropriate to the structure and surrounding neighborhoods.

12. No compensation will be given or received for the display of public murals or for the right to place the mural on another's property. [LT13]

13. The approval and acceptance of each public mural shall be contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney. The terms of the easement shall grant the right to create the public mural on the wall of the building and provide that the person granting the easement will maintain and restore the public mural in its original condition for the period of the easement, and state that upon termination of the easement, the mural shall be removed and the building restored to its prior condition.

C. Approval Process. Public murals shall be approved by the ~~Oregon City~~ Arts Commission at a public hearing based on the criteria in the Oregon City Municipal Code.

1. Notice of the application and the Arts Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred (300) feet of the proposed mural location. Notice must be issued at least twenty (20) days pre-hearing, and the staff report must be available at least seven (7) days pre-hearing. At the evidentiary hearing held before the Arts Commission, all issues must be raised and addressed. Failure to raise an issue at the hearing will preclude review on that issue.

D. The decision of the Arts Commission is appealable to the City Commission on the record. Notice of the appeal must be received in writing by the planning division within fourteen (14) calendar days from the date the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

1. The following must be included as part of the notice of appeal:

a. The City file number and date the decision to be appealed was rendered;

DRAFT

b. The name, mailing address and daytime telephone number for each appellant;
c. A statement of how each appellant has an interest in the matter and standing to appeal;
d. A statement of the specific grounds for the appeal;
e. The appropriate appeal fee. Failure to include the appeal fee within the appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a City-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Oregon City Municipal Code Section 17.50.290.C~~.~~, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.

~~F~~2. Standing to Appeal. Only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the Arts Commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.

~~G~~3. Notice of the Appeal Hearing. The planning division shall issue notice of the appeal hearing to all parties who participated either orally or in writing before the close of the public record at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. Notice of the appeal hearing shall contain the following information:
a. The file number and date of the decision being appealed;
b. The time, date and location of the public hearing;
c. The name of the applicant, owner and appellant (if different);
d. The street address or other easily understood location of the subject property;
e. A description of the permit requested and the applicant's mural proposal;
f. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
g. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
h. A general explanation of the requirements for participation and the City's hearing procedures.

~~H~~4. The City Commission decision on appeal is the City's final decision.

E~~I~~. No person shall commence creation of any public mural without first obtaining approval from the Arts Commission, and executing an easement pursuant to section 15.28.090.B.14. Murals that are created without approval from the Arts Commission that are not otherwise exempt pursuant to this chapter or are inconsistent with the conditions of approval from the Arts Commission shall not be deemed public murals.

Proposed Changes to the Existing Code – Public Murals

- Entire section is new.

15.28.100 Signs ~~with~~in the ~~R~~right-of-~~W~~way.

This standard applies to all signage within the City of Oregon City right-of-way, except exempt signs described in ~~exempted from this section under~~ Section 15.28.030.

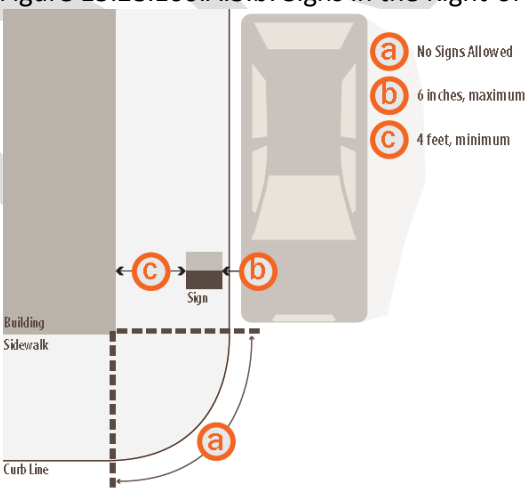
A. Signs on the Ground within the Right-of-Way. Signs on the ground within the right-of-way shall be permitted in the right-of-way upon issuance of a permit in accordance with the following standards:
1. Number of signs permitted:

DRAFT

a. One (1) A-frame sign within the right-of-way per property frontage.[20]
b. Approved traffic control signs or devices do not count towards the number of signs permitted within the right-of-way. ~~However, signs placed within the right-of-way shall not obstruct traffic control signs or devices.~~

2. Material, design and size standards:
   a. The sign frame shall be wood, plastic or metal.
   b. The sign shall be an A-frame sandwich design.
   c. The sign may not be illuminated.
   d. Maximum width: twenty-eight (28) inches ~~wide~~
   e. Maximum depth: two (2) feet
   f. Maximum height: three (3) feet ~~tall~~
   g. Maximum size: six (6) square feet per sign face
3. Placement standards.~~:~~
   a. ~~The sign shall be entirely outside automobile or bicycle travel lanes and on-street parking areas~~[LT14].~~.~~Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas). The sign may not obstruct pedestrian or ADA access from the sidewalk to transit stop areas, designated ADA accessible parking spaces, ADA accessible ramps or building exits including fire escapes. Signs may not impede or hinder the vision of drivers or bicyclists. The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. ~~However, s~~Signs placed within the right-of-way shall not obstruct traffic control signs or devices.
   b. For signs placed within the right-of-way with an adjacent sidewalk:
      i. The sign shall be placed within six (6) inches of the face of the curb.
      ii. Four (4) feet of clearance width shall be retained on the sidewalk.

      Figure 15.28.100.A.3.b: Signs in the Right-of-Way with an Adjacent Sidewalk



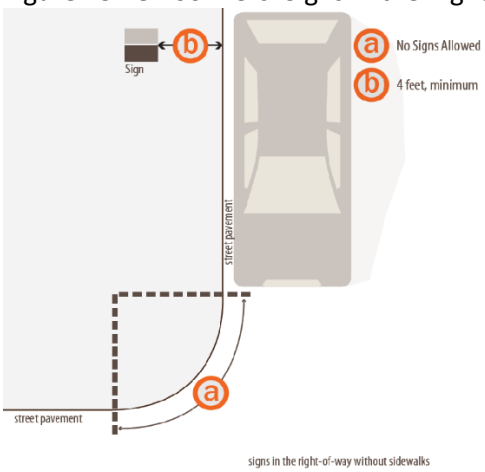
   c. For signs placed in the right-of-way without an adjacent sidewalk:

[20] The Community Advisory Team does not believe this is fair for multi-tenant properties and suggested it is changed to allow one per adjacent business or entrance. Staff believes one sign per frontage is appropriate given the number of potential signs that may be placed within the right-of-way if a different standard is used and the number and type of signage which may be placed on adjacent private property.

DRAFT

i. The sign shall be located outside of any street pavement and may not be located closer than four (4) feet from the travel lane, turning lane, shoulder, parking lane or bicycle lane.

Figure 15.28.100.A.3.c: Signs in the Right-of-Way without an Adjacent Sidewalk



d. Signs placed in the right-of-way shall remain portable and shall not be attached or anchored in any manner to trees or public property including, but not limited to utility or light poles, parking meters, traffic control signs, the ground, or pavement.

~~e. Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (travel lanes, shoulder, bike lanes, medians, traffic islands, and parking areas). The sign may not obstruct pedestrian or ADA access from the sidewalk to transit stop areas, designated ADA accessible parking spaces, ADA accessible ramps or building exits including fire escapes. Signs may not impede or hinder the vision of drivers or bicyclists. The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face.~~ [LT15]

4. Hours of Sign Placement.
   a. For signs not within residential zoning designations: Signs may be within the right-of-way between the hours of 9:00 a.m. and 10:00 p.m.~~for a maximum of twelve (12) hours per day~~[LT16][21]~~.~~
   b. ~~For s~~Signs within residential zoning designations~~: The signs~~ may be displayed on Thursday, Friday, Saturday, and Sunday between 12:00 p.m. and 8:00 p.m. daily; and from 6:00 a.m. to 1:00 p.m. on Tuesday.
5. Approval of the adjacent property owner is required[LT17].[22]

~~B.~~ Cross Street Banners.

~~C.~~B. Temporary banners which extend over a roadway shall be permitted in the right-of-way upon issuance of a permit in accordance with the following standards:

1. Location.
   a. A single, two-sided cross street banner at ODOT facilities at Highway 99E/Pedestrian Bridge; and

[21] The Community Advisory Team suggested changing this to allow the sign in the right-of-way during business hours. This may be difficult for signs not associated with a business such as political signs.

[22] The Community Advisory Team suggested requiring approval of the adjacent property owner.

DRAFT

b. A single, one-sided cross street banner at PGE power poles #412 and #413 on Molalla Avenue at Beverly Drive.

~~2. Cross street banner display periods shall not exceed twenty-one (21) consecutive days in duration and no more than three (3) times in any twelve (12) month period. Cross street banner(s) shall not be installed or removed on any dates other than those identified on the approved permit.~~[LT18]

~~3.~~2. Cross street banners shall comply with the requirements contained in the most recently adopted Signs in the Right-of-Way Policy. ~~construction shall be in accordance with the banner construction standards adopted by the Public Works Division.~~

~~4. Cross street banner(s) shall have 20 feet minimum clearance between the bottom of the banner and the roadway surface and clearance shall be maintained at all times. Banners shall not:~~

~~a. Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices and approaching or merging traffic;~~

~~b. Have any lighting, unless such lighting is shielded to prevent light from being directed at the roads/highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle.~~

C. Banners on Street Light Poles[LT19]. Temporary banners on street light poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the following standards:

1. Location. The City has identified four zones to allow banners on street light poles. These zones are:
   a. 7th Street from Center Street to Polk Street;
   b. Downtown Corridor; Main from 99E to 14th;
   c. Molalla Avenue from Holmes Lane to Willamette Street; and
   d. Washington Street from 14th Street to Cascade Hwy.
2. Banners shall comply with the requirements contained in the most recently adopted Signs in the Right-of-Way Policy.

D. Who May Place the Sign.

1. Permits are approved on a first-come, first-served basis.

~~2. Except for cross street banners, if there is a business license associated with the person or company owning the sign, the business license location shall be directly abutting the location where the sign within the right-of-way is proposed.~~

~~3. Approval of the abutting property owner is required.[23]~~

E. Right-of-Way Sign Permit Process

1. Signs on the Ground. An annual permit is required for signs on the ground within the right-of-way[24]. An approval sticker shall be placed on each sign within the right-of-way to easily distinguish the approved signs[25].
2. Cross Street Banner. A permit is required each time a cross street banner is installed.
3. Banners on Light Posts. A permit is required each time a banner on a light post is installed.

~~An approval sticker shall be placed on each sign within the right-of-way to easily distinguish the approved signs[26].~~

~~2.~~4. The City Commission shall establish permit fees for signs located within the right-of-way.

~~[23] The Community Advisory Team suggested requiring approval of the adjacent property owner.~~

[24] The City will create a form and approve over the counter.

[25] The Community Advisory Team suggested that permits should not be required in residential and mixed-use zones.

~~[26] The Community Advisory Team suggested that permits should not be required in residential and mixed-use zones.~~

DRAFT

~~3. If the sign is owned by a business, the business shall have a valid business license, if applicable as determined under the criteria set forth in Oregon City Municipal Code Chapter 5.04[27]. The City Commission shall establish permit fees for signs located within the right-of-way.~~

~~4.~~5. The applicant shall provide a ~~c~~Certificate of ~~i~~insurance for general liability in an amount set forth in the most recently adopted Signs in the Right-of-Way Policy. The applicant's insurance policy shall name~~naming~~ the City of Oregon City, its officers, agents, and employees, as additional insureds for the sign placement and include any other facility owners if applicable, e.g., State of Oregon (ODOT) and PGE.

~~5.~~6. Applicant shall comply with and obtain any permits issued by any other applicable agency.

F. Removal of signs within the R~~r~~ight-of-~~w~~Way.

1. Existing signs that do not comply with these standards or that have not obtained a valid permit may be removed.
2. The City Engineer may require signs to be modified, moved or removed if streets are widened or other improvements are made in the right-of-way that result in conditions where the sign placement will not comply with the above standards. The modification, moving or removing will be at the owner's expense.

Proposed Changes to the Existing Code – Signs With the Right-of-Way

- This entire section is new

15.28.110 Prohibited ~~S~~signs.

It is unlawful for the following signs to be constructed or maintained except as otherwise provided in this chapter:

A. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed views of traffic control signs or devices or approaching or merging traffic or does not comply with chapters 10.32 or 8.08 of the Oregon City Municipal Code;~~.~~

B. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts which move or rotate or change more than ~~once~~ three (~~1~~3) times[LT20] per day[28], except as otherwise allowed within this code;~~.~~

C. A sign with lighting that is not effectively shielded to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, unless the lighting is of such low intensity or brilliance that it does not cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operations thereof;~~.~~

D. A sign located upon a tree, or painted or drawn upon a natural feature;~~.~~

E. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;~~.~~

F. Any sign with a~~n~~ display area larger than twelve (12) square feet, six (6) square feet per sign face on an undeveloped lot or parcel of property;~~.~~

G. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;~~.~~

H. Attention flags;~~.~~

I. A-frame signs with a~~n~~ display area larger than twelve (12) square feet, six (6) square feet per sign face or taller than three (3) feet;~~.~~

~~[27] Political signs, etc may not require a business.~~

[28] The Community Advisory Team was split on the minimum length of time which a message had to be displayed before it could change. ~~Since no clear direction was provided staff defaulted to o~~Our current policy is once per day.

J. Air blown signs;~~,~~
K. Billboards;~~,~~[29]
L. Signs on fences or fencing;~~,~~[30]
M. Banners unless otherwise allowed by this chapter~~,~~;
N. Abandoned signs;~~,~~
O. Signs that emit any sound, vibration, or smell; and~~,~~
P. Flags larger than 1 square foot for each lineal foot in height of the flag pole or structure to which the flag is affixed. The size of the flag may not exceed 60 square feet.

Proposed Changes to the Existing Code – Prohibited Signs

- The following are added as prohibited: attention flags, A-frame signs with an area larger than six (6) square feet per sign face or taller than three (3) feet, air blown signs, and abandoned signs.
- The following are removed from prohibited signs: obsolete sign, portable signs, A-frame signs, sandwich boards, tent signs, streamers, strings of lights, balloons, hulas, banners or pennants, excepting traditional holiday decorations, A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction, a sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard, and a sign not maintained in a safe, neat, clean and attractive condition and in good repair.
- The size of signs on undeveloped lots or properties is increased from four (4) square feet to (12) square feet, six (6) square feet per sign face on an undeveloped lot or parcel of property.

15.28.120 Nonconforming s~~S~~igns.

The following standards apply to all nonconforming signs:

A. Signs that were lawfully constructed and otherwise lawfully existing but no longer comply with this code are allowed to remain until removed. Nothing in this section shall be deemed to prevent the maintenance of any sign, or changes of sign copy on a sign.

B~~A~~. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.

C~~B~~. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this chapter.

D. A nonconforming sign (including the sign structure, foundation and supports) that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter. Whenever repairs and restoration of a damaged nonconforming sign are not started within ninety days of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.

E~~C~~. Abandoned signs shall not be deemed nonconforming signs. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign

[29] This was a split issue by the Community Advisory Team. Staff chose to default to our existing code which prohibits billboards since a clear direction was not provided.

[30] The Community Advisory Team had a split decision on this. Staff defaulted to our current code.

maintained in violation of this provision shall be considered abandoned and will be removed as provided in this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided in this chapter. Any nonconforming sign that is determined to be an abandoned sign shall be removed as provided in this chapter.

Proposed Changes to the Existing Code – Nonconforming Signs

- Existing signs are allowed to remain unless removed by the owner. The previous code included an amortization period.

15.28.130 Variances.

A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:
   1. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
   2. That the request is the minimum variance that would alleviate the hardship;
   3. Granting the variance will equal or exceed the purpose of the regulation to be modified;
   4. Any impacts resulting from the adjustment are mitigated;
   5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
   6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the City Commission and on file with the City Recorder.

C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

Proposed Changes to the Existing Code – Variances

- The variance criteria are replaced with the variance criteria from OCMC 17.60.

15.28.140 Maintenance.

All signs, together with all supporting structures, shall be well maintained and kept in a good state of repair. Without limiting the foregoing, all sign owners shall comply with the following maintenance:

A. Shall keep signs and supporting structures free from rust, dirt, debris, and chipped, cracked or peeling paint.
B. Shall remove hanging, dangling, and cracked portions from all signs and supporting structures.
C. Shall repair frayed parts on all signs and supporting structures.
D. Shall replace ~~burned-out bulbs~~defective lighting on all signs and supporting structures.
E. Shall remove graffiti and unauthorized stickers from all signs and supporting structures.

Proposed Changes to the Existing Code – Maintenance

- This entire section is new

15.28.150 Violation—~~P~~penalty.

In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, 1.24.

DRAFT

Proposed Changes to the Existing Code – Violation

- No changes to this section are made other than renumbering the title.

15.28.160 Conflict and ~~s~~Severability.

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the City, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, term or word is declared invalid~~portion of this chapter is invalid~~ shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

Proposed Changes to the Existing Code – Conflict and Severbility

~~No changes to this section are made other than renumbering the title.~~Minor edits to clarify language.

DRAFT

Oregon City Sign Code Staff Recommendation

October, 2014 DRAFT

Version 3: Note that all changes from the previous version are marked and the explanation of the changes is provided in the associated comment.

The following is intended to replace Chapter 15.28 of the Oregon City Municipal Code.

15.28.010 Purpose of sign regulations.

This chapter regulates the construction, placement and maintenance of signs to protect and enhance public health, safety, welfare and property. The code:

A. Allows signs compatible with the character and uses allowed in the zoning district in which they are located;

B. Maintains the effectiveness of traffic control signs throughout the City;

C. Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;

D. Maintains and enhances the scenic and other aesthetic qualities of the City;

E. Supports the economic development of Oregon City businesses;

F. Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and

G. Is not intended to regulate the content of signs in any way.

15.28.020 Definitions.

“Abandoned Sign” means a sign structure where no sign has been in place for a continuous period of at least 6 months.

“A-frame Sign” also known as “sandwich board” or “tent sign” means a movable steeply angled sign with two sides that meets at the top in the shape of the letter “A” and is not attached to a structure or the ground.

“Air Blown Sign” means a sign that is intended to be inflated by air or other gas.

“Ancillary Sign” means any sign allowed by this code, with or without permit, that is not a freestanding, incidental freestanding, wall, roof or projecting sign. If allowed within the zoning designation, ancillary signs include, but are not limited to, signs which do not exceed six (6) square feet per sign face, A-frame signs, flags (excluding attention flags), and banners.

“Attention Flag” also known as “flutter,” ”feather,” “teardrop,” or “blade,” means a pole-supported sign made of fabric, vinyl, or other similar non-rigid material, where one side of the sign is more than three times as long as any other side.

“Banner” means a sign made of fabric, vinyl, or other similar non-rigid material.

“Banner on Street Light Pole” means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed in the public right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.

"Billboard" means a sign with a display area of three hundred square feet or more, including but not limited to, outdoor advertising signs as defined in ORS 377.710(21).

"Business" means any trade, profession, occupation or pursuit of every kind conducted in the City for gain.

"Compensation" means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance

of debt. "Compensation" does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and where the building owner or leaseholder fully controls the content of the art mural.

"Construct" or "Constructed" means to construct, erect, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

“Cross Street Banner” means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed over the public right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.

“Display” means an arrangement of objects intended to decorate, advertise, entertain, or inform people about something.

"Display Area" means the total size of all sign faces on a sign.

"Fence" and "Fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

“Flag” means a piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached, excluding banners.

"Freestanding Sign" means a sign wholly supported from the ground by its own integral structure.

"Frontage" means the full length of a parcel of property that abuts a dedicated street, highway, or a City-approved vehicular public access easement.

“Government Owned Sign” means a signed owned by a government agency, but does not include a sign constructed by a third-party with grant funds obtained from a government agency.

"Incidental Freestanding Sign" means a sign wholly supported from the ground by its own integral structure. The size allowed is less than that of a freestanding sign.

“Maintenance” means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing, or repairing unusable or broken portions of the sign, and repairing defective lighting.

"Premises" means a lot or number of contiguous lots under the same ownership.

"Projecting Sign" means a sign projecting more than one foot from the wall of a building.

“Public Mural” means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, metal, executed by hand directly upon, or affixed directly to an exterior wall of a building, where the work of visual art has been approved by the Arts Commission and accepted by the City into its public art collection pursuant to this Chapter.

"Roof Sign" means a sign constructed or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, figure, painting, drawing, placard, poster, billboard, carving or other thing that is designed, used or intended to convey a message or image and is used to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display area.

"Sign Face" means the total area as measured pursuant to Section 15.28.050.

"Sign Official" means any person designated by the City Manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

“Tenant Space” means the portion of a structure occupied by a single commercial lease holder, or an owner-occupied space with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

"Traffic Control Sign or Device" means a sign approved by the Public Works Department through the right-of-way permit process, where the sign complies with the City's Street Standards and/or the Manual on Uniform Traffic Control Devices (MUTCD). In addition, traffic control sign or device includes signs on private property associated with an approved traffic control plan prepared by a transportation engineer and approved by the City through a Site Plan and Design Review process that does not involve the content of a sign.

"Undeveloped Lot" means a property without a building, business or valid land use approval.

"Wall Sign" means a sign that is attached to the wall of a building and extends no more than twelve inches from a wall.

15.28.030 Scope of sign regulations.

All signs shall be constructed and maintained only as provided by this chapter, except for the following:

A. Signs not visible from either a public right-of-way or property under different ownership, provided such signs are constructed and maintained in accordance with applicable law;
B. Signs inside a building, except for strobe lights visible from the right-of-way or other private property;
C. Signs carved into or part of materials that are an integral part of a building;
D. Signs attached to, or carried by a person;
E. Signs required by law or legal action;
F. Government owned signs within the right-of-way, government-designated parks, or within Metro-designated open space and at stormwater facilities;
G. Public murals identified on the Oregon City Existing Mural List; and
H. Traffic control signs and devices.

15.28.040 Permit required.

A. Permit Required. No sign shall be constructed except as provided by this chapter and after a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter.

B. The following signs on private property are subject to compliance with this chapter but do not require a sign permit:
   1. Except public murals, changes of copy whereby the sign size and material are not changing but the message is changing;
   2. Freestanding or ancillary signs with no more than two faces, the total of which does not exceed six (6) square feet in area per sign face, excluding banners, and subject to the limitations identified for ancillary signs;
   3. A-frame signs;
   4. Flags (excluding attention flags).

   The number of signs allowed on private property is identified within this chapter.

C. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application. The amount of the fee shall be adopted by resolution of the City Commission. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is constructed in compliance with the city code and to the specifications described in the approved sign permit. Any permit issued under this chapter shall be void if the sign is not constructed in accordance with any conditions of the permit and the applicable requirements of this chapter within ninety (90) days following the date of its issuance, excluding any appeals of the City's decision. Any permit issued under this chapter shall remain in effect as long as the sign is

constructed as approved in the permit and maintained as required in 15.28.140. If an applicant seeks to have the city treat its property as a premise for purposes of the sign code, then the application shall explain how the property meets the definition of premises in Section 15.28.020.

D. Appeals. Any party aggrieved by a decision of the sign official may appeal the decision to the Planning Commission. Any such appeal shall be in writing and be received by the City Recorder no later than fourteen (14) days after the date the challenged decision is final. The Planning Commission or City Commission may initiate an appeal on its own motion within the fourteen-day (14) period. The appropriate appeal fee established by resolution of the City Commission shall accompany the appeal. Proceedings before the Planning Commission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to City Commission review of planning commission decisions involving conditional use permits.

E. In addition to this chapter, signs shall be approved by the Historic Review Board as required by Oregon City Municipal Code section 17.40.060. The review shall not consider the content of the sign in any way.

15.28.050 Measuring sign dimensions.

A. The following criteria shall be used for the purpose of determining the boundaries of a sign:

1. The sign face includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign face.
2. When signs are constructed in multiple separate pieces the sign face is calculated by measuring the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and light surface, but excluding essential sign structure, foundations or support on all pieces collectively.

B. Sign width is measured as the horizontal distance between the outermost area of sign face for wall signs and includes the supporting structure for all other sign types.

C. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign including any supporting structure.

D. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

Figure 15.28.050.A Two Dimensional Signs

DRAFT

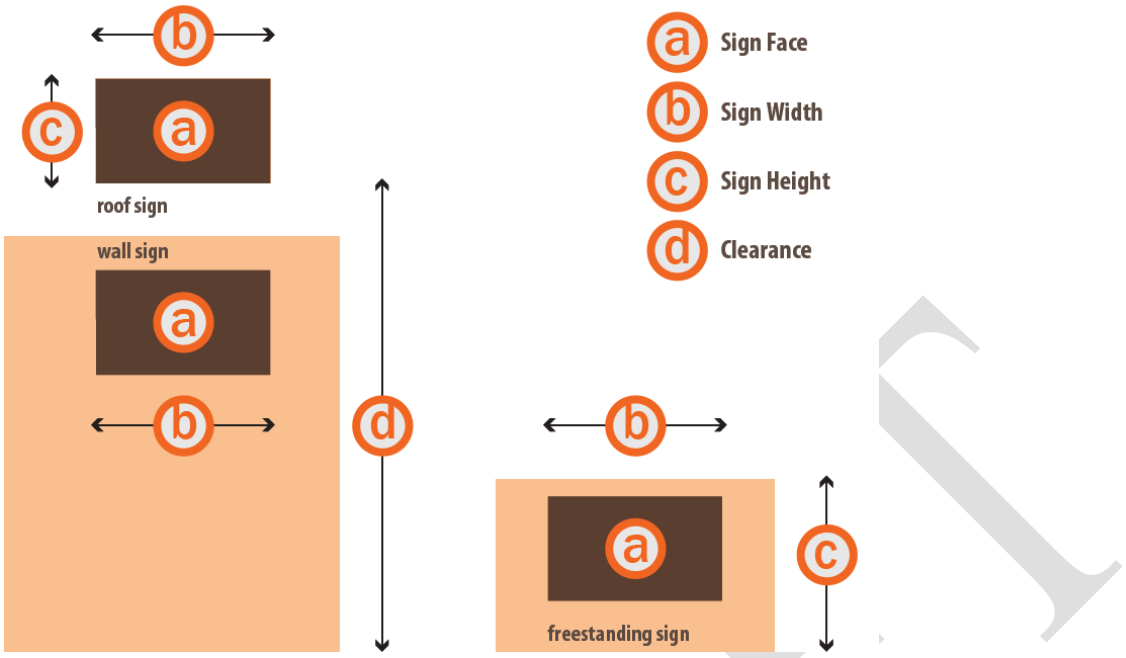
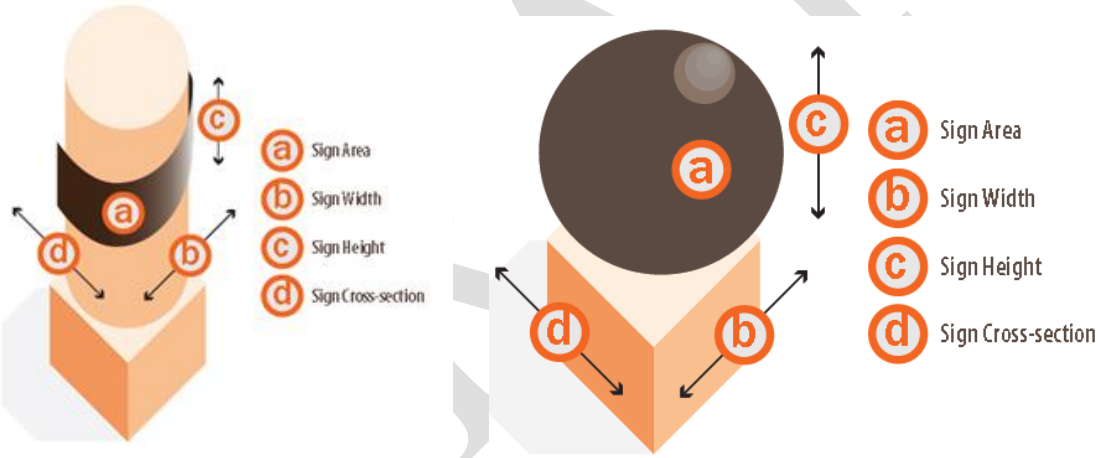


Figure 15.28.050.B Three Dimensional, Round or Irregular Signs



15.28.060 Signs in residential zones.

This standard applies to the following zoning designations: "R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, "R-3.5" Dwelling District, and "R-2" Multi-Family Dwelling District.

A. General. The following standard shall apply to all signs in residential zones:
   1. At least fifty percent (50%) of the wall sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
   2. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
   3. With the exception of projecting signs, signs shall not project over the right-of-way.

4. With the exception of wall signs, signs shall maintain a minimum clearance of ten (10) feet above grade over pedestrian or vehicular areas, and fourteen (14) feet above grade over areas of truck access.

B. Wall Sign. The following standards apply to wall signs in residential zones:
   1. One wall sign is allowed for each property frontage, not to exceed a maximum of three (3) wall signs. A wall sign is prohibited if there is a freestanding or projecting sign along the same property frontage, except in the "R-2" Multi-Family Dwelling District. In the "R-2" Multi-Family Dwelling District, a wall sign is prohibited if there is a projecting sign along the same property frontage.
   2. Residentially zoned property may have a wall sign with a maximum sign face of twelve (12) square feet and maximum length of five (5) linear feet, except in the "R-2" Multi-Family Dwelling District where wall signs may have a maximum sign face of twenty (20) square feet and maximum length of five (5) linear feet.

C. Freestanding Sign. The following standards apply to freestanding signs in residential zones:
   Freestanding signs are prohibited in residentially zoned property,except in the "R-2" Multi-Family Dwelling District where one freestanding sign for each property frontage is allowed, not to exceed a maximum of three (3) freestanding signs. The sign may have a maximum display area of twenty (20) square feet , maximum length of ten (10) linear feet, and maximum height of five (5) feet above grade.

D. Incidental Freestanding Signs. Incidential freestandign signs are prohibited.

E. Projecting Signs. The following standards apply to projecting signs in residential zones:
   1. One projecting sign is allowed for each property frontage, not to exceed a maximum of three (3) projecting signs. A projecting sign is prohibited if there is a freestanding or wall sign along the same property frontage, except in the "R-2" Multi-Family Dwelling District. In the "R-2" Multi-Family Dwelling District, a projecting sign is prohibited if there is a wall sign along the same property frontage.
   2. A projecting sign may have a maximum sign face of twelve (12) square feet, except in the "R-2" Multi-Family Dwelling District where projecting signs may have a maximum sign face of twenty (20) square feet.
   3. Signs projecting into the right-of-way shall recieve approval by the City Engineer.
   4. The maximum projection from a building wall shall be six (6) feet and shall not project within two (2) feet of the curb line. The maximum projection above the wall on which the sign is constructed shall be one (1) foot, and the visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

F. Roof Signs. Roof signs are prohibited.

G. Ancillary Signs. The following standard applies to ancillary signs in residential zones:
   1. A total of two (2) ancillary signs are allowed per property.
   2. Banners are prohibited in residential zones unless approved under Section 15.28.070.

15.28.070 Signs for conditional uses in residential zones.

This standard applies to all conditional uses within a residential zoning district ("R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, "R-3.5" Dwelling District, and "R-2" Multi-Family Dwelling District) unless otherwise limited in the Conditional Use approval. Conditional Uses are identified within each applicable zoning designation.

A. General. The following standard shall apply to all signs for conditional uses in residential zones:
   1. With the exception of banners, at least fifty percent (50%) of the wall sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

DRAFT

2. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
3. With the exception of projecting signs, signs shall not project over the right-of-way.
4. With the exception of wall signs, signs shall maintain a minimum clearance of ten (10) feet above grade over pedestrian or vehicular areas, and fourteen (14) feet above grade over areas of truck access.

B. Wall Sign. The following standards apply to wall signs for conditional uses in residential zones:
1. One (1) wall sign per frontage is allowed, not to exceed a maximum of three (3) wall signs.
2. A wall sign may have a maximum sign face of thirty-two (32) square feet and maximum length of ten (10) linear feet.

C. Freestanding Sign. The following standards apply to freestanding signs for conditional uses in residential zones:
1. One (1) free-standing sign per lot is allowed.
2. The sign may have a maximum display area of thirty-two (32) square feet, maximum length of ten (10) linear feet, and maximum height of fifteen (15) feet above grade.

D. Incidental Freestanding Signs. Incidential freestanding signs are prohibited.

E. Projecting Signs. The following standards apply to projecting signs for conditional uses in residential zones:
1. One projecting sign is allowed if there is not a freestanding or wall sign on the same frontage.
2. Signs projecting into the right-of-way shall recieve approval by the City Engineer.
3. A projecting sign may have a maximum sign face of thirty-two (32) square feet.
4. The maximum projection from a building wall shall be six (6) feet and shall not project within two (2) feet of the curb line. The maximum projection above the wall on which the sign is constructed shall be one (1) foot, and the visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

F. Roof Signs. Roof signs are prohibited.

G. Ancillary Signs. The following standards apply to ancillary signs for conditional uses in residential zones.
1. A total of two (2) ancillary signs (including banners) are allowed per property.
2. Additional standards for banners:
   a. For a single property, banners may be in place for up to thirty (30) days, up to twice per year.
   b. Banners shall be securely placed against a building wall and may not project from the wall.
   c. Banners shall not be more than six (6) feet long and four (4) feet in height.
   d. Banners are prohibited within a historic district and on any property designated as a historic landmark.

15.28.080 Signs in office, commercial, mixed use and industrial zones.

The following standards apply to signs in office, commercial, mixed use and industrial zones which are not idenified in 15.28.060 or 15.28.070, unless otherwise provided by this code.

A. General. The following standard shall apply to all signs in office, commercial, mixed use and industrial zones:
1. With the exception of projecting signs, signs shall not project over the right-of-way.
2. With the exception of wall signs, signs shall maintain a minimum clearance of ten (10) feet above grade over pedestrian or vehicular areas, and fourteen (14) feet above grade over areas of truck access.

B. Wall Signs. The following standard applies to wall signs in office, commercial, mixed use and industrial zones:

DRAFT

1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners is no larger than twenty (20) square feet for each ground floor tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty (20) feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage may be up to one (1) square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.
2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one (1) foot from the structure are considered wall signs.

C. Freestanding Signs. The following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:
   1. One freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred (600) linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.
   2. Freestanding signs on the same frontage shall be separated by a minimum of fifty (50) feet distance.
   3. Maximum display area:
      a. Where the street frontage is less than fifty (50) feet in length, the maximum display area shall not exceed fifty (50) square feet, with twenty-five square (25) feet maximum area per sign face.
      b. Where the street frontage is fifty (50) feet or greater but less than two hundred (200) feet in length, display area shall not exceed one hundred (100) square feet, with fifty (50) square feet maximum area per sign face.
      c. Where the street frontage is two hundred (200) feet or greater in length, the display area shall not exceed three hundred (300) square feet, with a maximum area of one hundred fifty (150) square feet per sign face.
      d. In no case shall any sign have a display area in excess of three hundred (300) square feet.
   4. The greatest horizontal dimension shall not exceed twenty (20) linear feet and the height shall not exceed twenty-five (25) feet above grade, or thirty (30) feet above grade if the frontage is more than two hundred (200) feet in length.

D. Incidental Freestanding Signs. The following standards apply to incidental signs in office, commercial, mixed use and industrial zones:
   1. One incidental freestanding sign is allowed for each street frontage. No incidental freestanding sign face shall exceed eight (8) square feet with a maximum display area of sixteen (16) square feet.
   2. The height shall not exceed fifteen (15) feet above grade.

E. Projecting Signs. The following standards apply to projecting signs in office, commercial, mixed use and industrial zones:
   1. One projecting sign is allowed for each tenant space if there is not a freestanding or roof sign on the same frontage.
   2. Signs projecting into the right-of-way shall recieve approval by the City Engineer.
   3. The total combined display area of projecting signs and wall signs is no larger than one (1) square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.
   4. Each ground floor tenant space may have a minimum sign face of twenty (20) square feet, regardless of the limitation in subsection E.2 above.
   5. The maximum projection from a building wall shall be six (6) feet and shall not project within two (2) feet of the curb line. The maximum projection above the wall on which the sign is

DRAFT

constructed shall be one (1) foot, and the visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

F. Roof Signs. The following standards apply to roof signs in office, commercial, mixed use and industrial zones:
   1. One roof sign is permitted for each frontage if there is no projecting sign or free-standing sign along the frontage.
   2. Maximum display area:
      a. Where the street frontage is less than fifty (50) feet, the maximum display area shall not exceed fifty (50) square feet, with twenty-five (25) square feet maximum per sign face.
      b. Where the street frontage is fifty (50) feet or greater but less than two-hundred (200) feet, display area shall not exceed one-hundred (100) square feet, with fifty (50) square feet maximum per sign face.
      c. Where the street frontage is two hundred (200) feet or greater, the display area shall not exceed three hundred (300) square feet, with a maximum of one hundred fifty (150) square feet per sign face.
      d. In no case shall any sign have a display area in excess of three hundred (300) square feet.
   3. The horizontal dimension shall not exceed twenty (20) feet and the vertical dimension may not exceed ten (10) feet.
   4. Skirting is required to obscure exposed hardware used to attach the sign to the roof, as viewed from the adjacent street level perspective.

G. Ancillary Signs. The following standards apply to ancillary signs in office, commercial, mixed use and industrial zones.
   1. A total of two (2) ancillary signs (including banners) are allowed per property.
   2. Additional standards for banners:
      a. For a single property, banners may be in place for up to thirty (30) days, up to twice per year.
      b. Banners shall be securely placed against a building wall and may not project from the wall.
      c. Banners shall comply with the wall sign size requirements and shall not be more than six (6) linear feet long and four (4) feet in height.
      d. Banners are prohibited within a historic district and on any property designated as a historic landmark.

15.28.090 Public murals.

A. Public Mural Program Intent and Purpose. The intent and purpose of this section is to encourage the production of public murals for acquisition by the City. Public murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime.

B. Criteria for Public Murals. The following criteria shall be met for public murals:
   1. Public murals shall remain in place, without alteration, for a period of not less than five (5) years, except as may be specified by the Arts Commission in the conditions of approval. Within 30 days of the end of the approval period, the public mural shall be removed unless a new approval is granted. Alterations to an approved mural shall receive approval by the Arts Commission.
   2. No public murals shall be allowed on single-family dwellings, duplexes, or multi-family dwellings. As used in this subsection, single-family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain a single-family dwelling, duplex, or multi-family dwellings.

DRAFT

3. The public mural shall be painted, or if ceramic, glass tiles, tesserae, or metal, applied directly onto the surface of a building with a paint, ceramic, glass tiles, tesserae, or metal that ensures longevity, durability, and structural and surface stability. No part of the public mural shall exceed the height of the structure to which it is tiled, painted, or affixed.
4. No part of the public mural shall be placed over the exterior surface of any opening of a building, including its windows, doors, and vents.
5. No public mural may contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance, image or message of the public mural.
6. Public murals shall be located in a manner that is accessible to the public.
7. The artist shall have a strong concept.
8. The proposal is not mechanically reproduced or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, images digitally printed on vinyl.
9. The proposed design is feasible in regards to budget, timeline and experience.
10. The mural proposal shall include methods to resist vandalism and weather impacts and commitment to repair the mural surface as necessary for a minimum of five years.
11. The scale is appropriate to the structure and surrounding neighborhoods.
12. No compensation will be given or received for the display of public murals or for the right to place the mural on another's property.
13. The approval and acceptance of each public mural shall be contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney. The terms of the easement shall grant the right to create the public mural on the wall of the building and provide that the person granting the easement will maintain and restore the public mural in its original condition for the period of the easement, and state that upon termination of the easement, the mural shall be removed and the building restored to its prior condition.

C. Approval Process. Public murals shall be approved by the Arts Commission at a public hearing based on the criteria in the Oregon City Municipal Code.

1. Notice of the application and the Arts Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred (300) feet of the proposed mural location. Notice must be issued at least twenty (20) days pre-hearing, and the staff report must be available at least seven (7) days pre-hearing. At the evidentiary hearing held before the Arts Commission, all issues must be raised and addressed. Failure to raise an issue at the hearing will preclude review on that issue.

D. The decision of the Arts Commission is appealable to the City Commission on the record. Notice of the appeal must be received in writing by the planning division within fourteen (14) calendar days from the date the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

1. The following must be included as part of the notice of appeal:
    a. The City file number and date the decision to be appealed was rendered;
    b. The name, mailing address and daytime telephone number for each appellant;
    c. A statement of how each appellant has an interest in the matter and standing to appeal;
    d. A statement of the specific grounds for the appeal;
    e. The appropriate appeal fee. Failure to include the appeal fee within the appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal

DRAFT

so filed. If a City-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Oregon City Municipal Code Section 17.50.290.C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.

2. Standing to Appeal. Only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the Arts Commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.
3. Notice of the Appeal Hearing. The planning division shall issue notice of the appeal hearing to all parties who participated either orally or in writing before the close of the public record at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. Notice of the appeal hearing shall contain the following information:
    a. The file number and date of the decision being appealed;
    b. The time, date and location of the public hearing;
    c. The name of the applicant, owner and appellant (if different);
    d. The street address or other easily understood location of the subject property;
    e. A description of the permit requested and the applicant's mural proposal;
    f. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
    g. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
    h. A general explanation of the requirements for participation and the City's hearing procedures.
4. The City Commission decision on appeal is the City's final decision.

E. No person shall commence creation of any public mural without first obtaining approval from the Arts Commission, and executing an easement pursuant to section 15.28.090.B.14. Murals that are created without approval from the Arts Commission that are not otherwise exempt pursuant to this chapter or are inconsistent with the conditions of approval from the Arts Commission shall not be deemed public murals.

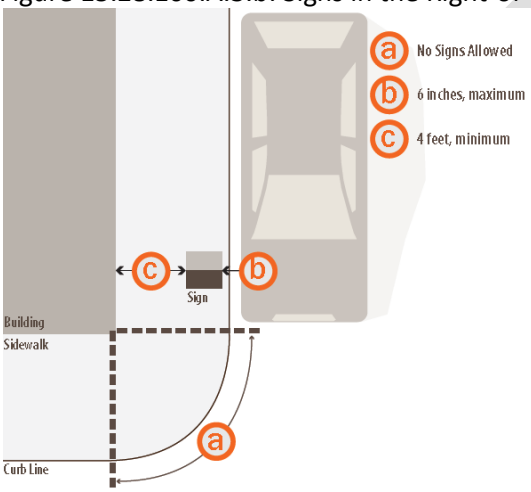
15.28.100 Signs in the right-of-way.

This standard applies to all signage within the City of Oregon City right-of-way, except exempt signs described in Section 15.28.030.

A. Signs on the Ground within the Right-of-Way. Signs on the ground within the right-of-way shall be permitted in the right-of-way upon issuance of a permit in accordance with the following standards:
    1. Number of signs permitted:
        a. One (1) A-frame sign within the right-of-way per property frontage.
        b. Approved traffic control signs or devices do not count towards the number of signs permitted within the right-of-way.
    2. Material, design and size standards:
        a. The sign frame shall be wood, plastic or metal.
        b. The sign shall be an A-frame sandwich design.
        c. The sign may not be illuminated.
        d. Maximum width: twenty-eight (28) inches
        e. Maximum depth: two (2) feet
        f. Maximum height: three (3) feet
        g. Maximum size: six (6) square feet per sign face

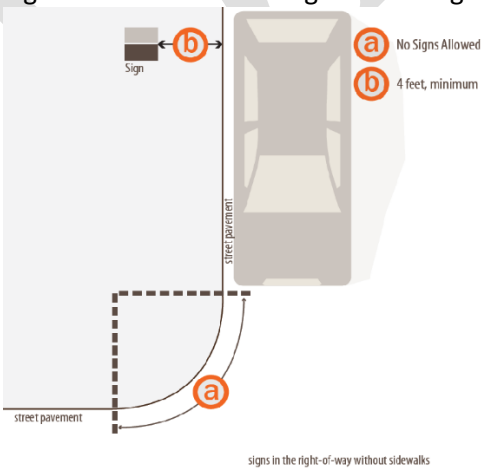
3. Placement standards.
   a. Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas). The sign may not obstruct pedestrian or ADA access from the sidewalk to transit stop areas, designated ADA accessible parking spaces, ADA accessible ramps or building exits including fire escapes. Signs may not impede or hinder the vision of drivers or bicyclists. The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices.
   b. For signs placed within the right-of-way with an adjacent sidewalk:
      i. The sign shall be placed within six (6) inches of the face of the curb.
      ii. Four (4) feet of clearance width shall be retained on the sidewalk.

      Figure 15.28.100.A.3.b: Signs in the Right-of-Way with an Adjacent Sidewalk



   c. For signs placed in the right-of-way without an adjacent sidewalk:
      i. The sign shall be located outside of any street pavement and may not be located closer than four (4) feet from the travel lane, turning lane, shoulder, parking lane or bicycle lane.

      Figure 15.28.100.A.3.c: Signs in the Right-of-Way without an Adjacent Sidewalk



signs in the right-of-way without sidewalks

DRAFT

    d. Signs placed in the right-of-way shall remain portable and shall not be attached or anchored in any manner to trees or public property including, but not limited to utility or light poles, parking meters, traffic control signs, the ground, or pavement.
  4. Hours of Sign Placement.
    a. For signs not within residential zoning designations: Signs may be within the right-of-way between the hours of 9:00 a.m. and 10:00 p.m.
    b. Signs within residential zoning designations may be displayed on Thursday, Friday, Saturday, and Sunday between 12:00 p.m. and 8:00 p.m. daily; and from 6:00 a.m. to 1:00 p.m. on Tuesday.
  5. Approval of the adjacent property owner is required.

B. Cross Street Banners. Temporary banners which extend over a roadway shall be permitted in the right-of-way upon issuance of a permit in accordance with the following standards:
  1. Location.
    a. A single, two-sided cross street banner at ODOT facilities at Highway 99E/Pedestrian Bridge; and
    b. A single, one-sided cross street banner at PGE power poles #412 and #413 on Molalla Avenue at Beverly Drive.
  2. Cross street banners shall comply with the requirements contained in the most recently adopted Signs in the Right-of-Way Policy.

C. Banners on Street Light Poles. Temporary banners on street light poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the following standards:
  1. Location. The City has identified four zones to allow banners on street light poles. These zones are:
    a. 7th Street from Center Street to Polk Street;
    b. Downtown Corridor; Main from 99E to 14th;
    c. Molalla Avenue from Holmes Lane to Willamette Street; and
    d. Washington Street from 14th Street to Cascade Hwy.
  2. Banners shall comply with the requirements contained in the most recently adopted Signs in the Right-of-Way Policy.

D. Who May Place the Sign.
  1. Permits are approved on a first-come, first-served basis.

E. Right-of-Way Sign Permit Process
  1. Signs on the Ground. An annual permit is required for signs on the ground within the right-of-way. An approval sticker shall be placed on each sign within the right-of-way to easily distinguish the approved signs.
  2. Cross Street Banner. A permit is required each time a cross street banner is installed.
  3. Banners on Light Posts. A permit is required each time a banner on a light post is installed.
  4. The City Commission shall establish permit fees for signs located within the right-of-way.
  5. The applicant shall provide a Certificate of Insurance for general liability in an amount set forth in the most recently adopted Signs in the Right-of-Way Policy. The applicant's insurance policy shall name the City of Oregon City, its officers, agents, and employees, as additional insureds for the sign placement and include any other facility owners if applicable, e.g., State of Oregon (ODOT) and PGE.
  6. Applicant shall comply with and obtain any permits issued by any other applicable agency.

F. Removal of signs within the Right-of-Way.
  1. Existing signs that do not comply with these standards or that have not obtained a valid permit may be removed.

DRAFT

2. The City Engineer may require signs to be modified, moved or removed if streets are widened or other improvements are made in the right-of-way that result in conditions where the sign placement will not comply with the above standards. The modification, moving or removing will be at the owner's expense.

15.28.110 Prohibited signs.

It is unlawful for the following signs to be constructed or maintained except as otherwise provided in this chapter:

A. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed views of traffic control signs or devices or approaching or merging traffic or does not comply with chapters 10.32 or 8.08 of the Oregon City Municipal Code;
B. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts which move or rotate or change more than three (3) times per day, except as otherwise allowed within this code;
C. A sign with lighting that is not effectively shielded to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, unless the lighting is of such low intensity or brilliance that it does not cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operations thereof;
D. A sign located upon a tree, or painted or drawn upon a natural feature;
E. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;
F. Any sign with a display area larger than twelve (12) square feet, six (6) square feet per sign face on an undeveloped lot or parcel of property;
G. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;
H. Attention flags;
I. A-frame signs with a display area larger than twelve (12) square feet, six (6) square feet per sign face or taller than three (3) feet;
J. Air blown signs;
K. Billboards;
L. Signs on fences or fencing;
M. Banners unless otherwise allowed by this chapter;
N. Abandoned signs;
O. Signs that emit any sound, vibration, or smell; and
P. Flags larger than 1 square foot for each lineal foot in height of the flag pole or structure to which the flag is affixed. The size of the flag may not exceed 60 square feet.

15.28.120 Nonconforming signs.

The following standards apply to all nonconforming signs:

A. Signs that were lawfully constructed and otherwise lawfully existing but no longer comply with this code are allowed to remain until removed. Nothing in this section shall be deemed to prevent the maintenance of any sign, or changes of sign copy on a sign.
B. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
C. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this chapter.
D. A nonconforming sign (including the sign structure, foundation and supports) that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement

cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter. Whenever repairs and restoration of a damaged nonconforming sign are not started within ninety days of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.

E. Abandoned signs shall not be deemed nonconforming signs. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign maintained in violation of this provision shall be considered abandoned and will be removed as provided in this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided in this chapter. Any nonconforming sign that is determined to be an abandoned sign shall be removed as provided in this chapter.

15.28.130 Variances.

A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:
1. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
2. That the request is the minimum variance that would alleviate the hardship;
3. Granting the variance will equal or exceed the purpose of the regulation to be modified;
4. Any impacts resulting from the adjustment are mitigated;
5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the City Commission and on file with the City Recorder.

C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

15.28.140 Maintenance.

All signs, together with all supporting structures, shall be well maintained and kept in a good state of repair. Without limiting the foregoing, all sign owners shall comply with the following maintenance:

A. Shall keep signs and supporting structures free from rust, dirt, debris, and chipped, cracked or peeling paint.
B. Shall remove hanging, dangling, and cracked portions from all signs and supporting structures.
C. Shall repair frayed parts on all signs and supporting structures.
D. Shall replace defective lighting on all signs and supporting structures.
E. Shall remove graffiti and unauthorized stickers from all signs and supporting structures.

15.28.150 Violation—penalty.

In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, 1.24.

15.28.160 Conflict and severability.
In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the City, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, term or word is declared invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

DRAFT

City of Oregon City

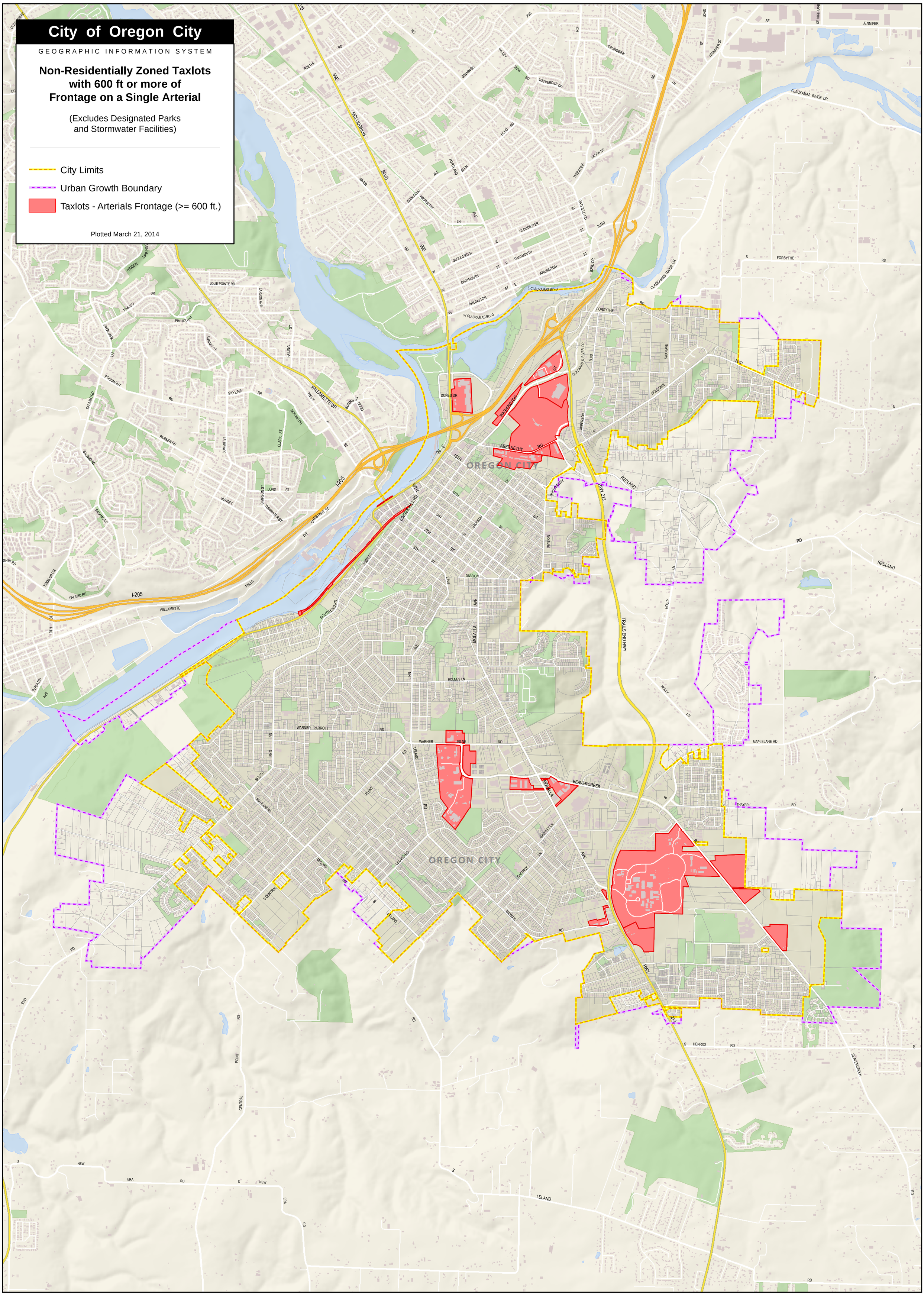
GEOGRAPHIC INFORMATION SYSTEM

Non-Residentially Zoned Taxlots with 600 ft or more of Frontage on a Single Arterial

(Excludes Designated Parks and Stormwater Facilities)

- City Limits
- Urban Growth Boundary
- Taxlots - Arterials Frontage (>= 600 ft.)

Plotted March 21, 2014



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.

Please recycle with colored office grade paper.

N W E S

0 0.5 1 1.5 2 Miles

0 2,000 4,000 6,000 8,000 10,000 Feet

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City
Oregon 97045
Phone: 503-657-0891
Fax: 503-657-6629
www.ci.oregon-city.or.us

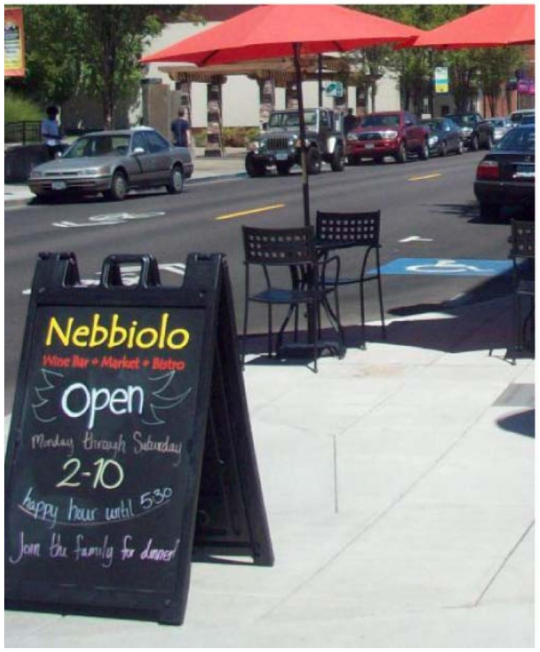
OREGON CITY

Plot date: March 21, 2013
Map: Taxlot Road Frontage - 600 ft - Zoning Exclusions - 24x36P.mxd
Plot: Taxlot Road Frontage - 600 ft - Zoning Exclusions - 24x36P - 20140321.pdf

Exhibit 4: On File









Oregon City Sign Code Update
Public Process Final Report

February 2014

Prepared by

enviroissues

EXECUTIVE SUMMARY

After nearly 20 years without a significant change, Oregon City is updating sign regulations to better meet the needs of Oregon City residents and businesses now and into the future. Oregon City has partnered with the community to review and rewrite our local sign regulations. The goal of the sign code update has been to review and rewrite the Oregon City sign code so that the standards that are safe, clear, fair and are broadly supported by the community. A comprehensive public process has resulted in a community discussion and recommendations to city staff for revisions to the sign code. The results of the community engagement process will be used the guide Oregon City Planning Division staff in developing draft code for adoption through the legislative processes of the Planning Commission and City Commission. The City's sign regulations include standards such as size, number, location and duration of signs allowed. This final report describes the process by which members of the public were informed and engaged in the code update process and a summary of the public comments received, as well as positions expressed and recommendations agreed to by the Community Advisory Team (CAT).

The current sign code, under Oregon City Municipal Code Chapter 15.28, serves to balance the vital functions of businesses, civic organizations and residents. Although the City has changed significantly over the past 20 years, the current sign regulations have essentially remained unchanged during that time period. The existing sign standards are largely clear and objective, however, the code can be at times conflicting, limiting or unclear. Examples where the need for updates is evident include temporary signage, addressing emerging sign technologies, and providing more nuanced standards for specific areas and uses. Active enforcement of the existing sign code also remains a challenge. Revising the sign code offers the opportunity for citizens and stakeholders to advise how the sign code should change to best meet the needs of Oregon City.

Project team members include Oregon City Planning Division staff, with consultant support from EnviroIssues and Urbsworks. The sign code update process utilized a variety of public information materials, meetings and opportunities to comment. Available informational materials included a project website (www.OC SignCode.org), factsheet, press release and periodic email updates. Community briefings were held for neighborhood associations and other civic groups. A community open house was held which allowed continued involvement by interested citizens as the CAT worked to develop the recommendations to Planning Division staff. Written comments were accepted throughout the process through a variety of means and shared online and with CAT members.

SECTION 1: PUBLIC PROCESS

The goal of the community engagement process has been to create community-backed recommendations, well informed by current conditions and best practices. The community process includes three phases: early engagement, recommendations and adoption.

Goals for the early engagement phase, from July to October 2013, included obtaining early feedback from key stakeholders to understand their interests and use that information to refine engagement plans, outreach techniques and decision-making processes. During this stage the project team informed stakeholders and the public about the sign code update process, including its purpose, goals, schedule, opportunities to provide comment and how public input would fit into the City's overall public and legislative process. The project team informed Oregon City residents and stakeholders about the sign code update process and gathered initial feedback with the project website www.OCSignCode.org and at a series of seventeen community briefings. Early feedback was used to design the subsequent public process.

The recommendations phase, from September to December 2013, included the establishment of a Community Advisory Team (CAT) to discuss priority topics identified in the first phase of the project and form recommendations for updating the sign code. CAT members were recruited through early engagement activities to represent a diversity of Oregon City community interests and positions were appointed by the mayor. The CAT met four times to discuss the issues and preferences for an updated sign code, which were refined through an iterative process and distilled into a series of recommendations, positions and additional comments on relevant issues. A community open house was held during this phase to share interim CAT results and gather additional public input. These comments were complied within this report to act as a recommendation for the sign code update. A community open house was held in conjunction with the third CAT meeting to share interim work and gather additional public input.

The adoption phase of the project, beginning in February 2014 and projected to run through June 2014, will involve the creation and consideration of staff recommendations by the Planning Division staff, based on public comments and recommendations developed through the CAT process. Staff will submit their draft code recommendation to the Planning Commission and City Commission for consideration through the Legislative process. The legislative adoption schedule includes public work sessions and hearings of the Planning Commission and City Commission, which includes additional public input opportunities.

Public information materials, meetings and opportunities to comment

A variety of tools were used to inform and welcome constructive and well-informed involvement in the project on the part of citizens, businesses and civic organizations.

The **project website** (www.OCSignCode.org) incorporated the project purpose and background information, current sign regulations, project schedule, a survey of policy options, project news, information and documents for upcoming and past meetings, a web comment form, a sign up sheet to receive project emails, and contact information for the project team. The project website was continually updated throughout the project.

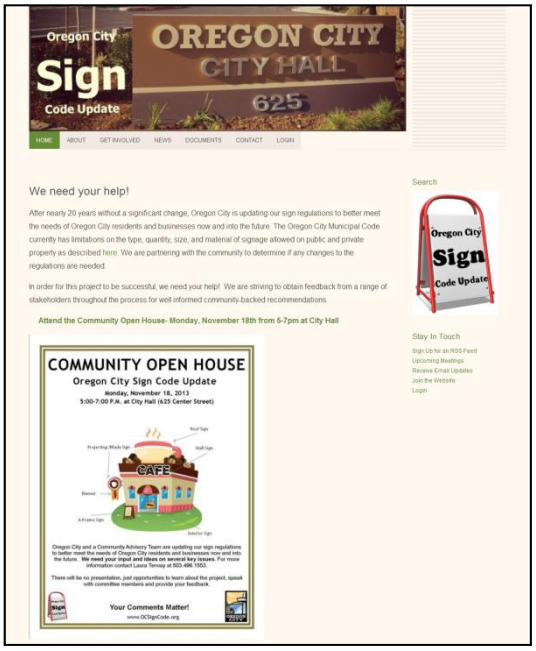


Figure 1: Project website: wwwOCSignCode.org

The **project fact sheet** described the project purpose, schedule, types of signs regulated under the code and how to learn more, provide comments or ask questions of the project team. The fact sheet was distributed via the project website, community briefings, and the open house.

A **press release** which described the project purpose, highlighted the project website and announced the community open house, was published on the City's website and distributed to media contacts.

Community briefings were given by Planning Division staff and consultants during the early engagement phase of the project to inform community groups about the project and opportunities for their involvement and to gather initial feedback and suggestions. Seventeen (17) community briefings were

held between July and October 2013 at Oregon City neighborhood associations, other organizations and committees.

Community briefings

Organization	Briefing date
Hillendale Neighborhood Association	July 2, 2013
Barclay Hills Neighborhood Association	July 9, 2013
Chamber of Commerce, Government and Economic Affairs Committee	July 9, 2013
Hazel Grove/Westling Farms Neighborhood Association	July 18, 2013
Planning Commission	July 22, 2013
Caufield Neighborhood Association	July 23, 2013
Two Rivers Neighborhood Association	July 24, 2013
Gaffney Lane Neighborhood Association	August 1, 2013
Citizen Involvement Council	August 5, 2013
Natural Resources Committee	August 14, 2013
Main Street Oregon City Downtown Discussions	August 15, 2013
South End Neighborhood Association	August 15, 2013
Park Place Neighborhood Association Steering Committee	August 19, 2013
Historic Review Board	August 27, 2013
McLoughlin Neighborhood Association	September 5, 2013
Traffic Advisory Committee	September 17, 2013
Park Place Neighborhood Association	October 21, 2013

An **email contact list** was compiled and is used to communicate project updates and events. Interested people were able to provide an email address on the project website to receive opportunities to comment on the project and information about the CAT meetings and the community open house. The email list will be used to send additional updates through the adoption phase of the project.



Figure 2: Attendees participated in a policy question exercise at the community open house

A **community open house** has held in conjunction with CAT meeting #3 on November 18, 2013. It provided an opportunity for the public to gather information and provide input to the public process. Goals of the open house were to inform members of the public not previously aware of the purpose and need for the sign code update, to provide updates to previously engaged members of the public, and to provide opportunity for the public to interact with CAT members and receive public comments. Meeting displays included information on the sign code update process and schedule, a summary of the existing sign code and highlights of potential changes under consideration by the CAT. Additionally, a number of policy questions were presented in the format of a voting exercise where participants were asked to indicate their position and to provide additional written feedback.

A variety of opportunities for members of the public to provide **written comments** have been available and will continue throughout the duration of the project. Staff email addresses were provided through

all outreach methods and the project website included a form for capturing comments. CAT members were invited to provide additional written comments which were compiled by staff and posted on the project website. Comment forms were available at the community open house. All comments received were compiled by staff, posted periodically on the project website and shared with participants at CAT meetings. Comments received by the City are included in Appendix B.

Community Advisory Team process

A Community Advisory Team (CAT) was convened by the Mayor and charged with advising City Planning Division staff on sign code revisions and related policies and procedures. The CAT was comprised of 11 positions to represent the following stakeholder categories:

- (2 position) City Residents, at large
- (2 positions) Development / Business, at large
- (1 position) Chamber of Commerce
- (1 position) Sign Company / Manufacturer / Advocate
- (1 position) Main Street Oregon City
- (1 position) Institution (Faith-based organization / School)
- (2 positions) Neighborhood Association/ Citizen Involvement Council
- (1 position) Planning Commission

CAT members were recruited through a variety of avenues. Planning staff recruited for the CAT membership at organizational briefings during the early engagement phase, directly contacted community organizations, such as all neighborhood associations and all city groups. A notice was sent through the Oregon City Chamber of Commerce and Main Street Oregon City email lists to engage local businesses. Staff also provided an invitation to serve on the CAT to sign companies that submitted sign permits in the previous year. General notification was provided through the City newsletter, Oregon City and project websites, social media accounts and the project website.

A charter and work plan to guide the CAT process were developed by staff and agreed to by CAT members at their first meeting. The charter was designed to provide a clear and mutually agreeable statement of the roles and responsibilities of CAT members and Oregon City staff to guide the work and conduct of the team in an open and transparent process. It identified the way in which the team was to operate, including decision-making processes, meeting conduct and communication. The CAT work plan outlined the expected outcomes of the CAT process as well as objectives and anticipated discussion topics for each of the CAT meetings. Four CAT meetings were held between September and December, 2013 and involved the following general agenda items:

- Meeting #1 (September 16, 2013): project introduction and background, legal framework, existing sign code and conditions, early community engagement
- Meeting #2 (October 14, 2013): sign code revision scenarios by zone group, review of draft code concept
- Meeting #3 (November 18, 2013): education and enforcement, review of revised draft code concept, draft CAT recommendation
- Meeting #4 (December 9, 2013): review of revised draft code concept and CAT recommendations to staff

Agenda topics and exercises were selected to meet the purpose of each session as the CAT moved from gathering information to sharing ideas and making recommendations. At the first CAT meeting, the group approved a charter, was updated on the key issues which staff identified through early community engagement and provided additional comments on the range of issues members thought the sign code update should address. Each subsequent meetings included a report of the comments received since the previous meeting.

Figure 3: Community Advisory Team (CAT) meeting



A draft concept of changes to the existing code, organized by zone groups, was developed by staff based on earlier feedback. This draft code concept served as an ongoing aid to discussing and refining suggestions and CAT recommendations.

Draft meeting minutes were provided for CAT members' review. Final meeting minutes, materials and other related products were posted to the project website throughout the process for review by interested parties. At the final CAT meeting, members were provided an overview of the legislative approval process and invited to make public testimony at Planning Commission and City Commission hearings. CAT members were also invited to provide any additional comments for inclusion in development of the draft code recommendation by planning staff.

CAT meeting materials and meeting minutes are included in Appendix A.

SECTION 2: SUMMARY OF PUBLIC COMMENTS AND CAT RECOMMENDATIONS

A diversity of comments were captured throughout the early engagement and recommendation phases of the project. Deliberation by the CAT resulted in additional comments and a series of recommendations.

Comments are summarized by topic, led by topics for which the CAT developed recommendations. Recommendations are categorized as follows:

- **Consensus recommendations** are those which the CAT supported unanimously.
- **Majority recommendations** are those for which there was not unanimous support, but where a majority of CAT members agreed. Minority opinions are noted for the record.
- **Split positions** are those for which there was no clear recommendation from the CAT. These issues are marked by an even-split of opinion, a split of option across more than two positions, or a slight majority in-favor from the CAT, but an opposing majority from the public.

Review of existing code standards by the CAT also yielded specific suggestions that were explored through several refinements of a draft code concept. CAT suggestions and public comments related to these standards are organized against the major sections of this evolving document. Sections include three zone groupings, consistent with the existing sign code reflecting similar characteristics and current and allowed land uses: 1) residential zones, 2) conditional uses in residential zones and 3) office,

commercial and industrial zones. Additional sections of the code concept explored prohibited signage and definitions.

The collective feedback gathered by the public process to-date is summarized below. All recommendations and comments were made with the expectation that legal and procedural considerations will be integrated into the staff recommendations to the Planning Commission and City Commission, to the extent practicable.

Consensus recommendations

CAT members were unanimous in their support for code recommendations for enforcement of the sign code, murals and signs owned and operated by the government. A summary these recommendations and related comments are below.

Enforcement of the sign code

Enforcement of the sign code was commented on by participants in early outreach and by CAT members. The City does not currently enforce the sign code unless there is a public danger, due to resource constraints. This issue was explored in a focused discussion with CAT members at their Nov. 18 meeting, supported by a background briefing paper on enforcement issues.

Community comments:

- Community resources including trained volunteers should be used to aid enforcement of the sign code.
- An inventory of signs should be taken to aid enforcement.
- Fines and/or fees should help fund enforcement activities.

CAT member comments included positions similar to those heard from the community and had **consensus support** for the code recommendation for the City to take a number of steps to improve future sign code enforcement, including:

- increase sign code education through print and online guidance and other technical assistance
- increase funding to allow for additional staff with specific enforcement responsibilities
- identify opportunities to leverage partnerships, expertise and other resources that improve the cost-effectiveness of these measures
- consider a more focused education campaign and a high level of enforcement to coincide with the rollout of a new sign code

Murals

Murals are not separately defined and considered wall signs under the current sign code. Community members commented that murals should be considered separately from wall signs. Other jurisdictions within the region have code that supports murals as public art, with subjective review by an arts commission or murals are exempted from the sign code if they meet the public art standard. In other cases, murals are allowed as a large painted wall sign with additional standards that include restrictions on the exchange of compensation to better align with their intended application.

CAT member comments included:

- The duration for murals should be tied to the expected life-span of materials used.
- The city should permit murals apart from wall signs.

- The need for content neutral standards should be considered when developing review criteria for murals.

The CAT **unanimously recommended** the City should permit murals everywhere a business is allowed.

Signs owned and operated by the government

CAT members provided the following comments concerning signs owned and operated by the government:

- Signs owned and operated by the government should be subject to the same size and height limits as other signs.
- There should be a clear definition of what is a government sign to distinguish sign uses funded by government grants through other organizations and signs directly owned by the government.
- There are government signs needed for public safety needs along roadways. These signs are exempt from the sign code.
- CAT members expressed differing positions on whether government agencies should be subject to fees.
- A definition of signs owned and operated by the government should be included in the code.

The CAT **unanimously recommended** that signs owned and operated by the government should be subject to the code.

Majority Recommendations

A majority of CAT members approved of recommendations for the sign code in regard to signs in the right-of-way, banners, non-conforming signs, existing billboards and the definition of a sign. CAT members and other community comments are summarized below along with the majority recommendation and any minority opinions.

Signs in the right-of-way

Signs in the right-of-way are not allowed under the current sign code. CAT members considered concept code language that would permit A-frame signs placed on the sidewalk or parking strip.

Community comments:

- A-frame signs should be allowed in the sign code.
- A permit sticker should be required for A-frames to aid enforcement.
- The number of A-frames allowed should be limited to reduce clutter.
- A-frame signs may be a liability issue.

CAT members provided additional comments on signs in the right-of-way, including:

- A-frames serve a legitimate purpose for advertising businesses and events.
- Regulations should ensure signs in the right-of-way do not block the space near the curb where people enter and leave parked vehicles and placement should allow for the passage of pedestrians.
- Signs should be located adjacent to the buildings.

A **majority of CAT members agreed** signs of limited quantity and size should be allowed in the right-of-way in all zones around the City, provided they do not block access or present a hazard.

Minority opinions:

- Additional signs in the right-of way should be allowed in residential and mixed-use zones to allow for advertising real estate open houses without permit in addition to home occupations.

- Signs in the right-of-way should be allocated by tenant space or entrance rather than frontage so each business may have at least one sign.
- Regulation of dimensions for signs in the right-of-way should be consistent with commercially available A-frame signs.

Banners

Banners are not permitted under the existing sign code. Community members provided the following comments:

- There are too many banners, creating a cluttered effect.
- The number of banners should be limited in total along with ancillary signs to reduce clutter.
- Some banners should be allowed, but their use should be limited.
- Banners deteriorate over time and become unattractive.
- Banners which cross the street and on street lights should be allowed.
- Banners should not be allowed in historic districts.

CAT members provided the following, additional comments on banners:

- A limit to the duration and frequency for which banners may be up should be set as those which are left up for too long begin deteriorating and are unattractive.
- Too many banners create a cluttered effect.
- Banners serve as an important means for advertising groups and events.
- Banners should be limited to a display period of 30 days, twice per year.
- Display for 30 days, twice per year is too restrictive.

A **majority of CAT members agreed** banners should be allowed on non-residential zoned property or for approved conditional uses within a residential zoning designation, with a permit.

Non-conforming signs

The current code requires that non-conforming signs be removed, however the City does not currently take action against non-conforming signs unless there is a public danger, due to resource constraints. Community members expressed a range of opinions about requirements for non-conforming signs under an updated sign code including both the grandfathering of existing non-conforming signs (provided they were legally erected) and advocating for their removal.

CAT members provided additional comments including:

- Sign owners should be allowed to maintain existing, non-conforming signs.
- A threshold should be set on the amount of money which may be used to maintain existing, non-conforming signs.
- Non-conforming signs should not be allowed when a property changes hands.
- Signs which were not legal under the code at their time of construction should be required to be taken down by the property owner.
- Owners of existing signs which are no longer permitted under an updated sign code could bring a legal suit against the city for lost value if they were forced to take them down.
- The code should require that non-conforming signs are removed or brought into compliance within a certain timeframe.

A **slight majority of CAT members agreed** signs that were legally constructed but no longer comply with the new sign code should be allowed to remain until removed by owner.

Existing billboards

Oregon City has a limited number of billboards (16), which are currently prohibited in the sign code. All of the billboards are owned by a single entity. Community members provided a comment during the early engagement phase of the project that billboards should be removed.

A majority of CAT members agreed existing billboards should be allowed to remain until they are removed by their owner. CAT members expressed additional minority positions including:

- Existing billboards which are not along major roadways should not be allowed if new billboards will also be allowed.
- Billboard permits should be reviewed when they change hands.
- Billboards should remain prohibited.

Definition of a sign

A majority of CAT members agreed the sign definition included in the sign code should be updated to support all allowed and/or prohibited sign types determined through the update, as follows:

> *Any sign, display message, emblem, device, figure, painting, photograph, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.*

CAT members provided the following additional comments regarding the definition of a sign:

- The method for determining the extent of various signs and calculation of sign area, including discussion of when architectural features are considered a sign or part of a sign, should be included in the code.
- The definition should include wall carvings.
- A description of the term, "device" should be included in the code.

Split Issues

CAT members continued to hold split perspectives on several key topics including new billboards, ancillary signs and electronic message centers. Differing positions taken by CAT members as well as additional comments for these topics are summarized below.

New billboards

The idea of permitting new billboards was considered by CAT members and the public. Comments were received during the early engagement phase suggesting that no additional billboards should be permitted.

CAT members were split on the recommendation for new billboards. Some comments from CAT members suggested additional billboards should be permitted:

- State law sufficiently regulates billboards on state highways.
- Additional billboards might allow a greater diversity of parties to own billboard(s) in Oregon City.
- Billboards serve a legitimate public purpose of disseminating information and can be used for public service announcements.
- Evidence that billboards lower property values is not complete.

Two different positions were held, which are noted below along with additional comments.

- A limited number of new billboards should be allowed, only on properties with frontage along major roadways (properties adjacent to Interstate 205, Highway 213 and Highway 99E) except in residential zones. At the public open house, most participants in the voting exercise of policy options indicated that billboards should be permitted only along major roadways.
- Additional billboards should not be allowed. Additional comments from CAT members included:
    - Additional billboards may be too distracting for drivers.
    - Billboards have been shown to lower property values.

CAT members also shared comments related to Electronic Message Centers (EMCs), stating both that they should not be permitted along highways and that billboard-sized EMCs should be addressed separately from smaller EMCs. EMCs are discussed in greater detail separately in this report.

Ancillary signs

Ancillary signs include all signs, with or without a permit, other than freestanding, wall, roof, or projecting signs. They include temporary signs, banners, A-frames, flags and small signs. Through early engagement, some community members commented that the number of ancillary signs should continue to be limited. Others were interested in allowing greater numbers of political signs during elections. Additional comments stated that directional signage is helpful to businesses and should be allowed with permission from adjacent property owners.

CAT and community members indicated a desire to reduce clutter by limiting the number of signs allowed, but also recognized the utility of allowing for limited ancillary signs. Two different positions were held, which are noted below along with additional comments.

- Allow 1 or 2 ancillary signs on business properties, 1 or 2 ancillary sign on residential properties.
- A greater number and larger ancillary signs should be allowed.
    - Only allowing two signs is too limiting, especially for the needs of temporary real estate sales, political, and contractor advertisement signs. These signs tend to be self-regulating in nature.

Addition CAT comments included:

- The desire for political signs should be considered when determining how many ancillary signs to allow.
- Additional signs should be allowed in consideration of real estate sales where additional ancillary signs are still in use.
- Colonial Post real estate signs, which are typically 6 sq. ft. and utilized during the sale of property and should be allowed as one of the ancillary signage options on residential properties.
- The number of ancillary signs is self-enforcing as property owners will take down signs which are no longer needed.
- Additional signs should be allowed with a time-limit.
- Ancillary signs should be allocated by frontage rather than by property.

Electronic message centers

Electronic message centers, or EMCs, are LED-lit signs, typically supporting text, that allow owners to change information and messages. This type of sign is not allowed under the current sign code but may be permitted through a zoning variance. A comment received during early engagement was that signs which include flashing and motion should not be allowed. Participants in the community open house

most commonly indicated that EMCs should be required to go through a conditional use review to receive a permit.
Three different positions were held, which are noted below along with additional comments.

- EMCs should be allowed with conditional use approval in all zoning designations.
- EMCs should be allowed without conditional use approval in all zones, except for residential zones or the historic downtown district, where EMCs should not be allowed.
- EMCs should be allowed without conditional use approval in all zones, except for residential zones or the historic downtown district, where EMCs should be allowed with conditional use approval.

Additional CAT member comments included:

- Schools often want to communicate with parents and other community members with an electronic message center which is easy to change.
- Conditional use review may be too expensive for some potential sign applicants, like schools and churches, in residential zones.

Additional Topics

A number of topics were identified by the community through early engagement and by CAT members as needing to be addressed by an updated sign code, but were not discussed in enough detail to develop a consensus or majority recommendation. These topics included signs on fencing, signs on parked vehicles, signs carried by or attached to people and signs inside of windows. A brief description of each of these issues and the general direction received through the early engagement and recommendation phases are included below.

Signs on fencing

Signs on fencing was identified as a relevant topic for the sign code update. Both CAT members and open house attendees were closely split on preferences for signs co-located on fencing, with the CAT slightly in favor of allowing this use and public leaning toward a continued prohibition.

Community comments:

- Some small signs are appropriate, such as no smoking, private parking notices.

CAT members submitted comments regarding signs on fencing including:

- Signs on fences should be limited to a small size and generally temporary only.
- Banners on fences are a common occurrence and unsightly due to the durability of materials and poor mounting methods.
- Temporary signs on fences are useful for organizations wishing to communicate about events and other temporary uses.
- Signs on fences can relay important and helpful information. If regulated, signs on fences will need a clear definition.

Parked vehicles

Signs on parked vehicles, which have been perceived to sometimes circumvent sign regulations, was identified as a topic of interest for the updated sign code. Relevant community comments include:

- Signs attached to vehicles should be exempt if tied to normal operation of business.
- If regulated, code should differentiate between passenger vehicles and trucks and vans.
- In all cases, vehicles with signage should be operable.
- Sign on vehicles should be subject to square foot limitations for temporary signs.

A majority of participants in the policy options exercise at the community open house indicated parked vehicles should be prohibited from being used as signs and a minority indicated they should be allowed.

CAT members made comments including:

- The code would have to distinguish having a sticker on your car as opposed to making a car permanent signage.
- A vehicle with signage should not be allowed to park in the public right of way for more than 12 hours and three consecutive days.

Signs carried by/attached to people

Signs which are carried or attached to people was identified as a topic for the sign code update. These signs are not regulated under the current code and a legal review of potential prohibition of signs attached to or carried by a person determined that it would violate federal and state free speech protections.

Public and CAT comments included:

- Signs should be limited to no more than four square feet per face.
- Signs held by people should not be allowed because they are distracting to drivers.

Signs inside of windows

Signs inside of windows are primarily exempt from the current sign code. Public comments suggest divergent views on the topic of regulating these signs. A majority of participants in the policy question exercise at the community open house indicated that signs inside of windows should continue to be unregulated.

CAT members commented that signs inside of windows should be allowed to take up only 30% or 50% of the total window space; any larger window coverage is unsightly.

SECTION 3: REVIEW OF EXISTING SIGN CODE STANDARDS

Input on the existing sign code informed the development of a draft code concept by project staff, shared and refined with CAT input over the course of three of its four meetings. While the CAT did not recommend the draft code concept in whole, there was general agreement on its form and contents. The following summary will be used to inform Oregon City staff when the draft sign code is written. Topics are generally organized into categories following the framework of the document: signs in residential zones, signs for conditional uses in residential zones, and signs in office, commercial, and industrial zones; prohibited signage; and definitions.

Signs in residential zones

Signage in residential zones is limited in quantity, scale and location and primarily seasonal and temporary. Public comments and feedback from CAT members in regard to these areas directed proposed changes to the existing code which generally allow more flexibility in the placement of signs while balancing residential character, limiting the size of signs and avoiding a cluttered or commercial appearance. Allowing temporary signage for sales, events and political signage was also suggested by the CAT and differentiating standards for multi-family properties from non multi-family properties.

Wall signs
The current sign code regulates the size of wall signs in residential zones. In residential zones, CAT members and community members generally commented that more flexibility should be allowed for where wall signs may be placed on the exterior of buildings as well as differentiating signage size for multi-family and non multi-family properties.

Freestanding signs
Freestanding signs are permanent signs not attached to a structure. The allowed area of freestanding signs depends on property frontage in the current sign code. Comments received generally suggested limiting the size of free standing signs in residential zones, but allowing an additional number of signs.

Ancillary Signs
CAT and community members expressed a desire for a number of specific sign types in residential zones, allowed without a permit to allow for decoration, political expression and to advertise sales and other events. The CAT had a split decision on the number of ancillary signs allowed per property, but suggested increasing the size of temporary signage (which does not require a sign permit) from 4 square feet to 6.

Proposed changes to the exiting code for signs in residential zones.

- Delete OCMC 15.28.070.B.6 requiring that wall and freestanding signs will "be set back from the street as determined by the sign official, but not more than ten feet from the street right-of-way".
- Reduce the size of wall signs from 20 square feet to 12 square feet for properties in zones other than in the "R-2" Multifamily dwelling district.
- Allow portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.
- Reduce maximum wall sign length from 10 to 5 feet.
- Remove the maximum height requirement for wall signs.
- The maximum length for freestanding signs was reduced from 10 to 5 feet for residential zones other than the "R-2" Multi-family dwelling district.
- For residential zones other than the "R-2" Multi-family dwelling district, the number of freestanding signs was changed from one freestanding or wall sign for each property frontage (with a maximum of 3) to a maximum of one freestanding sign.
- For properties within the "R-2" Multi-family dwelling district, the number of freestanding signs was changed from one freestanding or wall sign for each property frontage (with a maximum of 3) to allow one wall and freestanding sign for each property frontage (with a maximum of 6).

Signs for conditional uses in residential zones
Conditional uses in residential zones are most commonly schools and churches, often with larger frontages. Community comments and comments from CAT members expressed a desire to allow signage needed to provide information concerning these uses in residential zones while limiting unwanted clutter from signs which are too large, numerous or out of character with residential use.

Wall signs
No significant changes to the wall signage for conditional use were proposed.

Freestanding signs

Proposed changes to the code follow a suggestion from CAT members to increase the height of freestanding signs to aide visibility.

Ancillary Signs
Some signs allowed without a permit for conditional uses in residential zones while respecting the predominate land use desired by the community. These include temporary signs, a single small sign and portable sign of limited size, among other examples which aid wayfinding and other information needs of conditional uses. Temporary banners were supported by a majority of the group. The CAT had a split decision on the number of ancillary signs allowed per property.

Proposed changes to the exiting code

- Increase the height of freestanding signs from 8-feet to 15-feet.
- Remove the maximum height requirement for wall signs.
- Allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

Signs in office, commercial and industrial zones

Office, commercial and industrial zones generally have greater need for communicating information through signage and less sensitivity to use of various materials and sign sizes compared to residential zones. CAT and community comments generally directed proposed changes to the existing code which allowed individual businesses advertise using a variety of signage while seeking to limit unsightly sign types and the number of signs, in some cases, to reduce visual clutter. Signs should generally be allowed in proportion to the property frontage, wall size, or tenant space and where multiple sign types are permitted, a total limit is used to allow for flexibility while preventing clutter.

Wall signs
CAT and community comments concerning wall signs in office, commercial and industrial zones generally reflected that signs should be allocated by tenant space (including a minimum amount guaranteed), and though the size of individual wall signs dimensions are not concerning if the total size of wall signs should be reduced and in proportion to the wall. The combined display surface area of wall signs and projecting signs to no larger than one square foot for each linear foot of the wall length of the tenant space on which the sign is erected.

Freestanding signs
Comments from the CAT and community members supported the continued use of freestanding signs in proportion to property frontage. CAT members commented that for some large frontages, additional freestanding signs are appropriate.

Incidental freestanding signs
The existing code allows for an additional “incidental sign,” either a wall sign or freestanding type, but is not easily visible within the code. The creation of an incidental freestanding sign replaces the incidental sign standards and provides an opportunity for menu boards and other information needs for commercial uses and wayfinding and directional signage for industrial uses. The CAT also suggested the ability to install a wall sign of the same size rather than install a incidental freestanding sign.

Roof signs
CAT members suggested that roof signs should be skirted so the supporting structure was not visible. The suggested code allows roof signs as an option, but in balance with other sign types (not allowed in

conjunction with a freestanding sign) to prevent a cluttered appearance and maintains standards that tie roof sign area to the size of property frontage.

Projecting signs
CAT members expressed a desire that projecting signs are permitted in the code and that in some cases, more be allowed. The CAT removed the minimum 20-foot spacing between projecting signs and suggested that projecting signs can be larger and of greater height. They created flexibility for businesses, by tying the total combined display surface area of wall signs and projecting signs to no larger than one square foot for each linear foot of the wall length of the tenant space on which the sign is erected.

Ancillary Signs
The CAT had a split decision on the number of ancillary signs allowed per property. The CAT suggested allowing banners outside of historic districts when placed on a wall.

Proposed changes to the existing code

- Wall signs are measured using the tenant space, and not using the entire building wall.
- The size of wall signs is unlimited so long as the total combined display surface area of wall signs and projecting signs is no larger than one square foot for each lineal foot of the wall length of the tenant space on which the sign is erected.
- Signs on other project structures such as awnings, canopies, false fronts and wall extensions which do not extend more than a foot are considered wall signs.
- Increase the number of freestanding signs from one per frontage to one per frontage or two for frontages with 600 lineal feet or more on arterial streets.
- Free-standing signs on the same premises but on different frontages shall be separated by 50 feet because some frontages may be long enough to allow more than one freestanding sign.
- Clarify that freestanding and roof signs may not project over public or public right-of-way.
- Change the number of roof signs from one per premises (if there is no projecting sign or free-standing sign along the frontage) to one per frontage (if there is no projecting sign or free-standing sign along the frontage).
- Remove the requirements for civil and structural engineers and fire marshal approvals.
- Change the height for roof signs was changed from a maximum of twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage (in no event shall any sign exceed thirty feet in height) to a vertical maximum of 10 feet.
- Skirting is required around the base of roof signs.
- Remove the 20 foot minimum distance between projecting signs.
- Increase the dimensions for projecting signs from a maximum size of 16 square feet per sign face, with total area of all faces not to exceed 32 square feet to a maximum of 24 square feet per sign face, with total area of all faces not to exceed 48 square feet. The maximum projection from a building wall was increased from 4 feet to 6 feet. Eliminate the maximum vertical dimension of a projecting sign.
- Clarify standards for signs on structures including clearance requirements of 8 feet.
- Clarify standards for incidental (wall or freestanding) signs. Reduce the size limitations from a maximum 16 square feet with a maximum sign face size of 8 square feet. Remove the maximum horizontal dimension of 20 feet. Reduce the maximum height from 25 feet above grade, plus 5 feet for each 200 feet, or portion thereof, frontage in excess of 200 feet (not to exceed 30 feet) to 15 feet.

- Allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.
- Allowing temporary banners to be attached to building walls outside of historic districts.

Prohibited signs

In response to CAT and community comments, the continued prohibition of certain sign types is suggested for the code update:

- A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed views of official traffic control signs or devices or approaching or merging traffic
- A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts, except as otherwise allowed within this code. This subsection does not apply to traffic control signs or devices
- A sign with lighting that is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, unless the lighting is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof
- A sign located upon a tree, or painted or drawn upon a natural feature
- A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape
- A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction over the right of way
- Any sign larger than four square feet on an undeveloped lot or parcel of property
- A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter

Proposed changes to the existing code

- Allow A-frame signs but continue to prohibit A-frame signs larger than 5 square feet per sign face or no taller than 32 inches.
- Prohibit attention flags
- Clarify air blown signs are not allowed.

Definitions

Through the recommendation phase of the sign code update project, CAT members and project staff identified a number of definitions in the current code which are recommended for update. Changes include removing definitions which are not applicable to current sign practices and zoning, adding definitions to compliment recommendations for specific sign types and modifying definitions where needed for clarity or to reflect legal considerations or community comments. The definition for "banner," for example, should be modified at the request of CAT members to distinguish banners from certain projecting signs. The definition for "obsolete sign" should be removed to maintain content-neutral review. A complete list of recommended changes to definitions is included in the code concept.

Other Items

The community and the CAT also suggested the following:

- Active education of the sign code regulations through various avenues including harnessing community partnerships.
- Active and sustaining enforcement of the sign regulations would not be exempt from the sign regulations on private property.
- Allow murals

- The government should be subject to the same sign regulations on private property as all other entities.
- Allowing signs within the public right-of-way in all zoning designations.
- Signs that were legally constructed but no longer comply with the new sign code (including billboards) should be allowed to remain until removed by owner.

Direction was not provided on a variety of items either because there was a split decision from the CAT or the CAT did not have sufficient time to address an issue.

CONCLUSION

The Oregon City Commission identified a process to consider sign code updates as a priority for 2014. Formal code updates will be proposed by city staff, considerate of the public process to-date, to be discussed by Planning and City Commissions, and the wider community, prior to adoption. The feedback and recommendations summarized in this report are meant to serve as a reference as the City proceeds through the code adoption process.

The Planning division conducted a comprehensive public process beginning in the summer to engage a wide range of interested community members. The process was informed by early outreach efforts, including several community briefings with neighbors and businesses, to gather feedback that could help shape the subsequent phases of the public process.

Ongoing public input shaped the focus of the update process through its recommendations phase. A Community Advisory Team was recruited to share their diverse perspectives and identify critical sign code updates. Thirteen members represented varied interests, including Oregon City neighborhoods, businesses, institutions and sign manufacturers. The group convened over four meetings to consider background information, options for updated standards and additional public input on topics of interest. The CAT deliberations resulted in several consensus and majority recommendations members felt would improve the city's current sign code. In the cases where CAT discussions did not result in strong recommendations, the dimensions of these topics and options considered in pursuit of agreement are well documented.

APPENDIX:

A. CAT meeting materials and meeting minutes
B. Comments received by the City

APPENDIX A:

CAT meeting materials and meeting minutes

Community Advisory Team Meeting #1
Minutes, Agenda and Materials

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Oregon City Sign Code Update
Community Advisory Team Meeting #1
Meeting Summary - DRAFT
September 16, 2013
5:00 – 8:00 pm
City Hall, 625 Center Street

	Community Advisory Team (CAT)	Oregon City staff and facilitation team
PARTICIPANTS	☑ Dan Dhruva (alternate for Sandi Burley) - Sign Company / Manufacture / Advocate ☑ Mark Evans - Institutional (Faith-based organization / School) ☑ Melissa Hayden - Development / Business ☑ Zach Henkin - Planning Commission ☑ Ed LaPlante - Chamber of Commerce ☑ Bob La Salle - Neighborhood Association/ Citizen Involvement Council ☑ Tom O'Brien - Neighborhood Association/ Citizen Involvement Council ☑ Kathleen Sinclair - City Resident ☑ John Southgate – Main Street Oregon City ☑ Amy Willhite - City Resident ☑ Daryl Winand - Development / Business	☑ Laura Terway, Planner ☑ Jennifer Bragar, City Attorney ☑ Ryan Orth, facilitator (EnviroIssues) ☑ Bridger Wineman, notetaker (EnviroIssues)
OTHERS PRESENT	• Kristine Herman, Clear Channel • Bob Mahoney, Oregon City Planning Commission • Tony Konkol, Community Development Director	
HANDOUTS	Agenda; CAT charter; CAT work plan; Oregon City Sign Code chapter 15.28, feedback form, summary of existing code and comments	

AGENDA TOPICS

WELCOME AND INTRODUCTIONS	LAURA TERWAY / RYAN ORTH
	Laura Terway, Oregon City planner, introduced herself as the City's project manager and welcomed attendees. Meeting participants introduced themselves, including City and facilitation team members and Community Advisory Team (CAT).

DRAFT

Project Purpose, CAT Process, and Code Amendment Process	LAURA TERWAY \ RYAN ORTH
	Laura and Ryan summarized the sign code update project purpose and public process. The purpose of the sign code update project is to review the Oregon City sign code and identify any changes that are recommended by community members. The City team presented a CAT process diagram showing project phases of early engagement, recommendations and adoption. City staff has gathered feedback from the community since July through a series of approximately 15 community briefings to consider in developing recommendations. Members reviewed the CAT work plan, outlining topics to be addressed through four CAT meetings between now and December 2013, with draft objectives and topics for each meeting. The objective for CAT meeting #1 is to provide background information and confirm the range of topics the group would like to address. The second meeting will focus on discussion of policy options and guiding principles for key topics. Later CAT meetings will include further discussion on elements of the desired code update. The CAT's overarching goal is to affirm a set of recommendations for City staff as they compile a draft code update for consideration by the Oregon City Planning Commission and City Commission. Laura described the formal code adoption processes. City staff will send a draft code update, informed by the CAT and related community conversations, to the Planning Commission. The Planning Commission can make changes and then recommend a package for the City Commission. The adoption processes will provide opportunity for additional public input. Staff will inform the CAT members of these future meetings and hearings and information will also be posted on the project website. The updated code would go into effect 30 days after adoption by the City Commission.
CAT Charter Review and Approval	RYAN ORTH
CAT charter	CAT members discussed their charter, outlining team responsibilities, roles and protocols. There are five ways committee members are asked to help with the sign code update process: • Provide feedback on policy options. • Bring ideas and creative knowledge. • Talk to people in the community who may be interested and bring their perspectives to the group. • Advise staff on their task to make a proposal through the adoption process. • Report to community members and associates the deliberations of this group. The committee will strive to reach consensus on principled recommendations for the sign code update. Staff will further develop recommendations from the CAT to a formal staff recommendation for consideration by the planning and city commissions. The facilitator's responsibility is to help organize a process where members are engaged and accomplish the goals set forth in the bullets above. CAT members discussed proposed ground rules for their meetings: • Openness – CAT members should provide their honest perspectives. Staff will provide information in an open manner.

- Mutual respect – Hear other opinions and listen to what others say.
- Orderly conversation – Let everyone share their perspective by having only one person speaking at a time. Please stay on topic.

Materials will be provided to CAT members at least one week in advance. There may be situations where additional materials will be provided at meetings or provided materials are in working draft. Staff will identify these materials in communications with the group. Staff will provide meeting summaries within approximately one week of each meeting for CAT member review. All meeting materials and summaries will be posted to the City's website ocsigncode.org.

CAT members approved the charter, work plan or ground rules.

Legal Considerations for Sign Regulations — JENNIFER BRAGAR

Jennifer Bragar, Deputy City Attorney, will advise the CAT and the City through the sign code update. Jennifer presented a general overview of applicable sign law, with the following key points:

- Local regulation, state and federal law may each regulate signs.
- Free speech is strongly protected by the Oregon Constitution. Sign regulations may not consider the content of the sign.
- Oregon state law protects the right to free speech on any subject whatever. Oregon law does not allow the distinction between commercial and other speech.
- Code that is either overly restrictive or vague may be deemed unconstitutional.
- The Federal Highway Beautification Act sets forth particular rules governing advertising on the federal highway system, only applies to highways and other right of ways, and has little applicability in Oregon City. State and local governments may restrict signs which are permitted under the federal law.
- State law does not allow restriction on advertising based on content, or with distinctions based on whether goods or services that are advertised are located on- or off-premises.
- State law (OMIA) governs signs visible to a traveler on state highways. The City can limit signs which are permitted under OMIA.
- The City can adopt reasonable time, place and manner restrictions which are content neutral.
- Content neutrality means the municipal sign code may only regulate certain characteristics of signs including dimensions, materials, special districts, number, duration and flashing. City code may not be able to regulate color because it could infringe on copyright and trademarks.
- On the subject of art images and signs, the City of Portland was used as an example. In the past the City of Portland tried to ban billboards but allow art murals. Portland has now abandoned that effort due to a court ruling and instead created a new part of the code specifically governing art murals. There are additional requirements for the size and maintenance of the art and that there is no compensation allowed for

	display of art murals. • Variances or adjustment criteria are permissible but must still remain content neutral. • The group should be careful to clearly state the goals of the code as a court may excise a portion of code or law deemed unconstitutional in consideration of the stated purpose.
Overview of Current Sign Code and Existing Conditions and Summary of Community Feedback	LAURA TERWAY \ RYAN ORTH
	Laura and Ryan provided a summary of the current conditions with a virtual tour of signs around Oregon City, coupled with a description of the current sign code and feedback to-date on a range of topics. CAT members asked questions and provided additional comments. A summary of presentation points and member comments by topic are provided, below. The following information is only a summary and does not constitute final recommendations of the CAT.
PERMITTING PROCESS	• The current sign code allows certain signs on private property but not signs, like A-frames, on public property. • The current sign permit process is largely over the counter. Historic districts may require additional review by staff or the Historic Review Board. A change in copy does not require a new sign permit. • A fee is charged for sign permits, and in some cases, building and electrical permits are needed as well. The permit and fee are valid for the life of the sign. • Variances are considered by the Planning Commission according to established criteria.
WALL SIGNS IN COMMERCIAL, OFFICE AND INDUSTRIAL ZONES	• Wall signs may be up to twice the length of the wall. • The number of signs on a wall is not regulated. • The City does not regulate the distribution of wall signs among tenants in a single building. • As the City is content neutral, murals are considered wall signs. • Suggestions from the community/staff include: o The size allowed is sufficient. o Distinguish permit signs by tenant space o Permit murals separately from wall signs
FREESTANDING SIGNS IN COMMERCIAL, OFFICE AND INDUSTRIAL ZONES	• Allowed area of freestanding signs depends on frontage. Multiple properties with the same owner can be considered as one. Other dimensional standards apply. • Suggestions from the community/staff include: o The number and size of freestanding signs is sufficient. o The CAT should consider defining which parts of a sign are considered part

	of its area for regulation purposes. ▪ Count the entire surface of the sign structure as part of the signage area, as good advertising would take advantage of the whole area of the sign, especially if it is a form which adds to a message. • CAT members identified several issues regarding free standing signs: o Legibility is not currently a consideration for defining what is considered a sign under the code. o Business owners should be left to decide details like the size of text. o The code should be clearer about the size of allowed signs. o Allow signs larger than those currently allowed. o Discussion of the City's role in educating business leaders on sign best practices for legibility. ▪ Educational materials should be made available at the planning desk. ▪ It may not be the City's role to educate the community. ▪ It is too late to educate property owners about the choice of sign type at the planning counter because sign design is usually too far along. o Free-standing signs are allowed per frontage instead of per driveway. The current area maximum for freestanding signs is confusing because it counts both sides of the sign. In some cases, larger free standing signs should be allowed and the required 50 feet spacing between signs may be unnecessary. o Ideally, a business park name should not be counted as part of the sign area when there are other tenants listed under it. But, because of content neutrality, the code cannot differentiate between differently purposed text. o Simplicity is important for sign effectiveness.
TEMPORARY SIGNS	• Only one temporary sign is allowed per frontage and its size is limited to 4 square feet. • Suggestions from the community/staff include: o The CAT may consider additional temporary signs during elections. o The CAT may consider additional temporary signage (for example, when a property is for sale) o Some properties around the City have too many temporary signs. • A CAT member commented that temporary signs often advertise vacant space. At larger business and industrial complexes there is probably always an empty space to advertise.
ROOF SIGNS IN COMMERCIAL, OFFICE AND INDUSTRIAL ZONES	• Roof signs are not very common in Oregon City. Roof signs and freestanding signs are not allowed together. Roof signs are structurally supported by the roof by definition. Other dimensional standards apply.

PROJECTING SIGNS IN COMMERCIAL, OFFICE AND INDUSTRIAL ZONES	• Projecting signs protrude more than a foot from a building but no more the four feet. They may not be more than 16 square feet. Other dimensional standards apply.They may not go to the edge of the sidewalk or impede walking or driving beneath. One is allowed per business per frontage so tenant space may be distinguished. • A CAT member commented that the 4 foot by 4 foot size limit should be reconsidered. It would be advantageous and visually appealing to allow greater heights.
INCIDENTAL SIGNS IN COMMERCIAL, OFFICE AND INDUSTRIAL ZONES	• One additional sign of limited size is allowed per property. This could be allowed as a second free standing sign. It is in a different part of the code which is not as well known. Signs under two square feet in area are allowed and may be used for directional signage in parking lots.
CONDITIONAL USES	• Conditional uses are allowed under certain conditions and go to the planning commission at a public hearing. • Sings for conditions are limited in size, may not be internally illuminated and are required to be constructed of primarily natural materials. Other dimensional standards apply. • A CAT member commented that schools often want communication with parents easily with an electronic message center which is easy to change. The size allowed is pretty short for people in cars to see. Laura responded there have been a fair amount of inquiries about electronic message signs for churches. The high school has a variance for an electronic sign.
RESIDENTIAL SIGNS	• Not more than one wall sign or free-standing sign to be visible from each frontage, and may not be more than 20 square feet. Other dimensional standards apply.

PROHIBITED SIGNS	• The list of signs not permitted was shown. Examples include rotating, revolving, flashing signs, banners, balloons and A-frames.
	• CAT members commented on electronic sign standards:
	  ○ The group should consider the number and magnitude of changes in the sign industry, like drive through restaurants with banners. Use of LED lighting could let them increase business and get rid of auxiliary signage. The same is true of multi tenant signs using digital displays. The CAT should anticipate where the industry is going with technological change when crafting the code update. There should be a allowance in the code for changing reader boards in a time frame which is less than the 24 hours currently allowed.
	  ○ Modernizing the sign code should include the use of LED. The federal standard is 8 seconds for rotation.
	• Laura responded that there is not currently a luminosity standard for lighting but it must not be a safety hazard for roadway users.
	• The CAT suggested that an A-frame may be appropriate on private property (and in the public right-of-way under certain circumstances, such as within multi-use neighborhoods (residential over commercial applications).

	• A suggestion from the community/staff regarding Banners include: ○ Banners should be considered in non historic areas for a temporary amount of time.
SIGNS NOT REQUIRING A PERMIT	• Signs not requiring a permit include indoor signs, those less than two square feet, those integrated into a building and those owned by a public agency. [There was also discussion about the exempt from permit allowed sign provided under Section 15.28.060(A). • Two flags are allowed per property without a permit. After two, each flag is considered a freestanding sign. A CAT member commented that there is a question of what is defined as a flag.

SIGNS IN THE RIGHT-OF-WAY	• There are no standards for signs within the right-of-way (land that is not private property). The sign code states that all signs in the right-of-way shall be approved by the City Engineer and there are dimensional standards, etc for the City Engineer to utilize. City staff specifically requests the CAT consider whether and how to create standards for signs in the right-of-way in this advisory process.
	• Suggestions from the community/staff include:
	  ○ The signage should not impede within the walkway too much. There must still be compliance with ADA standards,
	  ○ Require a yearly permit for A-frame signs and have the approval sticker on the permit.
	• CAT members provided their perspectives regarding signs within the right-of-way
	  ○ A-frames should be allowed for a temporary amount of time for open houses.
	  ○ A-frames should be permitted with a time constraint.
	  ▪ Suggestion to require the time is recorded when the A-frame is placed in the public right-of-way.
	  ○ A-frames in Portland and block the way for disabled people but Oregon City has businesses which are more spread out.
	  ▪ Laura responded that a distance of four feet is currently required for sidewalk clearance (ADA).
	  ○ Portland A-frames are regulated yearly, but in Oregon City, permits are for the life of the sign.
	  ○ The difference between commercial and residential use is important.
	  ▪ In some instances, churches may not have their own facilities and may still have advertizing needs for the time they are in session (for example when they meet at a school).
	  ▪ Distinguishing among times could help allow advertising for yard sales and churches.

ENFORCEMENT	• The City will enforce the sign code if there is a public danger. Illegal signs can be reported to the city and a list of violations is being compiled. The City can send a letter telling people to take down signs that violate the code. The City has not issued

	fines or gone to court recently. • The City would like a recommendation from the CAT that reflects the level of enforcement that would be amenable to the community. One of the City's goals is to create a sustainable sign enforcement program. • The CAT will also make recommendations about what to do with nonconforming signs. • CAT members provided comments regarding sign code enforcement: o Neighbors are concerned about moving and garage sale signs which remain up after the event has past. There are also real estate signs placed on prominent lots without permission. ▪ Laura said the CAT could talk about the duration for temporary signs to address this since because the City's regulations have to be content neutral. o Members discussed enforcement and grandfathering of existing out-of-compliance signs. Lake Oswego inventoried all the signs in their jurisdiction and wrote a new code which outlawed everything except for monument signs. o Signs are expensive and have a long life. The sign code should consider the investment made in signs when considering grandfathering. o The CAT could consider different rules for different land uses; commercial, residential and industrial. o Contractor signs are self-regulating and come down after a certain amount of time with the exception of "for lease" signs on commercial properties. Real estate signs are self policing as well and probably not a priority for enforcement. o Fees for signs should be used for enforcing the sign code and not for other government activities.
ADDITIONAL COMMENTS	• Suggestions from the community/staff include: o The feasibility of an annual renewal fee to help remove obsolete signs. o Topography and districts of the City are distinct, function differently and should be considered for distinct treatment under the code. • CAT members identified several topics for future discussion, including: o Yard sale and political signs which are not removed. o Sign maintenance requirements, as many older signs are not maintained. o Providing education about the regulations to help improve compliance. Members were encouraged to communicate any additional topics via email.
NEXT MEETING	The next CAT meeting is scheduled for Monday, October 14 from 6:00 to 8:00 PM.

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Agenda

Oregon City Sign Code Update
Community Advisory Team (CAT) Meeting #1
September 16, 2013, 5:00 – 8:00 pm
City Hall

1. Introductions
2. Project Purpose, CAT Process, and Code Amendment Process
3. CAT Charter Review and Approval
4. Legal Considerations for Sign Regulations
5. Overview of Current Sign Code and Existing Conditions and Summary of Community Feedback
6. Member Perspectives
   A. What concerns do you have about signage in Oregon City?
   B. Are there any specific changes to the code you suggest?

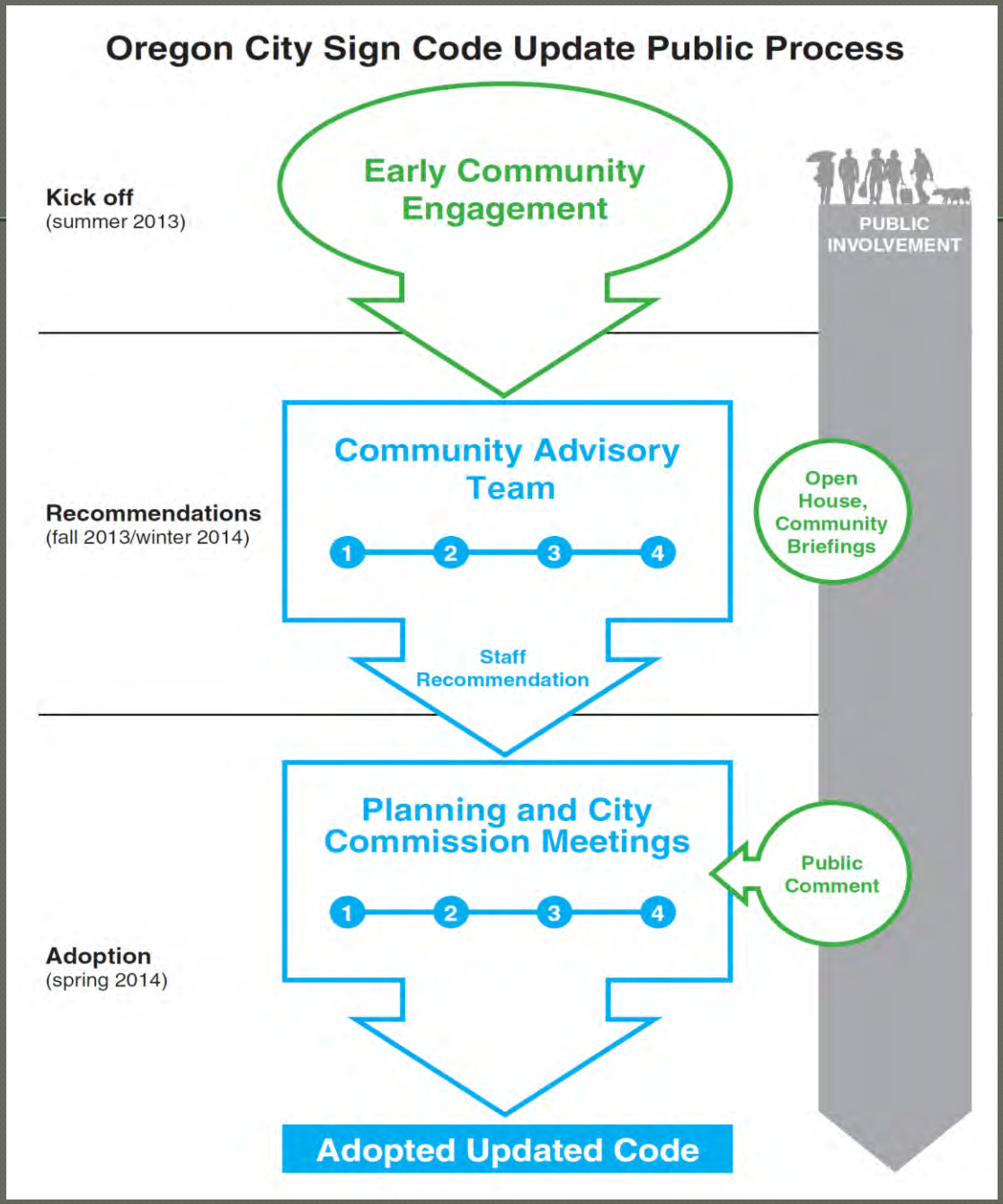
Next Meeting: October 14, 2013, 5:00 – 7:00 pm

Oregon City Sign Code Update
Community Advisory Team Meeting #1

Welcome

Agenda

- Introductions
- Project Purpose, CAT Process, and Code Amendment Process
- CAT Charter Review and Approval
- Legal Considerations for Sign Regulations
- Overview of Current Sign Code and Existing Conditions and Summary of Community Feedback
- Member Perspectives
  - What concerns do you have about signage in Oregon City?
  - Are there any specific changes to the code you suggest?


Oregon City Sign Code Update Public Process
Kick off
(summer 2013)
Early Community Engagement
PUBLIC INVOLVEMENT
Recommendations
(fall 2013/winter 2014)
Community Advisory Team
1
2
3
4
Open House, Community Briefings
Staff Recommendation
Planning and City Commission Meetings
1
2
3
4
Public Comment
Adoption
(spring 2014)
Adopted Updated Code

Work Plan

DRAFT September 9, 2013

Oregon City Sign Code Update
Community Advisory Team Work Plan

Desired outcomes
Community Advisory Team (CAT) members will advise City staff on updates to the Oregon City sign code. Staff will consider CAT recommendations and create proposed amendments to the sign code, incorporating CAT recommendations to the extent practicable.

By the end of its process, it is expected the CAT will have provided input on the following topics:

- Application and permit approval process
  - Discuss the current application process, submittal requirements and permit review.
  - Determine any desired changes to the process of submitting a sign permit application.
- Signage standards
  - Address a comprehensive range of sign types and those currently allowed and prohibited.
    - Projecting signs
    - Wall signs (including murals)
    - Canopy signs
    - Roof signs

Charter and Proptocols

Oregon City Sign Code Update
Community Advisory Team

DRAFT Team Charter and Protocols
Aug. 20, 2013

Preamble

The Oregon City Municipal Code currently places limitations on the type, quantity, size, and material of signage allowed on public and private property. In 1995 and 1999 the City enacted minor updates to the sign regulations; the City's sign regulations have not significantly changed in nearly 20 years. Improvements to the existing code will be considered in the form of updated policies, code language and definitions to better meet the needs of Oregon City residents and businesses now and in the future.

The Community Advisory Team (CAT) has been established to bring community dialogue into the planning process. The team will provide insights, observations and feedback on topics related to signage policy, including the sign application and permit approval process, sign types, design issues (such as sign size, illumination, height, location and timing), definitions, the use of special districts or corridors, etc.

Purpose of Charter

This charter is intended to provide a clear and mutually agreeable statement of the roles and responsibilities of CAT members and Oregon City staff. It also identifies the way in which the team will

Oregon City Sign Code Update
Community Advisory Team Meeting #1

Legal Considerations for Sign Regulations

Presenter: Jennifer Bragar
Deputy City Attorney

September 16, 2013

Federal, State, Local Hierarchy



Federal Law

United States Constitution

- First Amendment Right to Free Speech balanced against a local government's substantial interest in ameliorating aesthetic and visual clutter – such interests may justify a content-neutral prohibition on the limitation of signs. *Metromedia, Inc. v. City of San Diego* 453 US 490, 532-534 (1981).

- Consider whether regulations are specific enough to avoid constitutional claims for vagueness and overbreadth.



Federal Highway Beautification Act 23 USC 131

- Governs areas along interstate highways – very limited application.
- Regulates signs and displays visible from the main traveled way of the system and erected with the purpose of their message being read from such main traveled way.



Highway Beautification Act Continued

Allows:

- Directional and official notice signs – e.g. natural wonders;
- Signs advertising the sale or lease of property upon which they are located;
- Electronic signs advertising activities conducted on the property on which they are located;
- Landmark signs in existence on Oct. 22, 1965; and
- Availability of free coffee, even if a donation is requested.

State Law

Oregon Constitution – Broad protection of free speech.

Article I, section 8, provides, in part, that "[n]o law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever[.]"

Oregon Motorist Information Act (OMIA)

A person may not erect or maintain a sign visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway, unless the sign complies with the provisions of ORS 377.505 to 377.540 and 377.700 to 377.840, and the rules adopted pursuant thereto.



OMIA continued

ORS 377.723 requires an applicant for a sign permit along a state highway to submit an affidavit from the city that certifies the proposed sign would comply with all applicable ordinances, plans, rules and other requirements of the city.

OMIA continued

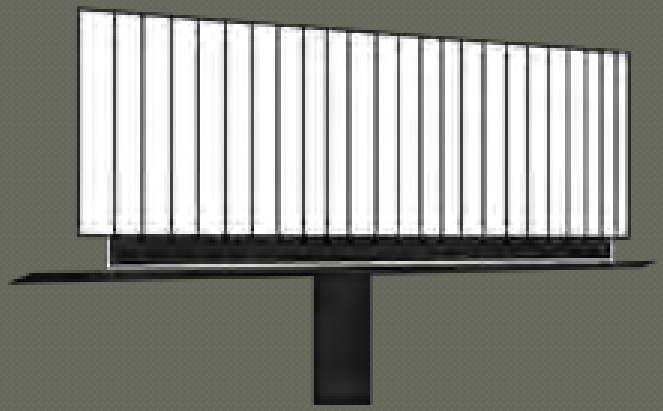
- State law imposes limitations on the form and size of signs for outdoor advertising along state highways under ORS 377.745.

- An outdoor advertising sign may not exceed:
  (a) A length of 48 feet;
  (b) A height, excluding foundation and supports, of 14 feet; or
  (c) A sign area of 825 square feet.

OMIA continued

- **Particular rules govern the determination of dimensions depending on the type of sign.**

- **The exception to the rules:**
  A nonconforming outdoor advertising sign in existence on May 30, 2007, may continue to exceed the size limitations established in this section until the sign is reconstructed or relocated, at which time the sign must comply with the size limitations shown on the previous slide.



Take Away

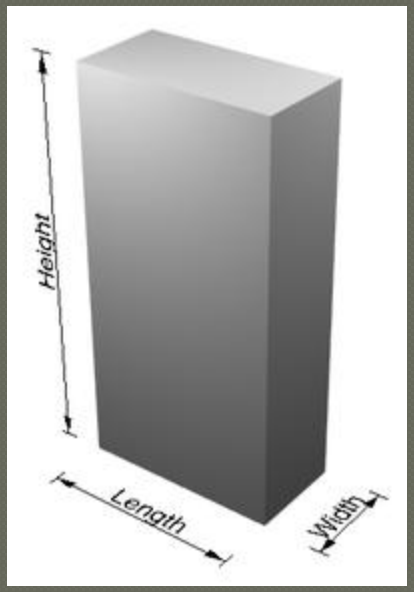
What kinds of regulations may the City adopt without running afoul of federal or state law?

Reasonable time, place, and manner restrictions that make no distinction between on or off premises and are:

CONTENT NEUTRAL

Types of Content Neutral Regulations

- Dimensions
- Materials
- Special Districts
- Number
- Duration
- Flashing



Additional Parameters

- Taking us full circle back to the First Amendment Protection:
  - content neutral time, place, or manner restrictions must directly advance a significant government interest to be constitutional.
- A city's interest in its appearance and the safety of the public are significant and well established.

Questions?

- The City Attorney will be present at all of the CAT meetings.
- Specific questions that arise after this meeting should be directed to staff who will forward pertinent inquiries to the City Attorney.

Oregon City Sign Code Update
Community Advisory Team Meeting #1

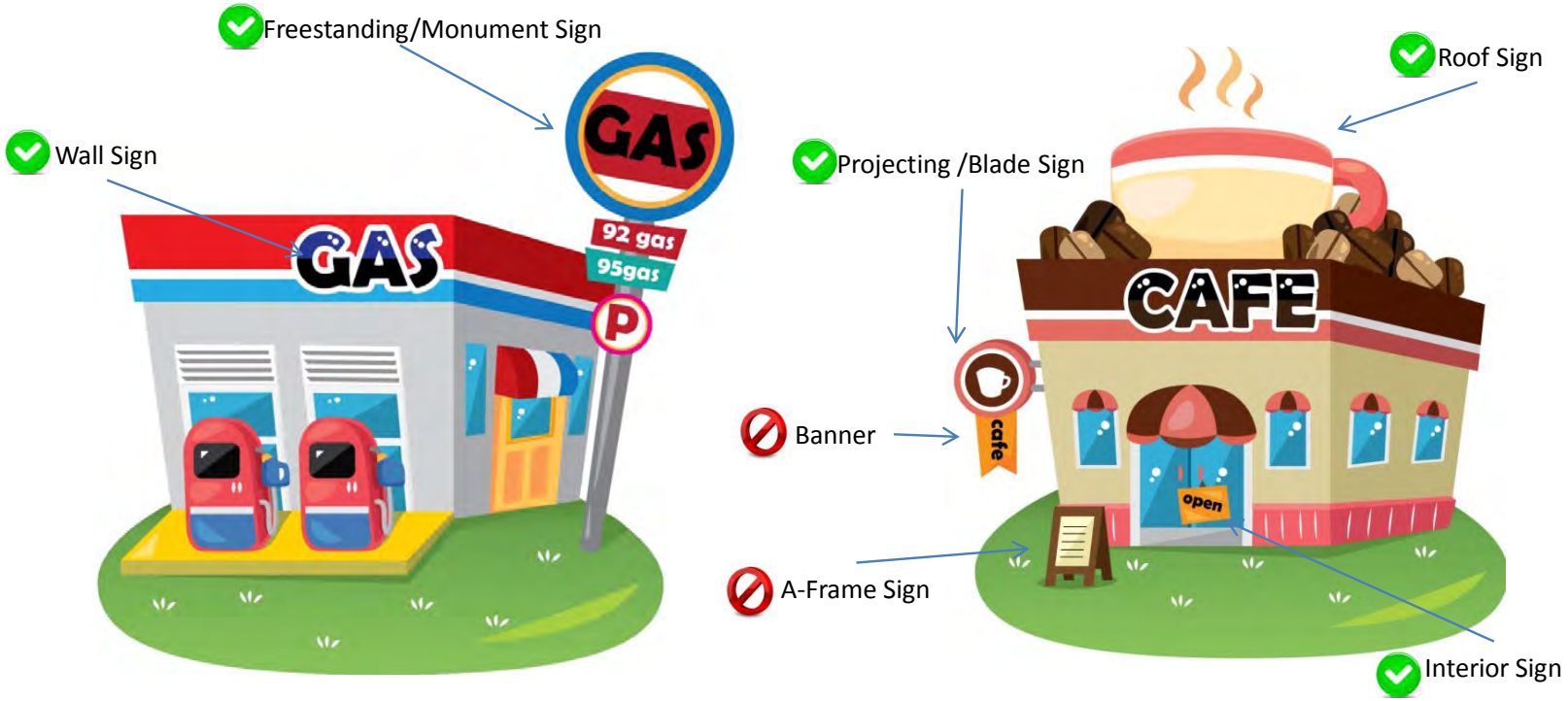
Signage Standards and
Existing Signage in Oregon City

September 16, 2013

The following images are for illustrative purposes.

Signs in Oregon City

Illustrations represent different sign types in commercial zones, including those that are currently allowed (✓) or prohibited (⊘) in Oregon City. The requirements for signs and sign types are identified in Chapter 15.28 of the Oregon City Municipal Code.



✓ Temporary, incidental, flag, signs carried by a person, not visible from the street, carved into a building, signs required by law.

⊘ Billboards, animated, on trees or fences, streamers, lights, balloons, pennants, prohibit movement, unmaintained, unsturdy, or large signs on undeveloped property.

For a complete list of allowed and prohibited signs see OCMC Chapter 15.28. This is for illustrative purposes only.

Permit Process



- A majority of sign permits are processed over-the-counter.
- Signs subject to the Historic Overlay District are approved by staff or the Historic Review Board.
- Variances are approved by the Planning Commission.

Definitions



Definitions



Definitions





Wall Signs in Office, Commercial & Industrial Districts



Wall Signs in Office, Commercial & Industrial Districts



Wall Signs in Office, Commercial & Industrial Districts



Wall Signs in Office, Commercial & Industrial Districts



Wall Signs in Office, Commercial & Industrial Districts



Wall Signs in Office, Commercial & Industrial Districts



Wall Signs in Office, Commercial & Industrial Districts



Wall Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Freestanding Signs in Office, Commercial & Industrial Districts



Roof Signs in Office, Commercial & Industrial Districts



Projecting Signs in Office, Commercial & Industrial Districts



Projecting Signs in Office, Commercial & Industrial Districts



Incidental Signs in Office, Commercial & Industrial Districts



Incidental Signs in Office, Commercial & Industrial Districts



Signs in Residential Districts



Signs in Residential Districts



Signs in Residential Districts



Signs for Conditional Uses in Residential Districts



Signs for Conditional Uses in Residential Districts



Signs not Requiring a Permit



Signs not Requiring a Permit



Signs not Requiring a Permit



Signs not Requiring a Permit



Signs not Requiring a Permit



Signs not Requiring a Permit



Prohibited Signage

- A-frame signs on private property
- Banners
- Flashing, rotating or revolving signs
- Billboards
- Signs on trees or fences
- Multiple temporary signs on a property

Enforcement of the Sign Code

- In this process we would like to identify the amount of enforcement the community desires.

Signs in the Right-of-Way (Street)



Signs in the Right-of-Way (Street)



Signs in the Right-of-Way (Street)



Signs in the Right-of-Way (Street)



Signs in the Right-of-Way (Street)



Signs in the Right-of-Way (Street)



Questions for the CAT

- What concerns do you have about signage in Oregon City?
- Are there any specific changes to the code you suggest?



About the Project

After nearly 20 years without a significant change, Oregon City is updating sign regulations to better meet the needs of Oregon City residents and businesses now and into the future.

The type, quantity, size, location, and material of signage can shape how you feel about a location. For example, if there are too many signs you may think of a street as cluttered. Conversely, a lack of signage may make it difficult to find your destination. The municipal sign code regulates signage on private property including:

- Sign types (freestanding, wall, A-frame, banner, etc.)
- Sign size and height
- Number of signs on private property
- Illumination and movement of signs
- Sign material

Please note the City will not consider regulations regarding the content of a sign because the City cannot legally do so. Impermissible content-based regulations include anything that focuses on the message of the sign such as "For Sale," or any social or political commentary. In order for this project to be successful, we need your help! We want to obtain feedback from a range of stakeholders throughout the process to help inform community-backed recommendations.

Project Schedule

During the summer of 2013, the project team will begin to gather the community's opinion regarding the sign code update and work with the Mayor to establish a Community Advisory Team (CAT).

In fall 2013, the CAT will review community feedback and technical research to develop sign code policy options. The options will be refined through CAT's meetings and shared online, at an open house and other community briefings. CAT members will make a recommendation to Oregon City staff, who will consider this and other public comments to identify a final draft of sign code amendments.

Draft sign code amendments developed by staff will be reviewed by the Planning Commission and City Commission at a series of public meetings. The review will include opportunities for written and in-person comment. The staff recommendation may be refined through the process before the Sign Code Update is adopted in summer 2014. This schedule is subject to change and will be updated, as necessary.

OREGON CITY



Signage can help shape the character of a city.

Get Involved

We need your help to update the City's sign regulations.

- Follow project updates at **OCSignCode.org**
- Attend a community briefing or open house meeting
- Apply for membership on the Sign Code Community Advisory Team **by August 16th**
- Submit comments online, by letter or email.

Stay Informed

Visit www.OCSignCode.org, or contact Laura Terway, Project Manager, at 503.496.1553 or lterway@orcity.org to discuss the project or provide comments.

Current Sign Regulations in Oregon City

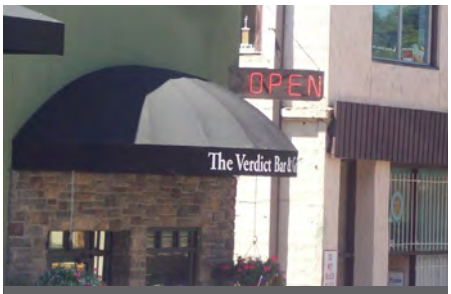


The Sign Code Update Project is an opportunity to partner with the community to determine if any changes to the regulations are needed.

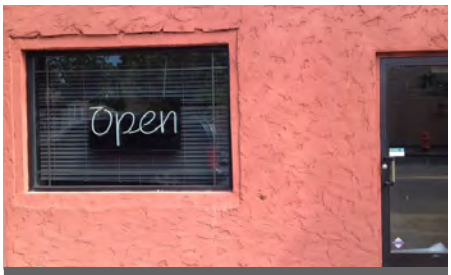
Images represent different sign types in commercial zones, including those that are currently allowed in Oregon City.

Prohibited signs include: A-frames, banners, billboards, animated, streamers, lights, balloons, pennants, unmaintained, unsturdy, large signs on undeveloped property or signs on trees or fences.

A complete list of allowed and prohibited signs are identified in Chapter 15.28 of the Oregon City Municipal Code.



Canopy Sign



Interior Sign



Temporary Sign



Freestanding Sign



Projecting Sign



Wall Sign



Oregon City Sign Code Update
FEEDBACK FORM



Oregon City needs your help to update the City's sign regulations. Though the City cannot legally regulate the content of a sign, the Oregon City Municipal Code currently has limitations on the type, quantity, size, and material of signage allowed on public and private property. The goal of the project is to have standards for signage which are safe, clear, and fair and supported by the community. The back side of this form includes examples of sign types allowed and prohibited under the current City Code. Please let us know your vision for allowed signage in Oregon City.

Name:_____

Email Address (To receive project updates):_____

Please share your thoughts on the kind of signage you would like to see or not see in Oregon City. *Please focus on the physical characteristics of signs (height, size, materials, number of signs, etc) and not the content of signage.*

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Learn more about the project at www.OCSignCode.org.

Please send your comments to lterway@orcity.org or mail to L. Terway, PO Box 3040, Oregon City, OR 97045.
Note that comments may be posted on the project website www.OCSignCode.org anonymously.

Signs in Oregon City

Illustrations represent different sign types in commercial zones, including those that are currently allowed (✓) or prohibited (⊘) in Oregon City. The requirements for signs and sign types are identified in Chapter 15.28 of the Oregon City Municipal Code.



✓ Temporary, incidental, flag, signs carried by a person, not visible from the street, carved into a building, signs required by law.

⊘ Billboards, animated, on trees or fences, streamers, lights, balloons, pennants, prohibit movement, unmaintained, unsturdy, or large signs on undeveloped property.

For a complete list of allowed and prohibited signs under the current code, see OCMC Chapter 15.28. This is for illustrative purposes only.

Chapter 15.28 SIGNS

Sections:

15.28.010 Purpose and scope.

15.28.020 Definitions.

15.28.030 Permit required.

15.28.040 Variances.

15.28.050 Prohibited signs.

15.28.060 Signs not requiring a permit.

15.28.070 Signs in residential zones.

15.28.075 Signs for listed conditional uses in residential zones.

15.28.080 Signs in office, commercial and industrial zones.

15.28.090 Nonconforming signs and their removal.

15.28.100 Conflict and severability.

15.28.110 Violation—Penalty.

15.28.010 Purpose and scope.

This chapter regulates the erection placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;
2. Maintain the effectiveness of traffic signs;
3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;
4. Maintain and enhance the scenic and other aesthetic qualities of the city.

B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this chapter, except for the following:

1. Signs not visible from either a public right-of-way or property of different ownership, provided such signs shall be erected and maintained in accordance with applicable law;
2. Signs owned and maintained by governmental agencies;
3. Signs lawfully erected in the public right-of-way in accordance with applicable state and local laws and regulations;
4. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property; and

5. Signs carved into or part of materials which are an integral part of a building.

(Ord. 94-1027 §1 (part), 1994)

15.28.020 Definitions.

For the purposes of this chapter:

"Abandoned sign" means a sign that does not have copy on the display surface for a period of six months or more, including an obsolete sign.

"Billboard" means a sign with a display surface area of three hundred square feet or more.

"Display surface area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"Erect" or "erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Free-standing sign" means a sign supported from the ground by its own structure.

"Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

"Frontage" means the continuous distance along one street right-of-way line of one premises, provided such street is improved for public travel.

"Grade" means the level of the nearest sidewalk or road pavement.

"Incidental sign" means a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.

"Maintain," "maintained" or "maintaining" means activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.

"Natural materials" means wood, stone, brick and rock or any combination thereof.

"Obsolete sign" means a sign that calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.

"Premises" means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.

"Projecting sign" means a sign projecting more than one foot from the wall of a building.

"Roof sign" means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.

"Sign face" means the total of display surface area visible from one side of a sign.

"Sign official" is the person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

"Temporary sign" means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.

"Traffic control sign or device" means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the city of Oregon City, the state or federal governments.

"Wall" means a masonry structure.

"Wall sign" means a sign erected on a wall.

(Ord. 94-1027 §1 (part), 1994)

15.28.030 Permit required.

A. Permit Required. No sign shall be erected or maintained except as provided by this chapter and a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter and signs existing on the date of adoption of the ordinance codified in this chapter which shall be subject to subsection D of this section.

B. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application for it to be processed by the city. The amount of the fee shall be proportionate to the value of the sign proposed and shall be calculated according to a permit fee schedule adopted by resolution of the city commission.

The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with city code, and the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action be taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within ninety days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

C. Appeals. Any person aggrieved by a decision of the sign official may appeal the decision to the planning commission. Any such appeal shall be in writing and be received by the city recorder no later than ten days after the date the challenged is final. The appropriate appeal fee established by resolution of the city commission shall accompany the appeal. Proceedings before the planning commission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to city commission review of planning commission decisions involving conditional use permits.

D. Permits for Signs Existing on the Effective Date of These Regulations. Signs existing on the effective date of these regulations shall also be required to obtain a permit within one hundred twenty days of the date these regulations become effective. No fee shall be charged for such permit and the sign official shall, within sixty days of the effective date of these regulations, give written notice of the requirement for permits and shall provide permit forms on request. Any such existing sign for which a permit has not been obtained within one hundred twenty days of the effective date of these regulations shall be deemed an unlawful use.

(Ord. 94-1027 §1 (part), 1994)

15.28.040 Variances.

A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control;
2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;
3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and
4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.

C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

(Ord. 94-1027 §1 (part), 1994)

15.28.050 Prohibited signs.

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this chapter:

A. Billboards;

B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic;

C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to traffic control signs or devices;

D. A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof;

E. A sign located upon a tree, or painted or drawn upon a natural feature;

F. An obsolete sign;

G. Portable signs, A-frame signs, sandwich boards, tent signs, streamers, strings of lights, balloons, hulas, banners or pennants, excepting traditional holiday decorations; and except as provided in Section 15.28.010(B);

H. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;

I. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction;

J. A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard;

K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair;

L. Any sign larger than four square feet on an undeveloped lot or parcel of property;

M. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;

N. Signs on fences or fencing.

(Ord. 94-1027 §1 (part), 1994)

15.28.060 Signs not requiring a permit.

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this chapter and are not illuminated;

A. One temporary sign per street frontage of property under a single ownership provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;

B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;

C. A single sign where the display surface area does not exceed two square feet;

D. Window signs situated on the indoor-side of a window or door;

E. Flags, limited to two per premises;

F. Signs attached to, or carried by, a person;

G. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.

(Ord. 94-1027 §1 (part), 1994)

15.28.070 Signs in residential zones.

A. Signs Allowed. In the R-10, R-8, R-6, RC-4, R-6/MH and RA-2 zoning districts, the following signs are allowed:

1. All signs allowed without permit as provided by this chapter so long as the requirements of this subsection are met;

2. Permitted signs so long as a permit is first obtained as required by this chapter, and the requirements of this subsection are met.

B. Display Requirements. All signs in the residential zones listed in this section must comply with the following requirements:

1. Not more than one wall sign or free-standing sign to be visible from each frontage, with no more than three frontages. Wall signs shall be measured by the outer limits of the lettering, illustration or other display;

2. Maximum twenty square feet of area per sign face;

3. Not to exceed ten feet in length;

4. Five feet maximum height above grade;

5. Primarily constructed of natural materials;

6. Sign shall be setback from the street as determined by the sign official, but not more than ten feet from the street right-of-way;

7. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

(Ord. 94-1027 §1 (part), 1994)

15.28.075 Signs for listed conditional uses in residential zones.

A. For conditional uses in residential zones, a sign that meets the following standards shall be allowed provided a permit is first obtained as required by this chapter:

1. One wall sign per frontage is allowed. Additionally, one free-standing sign per conditional use is allowed;
2. Maximum thirty-two square feet of area per sign face;
3. Not to exceed ten feet in length;
4. Eight feet maximum height above grade;
5. Primarily constructed of natural materials or similar products, such as wood, stone, brick or metal;
6. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

(Ord. 05-1002, 2005)

15.28.080 Signs in office, commercial and industrial zones.

A. Signs Allowed. In the LOC, LO, NC, HC, LC, C, CBD, M-1 and M-2 zoning districts, the following signs are allowed:

1. All signs allowed without permit as provided by this chapter, so long as the requirements of this subsection are met;
2. Wall signs, so long as a permit is first obtained as required by this chapter and the display surface area is no larger than two square feet for each lineal foot of the wall on which the sign is erected;
3. Free-standing signs, so long as a permit is first obtained as required by this chapter and the following standards are met:
    a. Number. One free-standing sign shall be permitted for each street frontage of a premises, provided minimum subdivision lot frontage of thirty feet is met. No free-standing sign shall be permitted on the same frontage where there is a projecting or roof sign. Free-standing signs on the same premises but on different frontages shall be separated by a minimum of fifty feet distance.
    b. Area. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet.
    c. Projection. Free-standing signs shall not project over a public right-of-way.

d. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.

e. Horizontal Dimension. The greatest horizontal dimension shall not exceed twenty feet for any free-standing sign.

f. Height. The height of any free-standing sign shall not exceed twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage. In no event shall any sign exceed thirty feet in height.

The following table summarizes free-standing sign area and height limits:

Street Frontage *(in feet)*	Maximum Display Surface Area *(square feet)*	Maximum Area of Any One Sign Face *(square feet)*	Maximum Height *(in feet)*
Up to 50	50	25	25
50—200	100	50	25
201+	101—300	51—150	30

4. Roof Signs. Roof signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:

   a. Number. Maximum one roof sign is permitted for each premises, and shall be permitted instead of a projecting sign or free-standing sign.

   b. Area, projection, clearance, horizontal dimension and height shall be within the limits set for free-standing signs. Stamped approval of a licensed civil or structural engineer may be required due to stresses put on the building. No roof sign shall be erected without approval of the fire marshal after a finding that the size, type and location of the sign will not substantially interfere with fire fighting;

5. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:

   a. Number. One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a free-standing or roof sign.

   b. Area. Sign area shall not exceed sixteen square feet per sign face, with total area of all faces not to exceed thirty-two square feet.

   c. Projection. Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line.

   d. Vertical dimension. The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support.

e. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.

f. Separation. The minimum distance from another projecting sign shall be twenty feet in the same horizontal plane.

g. Projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building code official, may extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet;

6. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained as required by this chapter, is allowed. An incidental sign may be a free-standing or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed thirty-two square feet, and no sign face shall exceed sixteen square feet.

(Ord. 94-1027 §1 (part), 1994)

15.28.090 Nonconforming signs and their removal.

A. Signs lawfully erected and maintained as of the date of the adoption of this chapter, but which do not meet the requirements of this chapter, shall be regarded as nonconforming signs which shall be lawful if a permit for the same is obtained under Section 15.28.030 and may be continued for a period not to exceed ten years from the date of adoption of this chapter for the purpose of amortization of investment. Relief from this provision may be sought from the planning commission by following the procedures of Section 15.28.040 for a longer amortization period, upon a showing that the applicant requires a longer period in which to amortize its investment in the sign in question. In the case of an application for a longer amortization period for an alleged nonconforming billboard, the applicant must prove, at a minimum, that the sign structure cannot reasonably be used for a sign with an area smaller than three hundred square feet.

B. Signs located on premises annexed into the city after the effective date of the ordinance codified in this section and which signs do not comply with the provisions of the ordinance codified in this section, shall be brought into compliance with the ordinance codified in this section within a period of time not to exceed six months after the effective date of annexation; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in subsection A of this section.

C. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in Section 15.28.040

D. All existing signs or portions thereof prohibited in Section 15.28.050, except subsection A, shall be removed or altered to comply within six months from the date of adoption of this chapter.

E. Within one year from the date of adoption of this chapter, the sign official or an authorized representative may inspect any sign regulated hereunder. The sign official shall have right of reasonable entry onto private premises to enforce the provisions of this chapter. After inspection, a notice shall be issued to the owner of the sign or property that lists the signs and identifies those signs which, in the opinion of the sign official, need repair or modification to bring them into compliance with this chapter and those which are in violation of the provisions of this chapter and must be removed, including the expiration of the grace period for the particular sign. The sign official

may repeat such on-site inspections, with reasonable notice, from time to time as deemed necessary to enforce the provisions of this chapter.

F. Any sign regulated under this chapter found to be in violation of this chapter shall be deemed a nuisance. Violation of the provisions of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapters 1.16 and 1.20

(Ord. 94-1027 §1 (part), 1994)

15.28.100 Conflict and severability.

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

(Ord. 94-1027 §1 (part), 1994)

15.28.110 Violation—Penalty.

In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, 1.24.

(Ord. 99-1004 §27, 1999: Ord. 94-1027 §1 (part), 1994)

Topic	Summary of existing code	Summary of issues and comments from City Staff and the Public
Code administration		
Application and Permit Issuance	The applicability of the sign code is addressed in OCMC 15.28.010. Permit application process is addressed in OCMC 15.28.030 and 15.28.040. A majority of sign permit applications are approved over-the-counter without a waiting period. Signs subject to compliance with the Historic Overlay District are approved by staff or the Historic Review Board. Signs are not reviewed in conjunction with the Site Plan and Design Review process.	• The City has a policy that a change of copy does not require a sign permit.
Variance	Per OCMC 15.28.040, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist: 1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control; 2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity; 3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and 4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.	
Definitions	The existing code includes supporting definitions, included in OCMC 15.28.020.	• Suggestion to review definitions so they are content neutral (such as the definition of incidental sign or obsolete sign). • Suggestion to review the definition of a sign.
Enforcement	OCMC 15.28.090 addresses nonconforming signs and their removal.	• The City will seek to achieve the level of enforcement desired from the public. • Broad desire for active code enforcement has been expressed. • Suggestion for use of fines to fund code enforcement, rather than fees. • Both complaint-based and active City enforcement has been suggested. • Some policy has been suggested for “grandfathering” of existing signs. • Suggestion for the use of trained volunteers to enforce code so that it is more community-driven and cost-effective. • Suggestion to have a permit sticker would then be posted on the front of temporary signs which includes a removal date.
Fees	Sign permit fees are calculated using a base fee as well as charging a portion of the construction cost. Fees for Sign Variances are provided.	• The City typically does not ask for verification of the construction cost. • It is not well explained that the sign permit fee is a one-time fee and is good for the life of a sign. • Suggestion to reduce fees. • Suggestion to require a low-cost, yearly renewable sign permit. • Significant changes to sign code could be expensive for businesses to comply with. • A suggestion to adopt a cheaper fee for temporary signs.

Special Districts	The current sign code refers to outdated zones. For example, only 3 of the 9 zoning designations referenced in 15.28.080.A are used by the City as current zoning designations. The sign code was never updated when the zoning designations were changed in 2004.	• The zoning designations referenced in the sign code should be updated.
		• There has been general support for context-based standards. Areas identified for unique treatment include:
		  ○ Commercial areas (shopping centers versus other commercial settings)
		  ○ Downtown
		  ○ Corridors

Topic	Summary of existing code	Summary of issues and comments from City Staff and the Public
Signage Standards		
Wall Signs in Office, Commercial and Industrial Zones	Per OCMC 15.28.080.A.2, buildings are allowed twice the length of the wall for total signage on the wall.	• The City has not experienced many requests for signs larger than permitted. • When there is a multi-tenant building, it is often difficult for the applicant to figure out the total square footage of existing signage. The City has heard suggestions from the public to change the code so the size is calculated based on the tenant space. • There has been some desire to allow murals which exceed the maximum size for wall signs. This would have to be content neutral.
Freestanding Signs in Office, Commercial and Industrial Zones	Allowable freestanding sign heights and display area are identified in OCMC 15.28.080. One freestanding sign is allowed per frontage and the size is based upon the length of the frontage.	• The City has not experienced many requests for signs larger than permitted. • Multiple tax lots under the same ownership have been considered as one larger lot for purposes of allowing larger freestanding signs. • The code does not currently define how we calculate the boundaries of a sign. The lettering is generally used. This may not be appropriate for all signs. • Suggestion to review the 50' spacing requirement.
Roof Signs in Office, Commercial and Industrial Zones	Per OCMC 15.28.080.A.4, one roof sign is allowed for each premises, in place of a free standing or projecting sign. Area, projection, clearance, horizontal dimension and height shall be within the limits set for free-standing signs.	
Projecting (Blade) Signs in Office, Commercial and Industrial Zones	Per OCMC 15.28.080.A.5. a. Number. One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a free-standing or roof sign. b. Area. Sign area shall not exceed sixteen square feet per sign face, with total area of all faces not to exceed thirty-two square feet. c. Projection. Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line. d. Vertical dimension. The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support. e. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access. f. Separation. The minimum distance from another projecting sign shall be twenty feet in the same horizontal plane. g. Projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building code official, may extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet;	• The projection limitations may be problematic when a building is adjacent to the front property line, such as downtown. • Suggestion to consider printing on an awning as a wall sign and not a projecting sign. • Suggestion to review the 20' spacing requirement. • Suggestion to review the 10' clearance over pedestrian or vehicular areas and 14' over areas of truck access. • The projecting signs on project structures section appears to be contradictory.
Incidental Signs in Office, Commercial and Industrial Zones	OCMC 15.28.080.A.6 provides for one additional freestanding or wall sign per premises. The sign must meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed thirty-two square feet, and no sign face shall exceed sixteen square feet.	• This section is not easy for the public to find. • Suggestion to review the number of free-standing signage allowed within large shopping centers and for drive thru facilities. • Suggestion to remove this section and add provisions for one additional freestanding sign or a larger wall area for signage.

Topic	Summary of existing code	Summary of issues and comments from City Staff and the Public
Signs in Residential Zones	OCMC 15.28.070.B identifies the display requirements as: Display Requirements. All signs in the residential zones listed in this section must comply with the following requirements: 1. Not more than one wall sign or free-standing sign to be visible from each frontage, with no more than three frontages. Wall signs shall be measured by the outer limits of the lettering, illustration or other display; 2. Maximum twenty square feet of area per sign face; 3. Not to exceed ten feet in length; 4. Five feet maximum height above grade; 5. Primarily constructed of natural materials; 6. Sign shall be setback from the street as determined by the sign official, but not more than ten feet from the street right-of-way; 7. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.	• The code provides a single set of dimensional standards despite the type of sign (wall, freestanding, roof, etc).
Signs for Conditional Uses in Residential Zones	OCMC 15.28.075.A identifies the display requirements as: 1. One wall sign per frontage is allowed. Additionally, one free-standing sign per conditional use is allowed; 2. Maximum thirty-two square feet of area per sign face; 3. Not to exceed ten feet in length; 4. Eight feet maximum height above grade; 5. Primarily constructed of natural materials or similar products, such as wood, stone, brick or metal; 6. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.	• Requests to allow LED signs for uses within this category such as churches and schools.
Signs Not Requiring a Permit	15.28.010 and 15.28.060 provide for signs not requiring a permit, including: • One temporary sign per street frontage (no more than two faces not exceeding four square feet in area each). • Signs carved or integrated into a building (not including painted signs) • A single sign where the display surface area does not exceed two square feet • Window signs situated on the indoor-side of a window or door • Flags, limited to two per premises • Signs attached to, or carried by, a person • Signs required by law • Signs not visible from the street or another property • Signs owned/maintained by government agencies	• Requests to regulate interior/window signs, while others suggest this type of sign remain exempt. • Suggestion to not allow handheld signs, while others suggest this type of sign remain exempt. • Suggestion to have a time limit on temporary signs. A Dislike for “clutter” caused by signs that aren’t taken down in a timely manner was expressed. • Suggestion to allow a greater number and size of political signs during election season.

Topic	Summary of existing code	Summary of issues and comments from City Staff and the Public
Prohibited Signage	Prohibited signs are identified in OCMC 15.28.050 including: A. Billboards; B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic; C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. D. A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof; E. A sign located upon a tree, or painted or drawn upon a natural feature; F. An obsolete sign; G. Portable signs, A-frame signs, sandwich boards, tent signs, streamers, strings of lights, balloons, hulas, banners or pennants, excepting traditional holiday decorations; H. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape; I. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction; J. A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard; K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair; L. Any sign larger than four square feet on an undeveloped lot or parcel of property; M. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter; N. Signs on fences or fencing.	• Comments include desire to remove exiting billboards or not allow new billboards. • Concern was expressed about the legality of signage used for advertising real estate, including freestanding sign posts and framed signs, and event signage (open house A-frames and directional signs). • Comments reiterate the need to keep signs from interfering with traffic operations. • Moving/Changing signs were identified as distracting by the public. Suggestion to clarify the amount of time needed before a message may change. The City has a policy that it allows electronic signs, provided the text does not change more than once a day. • "Undeveloped" is not currently defined in code. • Signs not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazards cannot be easily measured and an alternative test was suggested. • Suggestions to allow A-frame signage on property, while others suggest maintaining the prohibition on these signs. Some feedback states that there are too many A-frame signs, still others support A-frames in commercial areas (one per business) with a permit. • Many comments have been received that there are too many banners in the City and they are on display too long. Suggestions to allow banners with a permit for a specified amount of time (such as 30 days, 4 times a year) as they are important to businesses. Suggestion to not allow banners in historic districts.

Signs in the Right-of-Way (Street)	Signs within the pubic right-of-way are currently not regulated in our sign code (15.28.010.B.3). They are regulated by the City Engineer. There are no written standards stating when signage should be allowed in the public right-of-way.	• There is a desire by the City residents, and businesses to create standards for signs within the right-of-way, provided:
		  ○ Signs don't obstruct the sidewalk for pedestrians
		  ○ There are uniform standards
		• It was suggested signs should not be allowed on barricades or railings
		• It was suggested the City allow street light banners and banners that extend across the street.
		• Concern was expressed that A-frame signage in the public right-of-way is important to direct customers to businesses and important to downtown.

Other	The sign code regulates the number, size, placement and materials of signs in residential and commercial areas under OCMC 15.28.070, 15.28.075, and 15.28.080.	• Sign qualities are inconsistent. • There is a balance to be struck between signs that are funky and cool, others are annoying. • Too many signs (both in commercial areas and temporary signage in the public right-of-way) create clutter. • Signs should be well maintained. • Request signs that are readable and colors that are easy to see. • Urban renewal Main Street grants produced signs that are not tacky. • We need dark sky-friendly lighting. • Historical markers should be consistent. • Do not like how Lake Oswego required all monument signs. • There are too many flags around the City.

Community Advisory Team Meeting #2
Minutes, Agenda and Materials

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Oregon City Sign Code Update
Community Advisory Team Meeting #2
Meeting Summary
October 14, 2013
5:00 – 7:00 pm
City Hall, 625 Center Street

	Community Advisory Team (CAT)	Oregon City staff and facilitation team
PARTICIPANTS	☑ Sandi Burley - Sign Company / Manufacture / Advocate ☑ Mark Evans - Institutional (Faith-based organization / School) ☑ Melissa Hayden - Development / Business ☑ Zach Henkin - Planning Commission ☑ Ed LaPlante - Chamber of Commerce ☑ Bob La Salle - Neighborhood Association/ Citizen Involvement Council ☑ Bob Mahoney (alternate for Tom O'Brien) - Neighborhood Association/ Citizen Involvement Council ☑ Kathleen Sinclair - City Resident ☑ Jonathon Stone (replacing John Southgate) – Main Street Oregon City ☑ Amy Willhite - City Resident ☑ Daryl Winand - Development / Business	☑ Laura Terway, Planner ☑ Jennifer Bragar, Assistant City Attorney ☑ Ryan Orth, facilitator (EnviroIssues) ☑ Bridger Wineman, notetaker (EnviroIssues)
OTHERS PRESENT	• Bob Cochran, Clackamas Community College • Kristine Herman, Clear Channel	
HANDOUTS	Agenda; Draft Code Concept (Oct. 7); Zoning descriptions; Public comments and comments from CAT (Sept. 17 – Oct. 14)	

AGENDA TOPICS

WELCOME, INTRODUCTIONS AND AGENDA OVERVIEW	LAURA TERWAY / RYAN ORTH
	Laura Terway and Ryan Orth welcomed attendees. Meeting participants introduced themselves, including Community Advisory Team (CAT) members, City staff and facilitation team.

	Bob Cochran, observing the meeting, introduced himself as the Dean of Campus Services at Clackamas Community College and provided comments for consideration of city staff and the CAT through the sign code update process. The Community College is aware that the surrounding community is not always informed of community-oriented events held at the college including performances, sporting events and career and benefits fairs, among others. There are also messages the college must communicate to students and staff, like campus closures and registration dates. The college has a very large frontage and two entrances. The property is zoned institutional. The administration is interested in using electronic signage, similar in size to the sign at Oregon City High School, in addition to the existing signs, to communicate multiple messages daily to the community.
REPORT ON COMMENTS RECEIVED SINCE LAST MEETING	LAURA TERWAY \ RYAN ORTH
	CAT members provided additional comments following the September CAT meeting which have been shared with the group. Since the last meeting, project staff also met with the Oregon City Transportation Advisory Committee. Compiled comments were provided in advance of the meeting and are posted to the project website, http://www.ocsigncode.org. No new comments were received through the website.
PRESENTATION AND DISCUSSION: SIGNS BY ZONE GROUPING	LAURA TERWAY \ RYAN ORTH
INTENT OF SIGN STANDARDS	Statements summarizing the intent of the sign code were shared with CAT members, developed based on the purpose statement of the current code and feedback heard so far: • Preserve and enhance the image and identity of Oregon City. • Be compatible with the character of the zoning district and its allowed uses. • Support the economic development of Oregon City businesses. • Promote public safety through design. • Provide guidelines for good design at reasonable costs and with multiple options. A CAT member proposed the list include a point additional language that the code be “clear and concise.”
SIGN APPLICATION BY ZONE	A draft code concept was developed based on comments received from presentations and community briefings, the project website and through the CAT process so far. Details were provided in the Draft Code document. The draft code concept is intended to help organize and advance the CAT’s discussion on the code update. The draft code concept considers five groups of zones which were assembled due to their shared characteristics in regard to signage considerations. Each zone group included elements of the proposed sign code, highlighting changes proposed to the existing code. Further changes and refinements are expected through additional iterations of the proposal, in response to CAT and community feedback, to form the CAT’s recommendation. CAT members were reminded that their recommendations will inform an update of the sign code that city planning staff will submit to the Planning Commission and City Commission as part of the formal code update process. CAT members were encouraged to consider the usefulness and form of the code groupings used, confirm that previous feedback was accurately captured in the proposal and provide

	additional comments. Several points were addressed concerning zoning and the sign code: • Zoning provides a forward-looking mechanism through which to express the sign code. Current land use do not always reflect uses allowed by the zoning code. No zoning changes will be proposed through this project. • There is a variance process established in the current code with clear and objective standards. • New construction in a historic district would go through design review by Oregon City staff or the Historic Review Board.
RESIDENTIAL ZONE GROUPING	Residential zones are characterized by residential uses, along with conditional uses such as churches and schools. Signage in these areas is limited in quantity, scale and location and primarily seasonal and temporary. Home occupations in areas zoned residential may have permitted permanent signs. CAT members directed staff that conditional uses should have different sign requirements from residential properties. CAT members provided the following comments about signage in residential zones: **Free standing signs** • Limits should be placed on the brightness and spacing of electronic signs in residential areas where they are generally used by churches and schools to advertise events. • The height limit for wall and freestanding signs for conditional uses should be expanded from 8 to 15 feet. **Temporary signs exempt from permits on private property (Examples include real estate and yard sale signs)** • The proposal to allow temporary signs just twice a year is too limiting for churches and schools. • CAT members discussed whether a time limit should be instituted for real estate signs, including suggestions both for limited display duration and comments that temporary signs do not need a time limit. • Additional temporary signage on private property should be allowed around election season. • A definition of temporary signage should be identified. • Placement of signs around intersections and driveways should be considered. The current code requires that views at intersections are not obstructed, but obstructed views at driveways should be considered as well. • The proposal should allow A-frame signs on private property to advertise real estate open houses, home studios and similar events and uses. While real estate open houses generally occur at particular times, home business which could benefit from temporary signs might operate daily. • Real estate signs should be considered a separate category in the sign code. This is accommodated in the current code which allows one temporary sign per frontage. **Signs not requiring a permit/Prohibited Signs**

	• Banners are not currently defined in the code and should be included in the revised code. • Lights and holiday decorations are not currently regulated in the sign code and should remain excluded. **Temporary sign in the public right of way** • Some explanation of the boundaries of the public right of way should be provided for the public.
MULTI-FAMILY, SMALL COMMERCIAL AND INSTITUTIONAL ZONE GROUPING	The multi-family, small commercial and institutional zone group is characterized by multi-family and smaller scale commercial development near single-family zones as well as major public institutions, government facilities and parks. Sign types in this area include convenience needs for residents, adaptive reuse of existing buildings, and institutional uses. CAT members agreed that the number of signs should be allocated based on frontage with a limit on the maximum number of signs per property. Other comments from CAT members included: • Large institutions do not fit well in this category unless the number of signs is allocated based on property frontage or number of entrances. • Currently permitted signs for properties with small street frontages are too constrictive and should be expanded. • Digital signs should be allowed as they are beneficial for community messaging, promoting events and public safety. • Signage is needed at multifamily and institutions for civic and emergency services and for traffic flow.
MIXED USE, DOWNTOWN AND CORRIDOR ZONE GROUPING	The mixed use, downtown and corridor area includes critical transportation corridors, land uses including high-volume establishments and areas where a mix of high-density residential, office and small-scale retail uses are encouraged along with multistory residential uses. Some areas included in this group have land uses currently which do not reflect the zoning, but may in the future. The group also agreed too many signs in a single stretch of street create a cluttered effect. Flags, banners and A-frames all contribute to clutter and should be regulated together by allowing a maximum total number of temporary signs. Additional comments from CAT members included: • There should be consideration of mixed use areas where real estate signs for residential uses should be allowed along with commercial temporary signs. • Additional height should be allowed to create vertical projecting signage to add visual interest to the streetscape.
INDUSTRIAL	The industrial zone is characterized by larger properties with industrial uses and outdoor storage. CAT members did not provide specific comments on proposed sign code for industrial-zoned properties.
COMMERCIAL, CAMPUS AND EMPLOYMENT	Properties in the group of zones including commercial, campus and employment are often larger and include uses such as shopping centers, retail/office campuses or light manufacturing.

	CAT members provided the following comments: • Menu boards and way finding sings should not count against the number of signs otherwise allowed on a property. • Billboards should be permitted in specific commercial and industrial zones, but not on all of the major arterials. • A-frames should be allowed in this zone group for use by retail which serves industrial uses, like delis and coffee shops.
SIGN CONSIDERATIONS ACROSS ZONES	CAT members expressed interest in discussing murals and possible regulation of signs on commercial vehicles at future meetings. Murals and undeveloped lots may need to be defined in the sign code. CAT members commented that the descriptor "TV Type Signs" used in the draft code is mislabeled because these types of signs do not necessarily use moving images. They often cycle through static content. The industry term for this type of sign is "Electronic Message Center", or EMC. CAT members asked about inflated "air dancer" signs often seen at auto dealerships. These types of signs are considered balloons and are not permitted in the current sign code. CAT members also asked about signs attached to people. Handheld signs are currently except from the code. Some CAT members commented that these signs, especially those that move, are distracting. Other members commented that limiting handheld signs may be perceived as limiting rights to speech. CAT members agreed that tall, "feather"-type flags should be prohibited. The group felt that feather-type flags are overused and when left up for an extended period they fade and become unattractive. Eliminating these types of flags/banners while continuing to allow national and team-style flags will require a definition of flags in the code, including dimensions. CAT members would like to simplify the zone groupings presented in the draft proposal. It may be simpler to consider proposing different requirements for residential zones while all other zones to share the same set of regulations. Lot size or frontage is an effective mechanism for determining the appropriate size and number of signs across non-residential zones.
ITEMS FOR CONTINUED DISCUSSION	CAT members and staff identified several issues for further discussion, including: • Enforcement of the sign code: Oregon City has a strong business community which could be leveraged to help promote compliance with the code. Web-based reporting of non-compliant signs should be considered. • Signs behind a window are not restricted in the current code across all zones, but signs painted on the outside are regulated. • The language used in the updated sign code should be clear and understandable. One member suggested that an ad-hoc review committee be formed to ensure the code is clear. CAT members were encouraged to communicate additional comments to staff before the November meeting.

Next Steps and preview open house / meeting #3	LAURA TERWAY \ RYAN ORTH
	Staff will provide a revised proposal for review ahead of the next CAT meeting, scheduled for Nov. 18, 2013. The agenda will also address enforcement-related topics. A public open house will be held from 5:00 – 7:00 PM, immediately before the next CAT meeting, which is scheduled for 7:00 – 9:00 PM. CAT members were encouraged to arrive between 6:00 and 6:30 so public comments and CAT member comments on the revised code proposal can be captured before the CAT meeting begins. Staff will not bring proposals which have not been reviewed by the CAT to the open house. All materials presented to the public will first be provided to the CAT so members have an opportunity to comment. Materials from the first two meetings will be provided to the public. A flier announcing the open house will be distributed and provided to CAT members who are asked to circulate it among their interested acquaintances.

APPENDIX A:

CAT meeting materials and meeting minutes

2 of 2

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Agenda

Oregon City Sign Code Update
Community Advisory Team (CAT) Meeting #2
October 14, 2013, 5:00 – 7:00 pm
City Hall

1. Introductions and agenda review
2. Report on community briefings and public comments received since last meeting
3. Presentation and group discussion: zone grouping concept and application of signs
4. Review next steps and preview open house/meeting #3

Next Meeting: November 18, 2013

Public open house: 5:00 – 7:00 pm
CAT meeting #3: 7:00-9:00 pm

Oregon City Sign Code Update: Zone Groupings and Application of Signs

Background

Zone groupings reflect areas of Oregon City with similar character in urban form and provide a means by which to organize a sign code update. There may be a range of sign types allowed, with their number, scale, and location in every zone appropriately tailored to the character of the base zone. This organizational approach could allow for a sign code with variation of the types, sizes, variety in sign type and location depending on the intensity of underlying uses allowed and controlled by the base zone. For example, signs in the single-dwelling residential zones would be the most limited in type, size, location (and even duration); signs in retail areas might be at the other end of the spectrum.

Information gathered from discussions with the Community Advisory Team will be used to refine policy options and develop draft code.

Table description

Zone groupings and character descriptions: Draft groupings of zones that reflect similar character in urban form. Specific zone designations are listed, with a summary of general character noted. Additional descriptions for each zone are also provided in Title 17 of the Oregon City Municipal Code, Zoning (attached). An Oregon City zoning map is available online at http://www.orcity.org/sites/default/files/zoning_-_36x48p_-_20130114.pdf.

General application to signs: Draft statements of the scope of sign regulations that may apply to zone groupings.

Sign types that may apply: Sign types that could apply to each zone grouping and includes related comments from CAT members about those sign types.

Zone groupings and character descriptions	General application to signs	Sign types that may apply (includes notes. *CAT member comments in italics*.)
Residential Zones (R-10, R-8, R-6, R-5, R-3.5) Characterized by residential uses and conditional uses such as churches and schools.	Signs in these zones should be more limited in quantity, scale and location. Many of the signs will be temporary or seasonal, including signs for garage sales or real estate signs. Some signs will be permanent and used primarily for identification and orientation, such as signs for home occupations. The quantity and scale of permanent signs may be calibrated to a range appropriate to the scale of single-family and multi-family development. Signs for conditional uses (churches, schools, etc.) may have separate requirements under this category.	• **Wall and freestanding signs:** ○ There were no objections to the existing maximum size requirements (20 sq. ft, 5 ft. tall, 10 ft. long), that signs must be externally lit and primarily constructed of natural materials. ○ For conditional uses (such as churches and schools), there were no objections to the existing maximum size requirement (32 sq. ft., 10 ft. long) or that signs must be constructed primarily of natural materials. *Recommendation to reconsider the 8-foot height restriction.* The group may consider increased height through a variance process so the applicant would demonstrate why the height is inadequate while respecting the adjacent residential uses. ○ *Request to consider possible application of LED or TV type signs for conditional uses. The brightness and minimum amount of time text must be displayed should be identified. The current federal and OMIA standard is that the message must stay the same for at least 8 seconds.* This is primarily directed towards cars traveling 55+ MPH and may not be appropriate on slower streets. Many of the neighborhood associations and groups consulted were not in support of the moving/flashing or TV type signs. • **Temporary signs on private property** (see citywide section) ○ *Recommendation to consider allowing banners for a temporary amount of time* (up to 30 consecutive days, twice a year with a permit, except in historic districts) • **Signs not requiring a permit** (see citywide section) • **Temporary signs in the right of way** - To be addressed at CAT #3 • **Signs in Historic Areas** - Reviewed by staff and/or the Historic Review Board

Zone groupings and character descriptions	General application to signs	Sign types that may apply (includes notes. *CAT member comments in italics*.)
Multi-family, small commercial and institutional near residential (R-2, HC, NC, I) Characterized by multi-family (NC, R-2 and HC), smaller scale commercial development (retail, service, office, single-family homes) near single-family zones. Note that HC also allows single-family dwellings. The institutional district (I) is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas.	Signs in small-scale commercial and mixed-uses should be designed to serve a convenience need for residents in the surrounding low-density neighborhoods. In historic commercial areas, signs should support the adaptive re-use and preservation of historic buildings and the construction of new structures that are architecturally compatible. Signs in the Institutional zoning district may have many of the qualities of those in the MUC1 and MUC2 districts, but the quantity, scale, location, and variety may be limited as appropriate to the uses.	• **Wall signs and freestanding signs** ○ Retain the existing maximum size requirements (twice the length of the wall) for wall signs, *but a suggestion that the size of signage should be calculated based on tenant space.* ○ Retain the existing standards for freestanding signs (based on the length of frontage). *Recommendation to review the 50 foot spacing requirement.* ○ Clackamas Community College is zoned I and is subject to this standard, consider what the appropriate standard should be for the site. • **Roof signs** ○ Retain existing standards. • **Projecting signs** ○ Retain existing projecting sign size requirements (16 sq. ft) and number requirements (one for each business frontage, except where free-standing or roof sign). ○ *Recommendation to review the projection limitations which may be limited when a building is adjacent to the front property line and signs may not be within 2 feet of curb and extend more than 4 feet).* ○ *Recommendation to review the 20' spacing requirement and 10' clearance over pedestrian or vehicular areas and 14' over areas of truck access.* ○ *Recommendation to codify that printing on an awning as a wall sign and not a projecting sign.* • **Incidental Sign** ○ Recommendation to remove incidental sign from code (16 sq. ft.) • **Temporary signs on private property** (see citywide section) ○ *Recommendation to consider allowing banners for a temporary amount of time* (up to 30 consecutive days, twice a year with a permit, except in historic districts) • **Signs not requiring a permit** (see citywide section) • **Temporary signs in the right of way** - To be addressed at CAT #3 • **Signs in Historic Areas** - Reviewed by staff and/or the Historic Review Board

Zone groupings and character descriptions	General application to signs	Sign types that may apply (includes notes. *CAT member comments in italics*.)
Mixed Use and Neighborhood Commercial MUD , MUC-1, MUC-2 The Mixed-Use Corridors apply to selected sections of critical transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road. Uses include larger-scale retail office buildings, multi-family residential development, and hospitality and lodging. The mixed-use downtown district includes the traditional downtown core along Main Street and the "north-end" area, between 5th Street and Abernethy Street, plus some of the area abutting McLoughlin Boulevard. Human-scaled buildings and development support retail, service, office, multi-family residential, hospitality and lodging. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors.	Sign standards in the mixed use corridors should support the larger-scale retail office buildings, multi-family residential development, and hospitality and lodging uses. Signs in the mixed use downtown district should be scaled and oriented to the pedestrian. The design standards require a continuous storefront façade and streetscape amenities that support an active and attractive pedestrian environment.	• **Wall signs and freestanding signs** ○ Retain the existing maximum size requirements (twice the length of the wall) for wall signs, *but a suggestion that the size of signage should be calculated based on tenant space.* ○ Retain the existing standards for freestanding signs (based on the length of frontage). *Recommendation to review the 50 foot spacing requirement.* • **Roof signs** ○ Retain existing standards. • **Projecting signs***:* ○ Retain existing projecting sign size requirements (16 sq. ft) and number requirements (one for each business frontage, except where free-standing or roof sign). ○ *Recommendation to review the projection limitations which may be limited when a building is adjacent to the front property line and signs may not be within 2 feet of curb and extend more than 4 feet).* ○ *Recommendation to review the 20' spacing requirement and 10' clearance over pedestrian or vehicular areas and 14' over areas of truck access.* ○ *Recommendation to codify that printing on an awning as a wall sign and not a projecting sign.* • **Incidental Sign** ○ Recommendation to remove incidental sign allowance (16 sq. ft.) • **Temporary signs on private property** (see citywide section) ○ *Consider allowing banners for a temporary amount of time* (up to 30 consecutive days, twice a year with a permit, except in historic districts) ○ *Request to consider allowing temporary portable signs (A-frames) during business hours with a permit.* • **Signs not requiring a permit** (see citywide section) • **Temporary signs in the right of way** - To be addressed at CAT #3 • **Signs in Historic Areas** - Reviewed by staff and/or the Historic Review Board

Zone groupings and character descriptions	General application to signs	Sign types that may apply (includes notes. *CAT member comments in italics*.)
Industrial **GI** Characterized by larger properties with industrial uses and outdoor storage.	Signs in the industrial zoning district may have many of the qualities of those in the MUC1 and MUC2 districts, but the quantity, scale, location, and variety may be limited as appropriate to the use and the scale of the development.	• **Wall signs and freestanding signs** ○ Retain the maximum size requirements (twice the length of the wall) for wall signs, *but a suggestion that the size of signage should be calculated based on tenant space.* ○ *One allowed freestanding sign per frontage may be limiting for larger properties and number may more appropriately be tied to number of entrances or linear measure of frontage.* Recommendation to remove incidental sign from code and allow one additional freestanding sign for properties with large frontages, with adequate spacing from other freestanding signs. *Recommendation to review the 50 foot spacing requirement.* ○ Retain the existing size standards for freestanding signs (based on the length of frontage). • **Roof signs** ○ Retain existing standards. • **Projecting signs:** ○ Retain existing projecting sign size requirements (16 sq. ft) and number requirements (one for each business frontage, except where free-standing or roof sign). ○ *Recommendation to review the projection limitations which may be limited when a building is adjacent to the front property line and signs may not be within 2 feet of curb and extend more than 4 feet).* ○ *Recommendation to review the 20' spacing requirement and 10' clearance over pedestrian or vehicular areas and 14' over areas of truck access.* ○ *Recommendation to codify that printing on an awning as a wall sign and not a projecting sign.* • **Incidental Sign** ○ Recommendation to remove incidental sign from code (16 sq. ft. max.) and allow one additional freestanding sign based on the frontage of the site. • **Temporary signs on private property** (see citywide section) ○ *Request to consider allowing banners for a temporary amount of time* (up to 30 consecutive days, twice a year with a permit) • **Signs not requiring a permit** (see citywide section) • **Temporary signs in the right of way** - To be addressed at CAT #3 • **Signs in Historic Areas** - Reviewed by staff and/or the Historic Review Board

Zone groupings and character descriptions	General application to signs	Sign types that may apply (includes notes. *CAT member comments in italics*.)
Commercial **C, CI, MUE** Characterized by larger properties with shopping centers, retail/office campuses or light manufacturing.	Signs in the commercial and mixed-use employment and campus industrial zoning districts may have many of the qualities of those in the MUC1 and MUC2 districts, but the quantity, scale, location, and variety may be limited as appropriate to the use and the scale of the development.	• **Wall signs and freestanding signs** ○ Retain the existing maximum size requirements (twice the length of the wall) for wall signs, *but a suggestion that the size of signage should be calculated based on tenant space.* ○ *Request to consider possible application of LED or TV type signs. The brightness and minimum amount of time text must be displayed should be identified. The current federal and OMIA standard is that the message must stay the same for at least 8 seconds.* This is primarily directed towards cars traveling 55+ MPH and may not be appropriate on slower streets. Many of the neighborhood associations and groups consulted were not in support of the moving/flashing or TV type signs. ○ *One allowed freestanding sign per frontage may be too limited for larger properties and number may more appropriately be tied to number of entrances or linear measure of frontage.* Recommendation to remove incidental sign from code and allow one additional freestanding sign for properties with large frontages, with adequate spacing from other freestanding signs. *Recommendation to review the 50 foot spacing requirement.* ○ *Recommendation to view the size of freestanding signs allowed.* This may not be needed if we area allowing an additional freestanding sign. • **Roof signs** ○ Retain existing standards. • **Projecting signs:** ○ *Request to reconsider size requirements (16 sq. ft) but retain the existing number requirements (one for each business frontage, except where there is a free-standing or roof sign).* ○ *Recommendation to review the projection limitations which may be limited when a building is adjacent to the front property line and signs may not be within 2 feet of curb and extend more than 4 feet).* ○ *Recommendation to review the 20' spacing requirement and 10' clearance over pedestrian or vehicular areas and 14' over areas of truck access.* ○ *Recommendation to codify that printing on an awning as a wall sign and not a projecting sign.* • **Incidental Sign** ○ Recommendation to remove incidental sign from code (16 sq. ft. max.) and allow one additional freestanding sign based on the frontage of the site. • **Temporary signs on private property** (see citywide section) ○ *Request to consider allowing banners for a temporary amount of time* (up to 30 consecutive days, twice a year with a permit) • **Signs not requiring a permit** (see citywide section) • **Temporary signs in the right of way** - To be addressed at CAT #3 • **Signs in Historic Areas** - Reviewed by staff and/or the Historic Review Board

Zone groupings and character descriptions	General application to signs	Sign types that may apply (includes notes. *CAT member comments in italics*.)
Citywide, all zones		
Signs not requiring a permit	Signs not requiring a permit recognize simple applications that do not require regulation to avoid nuisance, or support legal requirements or government activities.	• The existing code would generally remain unchanged. • Signs carved or integrated into a building (not including painted signs) • A single sign where the display surface area does not exceed two square feet • Window signs situated on the indoor-side of a window or door • Flags, limited to two per premises ○ *Recommendation to review the number of flags allowed and define flags to distinguish them from banners.* • Signs attached to, or carried by, a person • Signs required by law • Signs not visible from the street or another property

Temporary signs on private property	Temporary signs on private property are used in all zones for such purposes as selling real estate, conducting elections, garage and yard sales, and other temporary uses.	• **A 4 sq. ft. sign is allowed per frontage without a Permit (lawn sign):**
		  ○ *Recommendation for no limit to number of temporary signs in residential areas to support real estate marketing*
		  ○ *Recommendation to allow greater number of signs during political season*
		• **A-frame or other portable signs on private property***: Prohibited unless allowed otherwise identified above.*
		• **Temporary wall signs:** *Consider if we want to allow in additional signs on a temporary basis with a permit (such as a for sale sign)*
		• **Signs on fencing and trees:** *Request to consider if these are appropriate.*

General discussion questions:

- Do you have suggestions for changes to the zone groupings contained within the chart?
- Would you add to or change statements about the general application of signs for each zone grouping?
- Do you see sign types that do not appear to fit within prospective zone groupings? Sign types that are missing?
- Do you have comments on the size, number, duration (for temporary signs), and/or materials that should be applied to various sign types in each zone grouping?

Questions for discussion of additional sign types and configurations:

- Murals
  - How are we distinguishing murals from wall signs?
  - In what zones and under what conditions should murals be permitted?
  - Roof surfaces in the downtown are readily visible from the upper township, should decorative treatments of the roofs (including murals) be considered for regulation?
- Billboards
  - In what zones and under what conditions, if any, should billboards be permitted?
- Banners
  - In what zones and under what conditions, if any, should banners be permitted?
- Illuminated signage
  - In what zones and under what conditions, if any, should LED signs be permitted?
- How should signs owned and operated by government agencies be treated?

Chapter 17.06 ZONING DISTRICT CLASSIFICATIONS [3]

Sections:

17.06.010 General provisions.
17.06.015 Classification of zoning districts.
17.06.020 Official zoning map.
17.06.025 Boundaries of zoning districts.
17.06.030 Zoning of annexed areas.
17.06.035 Street and alley vacations.
17.06.040 Requirements table.

17.06.010 General provisions.

Except as hereinafter provided:

A. No building or structure shall be erected, structurally altered, enlarged or moved, nor shall any building, structure or land be used or designated to be used for any use other than is permitted in the district in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law and this Code.

B. No building or structure shall be erected, altered, enlarged or moved on a lot unless the building or structure and also the lot conform to the area regulations of the district in which the building or structure is located, except as provided in this title.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.06.015 Classification of zoning districts.

For the purpose of this title and to carry out these regulations, the city is divided into districts, known as:

R-10 Single-family dwelling district;
R-8 Single-family dwelling district;
R-6 Single-family dwelling district;
R-5 Single-family dwelling district;
R-3.5 Dwelling district;
R-2 Multi-family dwelling district;
NC Neighborhood commercial district;
HC Historic commercial district;
C General commercial district;
GI General industrial district;
CI Campus industrial district;
MUC-1 Mixed-use corridor district;

MUC-2 Mixed-use corridor district;

MUE Mixed-use employment district;

MUD Mixed-use downtown district;

I Institutional district.

In addition to the foregoing districts, special overlay districts shall be known as:

H Historic overlay district;

FP Floodplain overlay district;

US Geologic Hazards overlay district;

P Park Acquisition overlay district;

WRG Willamette River Greenway overlay district;

NROD Natural Resource overlay district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.06.020 Official zoning map.

The foregoing districts and their boundaries are shown on a map entitled "official zoning map" on file in the office of the city recorder. This map and all designations and information shown thereon are made a part of this title, as if the map, designation and information were fully described herein. In addition, special maps shall indicate the overlay districts and their boundaries.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.06.025 Boundaries of zoning districts.

Where uncertainty exists with respect to any of the boundaries of the districts as shown on the official zoning map, the following uses shall apply:

A. When the boundaries of the districts designated on the official zoning map are approximately streets or alleys, the certain lines of the streets and alleys shall be construed to be the boundaries of such districts.

B. Where the boundaries of the districts designated on the official zoning map are approximately lot lines, the lot lines shall be construed to be the boundaries of the districts.

C. In subdivided property, the district boundary lines of the official zoning map shall be determined by use of the scale contained on the map.

D. The locations of the zoning districts do not move with land divisions or lot line adjustments unless an associated zone change is approved.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.06.030 Zoning of annexed areas.

All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (per the city/county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation. The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.

Table 17.06.030

CITY LAND USE CLASSIFICATIONS	
Residential Plan Classification	City Zone
Low-Density Residential	R-10, R-8, R-6
Medium-Density Residential	R-3.5, R-5
High-Density Residential	R-2
Commercial Plan Classification	City Zone
General Commercial	C
Mixed-Use Downtown	MUD
Mixed-Use Corridor	MUC I, MUC 2, NC, HC
Mixed-Use Employment	MUE
Industrial Plan Classification	City Zone
Industrial	CI, GI

In those cases where only a single city zoning designation corresponds to the comprehensive plan designation and thus the rezoning decision does not require the exercise of legal or policy judgment on the part of the community development director, Chapter 17.68 shall control. The decision in these cases shall be a ministerial decision of the community development director made without notice or any opportunity for a hearing.

A. A public hearing shall be held by both the planning commission and city commission in accordance with the procedures outlined in Chapter 17.68 (except for the provisions of Section 17.68.025) for those instances in which more than one zoning designation carries out a city plan classification.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.06.035 Street and alley vacations.

Whenever any street, alley or public way is vacated by official action, the zoning districts adjoining the side of such public way shall automatically be extended to the side or sides to which such lands revert, to include the right-of-way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. (Prior code §11-2-6)

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.06.040 Requirements table.

To facilitate public understanding of this title, and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height, and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 92-1024 §3, 1992; prior code §11-3-1)

OREGON CITY STANDARDS

Residential

Standard	R-10	R-8	R-6	R-5	R-3.5	R-2
Minimum lot size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	5,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*

Maximum height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum building lot coverage	40%	40%	40%	50%	55%	NA
Minimum front yard setback	20 ft.	15 ft.	10 ft.	10 ft.	5 ft.	5 ft.*
Minimum interior side yard setback	10 ft./8 ft.	9 ft./7 ft.	9 ft./5 ft.	7 ft./5 ft.	Detached — 5 ft. Attached — 7 ft.	5 ft.
Minimum corner side yard setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Minimum rear yard setback	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage standards applicable	Yes*	Yes*	Yes*	Yes*	Yes*	No
Garage setbacks	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley

*See district description for further information

Commercial

Standard	C	MUC-1	MUC-2	NC	HC
Maximum building height	60 ft.	3 Stories (4 ft.)*	60 ft.	3 Stories (35 ft.)	3 Stories (35 ft.)
Minimum building height	—	—	2 Stories (25 ft.)	—	—
Maximum building lot coverage	Building and Parking Lot—5%	Building and Parking Lot—80%	Building and Parking Lot—90%	Building Footprint—10,000 sq. ft.*	Building and Parking Lot—80%
Maximum front yard setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum interior side yard setback	0*	0*	0 ft.*	0 ft.*	0 ft.*
Maximum corner yard setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5 ft.*
Maximum rear yard setback	0 ft.	0 ft.	0 ft.	0 ft.	0 — 20 ft.*

*See district description for further information

Employment, Downtown and Industrial

Standard	MUE	MUD	MUD—Design District	GI	CI
Maximum Building Height	60 ft./85 ft.*	45 ft./75 ft.*	58 ft.	3 Stories (40 ft.)*	45 ft./85 ft.*
Minimum Building Height	—	2 Stories (25 ft.)*	2 Stories (25 ft.)*	—	—
Maximum Lot Coverage	Building and Parking Lot—80%	Building and Parking Lot—90%	Building and Parking Lot—100%	—	—
Maximum Front Yard Setback	*	20 ft.*	10 ft.*	25 ft.*	*
Maximum Interior Side Yard Setback	*	0 ft.*	0 ft.*	25 ft.*	*
Maximum Corner Yard Setback	*	20 ft.*	10 ft.*	25 ft.*	*
Maximum Rear Yard Setback	*	*	0/10 ft.*	25 ft.*	*

*See district description for further information

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (3) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.06 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.06 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.08 R-10 SINGLE-FAMILY DWELLING DISTRICT [4]

Sections:

17.08.010 Designated.
17.08.020 Permitted uses.
17.08.030 Conditional uses.
17.08.040 Dimensional standards.

17.08.010 Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately ten thousand square feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.08.020 Permitted uses.

Permitted uses in the R-10 district are:

A. Single-family detached residential units;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
F. Accessory uses, buildings and dwellings;
G. Family day care provider, subject to the provisions of Section 17.54.050;
H. Residential home per ORS 443.400;
I. Cottage housing.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.08.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Residential care facility;
G. Private and/or public educational or training facilities;
H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions;
J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.08.040 Dimensional standards.

Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;
B. Minimum lot width, sixty-five feet;
C. Minimum lot depth, eighty feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
    1. Front yard, twenty feet minimum setback,
    2. Front porch, fifteen feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (4) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.08 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.08 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.10 R-8 SINGLE-FAMILY DWELLING DISTRICT [5]

Sections:

17.10.010 Designated.
17.10.020 Permitted uses.
17.10.030 Conditional uses.
17.10.040 Dimensional standards.

17.10.010 Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.10.020 Permitted uses.

Permitted uses in the R-8 district are:

A. Single-family detached residential units;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
F. Accessory uses, buildings and dwellings;
G. Family day care provider, subject to the provisions of Section 17.54.050;
H. Residential home per ORS 443.400;
I. Cottage housing.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.10.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Residential care facility;
G. Private and/or public educational or training facilities;
H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions.
J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.10.040 Dimensional standards.

Dimensional Standards in the R-8 District are:

A. Minimum lot areas, eight thousand square feet;
B. Minimum lot width, sixty feet;
C. Minimum lot depth, seventy-five feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum Required Setbacks:
    1. Front yard fifteen feet minimum setback;
    2. Front porch, ten feet minimum setback;
    2. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas;
    3. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard;
    4. Corner side yard, fifteen feet minimum setback;
    5. Rear yard, twenty feet minimum setback;
    6. Rear porch, fifteen feet minimum setback.
F. Garage Standards: See Chapter 17.20—Residential Design and Landscaping

Standards.

G. Maximum Lot Coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (5) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.10 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.10 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.12 R-6 SINGLE-FAMILY DWELLING DISTRICT [6]

Sections:

17.12.010 Designated.
17.12.020 Permitted uses.
17.12.030 Conditional uses.
17.12.040 Dimensional standards.

17.12.010 Designated.

This residential district is designed for single-family homes on lot sizes of approximately six thousand square feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.020 Permitted uses.

Permitted uses in the R-6 district are:

A. Single-family detached residential units;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
F. Accessory uses, buildings and dwellings;
G. Family day care provider, subject to the provisions of Section 17.54.050;
H. Residential home per ORS 443.400;
I. Cottage housing.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Residential care facility;
G. Private and/or public educational or training facilities;
H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions.
J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.040 Dimensional standards.

Dimensional standards in the R-6 district are:

A. Minimum lot areas, six thousand square feet;
B. Minimum lot width, fifty feet;
C. Minimum lot depth, seventy feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
    1. Front yard, ten feet minimum setback,
    2. Front porch, five feet minimum setback,
    3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
    4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
    5. Corner side yard, fifteen feet minimum setback,
    6. Rear yard, twenty feet minimum setback,
    7. Rear porch, fifteen feet minimum setback.
F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.
G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (6) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.12 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.12 pertained to similar subject matter. See

Ordinance Disposition List for derivation. (Back)

Chapter 17.14 R-5 SINGLE-FAMILY DWELLING DISTRICT

Sections:

17.14.010 Designated.
17.14.020 Permitted uses.
17.14.030 Conditional uses.
17.14.040 Dimensional standards.

17.14.010 Designated.

This residential district is designed for single-family homes on lot sizes of approximately five thousand square feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.14.020 Permitted uses.

Permitted uses in the R-5 district are:

A. Single-family detached residential units;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
F. Accessory uses, buildings and dwellings;
G. Family day care provider, subject to the provisions of Section 17.54.050;
H. Residential home per ORS 443.400;
I. Cottage housing.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.14.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D.

Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions;

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.14.040 Dimensional standards.

Dimensional standards in the R-5 district are:

A. Minimum lot areas, five thousand square feet;

B. Minimum lot width, thirty-five feet;

C. Minimum lot depth, seventy feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum required setbacks:

1. Front yard, ten feet minimum setback,
2. Front porch, five feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, seven feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, ten feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.21—Residential Design Standards.

G. Maximum building coverage: The footprint of all structures two hundred square-feet or greater shall cover a maximum of fifty percent of the lot area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Chapter 17.16 R-3.5 DWELLING DISTRICT [7]

Sections:

17.16.010 Designated.
17.16.020 Permitted uses.
17.16.030 Conditional uses.
17.16.035 Master plans.
17.16.040 Dimensional standards.
17.16.050 Single-family attached residential units and duplex units.

17.16.010 Designated.

This residential district is designed for single-family attached and detached residential units and two-family dwellings on lot sizes of approximately three thousand five hundred square feet per dwelling.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.16.020 Permitted uses.

Uses permitted in the R-3.5 district are:

A. Two-family dwellings (duplex);
B. Single-family detached residential units;
C. Single-family attached residential units (Row houses with no more than six dwelling units may be attached in a row);
D. Parks, playgrounds, playfields and community or neighborhood centers;
E. Home occupations;
F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
G. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
H. Accessory uses, buildings and dwellings;
I. Family day care provider, subject to the provisions of Section 17.54.050;
J. Residential home per ORS 443.400.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.16.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Residential care facility;
G. Private and/or public educational or training facilities;
H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions;
J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
K. Live/work units.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.16.035 Master plans.

The following are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.65.

A. Multi-family residential units.
B. Cottage housing.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.16.040 Dimensional standards.

Dimensional standards in the R-3.5 district are:

A. Minimum Lot Areas.
   1. Residential uses, three thousand five hundred square feet per unit.
   2. Non-residential uses, zero minimum;
B. Minimum lot width, twenty-five feet;
C. Minimum lot depth, seventy feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum Required Setbacks:
   1. Front yard, five feet minimum setback,
   2. Front porch, zero feet minimum setback,
   3. Interior side yard,
      Detached unit, five feet minimum setback
      Attached unit, seven feet minimum setback on the side that does not abut a common property line.
   4. Corner side yard, ten-foot minimum setback,
   5. Rear yard, fifteen-foot minimum setback,
   6. Rear porch, ten-foot minimum setback.
   7. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet.
F. Garage standards: See Chapter 17.21—Residential Design Standards.
G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of fifty-five percent of the lot area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.16.050 Single-family attached residential units and duplex units.

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be ten feet in width. A lesser width may be approved by the community development director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements

in Title 16 for partitions, Chapter 17.16 and the State of Oregon One- and Two- Family Dwelling Specialty Code prior to final recordation of the land division replat.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (7) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.16 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.16 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.18 R-2 MULTI-FAMILY DWELLING DISTRICT [8]

Sections:

17.18.010 Designated.
17.18.020 Permitted uses.
17.18.030 Conditional uses.
17.18.035 Pre-existing industrial use.
17.18.040 Dimensional standards.

17.18.010 Designated.

The purpose of this residential district is designed for multi-family residential units on lot sizes of approximately two thousand square feet per dwelling.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.18.020 Permitted uses.

Permitted uses in the R-2 district are:

A. Residential units, multi-family;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
E. Accessory buildings;
F. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A)); and
G. Management and associated offices and building necessary for the operations of a multi-family residential development.
H. Residential care facility per ORS 443.400.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.18.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Private and/or public educational or training facilities;
G. Public utilities, including sub-stations (such as buildings, plants and other structures);
H. Religious institutions;
I. Assisted living facilities; nursing homes and group homes for over fifteen patients;
J. Live/work units.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.18.035 Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.18.040 Dimensional standards.

Dimensional standards in the R-2 district are:

A. Minimum lot areas: Two thousand square feet per unit.
B. Minimum lot width, fifty feet;
C. Minimum lot depth, seventy-five feet;
D. Maximum building height, four stories, not to exceed fifty-five feet;
E. Minimum required setbacks:
    1. Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)
    2. Side yard, five feet minimum setback,
    3. Corner side yard, ten feet minimum setback,
    4. Rear yard, ten feet minimum setback,
    5. Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
    6. Attached and detached garage, twenty feet minimum setback from the public

right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet.

F. Design criteria: See Site Plan and Design Review requirements in Chapters 17.62 and 17.52

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (8) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.18 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.18 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT [10]

Sections:

17.24.010 Designated.
17.24.020 Permitted Uses—NC.
17.24.025 Conditional uses.
17.24.035 Prohibited uses.
17.24.040 Dimensional standards.

17.24.010 Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar as defined by the community development director.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.24.020 Permitted Uses—NC.

A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040

B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet.

C. Live/work units.

D. Multi-family, single-family attached or two-family residential, when proposed along with any non-residential allowed use in the NC district in a single development application and not exceeding fifty percent of the total building square feet in said application.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.24.025 Conditional uses.

The following conditional uses are permitted when approved in accordance with the process and standards contained in Chapter 17.56.

A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet.
B. Emergency and ambulance services;
C. Drive-thru facilities;
D. Outdoor markets that do not meet the criteria of Section 17.24.020
E. Public utilities and services such as pump stations and sub-stations;
F. Religious institutions;
G. Public and or private educational or training facilities;
H. Gas Stations;
I. Hotels and motels, commercial lodging;
J. Vet clinic or pet hospital.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.24.035 Prohibited uses.

The following uses are prohibited in the NC District:

A. Distributing, wholesaling and warehousing;
B. Outdoor sales or storage;
C. Hospitals;
D. Kennels;
E. Motor vehicle sales and incidental service;
F. Motor vehicle repair and service;
G. Self-service storage facilities;
H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.24.040 Dimensional standards.

Dimensional standards in the NC district are:

A. Maximum building height: Forty feet or three stories, whichever is less.
B. Maximum building footprint: Ten thousand square feet.
C. Minimum required setbacks if not abutting a residential zone: None.
D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one foot additional yard setback for every one foot of building height over thirty-five feet.
E. Maximum Allowed Setback.
    1. Front yard setback: Five feet (may be extended with Site Plan and Design Review, Section 17.62.055).
    2. Interior yard setback: None.
    3. Corner side yard setback abutting a street: Thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.
    4. Rear yard setback: None.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (10) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.24 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.24 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.26 HC Historic Commercial District [11]

Sections:

17.26.010 Designated.
17.26.020 Permitted uses.
17.26.030 Conditional uses.
17.26.035 Prohibited uses.
17.26.040 Historic building preservation.
17.26.050 Dimensional standards.

17.26.010 Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.26.020 Permitted uses.

A. Uses permitted in the MUC-1 Mixed-Use Corridor District.
B. Residential units, single-family detached.
C. Residential units, duplex.
D. Accessory uses, buildings and dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.26.030 Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Conditional uses listed in the MUC Mixed-Use Corridor District.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.26.035 Prohibited uses.

A. Single-family attached

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.26.040 Historic building preservation.

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district or are in Oregon City's inventory of Historic Buildings) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the historic building preservation policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the historic building preservation policy in other structures in the area. The planning commission may condition the grant of any such application to these ends. The members of the historic review board shall be notified of the application and may request a delay in the decision or the planning commission, of its own volition, may delay a decision on such an application subject to consideration by the historic review board as provided in Chapter 17.40.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.26.050 Dimensional standards.

A. Residential unit, single-family detached:
   1. Dimensional standards required for the R-6 Single-Family Dwelling District.

B. All other uses:
   1. Minimum lot area: None.
   2. Maximum building height: Thirty-five feet or three stories, whichever is less.
   3. Minimum required setbacks if not abutting a residential zone: None.
   4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
   5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
   6. Maximum front yard setback: Five feet (May be extended with Site Plan and Design Review Section 17.62.055).
   7. Maximum interior side yard: None.
   8. Maximum rear yard: None.
   9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (11) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.26 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.26 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Oregon City, Oregon, Code of Ordinances >> Title 17 - ZONING >> Chapter 17.29 "MUC"—MIXED-USE CORRIDOR DISTRICT >>

Chapter 17.29 "MUC"—MIXED-USE CORRIDOR DISTRICT [12]

Sections:

17.29.010 Designated.
17.29.020 Permitted uses—MUC-1 and MUC-2.
17.29.030 Conditional uses—MUC-1 and MUC-2 zones.
17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.
17.29.050 Dimensional standards—MUC-1.
17.29.060 Dimensional standards—MUC-2.
17.29.070 Floor area ratio (FAR).

17.29.010 Designated.

The Mixed-Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.29.020 Permitted uses—MUC-1 and MUC-2.

A. Banquet, conference facilities and meeting rooms;
B. Bed and breakfast and other lodging facilities for up to ten guests per night;
C. Child care centers and/or nursery schools;
D. Indoor entertainment centers and arcades;
E. Health and fitness clubs;
F. Medical and dental clinics, outpatient; infirmary services;
G. Museums, libraries and cultural facilities;
H. Offices, including finance, insurance, real estate and government;
I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
J. Postal services;
K. Parks, playgrounds, play fields and community or neighborhood centers;
L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
N. Residential units, multi-family;
O. Restaurants, eating and drinking establishments without a drive through;
P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty

thousand square feet;

R. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060;

S. Assisted living facilities; nursing homes and group homes for over fifteen patients;

T. Studios and galleries, including dance, art, photography, music and other arts;

U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

V. Veterinary clinics or pet hospitals, pet day care.

W. Home occupations;

X. Research and development activities;

Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

Z. Residential care facility.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.29.030 Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

A. Ancillary drive-in or drive-through facilities;

B. Emergency service facilities (police and fire), excluding correctional facilities;

C. Gas stations;

D. Outdoor markets that do not meet the criteria of Section 17.29.020H.;

E. Public utilities and services including sub-stations (such as buildings, plants and other structures);

F. Public and/or private educational or training facilities;

G. Religious institutions;

H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;

I. Hotels and motels, commercial lodging;

J. Hospitals;

K. Parking structures and lots not in conjunction with a primary use;

L. Passenger terminals (water, auto, bus, train).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

A. Distributing, wholesaling and warehousing;

B. Outdoor sales or storage;

C. Correctional facilities;

D. Heavy equipment service, repair, sales, storage or rental[2] (including but not limited to

construction equipment and machinery and farming equipment);

E. Kennels;

E. Motor vehicle and recreational vehicle sales and incidental service;

F. Motor vehicle and recreational vehicle repair/service;

G. Outdoor sales or storage;

H. Self-service storage facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.29.050 Dimensional standards—MUC-1.

A. Minimum lot areas: None.

B. Maximum building height: Forty feet or three stories, whichever is less.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.

E. Maximum allowed setbacks.

1. Front yard: Five feet (may be extended with Site Plan and Design Review (Section 17.62.055).
2. Interior side yard: None.
3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of Section 17.62.055 are met.
4. Rear yard: None.

F. Maximum lot coverage of the building and parking lot: Eighty percent.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.29.060 Dimensional standards—MUC-2.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.25.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Sixty feet.

E. Minimum required setbacks if not abutting a residential zone: None.

F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
2. Interior side yard: None.
3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
4. Rear yard: None.

H. Maximum site coverage of building and parking lot: Ninety percent.

I. Minimum landscaping requirement (including parking lot): Ten percent.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.29.070 Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.

1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (12) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.29 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.29 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.31 "MUE"—MIXED-USE EMPLOYMENT DISTRICT [13]

Sections:

17.31.10 Designated.
17.31.020 Permitted uses.
17.31.030 Limited uses.
17.31.040 Conditional uses.
17.31.050 Prohibited uses.
17.31.060 Dimensional standards.
17.31.070 Floor area ratio (FAR).

17.31.10 Designated.

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes or similar as defined by the community development director. Some commercial uses are allowed, within limits. The county offices and Willamette Falls Hospital are examples of such employment-intensive uses.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.31.020 Permitted uses.

Permitted uses in the MUE district are defined as:

A. Banquet, conference facilities and meeting rooms;
B. Child care centers, nursery schools;
C. Medical and dental clinics, outpatient; infirmary services;
D. Distributing, wholesaling and warehousing;
E. Health and fitness clubs;
F. Hospitals;
H. Emergency service facilities (police and fire), excluding correctional facilities;
I. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
J. Offices;
K. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
L. Postal services;
M. Parks, play fields and community or neighborhood centers;
N. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
O. Passenger terminals (water, auto, bus, train);
P. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.31.030 Limited uses.

The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.

A. Retail services, including personal, professional, educational and financial services; laundry and dry cleaning;
B. Restaurants, eating and drinking establishments;
C. Retail shops, provided the maximum footprint for a stand alone building with a single store does not exceed sixty thousand square feet;
D. Public and/or private educational or training facilities;
E. Custom or specialized vehicle alterations or repair wholly within a building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.31.040 Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Correctional, detention and work release facilities;
B. Drive-in or drive-through facilities;
C. Hotels, motels and commercial lodging;
D. Outdoor markets that do not meet the criteria of Section 17.31.020.M;
E. Public utilities and services such as pump stations and sub-stations;
F. Religious institutions;
G. Veterinary or pet hospital, dog day care.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.31.050 Prohibited uses.

The following uses are prohibited in the MUE district:

A. Outdoor sales or storage;
B. Kennels;
C. Gas/Convenience stations;
D. Motor vehicle parts stores;
E. Motor vehicle sales and incidental service;
F. Heavy equipment service, repair, sales, storage or rental[2] (including but not limited to construction equipment and machinery and farming equipment);
G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;
H. Self-storage facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.31.060 Dimensional standards.

A. Minimum lot areas: None.
B. Minimum Floor Area Ratio: 0.25.
C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.
    1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
E. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055D.1 of Site Plan and Design Review. All other standards are applicable.
F. Maximum site coverage of the building and parking lot: Eighty percent.
G. Minimum landscape requirement (including the parking lot): Twenty Percent.

The design and development of the landscaping in this district shall:

1. Enhance the appearance of the site internally and from a distance;
2. Include street trees and street side landscaping;
3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;

4. Include, as appropriate, a bikeway walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.31.070 Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.
   1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
   2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
   3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (13) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.31 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.31 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.32 C GENERAL COMMERCIAL DISTRICT [14]

Sections:

17.32.010 Designated.
17.32.020 Permitted uses.
17.32.030 Conditional uses.
17.32.040 Prohibited uses in the General Commercial District.
17.32.050 Dimensional standards.

17.32.010 Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.32.020 Permitted uses.

A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040
B. Hotels and motels;
C. Drive-in or drove through facilities;
D. Passenger terminals (water, auto, bus, train);
E. Gas stations;
F. Outdoor markets that do not meet Section 17.29.020.H;
G. Motor vehicle and recreational vehicle sales and/or incidental service;
H. Motor vehicle and recreational vehicle repair and/or service;
I. Custom or specialized vehicle alterations or repair wholly within a building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.32.030 Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56:

A. Religious institutions;
B. Hospitals;
C. Self service storage facilities;
D. Public utilities, including sub-stations (such as buildings, plants and other structures);
E. Public and/or private educational or training facilities;
F. Parking structures and lots not in conjunction with a primary use;
G. Emergency service facilities (police and fire), excluding correctional facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.32.040 Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

A. Distribution, wholesaling and warehousing.
B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building).
C. General manufacturing or fabrication.

D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.32.050 Dimensional standards.

A. Minimum lot area: None.
B. Maximum building height: Sixty feet.
C. Minimum required setbacks if not abutting a residential zone: None.
D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
E. Maximum Allowed Setbacks.
   1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
   2. Interior side yard setback: None.
   3. Corner side yard setback abutting street: None
   4. Rear yard setback: None.
F. Maximum site coverage of building and parking lot: Eighty-five percent
G. Minimum landscaping requirement (including parking lot): Fifteen percent.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

FOOTNOTE(S):

--- (14) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.32 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.32 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.34 "MUD"—MIXED-USE DOWNTOWN DISTRICT [15]

Sections:

17.34.010 Designated.
17.34.020 Permitted uses.
17.34.030 Conditional uses.
17.34.040 Prohibited uses.
17.34.050 Pre-existing industrial uses.
17.34.060 Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.
17.34.070 Mixed-use downtown dimensional standards—For properties located within the downtown design district.
17.34.080 Explanation of certain standards.

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are

characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040
B. Hotel and motel, commercial lodging;
C. Marinas;
D. Religious institutions;
E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
F. Live/work units.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.34.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Ancillary drive-in or drive-through facilities;
B. Emergency services;
C. Hospitals;
D. Outdoor markets that do not meet the criteria of Section 17.34.020
E. Parks, playgrounds, play fields and community or neighborhood centers;
F. Parking structures and lots not in conjunction with a primary use;
G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
I. Public utilities and services such as pump stations and sub-stations;
J. Distributing, wholesaling and warehousing;
K. Gas stations;
L. Public and or private educational or training facilities;

M. Stadiums and arenas;
N. Passenger terminals (water, auto, bus, train);
O. Recycling center and/or solid waste facility.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.34.040 Prohibited uses.

The following uses are prohibited in the MUD district:

A. Kennels;
B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030
C. Self-service storage;
D. Single-Family and two-family residential units;
E. Motor vehicle and recreational vehicle repair/service;
F. Motor vehicle and recreational vehicle sales and incidental service;
G. Heavy equipment service, repair, sales, storage or rental[2] (including but not limited to construction equipment and machinery and farming equipment)

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.34.050 Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.34.060 Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

A. Minimum lot area: None.
B. Minimum floor area ratio: 0.30.
C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
    1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
    2. Property within five hundred feet of the End of the Oregon Trail Center property; and
    3. Property within one hundred feet of single-family detached or detached units.
E. Minimum required setbacks, if not abutting a residential zone: None.
F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
G. Maximum Allowed Setbacks.
    1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

2. Interior side yard: No maximum.
3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
4. Rear yard: No maximum.
5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

H. Maximum site coverage including the building and parking lot: Ninety percent.

I. Minimum landscape requirement (including parking lot): Ten percent.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.34.070 Mixed-use downtown dimensional standards—For properties located within the downtown design district.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.5.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Fifty-eight feet.

E. Minimum required setbacks, if not abutting a residential zone: None.

F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard setback: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
2. Interior side yard setback: No maximum.
3. Corner side yard setbackabutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
4. Rear yard setback: No maximum.
5. Rear yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.

H. Parking Standards. The minimum number of off-street vehicular parking stalls required in Chapter 17.52 may be reduced by fifty percent.

I. Maximum site coverage of the building and parking lot: One hundred percent.

J. Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in Section 17.62.050A.1. However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of Chapter 12.08 and Chapter 17.52

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.34.080 Explanation of certain standards.

A. Floor Area Ratio (FAR).

1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas

appropriate for larger-scale buildings and higher residential densities.

2. Standards.

a. The minimum floor area ratios contained in sections 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building height.

1. Purpose.

a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.

b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (15) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.34 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.34 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.36 "GI"—GENERAL INDUSTRIAL DISTRICT [16]

Sections:

17.36.010 Designated.
17.36.020 Permitted uses.
17.36.030 Conditional uses.
17.36.040 Dimensional standards.

17.36.010 Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the

supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.36.020 Permitted uses.

In the GI district, the following uses are permitted if enclosed within a building:

A. Manufacturing and/or fabrication;
B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;
C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);
D. Veterinary or pet hospital, kennel;
E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);
F. Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;
G. Emergency service facilities (police and fire), excluding correctional facilities;
H. Outdoor sales and storage;
I. Recycling center and solid waste facility;
J. Wrecking yards;
K. Public utilities, including sub-stations (such as buildings, plants and other structures);
L. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
M. Kennels;
N. Storage facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.36.030 Conditional uses.

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

A. Any use in which more than half of the business is conducted outdoors.
B. Hospitals.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.36.040 Dimensional standards.

Dimensional standards in the GI district are:

A. Minimum lot area, minimum not required;

B. Maximum building height, three stories, not to exceed forty feet;

C. Minimum required setbacks:

1. Front yard, ten feet minimum setback;
2. Interior side yard, no minimum setback;
3. Corner side yard, ten feet minimum setback;
4. Rear yard, ten feet minimum setback;

D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.

E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (16) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.36 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.36 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.37 (CI) CAMPUS INDUSTRIAL DISTRICT [17]

Sections:

17.37.010 Designated.
17.37.020 Permitted uses.
17.37.030 Conditional uses.
17.37.040 Dimensional standards.
17.37.050 Development standards.

17.37.010 Designated.

The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.37.020 Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

A. Experimental or testing laboratories;
B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
C. Public and/or private educational or training facilities;
D. Corporate or government headquarters or regional offices with fifty or more employees;
E. Computer component assembly plants;
F. Information and data processing centers;
G. Software and hardware development;
H. Engineering, architectural and surveying services;
I. Non-commercial, educational, scientific and research organizations;
J. Research and development activities;
K. Industrial and professional equipment and supply stores, which may include service and repair of the same;
L. Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;
M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;
N. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.37.030 Conditional uses.

The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

A. Distribution or warehousing.
B. Any other use which, in the opinion of the planning commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:
    1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;
    2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which

are incompatible with primary uses allowed in this district;

3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;

4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.37.040 Dimensional standards.

Dimensional standards in the CI district are:

A. Minimum lot area: No minimum required.

B. Maximum building height: except as otherwise provided in subsection B.1. of this section building height shall not exceed forty-five feet.

1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

C. Minimum required setbacks:

1. Front yard: Twenty feet minimum setback;

2. Interior side yard: No minimum setback;

3. Corner side yard: Twenty feet minimum setback;

4. Rear yard: Ten feet minimum setback.

D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.

E. If the height of the building exceeds forty-five feet, as provided in subsection B.1. of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.37.050 Development standards.

All development within the CI district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. Multiple building developments are exempt from the setback requirements of Section 17.62.055. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:

1. Enhance the appearance of the site internally and from a distance;

2. Include street trees and street side landscaping;

3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;

4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;

5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas conveniently located for use by employees;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.

C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.

D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15

E. Outdoor storage and refuse/recycling collection areas.

1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (17) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.37 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.37 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Chapter 17.39 [I] INSTITUTIONAL DISTRICT [18]

Sections:

17.39.10 Designated.
17.39.20 Permitted uses.
17.39.30 Accessory uses.
17.39.40 Conditional uses.
17.39.50 Dimensional standards.
17.39.60 Relationship to master plan.

17.39.10 Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.39.20 Permitted uses.

Permitted uses in the institutional district are:

A. Private and/or public educational or training facilities;
B. Parks, playgrounds, playfields and community or neighborhood community centers;
C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;
D. Stadiums and arenas;
E. Banquet, conference facilities and meeting rooms;
F. Government offices.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.39.30 Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

A. Offices;
B. Retail (not to exceed twenty percent of total gross floor area of all building);
C. Child care centers or nursery schools;
D. Scientific, educational, or medical research facilities and laboratories;
E. Religious institutions.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.39.40 Conditional uses.

Uses requiring conditional use permit are:

A. Any uses listed under Section 17.39.030 that are not accessory to the primary institutional use;
B. Boarding and lodging houses, bed and breakfast inns;
C. Cemeteries, crematories, mausoleums, and columbariums;
D. Correctional facilities;
E. Helipad in conjunction with a permitted use;
F. Parking lots not in conjunction with a primary use;
G. Public utilities, including sub-stations (such as buildings, plants and other structures);
H. Fire stations.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.39.50 Dimensional standards.

Dimensional standards in the I district are:

A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.

B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.39.60 Relationship to master plan.

A. A master plan is required for any development within the I district on a site over ten acres in size that:
   1. Is for a new development on a vacant property;
   2. Is for the redevelopment of a property previously used an a non-institutional use; or
   3. Increases the floor area of the existing development by ten thousand square feet over existing conditions

B. Master plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Section 17.65.70 and will be processed concurrently with the master plan application.

C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications must be in accordance with the requirements of the master plan adjustment process identified in Section 17.65.070

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

FOOTNOTE(S):

--- (18) ---

Editor's note— Ord. No. 08-1014, adopted Jul. 1, 2009, repealed Chapter 17.39 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.39 pertained to similar subject matter. See Ordinance Disposition List for derivation. (Back)

Community Advisory Team Meeting #3
Minutes, Agenda and Materials

Oregon City Sign Code Update
Community Advisory Team Meeting #3
Meeting Summary
November 18, 2013, 7:00 – 9:00 pm
City Hall, 625 Center Street

PARTICIPANTS	**Community Advisory Team (CAT)** ☑ Sandi Burley - Sign Company / Manufacture / Advocate ☑ Mark Evans - Institutional (Faith-based organization / School) ☑ Melissa Hayden - Development / Business ☑ Zach Henkin - Planning Commission ☑ Ed LaPlante - Chamber of Commerce ☐ Bob La Salle - Neighborhood Association/ Citizen Involvement Council ☑ Tom O'Brien - Neighborhood Association/ Citizen Involvement Council ☑ Kathleen Sinclair - City Resident ☑ Jonathon Stone – Main Street Oregon City ☑ Amy Willhite - City Resident ☑ Daryl Winand - Development / Business	**Oregon City staff and facilitation team** ☑ Laura Terway, Planner ☑ Ryan Orth, facilitator (EnviroIssues) ☑ Bridger Wineman, notetaker (EnviroIssues) ☑ Joseph Readdy, urban designer (UrbsWorks)
OTHERS PRESENT	• Tony Konkol, Community Development Director • Jennifer Bragar, City Attorney • Nancy Bush, Code Enforcement	• Bob Cochran, Clackamas Community College • Kristine Herman, Clear Channel • Jacqueline Hammond-Williams, Farmer's market
HANDOUTS	Agenda; Sign code enforcement brief; Draft Code (Nov. 12)	

AGENDA TOPICS

WELCOME, INTRODUCTIONS AND AGENDA OVERVIEW	LAURA TERWAY / RYAN ORTH
	Laura Terway and Ryan Orth welcomed attendees. Meeting participants introduced themselves, including City and facilitation team members and Community Advisory Team (CAT) members. The meeting immediately followed an open house where members of the public were invited to learn about project background and participate in an exercise where feedback was taken on 12 specific questions regarding preferences for an updated sign

	code.
INTRODUCTION AND REPORT ON COMMENTS RECEIVED	LAURA TERWAY \ RYAN ORTH
	Attendees were reminded the CAT process results in a series of recommendations to staff to consider as they develop a staff recommendation for the adoption phase of the sign code update project. The staff recommendation will be presented to the Planning Commission and City Commission through a series of public hearings in 2014. Since the last meeting comments regarding signs in the right-of-way, billboards and electronic message centers have been received by the project team.
ENFORCEMENT OF THE SIGN CODE	LAURA TERWAY \ RYAN ORTH
ENFORCEMENT OF THE SIGN CODE	Laura highlighted points made in a briefing paper, *Enforcement of the Oregon City Sign Code*. It describes issues and considerations surrounding enforcement and current enforcement processes, and discusses opportunities for enhancing enforcement in the future. The City recognizes that enforcement is important. There are currently several ways to submit an enforcement complaint. Fees received by the city for sign permits are not currently dedicated to code enforcement and represent a small portion of the total funding. Tony Konkol, Community Development Director, added that the city currently collects about $13,000 annually on average from sign permit fees. The Oregon City Code Enforcement, Public Works and Planning departments all work on code enforcement. Laura explained the CAT may recommend that more resources are put toward enforcement, but this would require approval from the City Commission. Jennifer Bragar, City Attorney, explained that owners of signs which are not in compliance are given an opportunity to comply by the code enforcement officer. When signs continue to remain out of compliance the issue can go to municipal court where a fine may be issued. Nancy Bush, Code Enforcement, explained that one challenge for enforcement is that all signs in the right-of-way are currently not legal; strictly complaint-based enforcement could have the effect of singling out some signs while failing to enforce against others. CAT members offered perspectives and discussion of enforcement issues, including: • Some CAT members commented that complaint-driven enforcement of the sign code alone will not be effective. • CAT members were not in agreement over whether annual fees for signage should be required and offered the following comments: o An annual fee for signs, perhaps connected with business licenses, is a good option for bringing in additional resources for enforcement. o There should not be an annual fee for signs as businesses already face many fees and signs are a vital form of advertisement. Since the city finds money to fund parking enforcement downtown, they should also be able to fund enforcement of the sign code. o Sign companies are not generally required to pay annual fees for each sign in other jurisdictions. They do pay for an annual business license.

- If used, annual fees should only apply to certain types of signs.

- A CAT member offered the example of the City of Portland which allows 30 days to comply with the code after a citation is issued, after which a $1,000/day penalty is assessed for continued noncompliance. This system is complaint-driven and outside a court process, which is accommodated by their municipal code.
- A CAT member said there is a difference between illegal signs and nonconforming signs. Sign companies should be allowed to maintain nonconforming signs as a matter of public safety.
- CAT members discussed means and rationales for finding sufficient resources for enforcement.
    - The City of Gladstone uses former law enforcement officers on volunteer time to document neighborhood livability issues with photographs which go to the code enforcement office. This approach saves money. Another CAT member suggested using interns to reduce costs.
    - Code enforcement officers should be well trained. The use of volunteers for this work is questionable.
    - Education is the most important issue for enforcement. The city should clearly communicate the code at the planning counter and through business groups.
    - Photos of the property could be required on business license applications, or when a deed is transferred, to verify signage is in compliance.
    - A portion of the revenue from sign permits could go directly toward enforcement. Nancy Bush responded that there may be an issue with this approach in that fees are assessed for signs on private property while a majority of enforcement is for signs in the right-of-way.
    - Another CAT member suggested that finding funds to enforce the sign code is defensible because, just like parking enforcement downtown, it will help businesses succeed.
    - The city should consider finding funding for an intensive temporary initial period of enforcement. By frontloading the investment, ongoing costs for enforcement would be less.

Overall, CAT members agreed with the number of steps described in the briefing paper that could be taken to improve enforcement, including additional education measures, increased funding or other activities that increase available enforcement resources.

REVIEW AND DISCUSSION OF THE DRAFT PROPOSED CODE

JOSEPH READDY / LAURA TERWAY \ RYAN ORTH

Ryan explained the updated draft proposed code was created for discussion. It follows the basic organizational structure of the existing code. Based on comments received from the CAT at the previous meeting, three zone categories are reflected: 1) residential zones, 2) conditional uses in residential zones, and 3) office, commercial and industrial zones. There are also sections of the presentation on prohibited signs, definitions and outstanding issues.

SIGNS IN RESIDENTIAL ZONES	Joseph Readdy summarized draft code for residential zones in comparison to the existing sign code. The scale of signs would be slightly reduced and the maximum height above grade would increase to help visibility by pedestrians. Freestanding signs would be similarly trimmed except for in the R2 zone, which has larger lots. R2 parcels with more than one frontage would be permitted an additional sign.
CONDITIONAL USE SIGNS IN RESIDENTIAL ZONES	Joseph explained that parcels with conditional uses in residential zones usually have larger frontages and are often schools and churches. The conditional use review considers if a proposed use is appropriate for the neighborhood context. Laura said the conditional use permit cost is approximately $3,500 and explained the conditional use process. CAT members expressed concern at the cost of the conditional use permit. A CAT member suggested that review costs could be reduced by having neighborhood associations participate in review of permit applications. Tony Konkol explained that permits must be issued by the City and follow the City's district and comprehensive plans and legal requirements. Neighborhood Associations do not have the authority or capacity to make these determinations. **Wall signs:** Joseph said no change is proposed for wall signs in conditional uses. • A CAT member commented that the current 8-foot maximum height above grade does not make sense for wall signs and should be increased. This change will be reflected in the next revision of the recommendation document. **Freestanding signs:** Joseph said freestanding signs are proposed to be allowed greater height, up to 15 feet above grade. Internally lit and Electronic Message Centers (EMC) could be permitted with conditional use review. • Some CAT members expressed that illuminated signs should be allowed and not subject to the same level of review as that required for LED signs. • A CAT member said for Electronic Message Centers and LED signs, the code should include specific sign requirements, such as maximum brightness and times of day when they may be lit, to help mitigate potential impacts to neighbors and allow for them to be permitted without a conditional use permit. These comments will be considered in a future focused discussion around LED/EMC signage. **Temporary signs:** Joseph explained the draft code proposal allows for temporary signs per property and portable signs, including A-frames, on private property.
SIGNS IN OFFICE, COMMERCIAL AND INDUSTRIAL ZONES	Joseph introduced the draft proposed code for signs in office, commercial and industrial zones. • CAT members discussed, but did not come to agreement on, whether historic areas or downtown should be addressed separately in the code. **Wall signs:** The proposal for wall signs is to calculate the sign allowance by tenant space frontage rather than the entire building frontage. The ratio of frontage to sign area was reduced from 2:1 to 1:1 in the proposed code. • A CAT member suggested that there should be a minimum area allowance for wall signs. Another CAT member expressed the option that a minimum allowed area for wall signs is not needed as it could increase clutter in areas with many small tenant spaces and would not be fair to tenants with larger spaces. Members agreed to the

	proposed 1:1 ratio, with the possible addition of a minimum allowance. CAT members discussed the appropriate minimum sign area allowance for wall signs, including 20 and 32 sq. ft., but did not come to agreement. • CAT members discussed whether there should be different allowances for signs geared toward people in cars versus people on foot, but did not come to agreement. **Freestanding signs:** The proposed code increases the number of freestanding signs to two for frontages greater than 600 feet. A map of those parcels where the frontage currently exceeds 600 feet was presented for review and comment. **Roof signs:** Joseph explained the proposed code for roof signs increases to one roof sign per frontage if there is no projecting or freestanding sign and decreases the maximum height to 10 feet, beginning at the parapet wall. • A CAT member suggested skirting should be required to cover exposed hardware on roof signs. **Projecting signs:** The proposal would allow for increased sign size. It would remove the maximum height and the minimum distance between signs. • A CAT member said the proposal would allow a 24 square foot blade sign if there is no free standing or roof sign, which is too large. • Some CAT members expressed that there should be a 48 square foot maximum total area for wall and projecting signs. After discussion, members agreed that wall and projecting sign area allowances should be tied to the same 1:1 ratio, in combination. This change will be reflected in the next revision of the recommendation document. **Incidental signs:** Joseph explained the proposed code removes the allowance for incidental wall signs but allows incidental freestanding signs for large scale uses. Jennifer Bragar commented that temporary signs should be defined by size and duration to avoid having a definition based on content. • CAT members said duration is a suitable way to distinguish temporary signs from other types of signs. • A CAT member said downtown businesses should be allowed an incidental sign which is practical given building with no setback where wall signs may be the only possible sign type. CAT members agreed that wall signs with some maximum size should be allowed as incidental signs in consideration of cabinet-style signs used for restaurant menus and community kiosks. • A CAT member said restaurant drive through menu boards should be considered as additional freestanding signs permitted in the code at sufficient size. Laura pointed out signs not visible from the street are not subject to the code.
PROHIBITED SIGNS	Joseph identified a number of terms for prohibited signs which are proposed for removal from the code because they are not content neutral or are otherwise too discretionary. Feather signs and air blown signs are also recommended for prohibition. • A CAT member suggested the term “hula” should be removed, as it is not a common term. • A CAT member said feather signs are more accurately described as “attention flags” which is a more encompassing term.

	• There was a typo in the definition of natural materials. Each of these changes will be reflected the next revision of the recommendation document.
DEFINITIONS	A number of definitions are recommended for addition, removal or change from the code. • CAT members commented that there should be definition for ancillary and incidental signs if both terms are used in the code. • CAT members said blade signs which use permanent supports for a sign surface which is fabric should be permitted and made not to fall under the definition of feather or flag. • A CAT member requested that a definition of city- or government-owned signs is included to specifically address grant-funded organizations and initiatives. • A CAT member asked that a separate definition be included for colonial post real estate signs, which should be allowed with an area of six square feet. Each of these changes will be reflected the next revision of the recommendation document.
OTHER ISSUES AND CAT PROCESS	A CAT member asked about whether the updated code could be further amended after adoption. Laura explained that to amend the code after adoption by the city is possible but would require a notice to all property owners. The City is intending on adopting the sign code and revisiting the code after adoption to make changes as needed. A number of outstanding issues not discussed at this meeting will be addressed at the next CAT meeting. Ryan distributed results of a web-based survey which was taken by CAT members related to these issues. A subset of these questions were posed to the public on posters at the public open house. Ryan reminded participants that the CAT process will produce a set of recommendations to city staff in the form of a draft code concept which also summarizes the public and CAT process. In areas where the CAT process does not result in clear direction, a list of identified issues will be included. The CAT will have an opportunity to comment on the comprehensive package, to make sure input has been captured. This final review may take place outside of the four meetings which comprise the formal CAT process. Ryan thanked the CAT for their efforts and for discussing these issues with the public at the open house.
NEXT STEPS AND CAT MEETING #4	LAURA TERWAY \ RYAN ORTH
	The next and final CAT meeting, scheduled for 5:00 – 7:00 PM, Monday, Dec. 9, 2013, will include discussion of a more refined code proposal, as well as outstanding issues defined to-date. This final meeting will focus on developing additional recommendations for staff to inform their subsequent work on a staff recommendation for the sign code update. The group discussed either extending the time of the next meeting or holding an additional meeting, but no decision was made.

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Agenda

Oregon City Sign Code Update
Community Advisory Team (CAT) Meeting #3
November 18, 2013, 7:00 – 9:00 pm
City Hall

1. Introductions and agenda review

2. Review sign code update process

3. Public comments received since last meeting

4. Group discussion: sign code education and enforcement

5. Presentation and group discussion: draft code concept and outstanding issues (referring to discussion questions in draft code concept and open house questions)
    - Signs in the Right-of-Way
    - Electronic Messaging Centers
    - Billboards
    - Signs on fences or fencing
    - Definition of sign
    - Murals
    - Signs attached to parked vehicles
    - Signs attached to, or carried by, a person
    - Signs owned and operated by government agencies
    - Signs placed inside windows

6. Review next steps and remaining outstanding issues

Next Meeting: Monday, December 9, 2013
5:00 – 7:00 pm

Enforcement of the Oregon City Sign Code

Throughout the Oregon City Sign Code Update project, community members have consistently expressed a broad desire for more active enforcement of the sign code. City staff will consider the Sign Code Community Advisory Team's recommendations about the sign code enforcement program and how those recommendations may fit in the Sign Code Update process.

It is easy to submit a Code Enforcement complaint
Complaints about signage can be submitted quickly and easily in any of the following manners:

- Calling Code Enforcement Directly
- At www.orcity.org
- Via the GORequest app for iPhone and Droids.

The number of complaints received each year varies significantly.

The City has several tools to address illegal signs:

- Complaints may be called in directly to the Code Enforcement Division or Planning Division.
- The Code Enforcement Division may recommend property owners remove illegal signs when they are on site visits for other items.
- The Code Enforcement Division may remove illegal signs within the right-of-way.
- The Code Enforcement Division and Planning Division may initiate enforcement against illegal signs that are hazardous to the public.
- The Public Works Division may remove illegal signs within the right-of-way.

Sign code enforcement is currently focused on addressing signs that cause a safety hazard - whether on private property or attached to public infrastructure in the public right-of-way.

Enforcement is enforcement proceedings are time intensive
Each (violation of the sign code) involves several steps that may require significant time and resources to address. As shown below, the process for enforcing the sign code on private property and within the public right-of-way is different, but, on average, enforcement takes approximately three hours of staff time. However, some violations can take 30 hours or more for staff to appropriately respond.

Outline of enforcement process for illegal signs on private property:
When the City receives a complaint regarding a potentially illegal sign on private property, the City first considers the resources available for sign code enforcement. Thereafter, the City may undertake the following:

- The Code Enforcement or Planning Department may conduct a site visit to verify the violation (which would typically include a discussion with the property owner).
- The site visit may be followed by a written notice to the property owner if a violation is present and could require the property owner to contact the Planning Division within seven days.
- Once the Planning Division is contacted by the property owner, a discussion of the violation and potentially a site visit occurs after which the property owner may be provided 30-days to correct the violation.
- Once the violation is fixed, the property owner will contact the Planning Division and schedule a second site visit to confirm compliance.
- Once the second site visit occurs, the Planning Division typically sends an email to Code Enforcement to let them know whether the case should be closed.

- Depending on the scope of the violation, the property owner may ask for additional time or site visits to remedy the violation.
- The Code Enforcement Division may email the Planning Division periodically for status updates.

If the property owner does not remedy the situation, Code Enforcement may send a summons to the property owner with a court date for a hearing before the Municipal Judge and file additional paperwork with the courts. Once a property owner receives a summons, further contact with City staff is usually made by the property owner and, in City staff's experience, the sign is typically removed prior to the court date. If the sign is removed prior to the court date, additional paperwork is required to withdraw the case from the court's docket.

Outline of enforcement process for illegal signs within the right-of-way:

The Code Enforcement and Public Works Division ensure that the right-of-way is safe for pedestrians, vehicles, and other roadway users. Signs within the right-of-way that are a safety hazard are removed by Code Enforcement officers or the Public Works Division Staff.[1]

Municipal Court has the authority to impose fines for violations of the sign code

Only the municipal court may impose fines for illegal signs by the Municipal Court. Chapter 1.20.090 of the Oregon City Municipal Code authorizes a civil penalty of $300 per day upon conviction of an infraction. As demonstrated above, the process of sending a violation to court is costly, but the threat of fines is usually accompanied by compliance and court appearances are avoided.

Potential policy options for future sign code enforcement

The City must always be able to enforce its code, but must prioritize its limited resources. To date, the CAT recommended the following options to improve sign code enforcement:

- Increase education about the sign code, available resources and common violations. Education may take place through a variety of mechanisms, including print and online guidance that can be widely distributed and provide access to additional technical resources. CAT members may be particularly helpful in this effort by educating other members of the public.[2]
- Increase funding to allow for additional staff with specific enforcement responsibilities. Potential mechanisms to increase funding include higher permit fees, higher taxes or a greater contribution from the general fund. City staff will forward this recommendation to the City Commission for consideration, but will be considered with other budget priorities.
- Education and focused enforcement upon the rollout of the sign code update.
- Beginning in 2014, prepare an annual report to the City Commission of how much time is spent by the Planning Department staff to enforce the sign code.

City staff will include these recommendations in the staff reports to the Planning Commission and City Commission when those commissions consider the sign code amendments. City staff is prepared to recommend code language, if necessary, based on the City Commissions' direction on how to best

[1] Historically the Code Enforcement and Public Works Divisions would confiscate and impound signs within the right-of-way for up to 30 days; however, the City maintain an impound process. If possible, the sign owner was advised by mail that signs were confiscated. Signs were stored and disposed of after 30 days if not claimed. The City's current practice is to discard confiscated signs immediately after removal.

[2] At previous meetings, the CAT suggested training volunteers to assist with the awareness and education of the sign code. This may not be feasible depending on the availability of volunteers and the ability to train and manage the volunteers.

undertake code enforcement of the sign code, as the Commission considers the City's available resources for provision of a range of public services the City provides.

The above list may be expanded or contracted based on the Sign Code CAT's Meetings #3 and #4.

Nonconforming Signs
When the 1994 sign code was adopted, it allowed all nonconforming signs to remain for a period of 10 years, after which they were to be removed.

The CAT will provide recommendations to the City on how to address nonconforming signs during the Sign Code CAT meetings #3 and #4. An option to address non-conforming signs and alleviate some of the enforcement pressures would be to allow all legally established nonconforming signs to remain with the condition that once non-conforming signs are removed, property owners would not be allowed to reconstruct non-conforming signs without a permit.

Expectations of the Community Advisory Team
The Sign Code Update Community Advisory Team (CAT) is expected to consider the opportunities, existing resources and limitations to develop recommendations for the City Commission to consider regarding sign code enforcement could be addressed.

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Taxlots - Road Frontage

Plotted November 7, 2013

- Taxlots - Freeway Frontage (>=600 ft.)
- Taxlots - Arterials Frontage (>= 600 ft.)
- City Limits
- Urban Growth Boundary

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.

Please recycle with colored office grade paper.

N W E S

0.5 0.25 0 0.5 1 Miles

2,000 1,000 0 2,000 4,000 6,000 Feet

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City
Oregon 97045
Phone: 503-657-0891
Fax: 503-657-6629
www.ci.oregon-city.or.us

Plot date: 11/7/2013
Map: Taxlot Road Frontage - 24x36P.mxd
Plot: Taxlot Road Frontage - 24x36P_20131107.pdf

CAT Recommendation to the Oregon City Sign Code Update

November 12, 2013

Purpose and scope of sign regulations

The current sign code regulates the erection, placement and maintenance of signs to protect and enhance public health, safety, welfare and property. The code:

1. Allows signs compatible with the character and uses allowed in the zoning district in which they are located;
2. Maintains the effectiveness of traffic signs;
3. Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion (graphic and/or physical);
4. Maintains and enhances the scenic and other aesthetic qualities of the city.

The Sign Code Update's Community Advisory Team (CAT) has also suggested that design standards for signs are also intended to:

- Support the economic development of Oregon City businesses;
- Be simple and clear while balancing certainty for the community with some flexibility for the applicant.

The following information summarizes proposed code updates and weaves in recommendations from the Sign Code Update CAT. This document will be further revised based on information gathered during the remaining CAT meetings and will ultimately be used as a basis for staff's draft amendments to the Sign Code. An appendix with descriptions of the various zone classifications is provided.

Signs in Residential Zones

The following zoning designations are within the residential zone:

- R-10 Single-family dwelling district
- R-8 Single-family dwelling district
- R-6 Single-family dwelling district
- R-5 Single-family dwelling district
- R-3.5 Dwelling district
- R-2 Multi-family dwelling district

Wall Sign: Residential zones allow the placement of one wall sign for each property frontage (with a maximum of 3). A wall sign is prohibited if there is a freestanding sign, except in the "R-2" Multi-family dwelling district. Signs are permitted to be up 12 square feet in size, up to 5 feet in legth, up to 8 feet above grade, and primarily constructed of natural materials. Signs may be up to 20 square feet for properties in the "R-2" Multi-family dwelling district. If illuminated, the source of illumination must be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

Freestanding Sign: Residential zones other than "R-2" Multi-Family Dwelling District allow the placement of one freestanding sign if there is no wall sign on the same frontage. Properties in the "R-2" Multi-Family Dwelling District may have one freestanding sign for each property frontage (with a maximum of 3). Signs are permitted to be up 20 square feet in size, up to 5 feet in length, up to 5 feet above grade, and primarily constructed of natural materials. However, in the R-2 Multi-family dwelling district, such signs may be up to 10 feet in length. If illuminated, the source of illumination for all signs within residential districts shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

Ancillary Signs: In an effort to reduce visual clutter, some CAT members have suggested limiting the number of signs other than wall signs, and freestanding signs to four (4)[1] per property. This includes temporary signs, flags, and all signs that do not require a permit.

Other Signs Allowed within the Zone without a Permit:

- Temporary signs, provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face that exceeds four square feet in area;
- Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area, but not including signs painted on the sides of buildings;
- A single sign where the display surface area does not exceed two square feet;
- Window signs situated on the indoor-side of a window or door;
- Flags, limited to two per premises;
- Signs attached to, or carried by a person[2];
- Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- In addition, CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

<u>Proposed Changes to the Existing Code:</u>

- Delete OCMC 15.28.070.B.6 requiring that wall and freestanding signs will "be set back from the street as determined by the sign official, but not more than ten feet from the street right-of-way".
- The size of wall signs was reduced from 20 square feet to 12 square feet for properties in zones other than in the "R-2" Multi-family dwelling district
- CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.
- In an effort to reduce visual clutter, some CAT members suggested limiting the number of the temporary type signs (banners, and all signs allowed without a permit) to 4 per property.
- Wall sign length reduced from 10 to 5 feet and from 5 to 8 feet in height.
- Wall sign area reducedfrom 20 square feet to 12 square feet for residential.
- The maximum length for free standing signs was reduced from 10 to 5 feet for residential zones other than the "R-2" Multi-family dwelling district.
- For residential zones other than the "R-2" Multi-family dwelling district, the number of freestanding signs was changed from one freestanding or wall sign for each property frontage (with a maximum of 3) to a maximum of one freestanding sign.

[1] The number of ancillary signs is to be discussed by the CAT.

[2] The CAT will continue to provide additional detail on this topic based on the discussion questions at the end of this document.

- For properties within the "R-2" Multi-family dwelling district, the number of freestanding signs was changed from one freestanding or wall sign for each property frontage (with a maximum of 3) to allow one wall and freestanding sign for each property frontage (with a maximum of 6).

Conditional Use Signs in Residential Zones

Wall Sign: One wall sign per frontage may be allowed. If allowed, the sign may be up to 32 square feet, up to 10 feet in length, 8 feet above grade and must be primarily constructed of natural materials or similar products, such as wood, stone, brick or metal. In addition, if illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

Freestanding Sign: One free-standing sign per lot is allowed up to 32 square feet, up to 10 feet in length, 15 feet above grade and primarily constructed of natural materials or similar products, such as wood, stone, brick or metal. In addition, if illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure. Internally lit and electronic message center (EMC) signs may be approved by the Planning Commission with a Conditional Use review.[3]

Ancillary Signs: In an effort to reduce visual clutter, some CAT members suggested limiting the number of signs other than wall signs and freestanding signs to four (4)[4] per property. This includes temporary signs, flags, and all signs which do not require a permit.

Other Signs Allowed within the Zone without a Permit:

- Temporary signs; provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;
- Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;
- A single sign where the display surface area does not exceed two square feet;
- Window signs situated on the indoor-side of a window or door;
- Flags, limited to two per premises;
- Signs attached to, or carried by a person[5];
- Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- In addition, CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

<u>Proposed Changes to the Existing Code:</u>

- Members of the CAT recommend increasing the height of freestanding signs allowed through a conditional use process from 8-feet to 15-feet
- Amend the illumination standards to allow internally lit and electronic messaging center for freestanding signs. Staff has suggested allowing internally lit signs and electronic message centers

[3] Please refer to the Discussion section for additional detail.
[4] Please refer to the Discussion section for additional detail.
[5] Please refer to the Discussion section for additional detail.

with approval of the Planning Commission through a Conditional Use review. Note: The criteria would be the same as the Conditional Use criteria.
- CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.
- In an effort to reduce visual clutter, some CAT members suggested limiting the number of the tempory type signs (banners, and all signs allowed without a permit) to 4 per property.

Signs in Office, Commercial and Industrial Zones

The following zoning designations are within the office, commercial and industrial zone:
- I, Institutional District
- NC, Neighborhood Commercial District
- HC, Historic Commercial District
- MUD, Mixed-Use Downtown District
- MUC-1, Mixed-Use Corridor District and MUC-2, Mixed-Use Corridor District
- MUE Mixed-Use Employment District
- C, General Commercial District
- CI Campus Industrial District
- GI, General Industrial District

Wall signs: The number of wall signs is unlimited provided the total display surface area is no larger than one square foot for each lineal foot of the wall length of the tenant space on which the sign is erected. Signs on other project structures such as awnings, canopies, false fronts and wall extensions that do not extend more than a foot are considered wall signs.

Freestanding signs: One freestanding sign or additional sign is allowed for each street frontage, if a frontage exceeds 600 lineal feet or more on arterial streets a second freestanding sign is allowed. No free-standing sign shall be permitted on the same frontage where there is a projecting or roof sign. Free-standing signs on the same premises shall be separated by a minimum of fifty feet distance. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet. The signs shall not project over the right-of-way and a minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access. The greatest horizontal dimension shall not exceed twenty feet and the height shall not exceed twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage. In no event shall any sign exceed thirty feet in height.

Incidental freestanding signs: One incidental freestanding sign is allowed for each street frontage, if a frontage exceeds 600 lineal feet or more on arterial streets a second incidental freestanding sign is allowed. No sign face shall exceed 8 square feet with a maximum surface display area of 16 square feet. The signs shall not project over the right-of-way and a minimum clearance of ten feet from grade shall

be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access. The height shall not exceed 15 feet above grade.

Roof signs: One roof sign is permitted for each frontage if there is no projecting sign or free-standing sign along the frontage. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet. The signs shall not project over the right-of-way and a minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access. The horizontal dimension shall not exceed twenty feet and the vertical dimension may not exceed 10 feet.

Projecting signs: One projecting sign is allowed for each business frontage if there is not a free-standing or roof sign on the same frontage. The sign may be up to 24 square feet per sign face, with total area of all faces not to exceed 48 square feet.The maximum projection from a building wall shall be 6 feet and shall not project more than two feet of the curb line. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.

Banners: CAT members suggested allowing temporary banners to be attached to building walls outside of historic districts. One banner shall be allowed per property for up to 30 days with a permit up to 2 times per year. Banners dimensions may not exceed 6 feet in length and 2 feet in height.

Ancillary Signs: In an effort to reduce visual clutter, some CAT members suggested limiting the number of signs other than wall signs and freestanding signs to four (4)[6] per property. This includes temporary signs, flags, and all signs which do not require a permit.

Other Signs Allowed within the Zone without a Permit:

- Temporary signs provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;
- Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;
- A single sign where the display surface area does not exceed two square feet;
- Window signs situated on the indoor-side of a window or door;
- Flags, limited to two per premises;
- Signs attached to, or carried by a person[7];
- Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- In addition, CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

[6] Please refer to the Discussion section for additional detail.
[7] Please refer to the Discussion section for additional detail.

Proposed Changes to the Existing Code:

- Wall signs should be measured using the tenant space, and not using the entire building wall.
- Clarify that signs on other project structures such as awnings, canopies, false fronts and wall extensions which do not extend more than a foot are considered wall signs.
- Increase the number of freestanding signs from one per frontage to one per frontage or two for frontages with 600 lineal feet or more on arterial streets.
- Free-standing signs on the same premises but on different frontages shall be seperated by 50 feet because some frontages may be long enough to allow more than one freestanding sign.
- The standard that freestanding and roof signs may not project over a public right-of-way should be changed to state that such signs may not project over any right-of-way, public or private.
- The number of roof signs should be changed from one per premises (if there is no projecting sign or free-standing sign along the frontage)to one per frontage (if there is no projecting sign or free-standing sign along the frontage).
- The requirements stating that "stamped approval of a licensed civil or structural engineer may be required due to stresses put on the building. No roof sign shall be erected without approval of the fire marshal after a finding that the size, type and location of the sign will not substantially interfere with fire fighting" for roof signs was removed.
- The height for roof signs was changed from a maximum of twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage (in no event shall any sign exceed thirty feet in height) to a vertical maximum of 10 feet.
- The minimum distance between projecting signs on the same horizontal plane of 20 feet was removed.
- Increase the dimensions for projecting signs from a maximum size of 16 square feet per sign face, with total area of all faces not to exceed 32 square feet to a maximum of 24 square feet per sign face, with total area of all faces not to exceed 48 square feet. The maximum projection from a building wall was increased from 4 feet to 6 feet. The maximum vertical dimension of a projecting sign was eliminated.
- The standard under OCMC 15.28.080.A.5.g that "projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building code official, may extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet" should be amended to read "In those instances where a projecting sign on other project structure would be in the sight of pedestrians the clearance under the marquee or other permanent structure may be reduced to eight feet.".
- Allow one additional incidental sign per premises, so long as a permit is first obtained as required by the sign code. An incidental sign may be a free-standing or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed thirty-two square feet, and no sign face shall exceed sixteen square feet.
- Change incidental signs from either a wall or freestanding sign to an incidental free-standing sign. Reduce the size limitations from a maximum 16 square feet with a maximum sign face size of 8 square feet. Remove the maximum horizontal dimension of 20 feet. Reduce the maximum height from 25 feet above grade, plus 5 feet for each 200 feet, or portion thereof, frontage in excess of 200 feet (not to exceed 30 feet) to 15 feet.

- CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.
- CAT members suggested allowing temporary banners to be attached to building walls outside of historic districts.
- In an effort to reduce visual clutter, the CAT suggested limiting the number of the ancillary signs (temporary signs and all signs allowed without a permit) to 4 per property.

Prohibited Signs

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this chapter:

- Billboards[8]
- A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed views of official traffic control signs or devices or approaching or merging traffic
- A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts, except as otherwise allowed within this code. This subsection does not apply to traffic control signs or devices
- A sign with lighting that is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, unless the lighting is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof
- A sign located upon a tree, or painted or drawn upon a natural feature
- Streamers, strings of lights, balloons, hulas, banners or pennants, excepting traditional holiday decorations[9]; and except as provided in Section 15.28.010(B)
- A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape
- A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction over the right of way
- Any sign larger than four square feet on an undeveloped lot or parcel of property
- A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter
- Signs on fences or fencing[10]
- Feathers
- A-frame signs larger than 5 square feet per sign face or no taller than 32 inches.
- Air blown signs

Proposed Changes to the Existing Code:

- Delete an obsolete sign because the description is not content neutral.
- Delete reference to an exception for traditional holiday decorations and consider allowing streamers, strings of lights, balloons, hulas, banners or pennants during certain times of the year
- A sign not maintained in a safe, neat, clean and attractive condition and in good repair was deleted as it is discretionary.

[8] Please refer to the Discussion section for additional detail.
[9] This is an impermissible content based regulation that will need to be updated in these code amendments.
[10] Please refer to the Discussion section for additional detail.

- A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard was deleted as it is difficult to measure or discretionary.
- Portable signs, A-frame signs, sandwich boards, tent signs are no longer prohibited up to 5 square feet per sign face and 32 inches in height.
- A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts remain prohibited, except as otherwise allowed within this code.
- Feathers are identified as prohibited signs.
- Prohibited air blown signs.

Definitions

- "Abandoned sign" means a sign that does not have copy on the display surface for a period of six months or more, including an obsolete sign.[11]
- “A-frame sign” means a movable steeply angled sign that meets at the top in the shape of the letter “A” and is not attached to a structure or the ground.
- “Banner” means a sign made of fabric or other similar non-rigid material supported or anchored at four corners or along top with weighted bottom.
- “Air Blown Sign” A sign that is intended to be inflated by air or other gas for it's proper display and support."
- "Billboard" means a sign with a display surface area of three hundred square feet or more.
- "Display surface area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.
- "Erect" or "erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.
- "Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.
- “Feather” means a sign made of fabric or other similar non-rigid material supported on a pole, where one side of the sign is more than three times as long as any other side.
- “Flag” means a sign made of fabric or other similar non-rigid material supported or anchored along one edge or two corners.
- "Free-standing sign" means a sign supported from the ground by its own structure.
- "Frontage" means the continuous distance along one street right-of-way line of one premises, provided such street is improved for public travel.
- "Grade" means the level of the nearest sidewalk or road pavement.
- "Incidental freestanding sign" means a sign which no sign face shall exceed 8 square feet with a maximum surface display area of 16 square feet.
- "Maintain," "maintained" or "maintaining" means activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.
- "Natural materials" means wood, stone, brick and rock or any combination thereof.
- "Premises" means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.
- "Projecting sign" means a sign projecting more than one foot from the wall of a building.

[11] This definition will need to be updated to reflect a content neutral approach to identifying signs as abandoned.

- "Roof sign" means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- "Sign" means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.
- "Sign face" means the total of display surface area visible from one side of a sign.
- "Sign official" is the person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.
- "Temporary sign" means a sign that has no more than two faces, and that no sign face exceeds four square feet in area
- "Traffic control sign or device" means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the City of Oregon City, the state or federal governments.
- “Undeveloped lots” a property without a building, business or valid land use approval.
- "Wall" means a masonry structure.
- "Wall sign" means a sign erected on a wall.

Changes from the Existing Code:

- Flag: This sign type is not defined in the current code. Proposed definition: “a sign made of fabric or other similar non-rigid material supported or anchored along one edge or two corners.” If any side is more than three times as long as any other side the flag becomes a feather.
- Feather: This sign type is not defined in the current code. Proposed definition: “A sign made of fabric or other similar non-rigid material supported on a pole, where one side is more than three times as long as any other side.” If any side is less than three times as long as the other side it is defined as a flag.
- Remove the definition of obsolete sign, as it is not content neutral.
- A definition of undeveloped lots was added as “a property without a building, business or valid land use approval.”
- A definition of A-frame sign was added which means a movable sign that is not attached to a structure or the ground.
- A definition for banners was added which is “A sign made of fabric or other similar non-rigid material supported or anchored at four corners or along top with weighted bottom.”
- A definition for air blown signs was added which is “A sign that is intended to be inflated by air or other gas for it's proper display and support."
- The definition of "Temporary sign" was changed from “a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.” To “a sign which has no more than two faces, and that no sign face exceeds four square feet in area”.
- The definition of incidental sign was updated to reflect an incidental freestanding sign.

Discussion Questions:

In order to advance the above summary of code amendments to reflect the CAT's further recommendations, please consider and provide feedback on the below discussion items.

Signs in the Right-of-Way (on the sidewalk, street, etc): The City right-of-way consists of the land that is not exclusively private property, such as where street and sidewalks are located. Currently, signs within the right-of-way are prohibited unless approved by the City Engineer. There are currently no standards to guide the City Engineer in his or her decision about whether a sign should be allowed in the right-of-way. A majority of the public right-of-way in Oregon City is owned and maintained by the City of Oregon City, but a portion is under Clackamas County or Oregon Department of Transportation (ODOT) jurisdiction. Recognize that those portions of the public right-of-way under Clackamas County or ODOT jurisdiction may be subject to other regulations that preempt Oregon City regulation or in which those jurisdictions may have a proprietary interest.

A-frame signs: CAT members suggested allowing A-frame signs throughout the City. Many cities allow businesses and the public to place signs over or within the public right-of-way. Examples include A-frame signs placed on the sidewalks in many downtowns, stick signs within planter strips between the sidewalk and the street, or signs projecting from a building and over the property line.

- Should the City allow signs to be located within the public right-of-way?
- Should signs located within the right-of-way be limited to certain locations?
- What should be the standards for maximum number, size, height, width, clearance, spacing, material, time limitation, etc.?
- Where a maximum number of signs are allowed and multiple people want to put a sign within the right-of-way how would the City choose who to allow to place a sign in the right-of-way in a content neutral way?

Ancillary signs: CAT members have identified the need to reduce clutter associated with signs on private property. Ancillary signs include signs allowed without a permit, as well as proposed temporary sign types (A-frames, lawn signs, etc.). CAT members proposed a policy that allows ancillary signs, but imposes limits on the total number. A limit of four total signs is shown above in the proposed draft revised code summary.

- How many ancillary signs in total should be allowed on each private property? Should the number be different for residential and commercial zones?
- What frequency and duration should be allowed for temporary signs without a permit?
- Should banners on commercial properties require a permit? What display period should be allowed?

Electronic Messaging Centers (EMC): Signs presenting electronic messages or internally illuminated signs that use technologies such as light-emitting diodes (LEDs) have been permitted if the message has not changed more than once per day. CAT member comments have expressed some interest in allowing electronic message centers which change more than once per day.

- Where, if at all, should EMC's be permitted? Should EMC's be allowed with approval by the Planning Commission as a Conditional Use?
- What should the standards be for the frequency in which the message can change?
- What should the standards be for brightness?

Billboards: Billboards (defined as signs 300 sq. ft. and larger) are currently not permitted in Oregon City. CAT comments have included a proposal to allow for billboards along state highways and major arterials.

- Should billboards be allowed within the proposed billboard zones or districts?

Signs on fences or fencing: Signs on fences are currently prohibited. CAT member comments have included requests to allow signs on fencing.

- Should signs be allowed on fencing?

Definition of Sign: Currently signs are defined as "any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area". There was a suggestion from a CAT member to not include painted signs within the definition of a sign. This would mean that there would be no limitations on painted signs.

- Should the definition of sign be revised in any way?
- Should painted signs be removed from the definition?

Murals: Murals are currently considered wall signs. Other cities have addressed murals with separate standards outside of the sign code in a content neutral manner, but the approval process is generally longer and may be more expensive.

- Should murals be allowed?
- Should there be limitations to total size, etc?
- Should murals be allowed in only certain locations?
- Should murals be regulated separate from the sign code?

Signs attached to parked vehicles: Signs attached to moving vehicles fall within the definition of "sign."

- Should signs placed on vehicles be allowed or prohibited?

Signs attached to, or carried by, a person: CAT members suggested signs attached to or carried by a person are distracting to drivers and may need to be limited.[12]

- Should signs attached to or carried by a person be exempt?
- Should signs attached to or carried by people be treated as temporary signs?
- Signs which are spinning are already prohibited.
- If a certain number of signs attached to or carried by a person (e.g. two signs) are allowed without a permit, the City may consider a permit request to allow for additional signs.

Signs placed inside windows: Signs placed inside windows are currently exempt from sign code regulation.

- Should signs placed inside windows be regulated?
- If so, should such signs be limited to a certain percentage of window area?

Others?

[12] Although the original CAT recommendation suggested that the City consider prohibiting signs attached to or carried by a person, such prohibition would violate federal and state free speech protections.

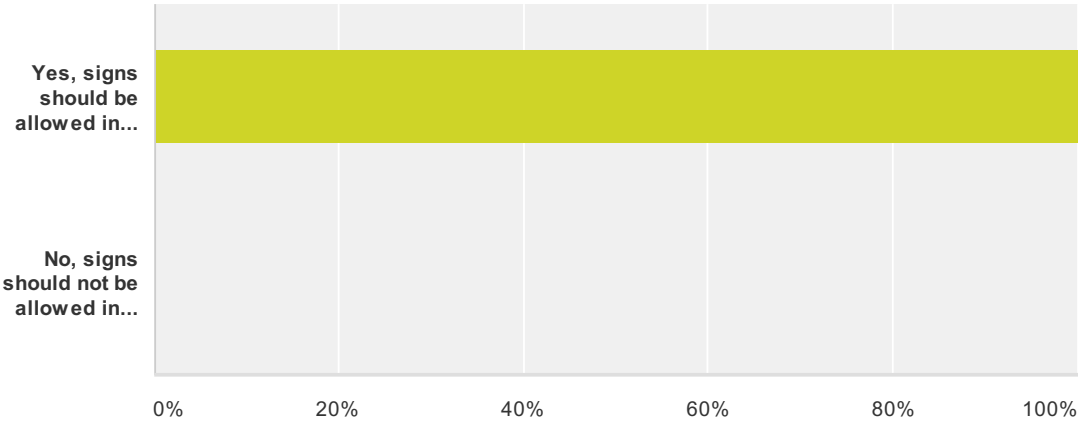
Appendix: Zoning Descriptions

- "R-10 Single-family dwelling district" is designed for areas of single-family homes on lot sizes of approximately ten thousand square feet.
- "R-8 Single-family dwelling district" is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.
- "R-6 Single-family dwelling district" is designed for areas of single-family homes on lot sizes of approximately six thousand square feet.
- "R-5 Single-family dwelling district" is designed for areas of single-family homes on lot sizes of approximately five thousand square feet.
- "R-3.5 Dwelling district" is designed for single-family attached and detached residential units and two-family dwellings on lot sizes of approximately three thousand five hundred square feet per dwelling
- "R-2 Multi-family dwelling district" is designed for multi-family residential units on lot sizes of approximately two thousand square feet per dwelling.
- "I, Institutional District" is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas.
- "NC, Neighborhood Commercial District"is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar.
- "HC, Historic Commercial District" is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director.
- "MUD, Mixed-Use Downtown District"is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use.
- "MUC-1, Mixed-Use Corridor District" and "MUC-2, Mixed-Use Corridor District" are located along transportation corridors such as Molalla Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.
- "MUE Mixed-Use Employment District"is designed for employment-intensive uses such as large offices and research and development complexes or similar use as defined by the community development director. Some commercial uses are allowed, within limits. The Clackamas County offices and Willamette Falls Hospital are examples of such employment-intensive uses.

- “C, General Commercial District”is designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.
- “CI Campus Industrial District”is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.
- “GI, General Industrial District”is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

Q1 Should the City allow portable signs, such as A-frames, to be located within the public right-of-way (sidewalks), assuming they do not interfere with pedestrian use or present a hazard?

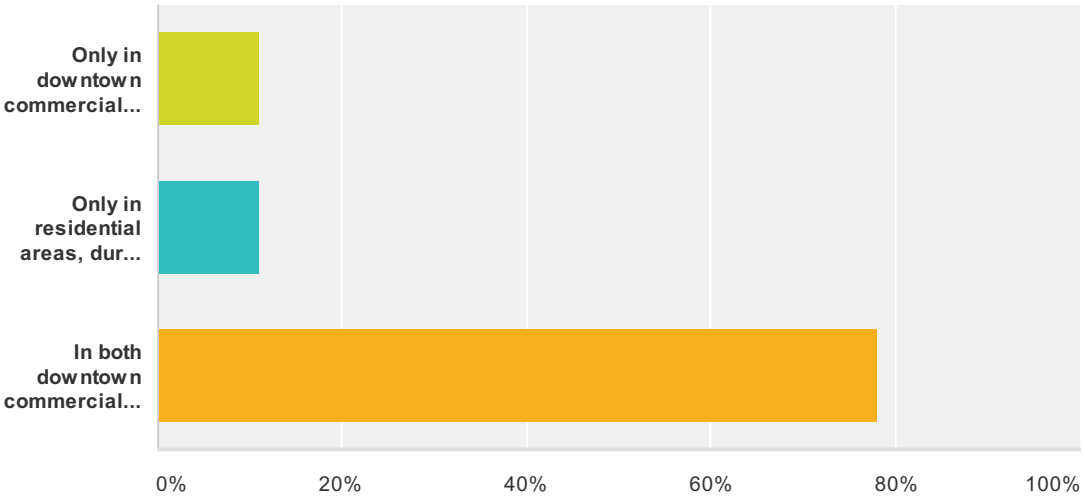
Answered: 9 Skipped: 2



Answer Choices	Responses	
Yes, signs should be allowed in the public right of way.	**100%**	9
No, signs should not be allowed in the public right of way.	**0%**	0
Total		**9**

Q2 Should signs located within the public right-of-way be limited to certain locations?

Answered: 9 Skipped: 2



Answer Choices	Responses	
Only in downtown commercial areas, with a permit.	**11.11%**	1
Only in residential areas, during restricted periods of time (primarily weekends).	**11.11%**	1
In both downtown commercial areas and residential areas.	**77.78%**	7
Total		**9**

#	Other/Comments	Date
1	However, residential signs should be allowed without permit.	11/18/2013 9:54 AM
2	Signs within the Right of Way should be very limited. We have too many signs currently within the right of way, including teardrop banners, A-Frame signs, banners, and utility pole signs being used to promote non local businesses and organizations. When signs are too numerous, (known as sign clutter), our business community is prevented from properly identifying their business in a meaningful way, to gain the attention of the buying public. Only Real Estate, Church & Community Event Signs, Yard Sale and political signs should be permitted within the Right of Way. Businesses in commercial districts have many options available to use effective signage to promote their business. Placing temporary signs such as A-Frame signs in front of a business instead of investing in a sign appropriate to the individual business communicates to the public that the merchant believes that their business will not succeed.	11/16/2013 3:08 PM
3	During business hours for retail, Thurs-Sun for residential	11/15/2013 3:45 PM
4	The only issue is to make sure they are not blocking vision of traffic or pedestrian walkway.	11/14/2013 1:25 PM
5	I can also see their use for real estate, but think they should have a permit associated with them.	11/14/2013 9:47 AM
6	Need further discussion	11/13/2013 3:58 PM
7	Prefer commercial only for ongoing use. Residential possibly for only temporary use? Certain dimensions/locations should be allowed without permit given guidelines are followed. I would prefer an interpretation that looks at walkability of a district to determine if signs are allowed or not.	11/13/2013 3:49 PM

Q3 What should be the standards for maximum number, size, height, width, clearance, spacing, material, etc.?

Answered: 8 Skipped: 3

#	Responses	Date
1	Resdiential: Allow Five (5) Temporary/Portable Signs. Temporary and portable signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired, replaced or removed. Maximum sign size: No more than one (1) sign shall be up to six (6) square feet in face area and six (6) feet in height. For property bordering on more than one public street, one additional six (6) square feet in area and six (6) feet) in height may be displayed on each additional public street frontage. A-Frame Signs should be allowed without permit within residential neighborhoods: One (1) A-Frame Sign no larger than 5 sq.ft sign face and no taller than 33" allowed on private property or within public right-of-way per property between 6 p.m. Friday and 8 p.m. Sunday, and from 10 a.m. through 3 p.m. on Tuesdays. When placing signs within public right-of-way - must make effort to contact abutting property owner & if not home, must leave card w/ contact info & description of effort made to contact. Must not block sidewalks or travel lanes. Where no curb exists, the sign shall be placed outside the roadway at least 5 feet from the edge of the roadway. Cannot be placed in a median, traffic island, or other area within the roadway. The sign is to be entirely outside the roadway and any shoulder. Signs must allow continuous pedestrian passageway or 4’ and must not obstruct pedestrian and wheelchair access to transit stops, disabled parking spaces or building exists. All other signs shall be no larger than six (6) square feet in face area and four (4) feet in height. 10sq foot set-back from intersection corners.	11/18/2013 9:54 AM
2	one sign per business. 3'X2' or the typical A frame currently used. Placed with enough space that a wheel chair or other handicap vehicle can pass easily. Material to be sturdy and maintained and brought in after hours.	11/16/2013 3:09 PM
3	The standards in our current code are adequate, but need to be enforced.	11/16/2013 3:08 PM
4	I don't think material should be an issue at all. Size should not be an issue as long as it does not block pedestrian walkway or block view of oncoming traffic,or is not able to fall upon an individual	11/14/2013 1:25 PM
5	I prefer smaller signage.	11/14/2013 9:47 AM
6	3' x 4' no more than 4' OAH.	11/13/2013 5:36 PM
7	If regarding signs in the right-a-way, one per business or residence. For height, size and width, as long as signs do not block traffic views, safety is first priority.	11/13/2013 3:58 PM
8	Downtown business owners agree that they like signs with variety... door cut in half, etc. Material restrictions could get tricky. - Allow at least one per business entry or a shared board for upstairs tenants, consider additional allowance for corners (or the city should consider a replacement signage system to invite people to turn down side streets.) - Open to what other cities have for maximum size.	11/13/2013 3:49 PM

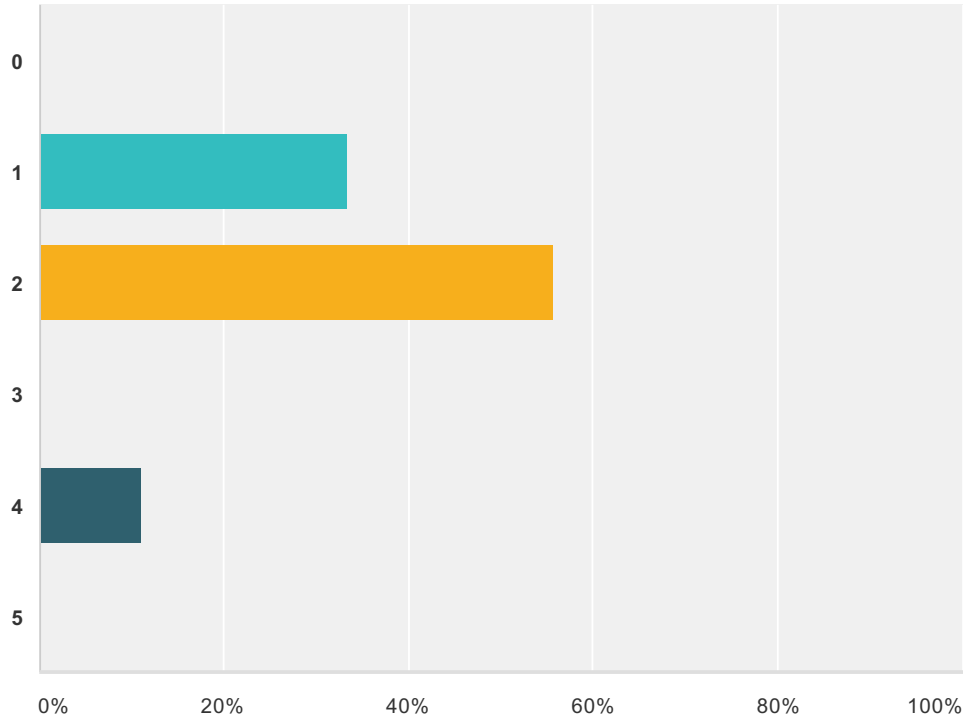
Q4 Where a maximum number of signs are allowed and multiple people want to put a sign within the right-of-way, how would the City choose who to allow to place a sign in the right-of-way in a content neutral way?

Answered: 8 Skipped: 3

#	Responses	Date
1	Different situations for different zones (commercial vs. residential). If all signs in R.O.W. are restricted to temporary and are visible (not stacked so you can't see one behind the other - maybe 5' distance between).	11/18/2013 9:54 AM
2	Rotate days or times. If businesses cannot decide then do not allow the signs.	11/16/2013 3:09 PM
3	The city should not be responsible for deciding. A property owner ultimately is responsible as they are with regard to clearing snow and ice as well maintaining sidewalks fronting their property.	11/16/2013 3:08 PM
4	I would think first come first served	11/15/2013 3:45 PM
5	1 per frontage per property owner at the property owners discretion. I would not allow them at intersection or areas where pedestrian may be crossing or be impeded.	11/14/2013 9:47 AM
6	allow one per business licence?	11/13/2013 5:36 PM
7	For multi tenant's one marquee or free standing sign for all tenants should be allowed verses multiply A frames signs. These types signs would not be allowed in right-of-way.	11/13/2013 3:58 PM
8	Adjacent business frontage should have first preference. In general downtown business owners believe in being good neighbors and not maliciously placing signs in front of each others business entrances.	11/13/2013 3:49 PM

Q5 What is a reasonable number of ancillary/temporary signs (in addition to permanent signs) that should be allowed on a business's property?

Answered: 9 Skipped: 2

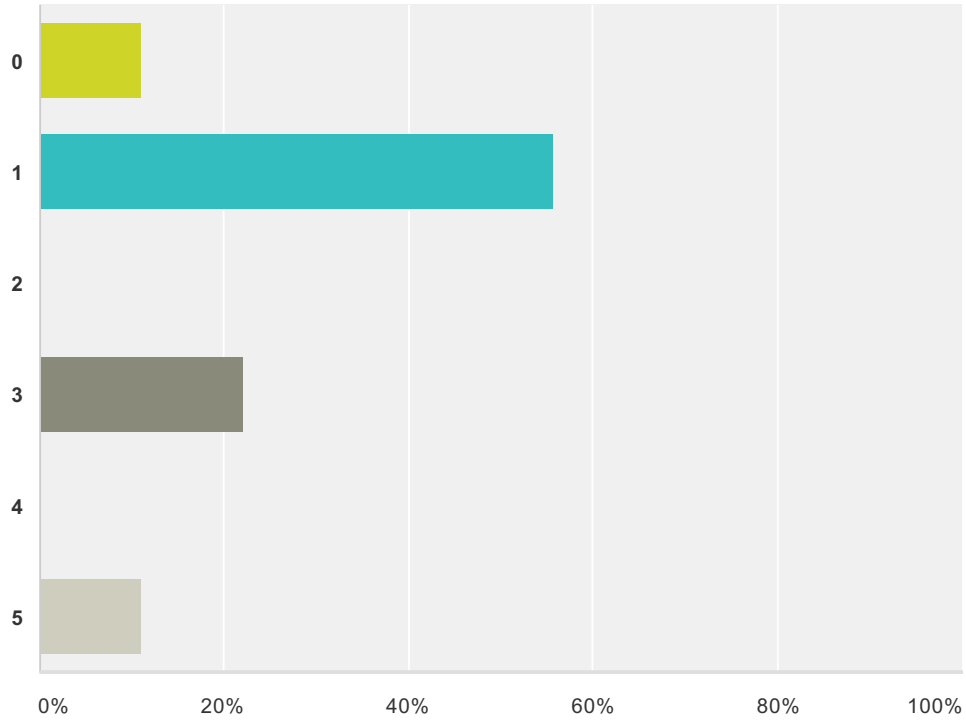


Answer Choices	Responses	
0	**0%**	0
1	**33.33%**	3
2	**55.56%**	5
3	**0%**	0
4	**11.11%**	1
5	**0%**	0
Total		**9**

#	Other/Comments	Date
1	One additional sign used to promote a special event at the business may be permitted.	11/16/2013 3:26 PM
2	One per entryway and/or one per frontage.	11/14/2013 1:33 PM
3	Depends on zone, size of property etc.	11/13/2013 3:59 PM
4	There is a distinction between business tenant and property.	11/13/2013 3:52 PM

Q6 What is a reasonable number of signs other than wall and freestanding (such as temporary signs, flags, etc) that should be allowed on a residential property?

Answered: 9 Skipped: 2



Answer Choices	Responses	
0	**11.11%**	1
1	**55.56%**	5
2	**0%**	0
3	**22.22%**	2
4	**0%**	0
5	**11.11%**	1
Total		**9**

#	Other/Comments	Date
1	My home is for sale (1 sign), we are having an open-house (2) signs on Saturday, our painting contractors has a sign (3) to advertise his work being done, and we are a (4) candidate for city council and our daughter is in the military and we want to show our support (5) for all troops. I may even want to conduct a garage sale during this move (candidate or contractor can stay).	11/18/2013 9:55 AM
2	Exception could be allowed for in/out, entrance/exit signs.	11/16/2013 3:26 PM
3	One per entryway and/or one per frontage.	11/14/2013 1:33 PM

Q7 What frequency and duration should be allowed for temporary signs without a permit?

Answered: 7 Skipped: 4

#	Responses	Date
1	In residential the sign should be allowed for the duration of the event (i.e. house is for sale) or until such time as the business has ended on the property (end of event).	11/18/2013 9:55 AM
2	Temporary signs are not effective if they are not temporary. Most sales or special events last no longer than three days so I'd suggest a three day limit.	11/16/2013 3:26 PM
3	one day. four hours.	11/16/2013 3:11 PM
4	Retail during business hours, residential Thursday except during elections	11/15/2013 3:49 PM
5	1 per month for not more than 72 hours.	11/14/2013 9:49 AM
6	30 days twice a year	11/13/2013 5:38 PM
7	30-days is standard for most jurisdictions	11/13/2013 3:59 PM

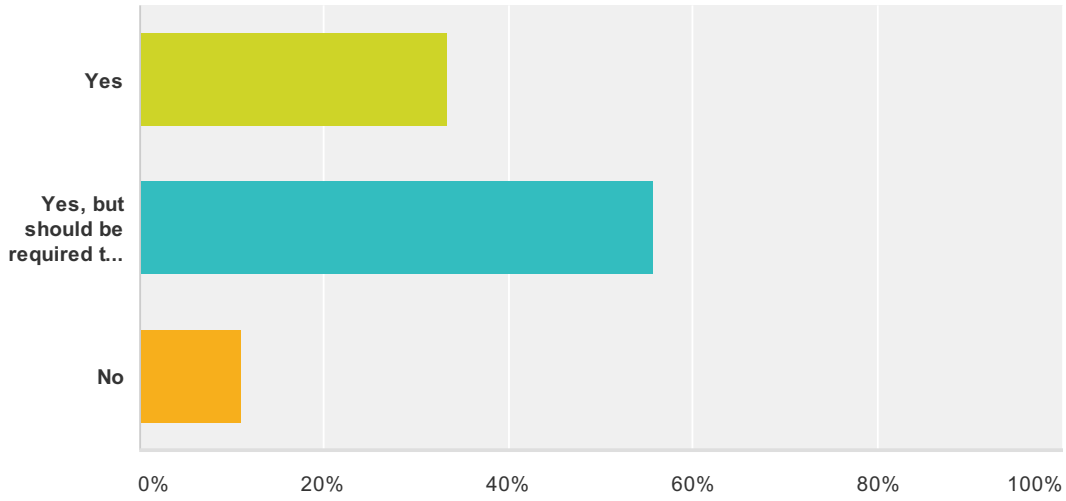
Q8 Should banners on commercial properties require a permit? What display period should be allowed?

Answered: 7 Skipped: 4

#	Responses	Date
1	Banners should not be allowed anywhere in the city. They are difficult to display without falling down unless nailed to the wall surface in which case they are actually being used in place a permanent sign. Any sign that is constructed of banner material should be considered a banner. They are a hazard when we get strong wind gusts as they are not designed to withstand windf. The manufacturers of banner material design them for use as an interior sign product usually used in conjunction with an event such as a museum or trade show.. They are not intended for exterior use.	11/16/2013 3:26 PM
2	yes a permit. maximum 30 days.	11/16/2013 3:11 PM
3	Yes, 2-3 weeks	11/15/2013 3:49 PM
4	If the display period exceeds 48 hours it should require a permit or be disallowed.	11/14/2013 9:49 AM
5	no, up to a certain size. Say 40sf 30 days twice a year	11/13/2013 5:38 PM
6	Depends if they are permanent or temporary banners? Yes, permit required if permanent.	11/13/2013 3:59 PM
7	Banners should be considered temporary signage (as in waiting for permanent sign to be made...) or going out of business. 1 month? 2 months?	11/13/2013 3:52 PM

Q9 Should electronic message centers be permitted?

Answered: 9 Skipped: 2

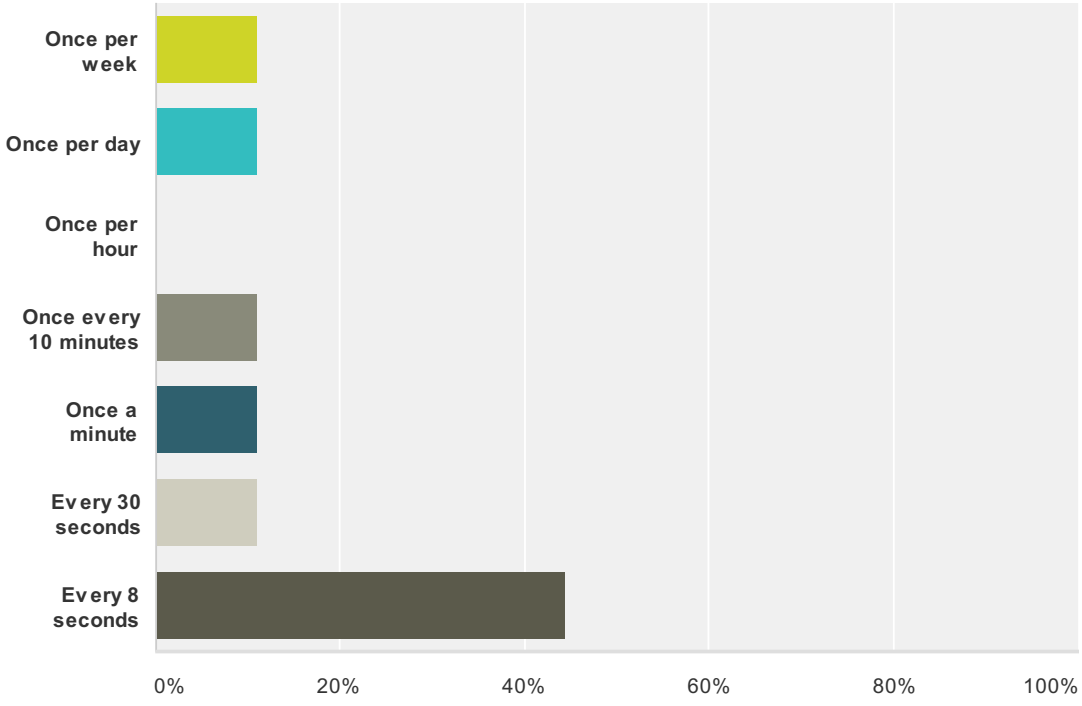


Answer Choices	Responses	
Yes	**33.33%**	3
Yes, but should be required to undergo review by the Planning Commission	**55.56%**	5
No	**11.11%**	1
Total		**9**

#	Other/Comments	Date
1	They can be an effective means for communicating with the public, such as the Clackamas Community College may wish to do.	11/16/2013 3:44 PM
2	I believe the current variance process works best for this type of signage (e.g. OC High School).	11/14/2013 9:51 AM

Q10 If electronic message centers are allowed, how often should the sign's message be allowed to change (currently once per day by policy)?

Answered: 9 Skipped: 2



Answer Choices	Responses	
Once per week	**11.11%**	1
Once per day	**11.11%**	1
Once per hour	**0%**	0
Once every 10 minutes	**11.11%**	1
Once a minute	**11.11%**	1
Every 30 seconds	**11.11%**	1
Every 8 seconds	**44.44%**	4
Total		**9**

#	Other/Comments	Date
1	Per state law regulations for digital signs is every 8 seconds. Also, other local jurisdiction follow state law regulations.	11/13/2013 3:59 PM
2	Otherwise, what's the point?	11/13/2013 3:53 PM

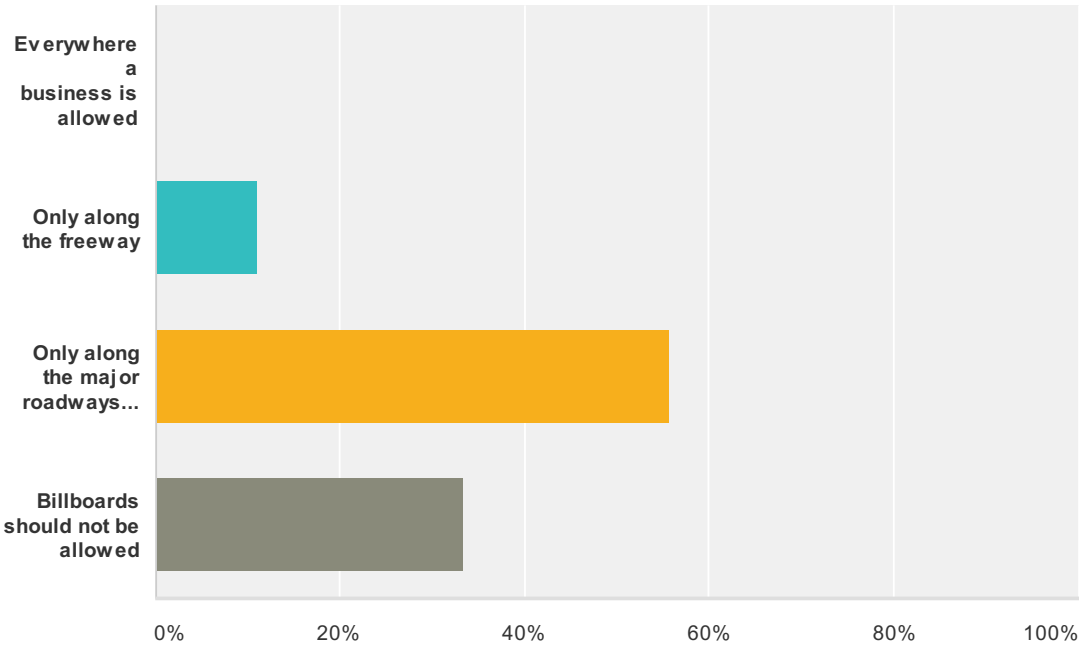
Q11 What should the standards be for brightness?

Answered: 6 Skipped: 5

#	Responses	Date
1	In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for Electronic Message Centers brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry. Dr. Lewin's full report can be found at www.signs.org. As a result of this research, the recommended night-time brightness level for on premise EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice.	11/16/2013 3:44 PM
2	ability to read easily in twilight conditions	11/16/2013 3:14 PM
3	Dim.	11/14/2013 9:51 AM
4	industry standards and must come equipped with a photocell.	11/13/2013 5:38 PM
5	There are 3 necessary components to insure a digital signs/billboards will never be too bright for conditions. 1 An ambient light sensor installed on the sign structures 2 Dimming software 3 Maximum brightness limits incorporating a footcandle standard.	11/13/2013 3:59 PM
6	This should be considered in conjunction with state standards and light pollution onto other properties.	11/13/2013 3:53 PM

Q12 Should billboards be allowed in the City? Where?

Answered: 9 Skipped: 2

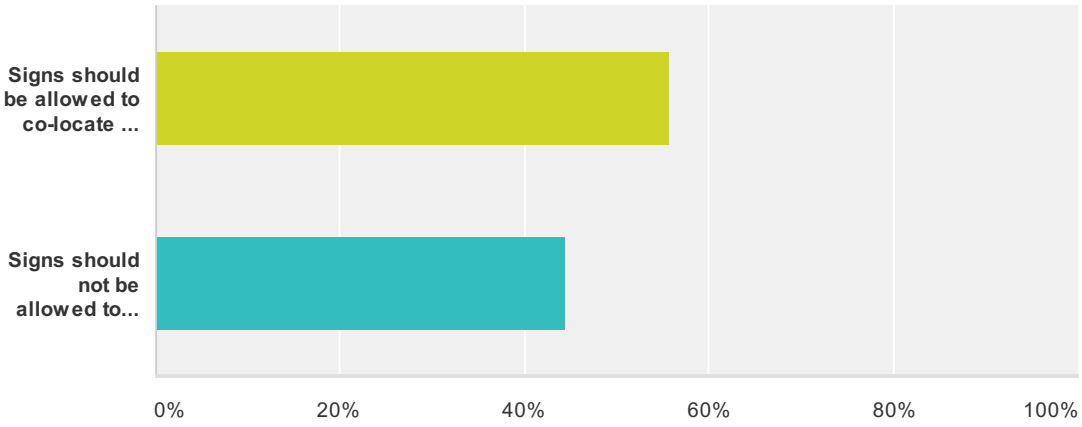


Answer Choices	Responses	
Everywhere a business is allowed	**0%**	0
Only along the freeway	**11.11%**	1
Only along the major roadways (Highway 99E, 213 and along the freeway)	**55.56%**	5
Billboards should not be allowed	**33.33%**	3
Total		**9**

#	Other/Comments	Date
1	One of the issues with billboards is they are often grand fathered into a specific location. Thus even though the area around them changes over time, they still remain in place even though there effectiveness is greatly diminished relative to when they were originally erected. One example is the board above the Firestone store in the Oregon City Shopping Center. I'd like to propose a requirement for a review every five years to determine if the sign is still appropriate for the specific location due to the changing dynamics of the location.	11/16/2013 3:53 PM
2	Billboard currently exist in Oregon City and sign operators should be allowed to continue doing business in Oregon City. They benefit businesses, non-profit organizations, and public agencies through public service announcements.	11/13/2013 3:59 PM

Q13 Should signs be allowed to co-locate on fences or fencing?

Answered: 9 Skipped: 2



Answer Choices	Responses	
Signs should be allowed to co-locate on fencing, subject to rules regarding temporary signs.	**55.56%**	5
Signs should not be allowed to co-locate on fencing.	**44.44%**	4
Total		**9**

#	Other (please specify)	Date
1	It is at times appropriate to place a sign such as no smoking, private parking etc on a fence. The current problem in Oregon City is created by using banner material or other materials designed for indoor or temporary use to be attached to a fence using the fence as an additional sign display area that is not otherwise allowed on the property. If an organization wishes to promote a special event and the only display area available to them is a fence them a permit could be issued allowing the placement for a specific period of time. Banner material should not be permitted as there are numerous rigid materials available for this type of use.	11/16/2013 4:04 PM
2	Does not have to be temporary? What happens if it is a sturdy tall fence and a blade sign was installed? Such as the entrance to a beer garden?	11/13/2013 3:54 PM

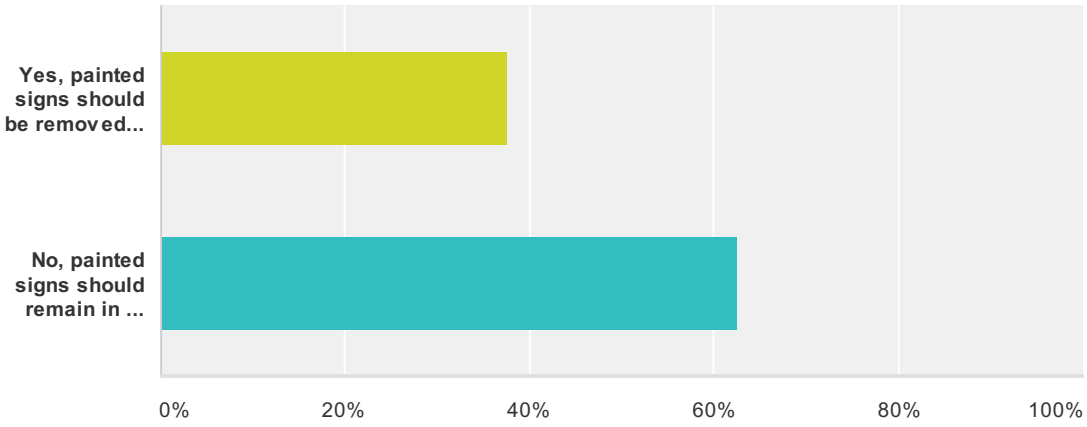
Q14 Should the definition of sign be revised in any way?

Answered: 5 Skipped: 6

#	Responses	Date
1	I would suggest that the definition be changed to include the word photo. Modern technology has created the ability to electronically produce a photographic image using durable ink systems. This type of photograph can be any size and is often referred to as Super Graphics. I've seen them covering the entire side of a 35 story building. They may cover the windows of a building allowing the residents to see out while the viewer on the exterior sees only the photographic image. The material used can be the same as that used on the parking shuttle buses at the airport. The bus riders can see out, but the viewer on the exterior sees only the advertising message.	11/16/2013 4:36 PM
2	yes	11/16/2013 3:16 PM
3	Yes.	11/14/2013 9:53 AM
4	Murals should be allowed and not affect sign allowance. (General consensus of downtown business owners.)	11/13/2013 4:10 PM
5	Definition of signs should be defined. Painted signs have to be part of the definition as most signs that would be allowed in historical areas would require to be painted anyway.	11/13/2013 4:00 PM

Q15 Should painted signs be removed from the definition?

Answered: 8 Skipped: 3

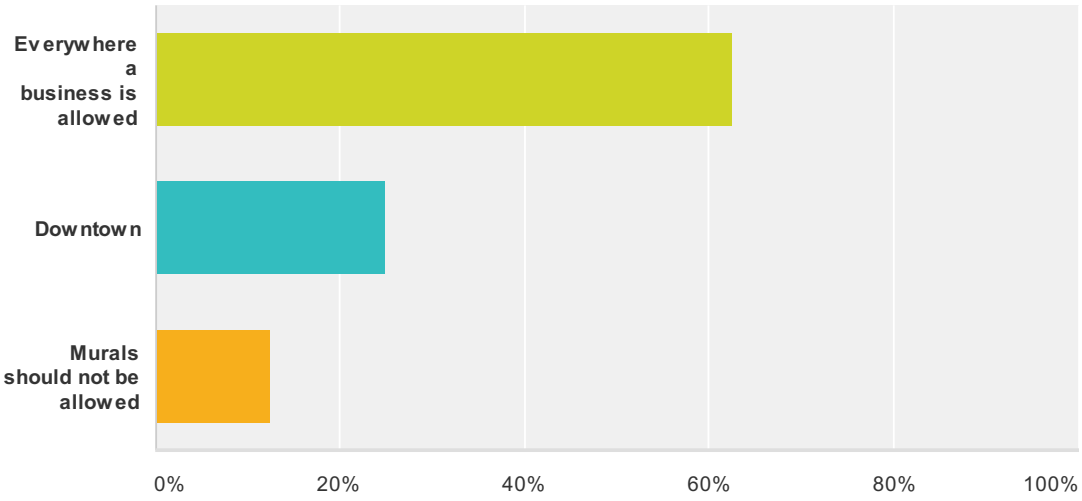


Answer Choices	Responses	
Yes, painted signs should be removed from the definition	**37.50%**	3
No, painted signs should remain in the definition	**62.50%**	5
Total		**8**

#	Other/Comments	Date
1	Unfortunately painted signs require a great deal of maintenance to enable them to continue to attract customers. Sign enamels and paints, particularly shades of Red, have very poor weathering and fading resistance. In that regard they are much like our homes. Unless they are repainted every few years they become an eyesore. Today's sign customer generally prefers to have their sign made of adhesive backed vinyl. The color layer on such a sign is uniform in thickness, usually two mils, and is slow to deteriorate and fade.	11/16/2013 4:36 PM
2	This should also fall under approval by planning dept. and take into account size, location and content and be a separate category so it can be regulated.	11/16/2013 3:16 PM
3	I think murals should be encouraged.	11/14/2013 9:53 AM
4	Murals could be limited to non-street facing facades. Perhaps, a content neutral approach could test for sameness and compensation. Using First City Cycles as an example: 1. The content of signs on the front of the building includes the First City logo, and other phrasing about the businesses contents. If the two murals on the side of the building that face a build able lot did not include the First City logo, they would be considered murals. If they do contain the same content on the front then they would be subject to the definition of sign. 2. If the content is different, then the mural would need to pass a compensation test. If Budweiser pays First City Cycles to paint a sign then it would fall under the definition of sign and not a mural. Another way to allow murals outside the definition of sign is to allow non-profits (arts organizations) to sponsor murals. The sum is a mural has to pass a 2 or 3 step test to be qualified as a mural. Content really does not matter except it can't be the same content as is included on other signs for that property.	11/13/2013 4:10 PM

Q16 Should murals be allowed in the City? Where?

Answered: 8 Skipped: 3



Answer Choices	Responses	
Everywhere a business is allowed	**62.50%**	5
Downtown	**25%**	2
Murals should not be allowed	**12.50%**	1
Total		**8**

#	Other/Comments	Date
1	If murals are allowed only in a business district it would prohibit them at locations such as churches and schools. The critical issue is again they are almost always created using paint. Paint is not durable and therefore they begin to deteriorate quickly. Murals on South & West facing walls will deteriorate approximately four times more rapidly than North & East facing murals. North and East facing murals if painted on plywood, will suffer from plywood delamination due to more moisture on them. Just as with billboards a review every five years may be appropriate. An original photo could be placed in the file after the original permit is pulled and the mural installed. After five years it could be compared to the mural. A determination, based upon condition of the mural, would be made as to whether it will last another five years without becoming an eyesore. The permit could be renewed one time.	11/16/2013 5:01 PM
2	under separate standards and approval based on content, size and location.	11/16/2013 3:18 PM
3	Should be reviewed by Planning Commission and Neighborhood Assoc	11/15/2013 3:53 PM

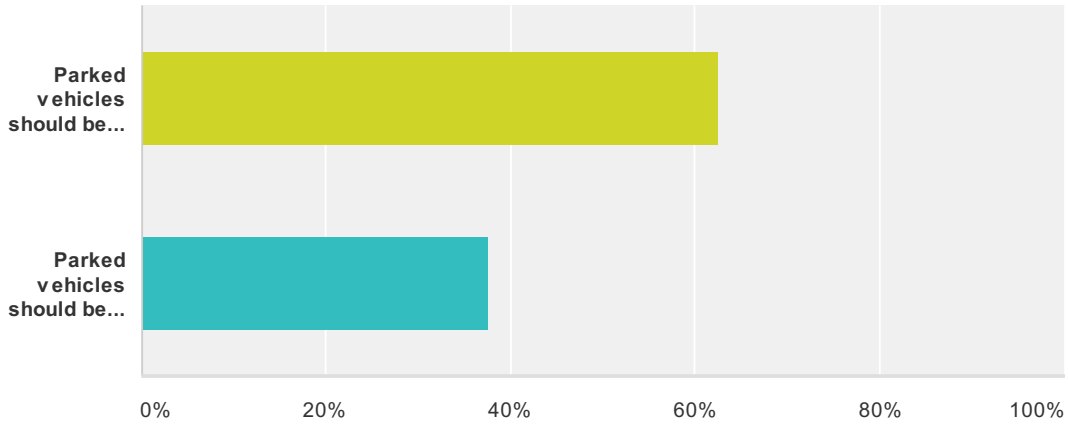
Q17 Should there be limitations to total size, etc?

Answered: 7 Skipped: 4

#	Responses	Date
1	Size should be based upon what distance the mural is intended to be viewed at. If it is expected that it will be viewed from the adjacent sidewalk, then it should be smaller than another mural that is intended to be viewed from 100 yards distant. I'm sure that our consultant should be able to locate appropriate viewing guidelines and therefore appropriate dimensions for that distance.	11/16/2013 5:01 PM
2	in proportion to the place where the mural is going to be painted.	11/16/2013 3:18 PM
3	Yes and number per area	11/15/2013 3:53 PM
4	Yes.	11/14/2013 9:53 AM
5	no	11/13/2013 5:40 PM
6	See previous comments, personally don't believe a size limitation is necessary as long as advertising is somehow controlled.	11/13/2013 4:11 PM
7	based on square footage of front property or building size, ratio 1 to 1.	11/13/2013 4:00 PM

Q18 Should parked vehicles be regulated and used as signs?

Answered: 8 Skipped: 3

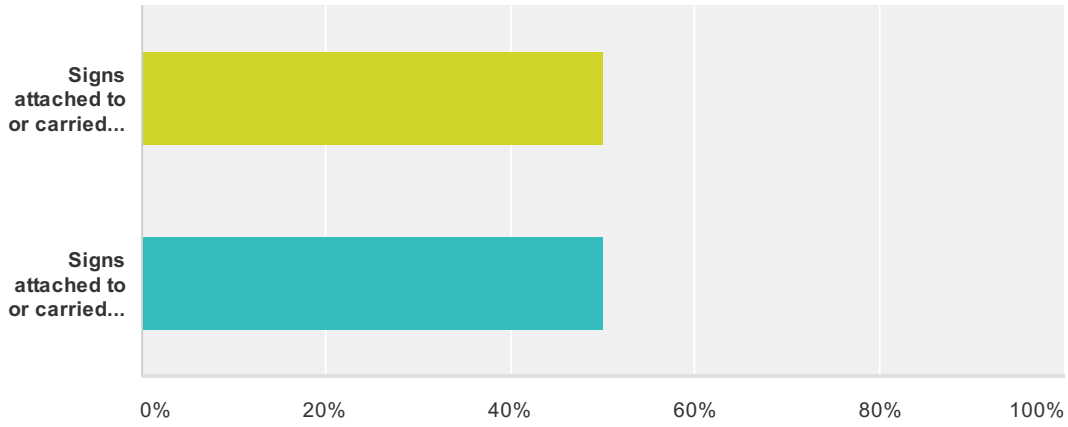


Answer Choices	Responses	
Parked vehicles should be allowed to be regulated and used as signs.	**62.50%**	5
Parked vehicles should be prohibited from being used as signs.	**37.50%**	3
Total		**8**

#	Other/Comments	Date
1	This is an area where we need to proceed cautiously. A taxi topper is used in conjunction with the normal operation of that business. The vehicle graphics on the side of a delivery vehicle associated with that business is also an understandable use and extension of that companies business. However a sign carried on a car top carrier, which is designed to promote a nearby business, is as inappropriate as a political sign displayed in the bed of a pickup truck. In both cases the vehicles primary purpose is conveyance and it should therefore not be used as an advertising media.	11/16/2013 5:11 PM
2	I would like to differentiate between parked passenger vehicle signage and trucks and van signage. The vehicle should be operable in every case.	11/14/2013 9:55 AM
3	Vehicles and signs attached to vehicles should be exempt.	11/13/2013 5:41 PM
4	Not sure how.	11/13/2013 4:11 PM

Q19 Should signs attached to or carried by a person be exempt?

Answered: 8 Skipped: 3

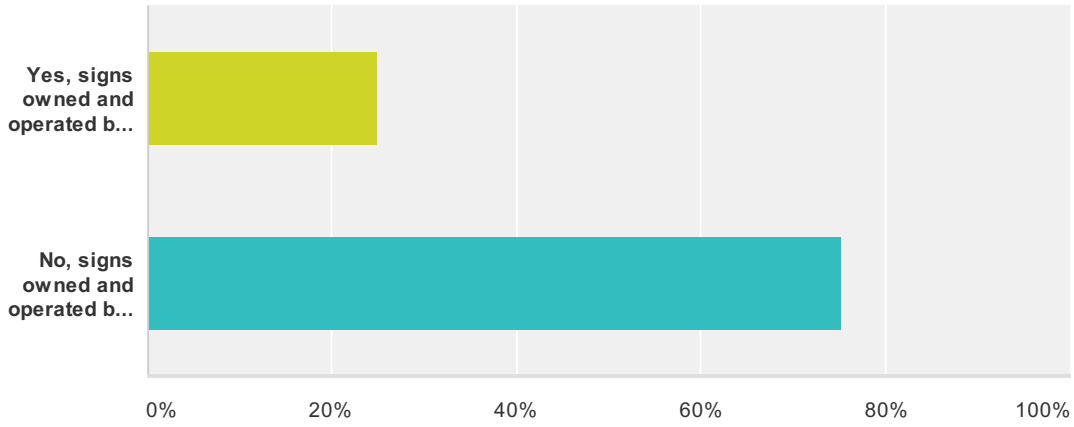


Answer Choices	Responses	
Signs attached to or carried by a person should be exempt from the code	50%	4
Signs attached to or carried by a person should be regulated by the code	50%	4
Total		8

#	Other/Comments	Date
1	Double or single faced signs of no more than four square feet per face, held in the hand of an individual should be allowed. No other signs or banners should be allowed.	11/16/2013 5:16 PM
2	This would cause said person to be fired.	11/13/2013 5:41 PM
3	Don't have a representative answer.... just personal opinion.	11/13/2013 4:12 PM

Q20 Should signs owned and operated by government agencies be exempted?

Answered: 8 Skipped: 3

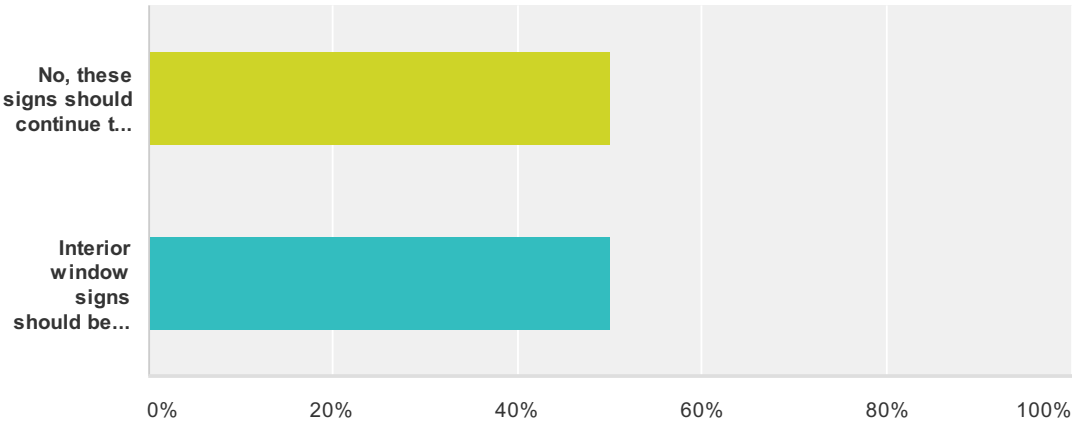


Answer Choices	Responses	
Yes, signs owned and operated by government agencies should continue to be exempted from the sign code regulations	25%	2
No, signs owned and operated by government agencies should be subject to the sign code regulations and required to obtain permits and pay fees when required	75%	6
Total		8

#	Other/Comments	Date
1	We can not require our citizens to live by a different set of rules than our city and other government leaders. We are developing a sign ordinance that is fair for all parties who wish to use signs. Usually government entities understand the value of a good sign better than most citizens. They also understand the necessity of enforcing regulations. If the code is not enforced for one group why would we expect it to be enforced at all?	11/16/2013 5:28 PM
2	However, they should attempt to conform to the code allowances even if they don't need formal permits.	11/13/2013 5:42 PM
3	A tentative no, unless the purpose is wayfinding, community branding, or civic events.	11/13/2013 4:13 PM

Q21 Should signs inside of windows (including painted signs) be regulated?

Answered: 8 Skipped: 3

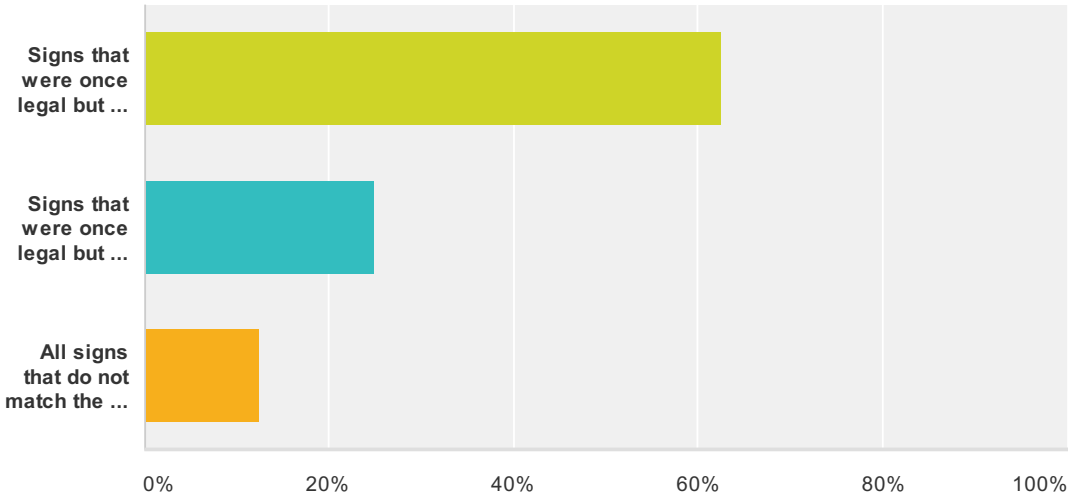


Answer Choices	Responses
No, these signs should continue to be exempt from the sign code regulation and allowed without permit.	50% 4
Interior window signs should be regulated and limited by size, such as a formula to allow coverage of a certain percentage of window area. Signs exceeding this threshold should be considered a wall sign and require a permit.	50% 4
Total	8

#	Other/Comments	Date
1	Not a representative opinion, just personal.	11/13/2013 4:13 PM

Q22 How should signs that were legally constructed but no longer comply with the new sign code be addressed?

Answered: 8 Skipped: 3



Answer Choices	Responses
Signs that were once legal but no longer comply with the code should be allowed to remain until they are removed by their owner.	**62.50%** 5
Signs that were once legal but no longer comply with the code should be removed within a certain amount of time.	**25%** 2
All signs that do not match the new code should be removed.	**12.50%** 1
Total	**8**

#	Other/Comments	Date
1	It has been twenty years since the city allowed a nonconforming sign to continue to exist. Today many of those still remain, as the city has refused to enforce it's sign ordinances. Additionally many signs that exist today were never allowed from the beginning of their life. If it was illegal at the time of installation and is still illegal under the new code, I see no reason that it should not be removed. We are conducting this review as a result of prolific use of nonconforming signs. When one individual erects a sign that is not allowed, it opens the door for anyone else to do the same. A waiver could be granted in an extreme situation but would need to stipulate a definitive time such as 48 months in the event of a significant financial hardship. I'm not aware of any high dollar sign installations that have been made recently that would not be allowed under the new code.	11/16/2013 5:46 PM
2	maximum one year.	11/16/2013 3:21 PM
3	Billboards are considered non-conforming signs under the current sign code. It is important to understand that billboards are regulated by federal and state statues as well as local codes. The Federal Highway Beautification Act (HBA) of 1965 promises compensation for companies that are required to have signs removed. There may be costs and risks to Oregon City associated with enforcement of the sign code provision.	11/14/2013 11:24 AM
4	Personal opinion, perhaps change of business would necessitate new sign options not life of sign structure?	11/13/2013 4:14 PM

Oregon City Sign Code Update: Public open house policy questions and responses
Nov. 18, 2013

Oregon City held a public open house on the evening of Nov. 18 to share information about the Oregon City Sign Code Update project. At the event, participants were asked to provide their perspectives on several policy issues through a voting exercise. Questions posed at the meeting include:

- Should murals be allowed in the City? Where?
- Should billboards be allowed in the City? Where?
- Electronic message centers are LED-lit signs, typically supporting text, that allow owners to change information and messages. Should electronic message centers be permitted?
- If electronic message centers (LED-lit signs, typically supporting text, that allow owners to change information and messages) are allowed, how often should the sign's message be allowed to change (currently once per day by policy)?
- Should the City allow portable signs, such as A-frames, to be located within the public right-of-way (sidewalks), assuming they do not interfere with pedestrian use or present a hazard?
- Should signs located within the public right-of-way be limited to certain locations?
- What is a reasonable number of temporary signs (in addition to permanent signs) that should be allowed on a business's property?
- What is a reasonable number of signs other than wall and freestanding (such as temporary signs, flags, etc) that should be allowed on a residential property?
- Should signs inside of windows (including painted signs) be regulated?
- Signs on fences are currently prohibited. Should signs be allowed to co-locate on fences or fencing?
- Should parked vehicles be regulated and used as signs?
- How should signs that were legally constructed but no longer comply with the new code be addressed?

The results of this informal poll and related comments are included below.



Should murals be allowed in the City? Where?

• Everywhere a business is allowed	
• Downtown	
• Murals should not be allowed	

Comments: In place of wall sign. Either/Or 1:1

*, ALLOWED PER REVIEW COMMITTEE TO PROCEED TO PLANNING COMMISSION Agree

What is a mural vice a "sign"?

* on a wall, unlit. nothing protecting

The murals (historic murals) are appropriate DT & unique. If it is art-yes; but advertising no.

DEFINE MURALS AS "PUBLIC ART", NOT NECESSARILY ASSOCIATED WITH A BUSINESS ENTERPRISE. AS SUCH THEY SHOULD BE REVIEWED, IF NOT EVEN "JURIED" BY AN APPROPRIATE CITY COMMITTE, COMMISSION OR DEPARTMENT.



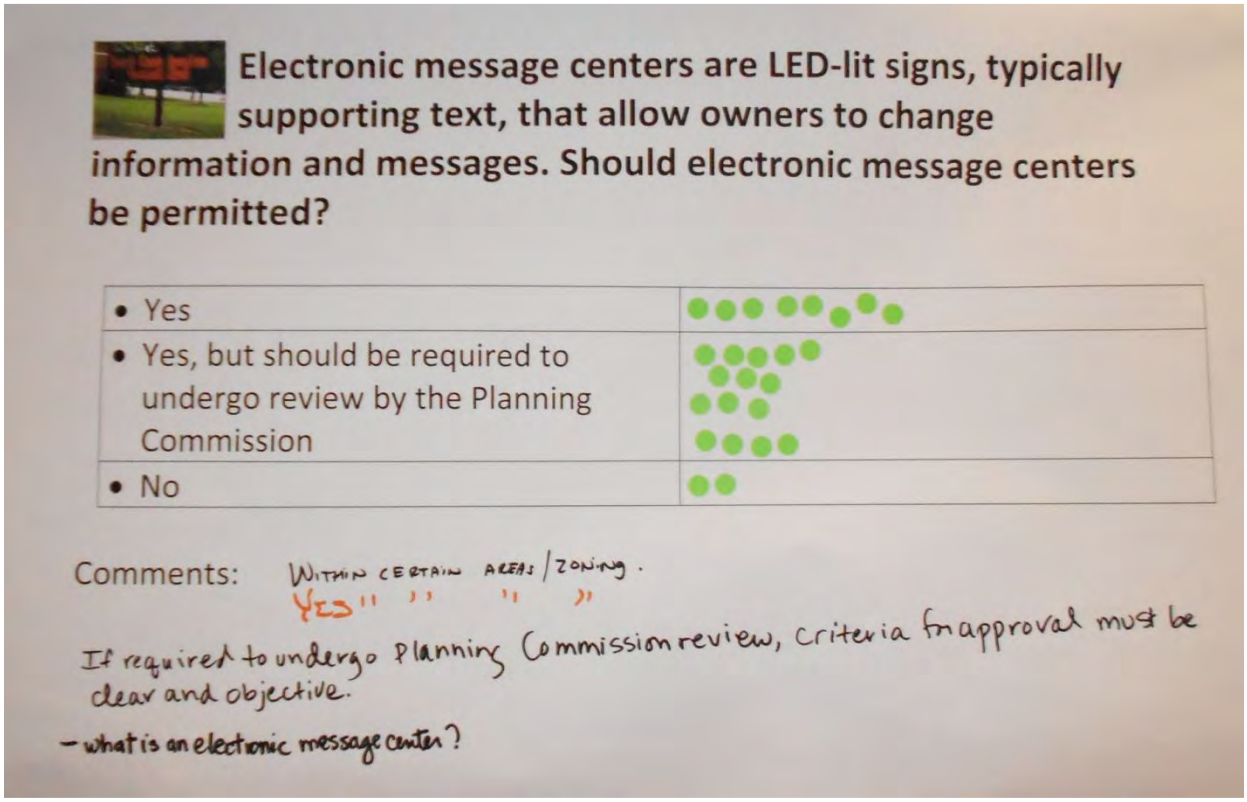
Should billboards be allowed in the City? Where?

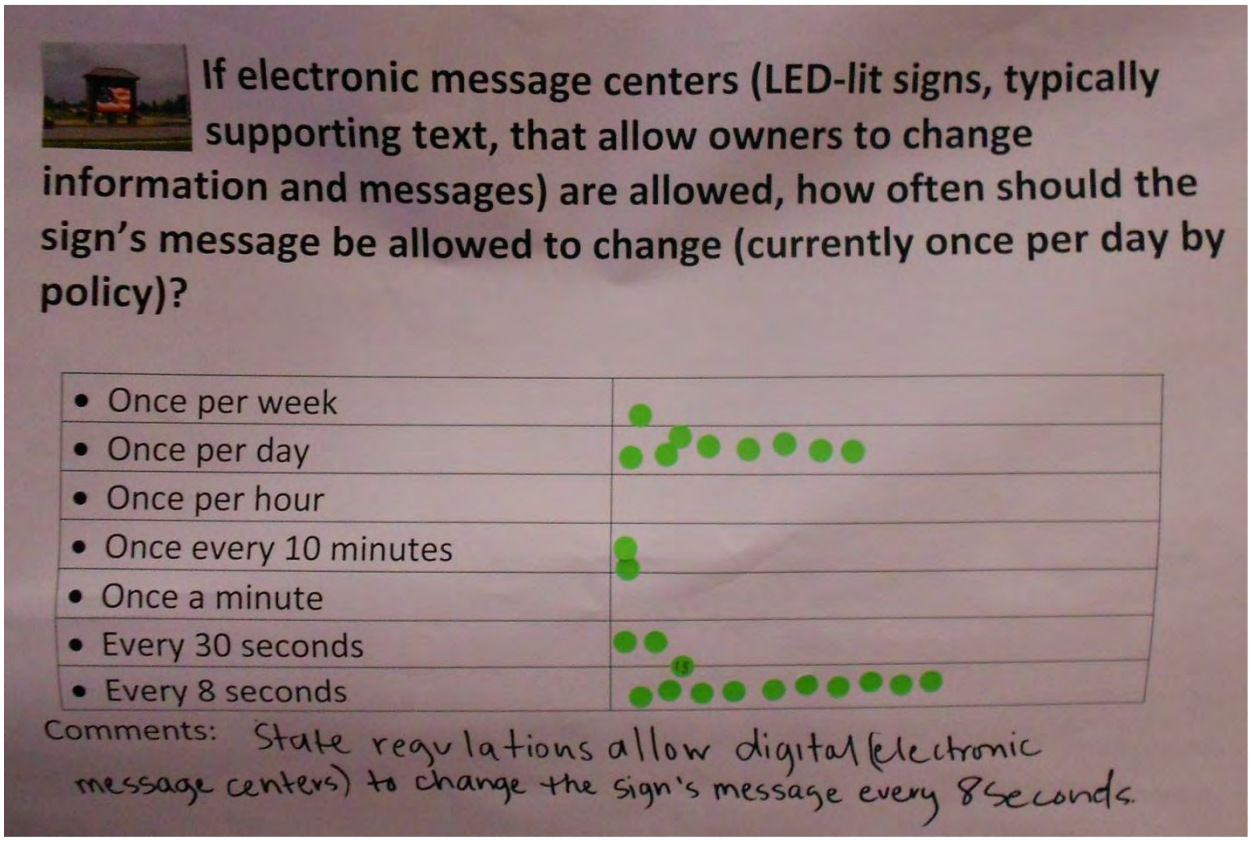
• Everywhere a business is allowed	
• Only along the freeway	
• Only along the major roadways (Highway 99E, 213 and along the freeway)	
• Billboards should not be allowed	

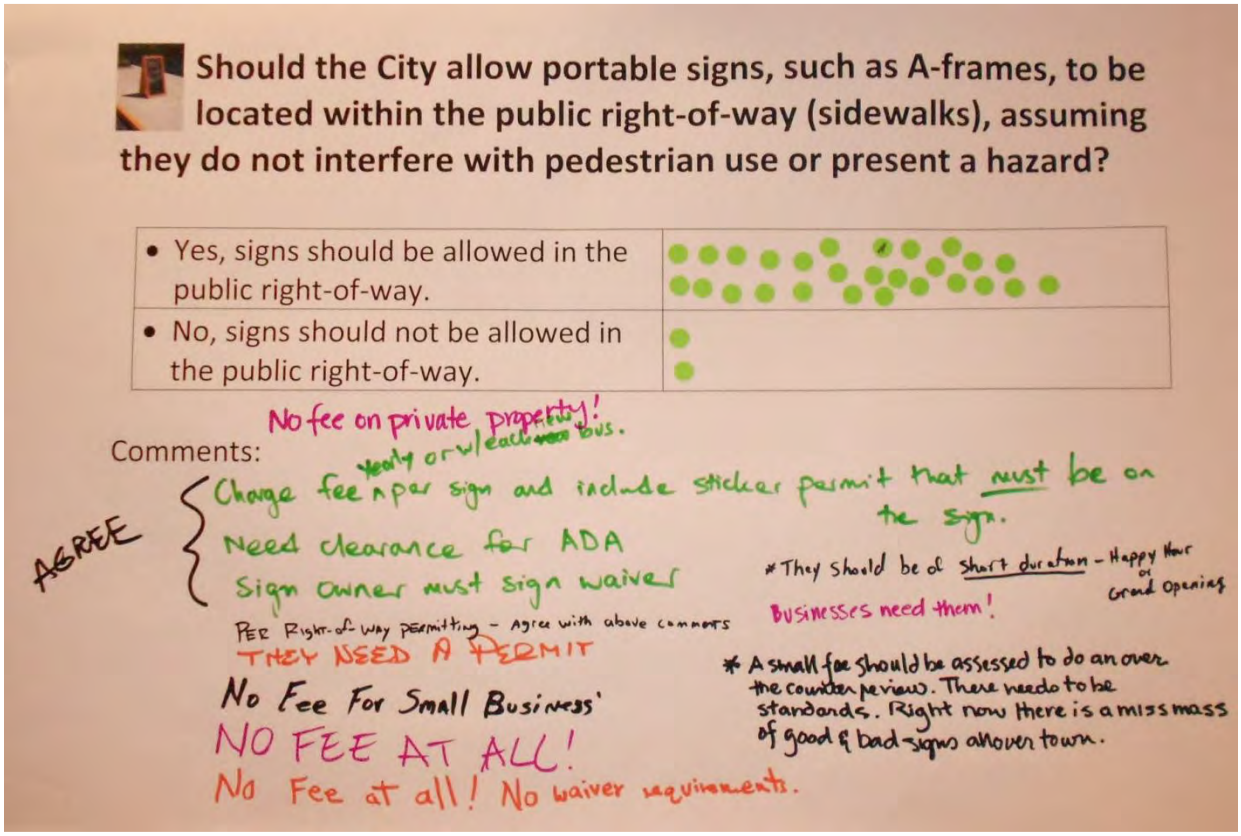
Comments: *Billboards are more appropriate along I-205 and state highways, not on streets in the heart of the city.

STRICTLY REGULATED BY LOCATION, SIZE AND NUMBER.

No new bb should be allowed - period!

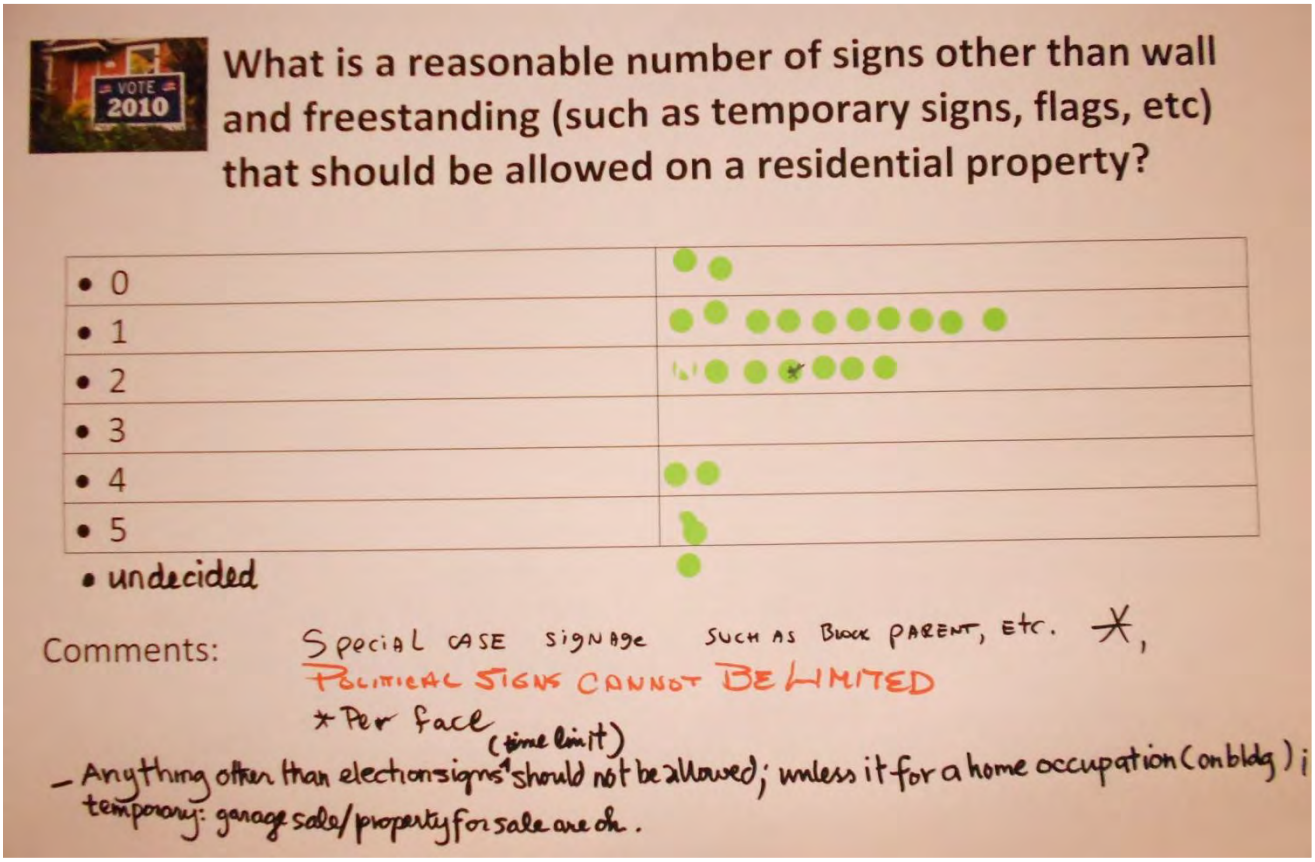

Electronic message centers are LED-lit signs, typically supporting text, that allow owners to change information and messages. Should electronic message centers be permitted?
• Yes
• Yes, but should be required to undergo review by the Planning Commission
• No
Comments: WITHIN CERTAIN AREAS / ZONING.
YES " " " "
If required to undergo Planning Commission review, criteria for approval must be clear and objective.
– what is an electronic message center?

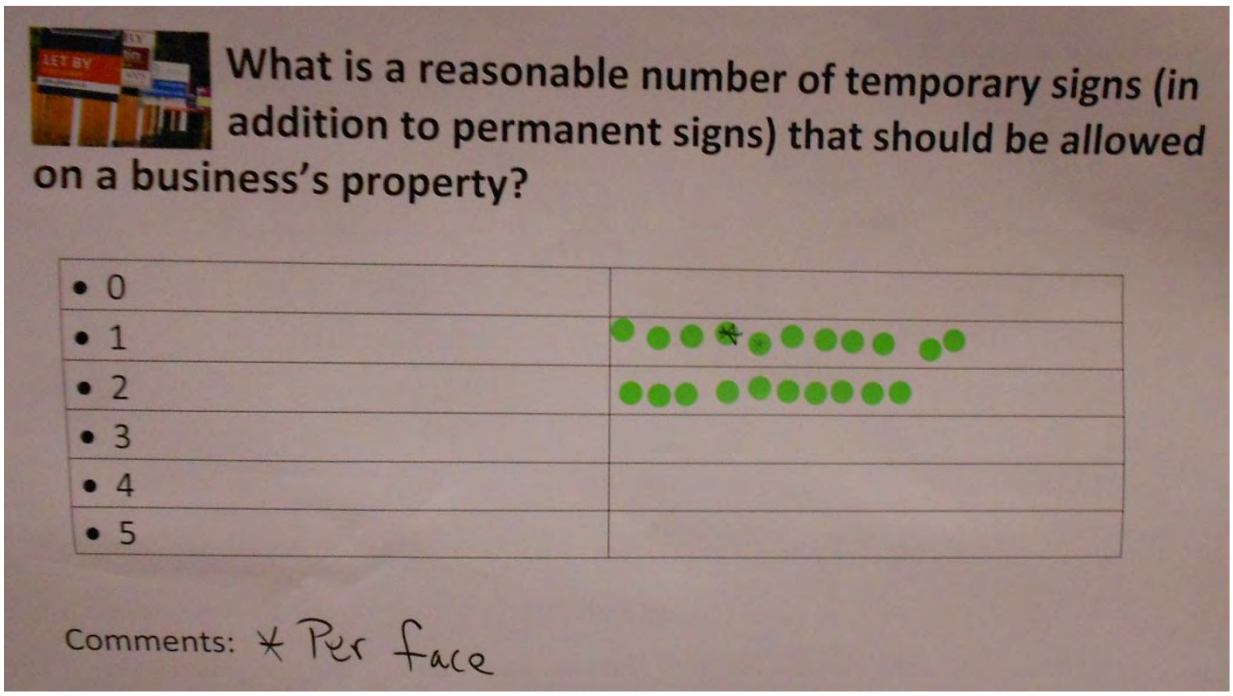

If electronic message centers (LED-lit signs, typically supporting text, that allow owners to change information and messages) are allowed, how often should the sign's message be allowed to change (currently once per day by policy)?
• Once per week
• Once per day
• Once per hour
• Once every 10 minutes
• Once a minute
• Every 30 seconds
• Every 8 seconds
Comments: State regulations allow digital (electronic message centers) to change the sign's message every 8 seconds.

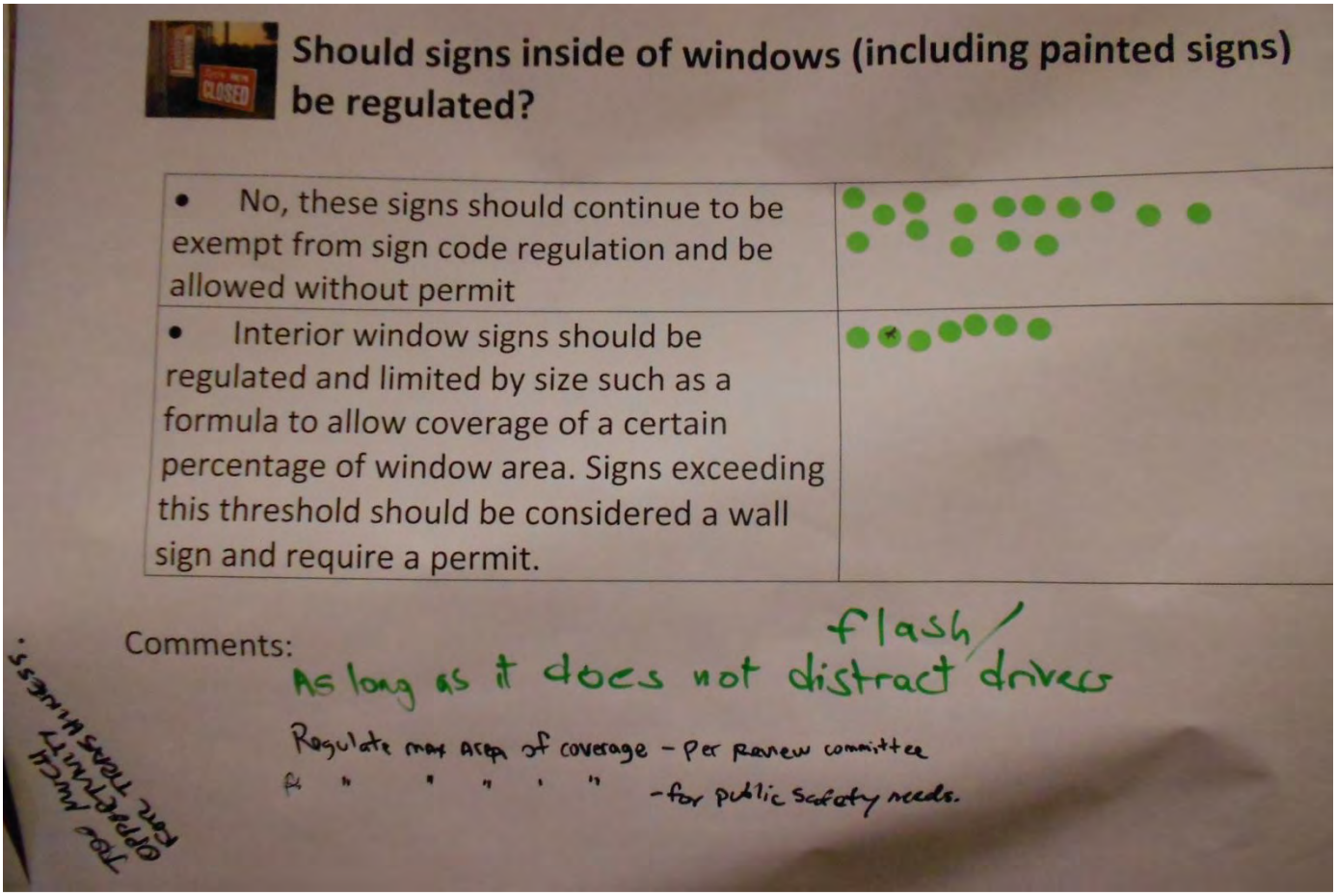


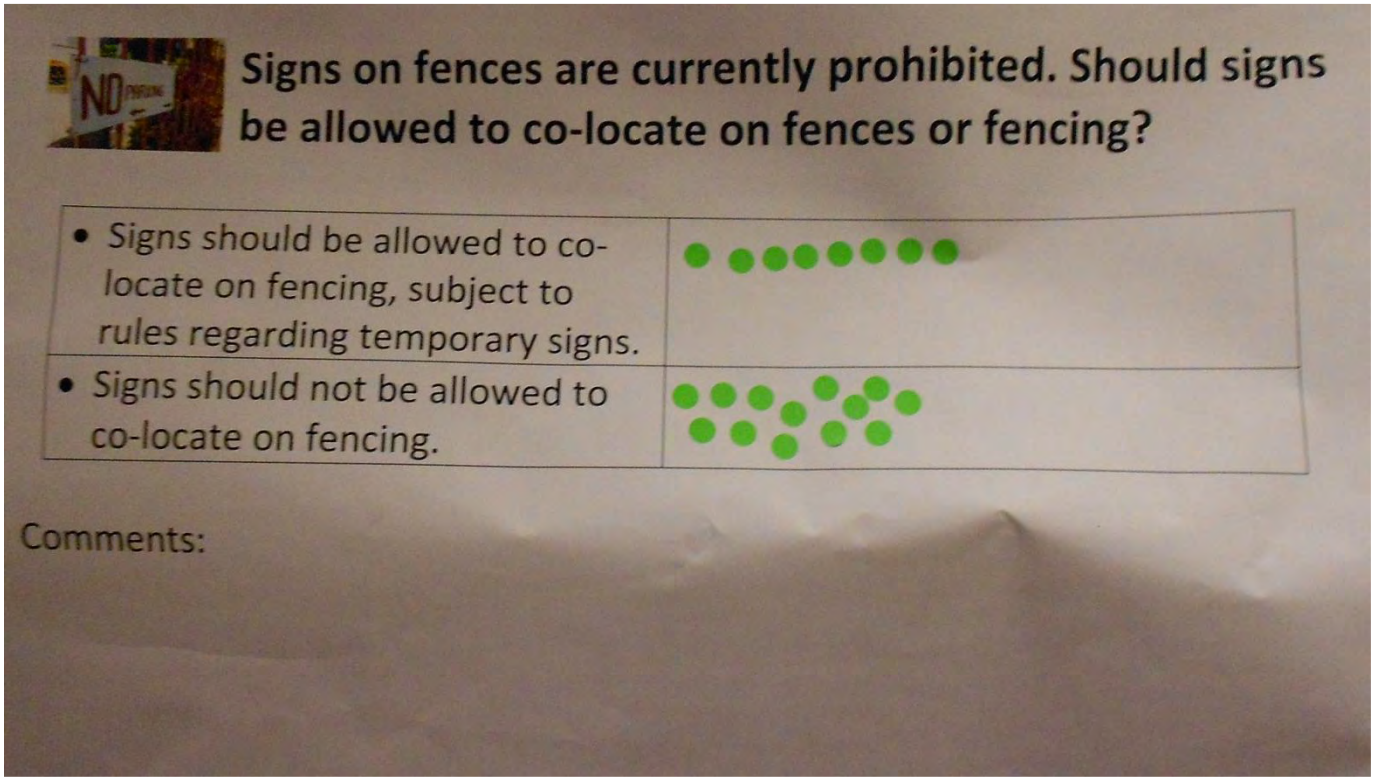
Should the City allow portable signs, such as A-frames, to be located within the public right-of-way (sidewalks), assuming they do not interfere with pedestrian use or present a hazard?

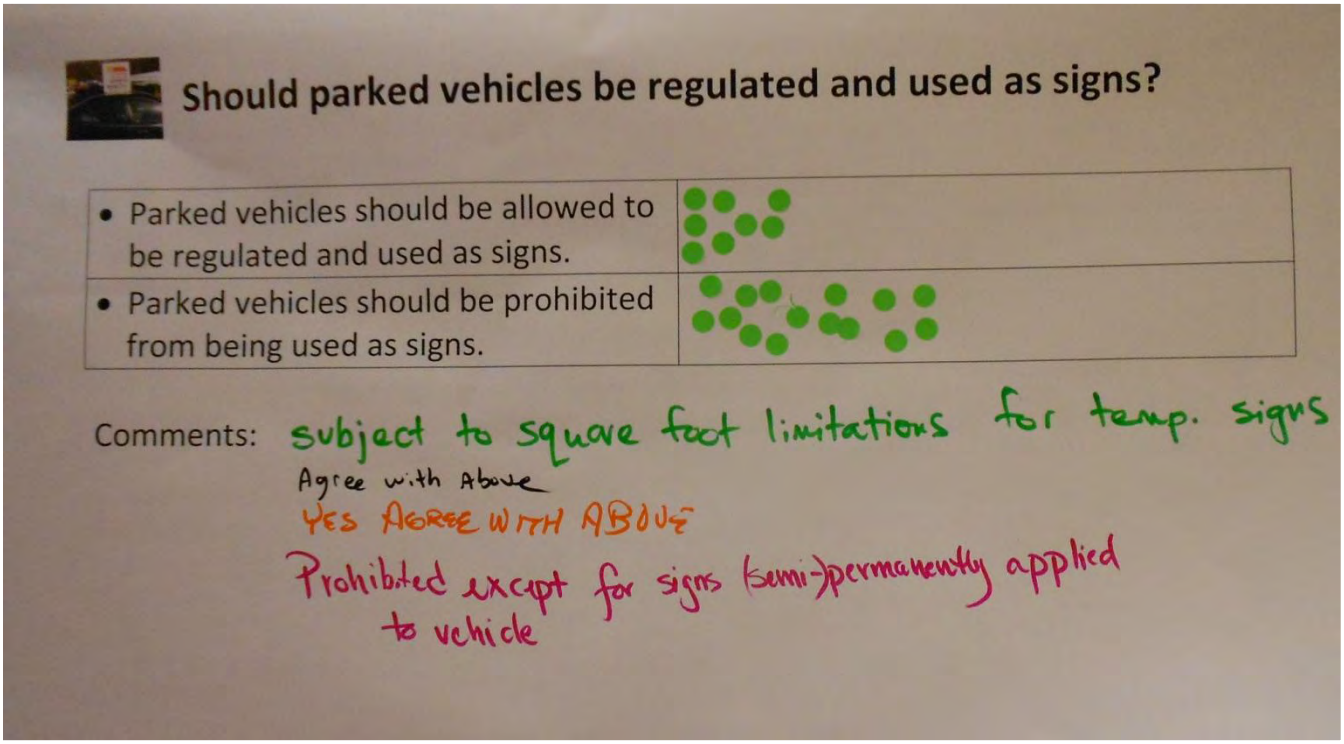
• Yes, signs should be allowed in the public right-of-way.	●●●

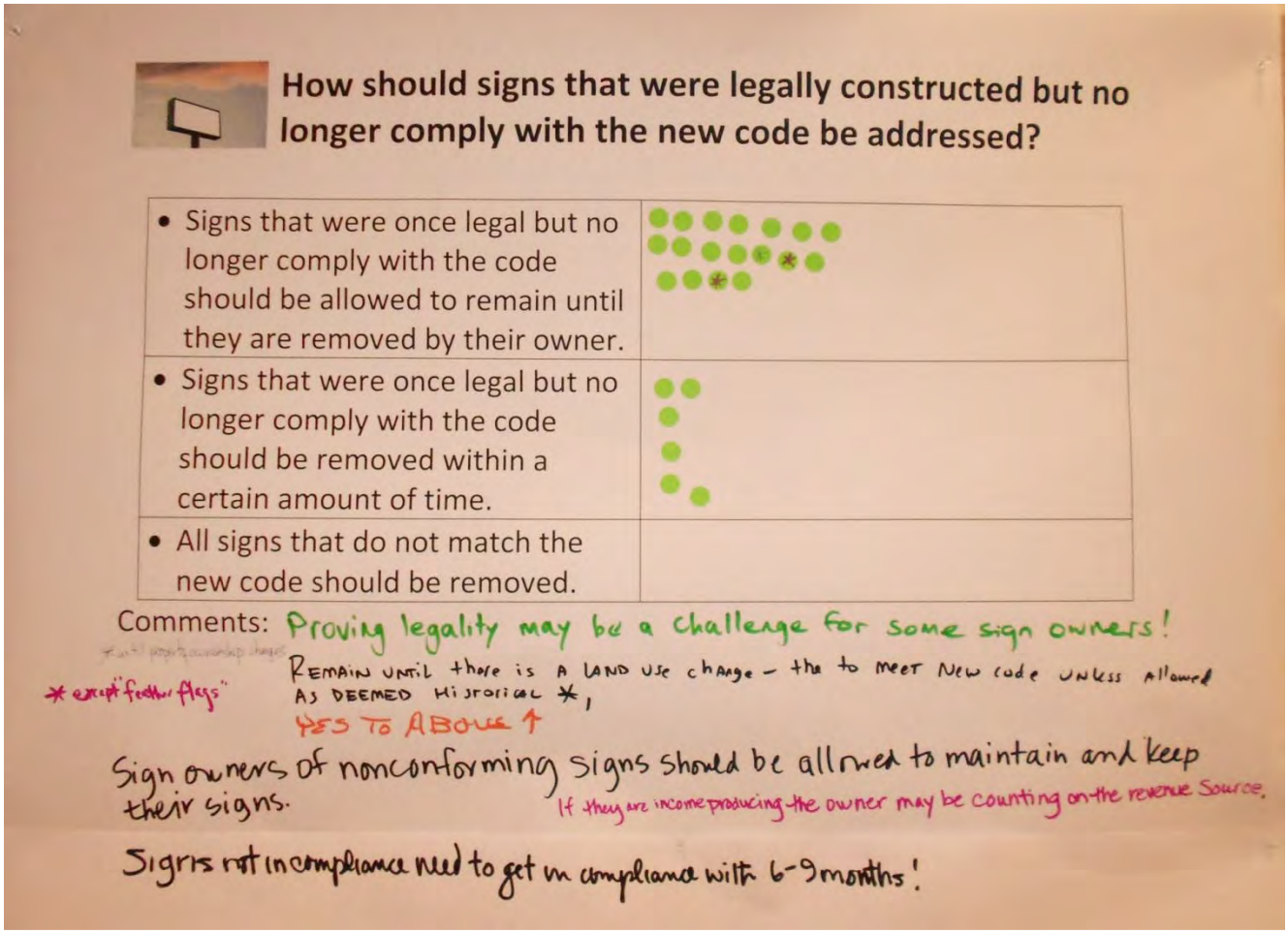

VOTE 2010
What is a reasonable number of signs other than wall and freestanding (such as temporary signs, flags, etc) that should be allowed on a residential property?
• 0
• 1
• 2
• 3
• 4
• 5
• undecided
Comments:
Special case signage such as Block parent, etc. *,
Political signs cannot be limited
* Per face (time limit)
- Anything other than election signs should not be allowed; unless it for a home occupation (on bldg); temporary: garage sale/property for sale are ok.


What is a reasonable number of temporary signs (in addition to permanent signs) that should be allowed on a business's property?
• 0
• 1
• 2
• 3
• 4
• 5
Comments: * Per face


Should signs inside of windows (including painted signs) be regulated?
• No, these signs should continue to be exempt from sign code regulation and be allowed without permit
• Interior window signs should be regulated and limited by size such as a formula to allow coverage of a certain percentage of window area. Signs exceeding this threshold should be considered a wall sign and require a permit.
Comments:
As long as it does not distract drivers flash
Regulate max area of coverage - Per Review committee
-for public safety needs.
Too much opportunity for trash & mess


Signs on fences are currently prohibited. Should signs be allowed to co-locate on fences or fencing?
• Signs should be allowed to co-locate on fencing, subject to rules regarding temporary signs.
• Signs should not be allowed to co-locate on fencing.
Comments:


Should parked vehicles be regulated and used as signs?
• Parked vehicles should be allowed to be regulated and used as signs.
• Parked vehicles should be prohibited from being used as signs.
Comments: subject to square foot limitations for temp. signs
Agree with Above
YES AGREE WITH ABOVE
Prohibited except for signs (semi-)permanently applied to vehicle


How should signs that were legally constructed but no longer comply with the new code be addressed?
• Signs that were once legal but no longer comply with the code should be allowed to remain until they are removed by their owner.
• Signs that were once legal but no longer comply with the code should be removed within a certain amount of time.
• All signs that do not match the new code should be removed.
Comments: Proving legality may be a challenge for some sign owners!
* except feather flags"
REMAIN UNTIL there is A LAND USE CHANGE – the to MEET NEW code UNLESS Allowed AS DEEMED HISTORICAL *,
YES TO ABOVE ↑
Sign owners of nonconforming signs should be allowed to maintain and keep their signs.
If they are income producing the owner may be counting on the revenue source.
Signs not in compliance need to get in compliance with 6-9 months!

Community Advisory Team Meeting #4
Minutes, Agenda and Materials

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Oregon City Sign Code Update
Community Advisory Team Meeting #4
Meeting Summary - DRAFT
December 9, 2013, 5:00 – 8:30 pm
Oregon City Planning Division, 221 Molalla Avenue, Oregon City

PARTICIPANTS	**Community Advisory Team (CAT)** ☑ Sandi Burley - Sign Company / Manufacture / Advocate ☑ Mark Evans - Institutional (Faith-based organization / School) ☑ Dylan Martin (alternate for Melissa Hayden) - Development / Business ☑ Zach Henkin - Planning Commission ☑ Ed LaPlante - Chamber of Commerce ☑ Bob La Salle - Neighborhood Association/ Citizen Involvement Council ☑ Tom O'Brien - Neighborhood Association/ Citizen Involvement Council ☑ Kathleen Sinclair - City Resident ☑ Jonathon Stone - Main Street Oregon City ☑ Amy Willhite - City Resident ☑ Daryl Winand - Development / Business	**Oregon City staff and facilitation team** ☑ Laura Terway, Planner ☑ Ryan Orth, facilitator (EnviroIssues) ☑ Bridger Wineman, notetaker (EnviroIssues) ☑ Joseph Readdy, urban designer (UrbsWorks)
OTHERS PRESENT	• Tony Konkol, Community Development Director • Jennifer Bragar, City Attorney • Kristine Herman, Clear Channel • Amy Donaldson, local real estate agent	
HANDOUTS	Agenda; Draft Code Concept (Dec. 3); Summary of changes to the Draft Code Concept; Sign Code Concept Maximal Scenarios; Draft Consensus, Majority and Split Summary Issues	

AGENDA TOPICS

WELCOME, INTRODUCTIONS AND AGENDA OVERVIEW	LAURA TERWAY / RYAN ORTH
	Ryan Orth described the meeting agenda and goals. Since the last meeting, the staff and consultant team updated the draft proposed code concept incorporating comments received since the last meeting and at the Nov. 18 public open house. A set of draft recommendations were developed for the Community Advisory Team's (CAT) consideration

DRAFT

	to reflect areas of general agreement as well as additional perspectives. The code concept and recommendations will help inform the staff recommendation to the Planning Commission and City Commission. CAT members remain split on some issues and agreement on every recommendation is not expected. In those cases where consensus cannot be reached, documentation of the various viewpoints will help staff understand the range of relevant issues to consider in drafting the code. Ryan explained the meeting will start with a discussion of the draft code concept and then move to discussion of specific outstanding topics. The group will be polled to determine where there is consensus on the topics discussed. Divergent opinions will be discussed and recorded, as well. • A CAT member said he is concerned the group has not adequately considered the portion of the project purpose statement pertaining to enhancing the scenic and aesthetic qualities of the city. He said there are a number of unmaintained signs currently in place which are potentially hazardous and incongruent with scenic qualities and the group has not further defined the aesthetic qualities. • Another CAT member asked that the city include language regarding abandoned signs in the proposed code.
REPORT ON COMMENTS RECEIVED	LAURA TERWAY
	Laura Terway reported on comments received since the last meeting related to the sign code update process. The comments were emailed to the CAT members.
DRAFT CODE CONCEPT UPDATE	LAURA TERWAY \ RYAN ORTH \ JOSEPH READDY
DRAFT CODE CONCEPT	The updated draft code concept, a summary of the changes since its last iteration and a summary of scenarios depicting the maximum level of signage was provided to the group. Joseph Readdy reviewed the changes to the draft code concept recommended by the CAT at the last meeting: • The draft code concept eliminates the restriction on where wall signs are placed on the wall area. In a residential context, it is hoped this will allow signs to respond to architectural features. • The draft code concept would allow larger signs in residential areas and would make freestanding signs a little more restrictive. • Wall signs in office, commercial and industrial zones are limited in size based on the length of the tenant space. • No structural materials would be visible for roof signs. CAT members provided the following comments and discussion of the draft code concept: • The definition of banners is not clear enough for the public. Banners should be described as more clearly distinct from projecting fabric signs. • The skirting requirement for roof signs should be clarified to include the perspective from which supporting structures must be hidden from view. Another CAT member

	offered to share language regarding skirting used in another jurisdiction as an example. • The limit of four square feet in area for ancillary signs is not adequate for real estate signs which are often six square feet. • There was discussion about the height limit of freestanding signs for Conditional Uses in residential zones which should be allowed 15 feet above grade. • Allowing just two ancillary signs is not adequate to allow for real estate signs when other uses of ancillary signs may be desired a the same time. A more detailed discussion of ancillary signs and the definition of ancillary signs was postponed until later in the meeting (see below). • The proposed time limit of 60 days for ancillary signs is not adequate for real estate signs when single family homes recently took over 70 days to sell on average. • A CAT member clarified, and Laura affirmed that the permit for a freestanding sign is not time-limited for residential properties. • The group discussed addressing real estate signs through a separate part of the code, however concluded that content neutrality considerations would preclude this. • In response to a question from a CAT member, Laura explained businesses in residential zones are home occupations which cannot have retail customers or sell goods.
DISCUSSION AND RECOMMENDATION FOR OUTSTANDING ISSUES	RYAN ORTH
	Ryan explained the voting procedure the CAT used to evaluate each recommendation in the *Draft Consensus, Majority and Split Summary Issues* document. Draft recommendations were formed based on input received to-date, including results from exercises conducted with CAT members and attendees at a Nov. 18 open house and public meeting. CAT members were asked to show their stance on each recommendation by indicating with their thumb whether they 1) agree with a recommendation; 2) do not wholly agree, but can live with the recommendation; or 3) disagree with the recommendation.
ENFORCEMENT	**Enforcement of the sign code recommendation:** *The City should take a number of steps to improve future sign code enforcement, including:* • *increase sign code education through print and online guidance and other technical assistance* • *increase funding to allow for additional staff with specific enforcement responsibilities* • *identify opportunities to leverage partnerships, expertise and other resources that improve the cost-effectiveness of these measures* • *consider a more focused education campaign and a high level of enforcement to coincide with the rollout of a new sign code* A vote of CAT members showed **consensus support** for the code recommendation.
SIGNS IN THE RIGHT-OF-WAY	**Signs in the right-of-way recommendation:** *Signs should be allowed in the right-of-way in all zones around the City, provided that they do not block access or present a hazard.* Laura provided additional background. Community input showed support for allowing signs

	in the right-of-way and requirements were adapted from those used by the City of Portland through discussions with Oregon City Public Works staff. The draft code allows one A-frame sign in the right-of-way per property frontage. A-frames are allocated by property frontage rather than tenant or business frontage to reduce clutter. The right-of-way is defined as the space owned by the city and not private property. In residential zones, this would typically include streets, planter strips and sidewalks. The recommendation includes the requirement that people can cross at corners, curb ramps are not blocked and visibility is maintained. The current proposal does not address if the A-frame must be approved by the immediately adjacent property owner. There may be opportunity to give the property owner adjacent to the right of way some priority to placement of an A-frame sign in the right-of-way or make placement of an A-frame contingent on an agreement with the property owner. In response to a CAT question, Jennifer Bragar said liability from an accident or injury involving an A-frame would depend on a number of situation-specific factors. **Vote:** A vote of CAT members showed **majority support** for the code recommendation. CAT members discussed the recommendation and made the following comments: • Allocating A-frame based on property frontage rather than business is unfair to downtown businesses and condos which share a building. • Some issues to consider for A-frames include blocking parking on the curb, enhancing the scenic and aesthetic qualities of Oregon City as stated in the sign regulations purpose and placement of signs far from the businesses they advertise. • Suggestion to allocate A-frame according to the number of entrances rather than by frontage. Another CAT member suggested allowing an A-frame per principle entrance per frontage. • There are 12 cities in the region that allow signs in the Right-of-Way without a permit in residential zones. These should be allowed in residential and mixed use zones in consideration of real estate open houses and sales. • The sizing of A-frames which are allowed should be specified to correspond to industry standards and commercially available signs. The dimensions of 28’ wide by 42’ high are likely too small. • The sings should not be placed too far from the associated businesses. • The amount of time A-frame signs are allowed to be placed within the right-of-way should be reconsidered to correlate with the business hours. • Laura asked CAT members to please send her any additional comments following the meeting.
DEFINITION OF A SIGN	**Definition of a sign recommendation:** *Sign definition should be updated to support all allowed and/or prohibited sign types determined through the update:* *Any sign, display message, emblem, device, figure, painting, photograph, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of*

	specified dimensions or display surface area. **Vote:** A vote of CAT members showed **majority support** for the code recommendation. CAT members offered the following comments: • Discussion of the need to determine the extent of various signs and calculation of sign area, including discussion of when architectural features are considered a sign or part of a sign. Members suggested that these detail be described in the staff recommendation. • The definition should include wall carvings. • A description of the term, "device" should be included.
MURALS	**Murals recommendation:** *The City should allow murals everywhere a business is allowed.* Ryan explained the code recommendation for murals. The cities of Milwaukie and Portland serve as examples of how to address murals. There are two areas for consideration. First, the code should provide for an objective path for permit review, such as code criteria that states no compensation is allowed for mural placement. Second, an art easement path can be established which provides public matching funds and allows for subjective review of content by an arts council. Milwaukie, is considering whether to require a certain quality of paint and other measures to make sure murals are durable. CAT members discussed tying the permit duration to the expected life-span of the paint and materials used. Jennifer advised the permit duration should be consistent for all murals. A vote of CAT members showed **consensus support** for the code recommendation.

ANCILLARY SIGNS	**Ancillary signs recommendations:** *Ancillary signs include all signs other than those for which permits are obtained for wall, mural or freestanding signs. Allow two (2) ancillary signs on business properties, one (1) ancillary sign on residential properties.*
	
	Ryan explained the recommendations for ancillary signs. Area and duration are the main issues which have been expressed in comments.
	
	A vote of CAT members **did not find majority support** for the code recommendation.
	
	CAT members provided the following comments:
	
	• More ancillary signs should be allowed.
	  o The desire for political signs should be considered when determining how many ancillary signs to allow.
	  o The need to allow signage for real estate sales should be considered for multifamily and mixed-use buildings.
	  o The number of ancillary signs is self-enforcing as property owners will take down signs which are no longer needed.
	  o Additional signs could be allowed with a time-limit.
	  o Ancillary signs should be allocated by frontage rather than by property.
	• Ancillary signs should be allowed to be larger.
	  o Regulatory signs may require a certain size of copy.
	  o Colonial Post real estate signs should be allowed. These are six sq. ft. in area

	and six ft. in height.

BANNERS	**Banners recommendation:** *Banners should be allowed on non-residential zoned property or for approved conditional uses within a residential zoning designation, with a permit.*
	
	Ryan described the code recommendation for banners and CAT members offered the following comments:
	
	Vote: A vote of CAT members **did not find majority support** for the code recommendation as originally described.
	
	• CAT members discussed the merits of limiting the duration of banners, but did not agree.
	  o Banners are left up for too long and begin deteriorating. They are often hung incorrectly. Duration should be limited to 30 days, twice per year.
	  o Twice a year is not sufficient to allow for groups which meet periodically in buildings other than their own, such as church groups.
	• A CAT member stated that other sign types could serve the purpose of banners.
	• A CAT member commented that the total number of banners and ancillary signs should be considered together.
	• CAT members did not like the suggestion that banners are limited to 30 days twice a year.
	
	Vote: A second vote of CAT members showed **majority support** for the code recommendation with the revision that banners are not limited to 30 days twice a year.

ELECTRONIC MESSAGE CENTERS	**Electronic message centers (EMCs) recommendation:** *EMCs and internally lit signs should be allowed with conditional use approval in all zoning designations.*
	
	Ryan described the code recommendation for EMCs and CAT members expressed split views of how the code should treat EMCs:
	
	• Some CAT members expressed the proposed code is too permissive in regard to EMCs.
	  o EMCs should not be allowed in residential neighborhoods.
	  o EMCs should not be allowed at all.
	  o EMCs should not be allowed in the historic downtown district.
	• Some CAT members expressed views that EMCs are a valuable tool and should be permitted
	  o EMCs should be permitted for commercial uses and conditional uses like schools, for example.
	  o EMCs are valuable for providing information to the public and should be permitted.
	
	Vote: A vote of CAT members **did not find majority support** for the code recommendation as originally described.
	
	Vote: A second vote of CAT members **did not find majority support** for the code recommendation with the change that EMCs would be permitted everywhere except in the

	downtown historic district and residential zones (without conditional use review) where the frequency of image change is no more than eight seconds. **Vote:** A third vote of CAT members **did not find majority support** for the code recommendation with the change that EMCs would require conditional use review in the downtown historic district and residential zones where the frequency of image change is no more than eight seconds.
Existing billboards	**Existing billboards recommendation:** *Existing billboards should be allowed to remain until they are removed by their owner.* Ryan explained that at an earlier meeting a CAT member described that there are currently 16 billboards in Oregon City. New billboards are not allowed in the current sign code. **Vote:** A vote of CAT members showed **majority support** for the code recommendation. • A CAT member said there should be a mechanism to review billboard permits when they change hands. CAT members expressed differing views on whether existing billboards which are not along major roadways should be allowed to remain if new billboards are allowed. • A CAT member said existing billboards which are not along major roadways should not be allowed if new billboards will be allowed. • A CAT member said most existing billboards are along major roadways already. • A vote of CAT members **did not find majority support** for allowing existing billboards which exist outside of properties with frontage along major roadways.

NEW BILLBOARDS	**New billboards recommendations:** *New billboards should only be allowed on properties with frontage along major roadways (properties adjacent to Interstate 205, Highway 213 and Highway 99E) except in residential zones.*
	
	Ryan explained that at an earlier meeting a CAT member described that there are currently 16 billboards in Oregon City which are all owned by the same company. New billboards are not allowed in the current sign code. The recommendation suggested but did not include a requirement to allow four additional billboards, along major roadways, for a total of 20 billboards so that the company did not have a monopoly on billboards in Oregon City. Permits for new billboards would be issued on a first-come-first-served basis.
	
	A vote of CAT members **did not find majority support** for the code recommendation.
	
	CAT members offered the following comments:
	
	• Opposing views on whether billboards should be allowed along state highways.
	  o They may be too distracting for drivers.
	  o State law sufficiently regulates billboards on state highways.
	
	• Billboards serve a legitimate public purpose of disseminating information. They can be used for public service announcements.
	
	• EMCs should not be permitted along highways.
	
	• Billboard-sized EMCs should be addressed separately from smaller EMCs.

SIGNS OWNED AND OPERATED BY THE	**Signs owned and operated by government recommendation:** *Signs should be subject to the code and required to obtain permits/pay fees when required.*

GOVERNMENT	A vote of CAT members showed **consensus support** for the code recommendation. CAT members provided the following comments: • Government should not pay a permit fee since revenues come from taxes. • Signs owned and operated by the government should be subject to the same size and height limits as other signs. • There should be a clear definition of what constitutes a government sign if the requirements are different. • There are government signs needed for public safety needs along roadways. These signs should be exempt from the sign code.
NON-CONFORMING SIGNS	**Non-conforming signs recommendation:** *Signs that were legally constructed but no longer comply with the new sign code should be allowed to remain until removed by owner.* Ryan described the recommended code regarding non-conforming signs and CAT members offered the following comments: • A CAT member said many signs are left up, even when they are not in use, so they can be used again in the future without purchase of a new permit. • A CAT member said it should not be left to the property owner to remove an old sign and unused signs because they might leave it up in perpetuity, an example of a 20 year-old sign for a business that no longer exists was provided. • Some CAT members said currently permitted signs which do not comply with the code update should be allowed to remain out of compliance so as not to burden their owners. • A CAT member said sign owners should be allowed to maintain nonconforming signs. • A CAT member suggested defining maintenance and setting a monetary allowance for maintenance which could take place for nonconforming signs. • A CAT member said a previously permitted sign that will not conform to the updated code should be treated differently than a nonconforming signs that were placed without a permit or did not meet the requirements of the code when it was placed. Rather than setting a deadline for compliance with the new code existing signs should be allowed to stay until a business or property changes hands. Signs which were never permitted or met the requirements of the city's sign code should not be allowed to remain non-conforming. • A CAT member said the owners of existing signs which are no longer permitted under an updated sign code could bring a legal suit against the city for lost value if they were forced to take them down. A vote of CAT members showed **majority support** for the code recommendation. CAT members stated minority positions which include the following: • The code should require removal of non-conforming signs or required to be brought into compliance within a certain timeframe. • Signs which are legal can be a blight if not properly maintained. Language should be included that signs must be maintained.

NEXT STEPS FOR SIGN CODE UPDATE	LAURA TERWAY \ RYAN ORTH
	Ryan said several split issues without a recommendation which were tagged for discussion during the meeting where not considered for recommendations due to time constraints. Additional comments on these remaining items from CAT members should be provided to Laura via email along with additional comments on any of the issues discussed during this meeting or throughout the CAT process. Laura will inform CAT members by email of the deadline for when comments must be submitted for consideration in the staff recommendation for the sign code update. The CAT will have an opportunity to review the recommendation from staff before it is finalized including summary information which highlights changes recommended to the current code. Laura provided a handout which described the legislative process for the sign code update through the Planning Commission and City Commission. The first Planning Commission hearing is scheduled for April 14. CAT members are invited to attend and testify about their experience through the CAT process, the recommendation from staff and the draft revised sign code. CAT members were thanked for the time and energy they put into the sign code update process.

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Agenda

Oregon City Sign Code Update
Community Advisory Team (CAT) Meeting #4
December 9, 2013, 5:00pm – 8:00pm
Planning Division Conference Room: 221 Molalla Avenue, Suite 200 (second floor)

1. Introductions and agenda review

2. Public comments received since last meeting

3. Review of draft code update

4. Discussion and recommendations for outstanding issues
    - Draft code
    - Enforcement
    - A-frame Signs in the Right-of-Way
    - Definition of sign
    - Murals
    - Ancillary signs
    - Banners
    - Electronic Messaging Centers
    - Billboards
    - Signs owned by government agencies
    - Non-conforming signs
    - Signs on fences or fencing
    - Signs attached to parked vehicles
    - Signs attached to, or carried by, a person
    - Signs placed inside windows

5. Process wrap-up, next steps and adoption schedule

Oregon City Sign Code Update
CAT Recommendation: Draft Consensus, Majority and Split Summary Issues

The following are draft recommendations to be discussed and voted on by the Community Advisory Team at its Dec. 9 meeting. Draft recommendations are formed based on input received to-date, including results from exercises conducted with CAT members and attendees at a Nov. 18 open house and public meeting. Recommendations are categorized as follows:

Consensus recommendations: Recommendations that have unanimous group support.
Majority recommendations: Recommendations for which there is not unanimous support, but where a majority of CAT members agree. Majority opinions reflect concurrence in results from public comments. Minority opinions are noted for the record.
Split issues: Issues for which there is no clear recommendation. These issues are marked by an even-split of opinion, or a slight majority in-favor from the CAT, but an opposing majority from the public.

Process for refining and finalizing recommendations
CAT members will discuss and refine draft recommendations, confirming recommendations through a vote following protocols documented in the group charter. Discussion points included with these draft recommendations represent additional details in support of the draft recommendation, based on comments received and/or research conducted on a given topic. Following group discussion, additional detail may be incorporated to create a refined recommendation statement, should CAT members reach agreement. Discussion related to consensus and majority recommendations, minority opinions, and any outstanding issues will be reflected in a draft final report. The draft final report will be available to CAT members for additional review and comment after the final meeting.

Consensus recommendations:

Draft Code concept
CAT members provided input to the development of a detailed code concept related to signs in residential areas, conditional uses in residential areas, and office, commercial and industrial areas; signs allowed without a permit; prohibited signs; and supporting definitions
Consensus recommendation: The City should consider inclusion of all details contained in the draft code concept

Enforcement of the Sign Code
Consensus recommendation: The City should take a number of steps to improve future sign code enforcement, including:

- *increase sign code education through print and online guidance and other technical assistance*
- *increase funding to allow for additional staff with specific enforcement responsibilities*
- *identify opportunities to leverage partnerships, expertise and other resources that improve the cost-effectiveness of these measures*
- *consider a more focused education campaign and a high level of enforcement to coincide with the rollout of a new sign code*

Majority recommendations:

Signs in the Right-of-Way
Majority recommendation: Signs should be allowed in the right-of-way in all zones around the City, provided that they do not block access or present a hazard.

- Discussion points that may lead to further refinement:
  - Additional details regarding size, duration, materials, etc. presented in Exhibit 1
  - Fees: The CAT suggests a low or no fee.
- Minority opinions:
  - Signs should only be allowed in the right-of-way in downtown commercial areas, with a permit
  - Signs should only be allowed in the right-of-way in residential areas, without a permit, in limited timeframes

Definition of a sign
Majority recommendation: Sign definition should be updated to support all allowed and/or prohibited sign types determined through the update:

Any sign, display message, emblem, device, figure, painting, photograph, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.

- Minority opinion:
  - Definition should not include painted signs

Note: removal of painted signs from this definition does not correlate with the draft majority opinion allowing murals.

Murals
Majority recommendation: The City should allow murals everywhere a business is allowed.

- Discussion points that may lead to further refinement:
  - Approval process: The City of Milwaukie and City of Portland use a similar code model, with opportunities for both discretionary and objective review of murals. Two permitting tracks are defined:
    - Both have an arts grant program that provides public matching funds for murals placed on a building, with owner permission, under a public art easement (no permit fee). A committee reviews and approves content.
    - Both also provide the means for permitting a mural without content review under the sign code. A permit fee is required, no easement is needed, and the mural is reviewed for compliance with size, number and materials standards. However, building/property owners are prohibited from receiving compensation for murals.
    - Murals by definition are created by hand and exclude mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl.

        - In Portland, murals are required to be in place for a minimum of five years and cannot be placed on historic or conservation landmarks or contributing structures
    - Location: Murals could be limited to non-street facing facades.
    - Number: limited to one per property.
    - Size: Area limited by wall surface, with height not to exceed 30 feet. Area is in addition to other signage allowances.
    - Materials/maintenance: Acrylic paints or UV/protective coatings may be required to guard against fading or damage. Maintenance requirements are difficult as maintenance is discretionary from a legal perspective, except in the case of a public safety issue.

- Minority opinions:
    - Murals should only be allowed downtown
    - Murals should not be allowed

Ancillary signs

Majority recommendation: Ancillary signs include all signs other than those for which permits are obtained for wall, mural or freestanding signs. Allow two (2) ancillary signs on business properties, one (1) ancillary sign on residential properties.

- Discussion points that may lead to further refinement:
    - Distinction between owner and tenant
    - Tie to entryway or per frontage
- Minority opinion:
    - Both fewer and greater numbers of signs should be allowed in either residential or commercial areas

Banners

Majority recommendation: Banners should be allowed on non-residential zoned property or for approved conditional uses within a residential zoning designation, with a permit

- Discussion points that may lead to further refinement:
    - Permit: Banners require a permit. The CAT suggests a low or no fee permit. Despite the permit requirement, banners are considered ancillary signs and the ancillary sign definition would need to reflect this exception.
    - Duration: may be allowed for up to 30 days, up to two times per year
    - Location: Banners shall be placed against a building wall and may not project from the wall.
    - Size: Banners will comply with the wall size requirements and shall not be more than 6 feet long and 4 feet in height.
- Minority opinion:
    - Banners should not be allowed anywhere in the city

Electronic Message Centers

Majority opinion: Electronic messaging centers and internally lit signs should be allowed with conditional use approval in all zoning designations.

- Discussion points that may lead to further refinement:
    - Change no more than every 8 seconds.
    - Should the speed of the adjacent roadway influence the minimum display time for EMCs?
    - Luminosity limited to 0.5 foot-candles measured at all property lines. A photometric plan would be required to demonstrate compliance.

    - Size: Up to half of the size of signage allowed may be an EMC.
- Minority opinions:
    - EMC should be allowed to change no more than once per day.
    - EMC should be allowed without conditional review
    - EMC should not be allowed

Existing Billboards

Majority recommendation: Existing billboards should be allowed to remain until they are removed by their owner.

- Discussion points that may lead to further refinement:
    - Existing billboards will be allowed until removed by the property owner (grandfathered)
- Minority opinion:
    - Existing billboards should be removed

New Billboards

Majority recommendation: Billboards should only be allowed on properties with frontage along major roadways (properties adjacent to Interstate 205, Highway 213 and Highway 99E) except in residential zones.

- Discussion points that may lead to further refinement:
    - A total of 20 billboards are allowed in Oregon City at one time. One billboard is allowed per property. Permits will be issued on a first-come first served basis.
    - Billboards may not be larger than 300 square feet in size per sign face and may not be more than 12 feet in height and 25 feet in length. For every square foot of billboard, the amount of other allowed wall or freestanding signage will be reduced at a 1 to 1 ratio.
    - New billboards should undergo conditional use approval
- Minority opinion:
    - New billboards should be prohibited
    - Billboards should only be allowed adjacent to the freeway

Signs owned and operated by government

Majority recommendation: Signs should be subject to the code and required to obtain permits/pay fees when required.

- Minority opinion:
    - Signs owned and operated by the government should be exempt from the code

Non-conforming signs

Majority recommendation: Signs that were legally constructed but no longer comply with the new sign code should be allowed to remain until removed by owner.

- Minority opinions:
    - Signs that were once legal but no longer comply with the code should be removed within a certain amount of time.
    - All signs that do not match with the new code should be removed.

Split issues without recommendation:

The following summary of split-issues without recommendation provides a descriptive header of the sign type, a summary of how the CAT members considered the sign type, and includes public comments

received about the sign type. This information is provided for summary purposes, and City staff notes that some of the CAT positions and public comments received include improper content based recommendations.

Signs on fencing
Both CAT members and open house attendees were closely split on preferences for signs co-located on fencing, with the CAT slightly in favor of allowing this use and public leaning toward a continued prohibition.

Public Comments:

- Some small signs are appropriate, such as no smoking, private parking notices. Banners are problematic.
- Could a sign be permanently mounted on a fence?

Parked vehicles
A majority of CAT members agreed that parked vehicles should be regulated as signs, while a majority of public respondents said parked vehicles should be prohibited from use as signs.

Public Comments:

- Signs attached to vehicles should be exempt if tied to normal operation of business
- Should differentiate between passenger vehicles and trucks and vans
- In all cases, vehicles should be operable
- Should be subject to square foot limitations for temporary signs

Signs carried by/attached to people
CAT members were evenly split on the question of whether to exempt signs carried by or attached to people.

Public Comments:

- Suggest limiting signs to no more than four square feet per face.

Note that legal review of potential prohibition of signs attached to or carried by a person determined that such a prohibition would violate federal and state free speech protections.

Signs inside of windows
CAT members were evenly split on this question, while the majority of public responses said the City should continue to exempt signs inside windows.

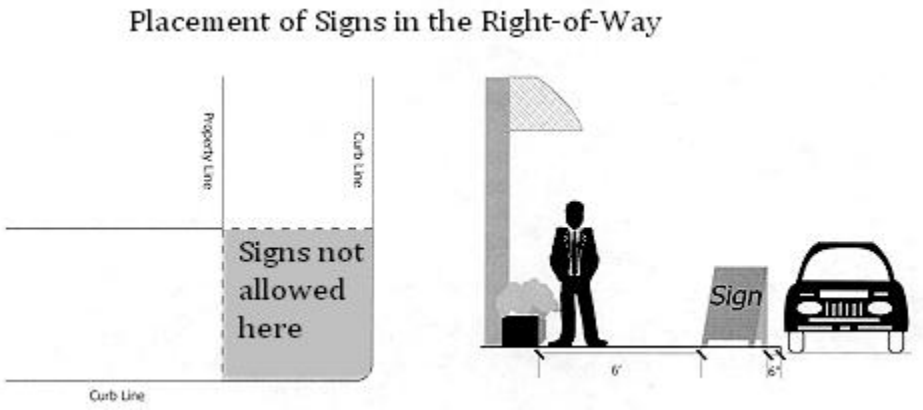
Public Comments:

- Signs should not distract drivers / flash
- Regulate maximum area of coverage

Exhibit 1: Portable A-Frame Signs in the City Right-of-Way

The following information summarizes proposed code updates and weaves in recommendations from the Sign Code Update CAT and City staff for the use of A-frame signs located in the public right-of-way. The CAT's proposal is to allow A-frame signs in the public right-of-way that are governed by independent standards and not counted towards the total amount of allowed onsite signage. This document will be further revised based on information gathered during the CAT meeting and will ultimately be used as a basis for staff's draft amendments to the Sign Code

- Number of Signs
    - One A-frame sign is allowed within the right-of-way per property frontage.
    - No other signs are allowed within the right-of-way
- Material
    - The sign shall be wood, plastic or metal and shall be an A-frame sandwich design.
    - The sign may not be illuminated.
- Size
    - Maximum width: 28 inches wide
    - Maximum depth: 24 inches
    - Maximum height: 42 inches tall
- Placement
    - The sign shall be entirely outside automobile or bicycle lanes.
    - For signs placed in the right-of-way where there is a sidewalk:
        - The sign must be located on the sidewalk, within 6 inches of the face of the curb.
        - Four (4) feet of clearance shall be retained on a sidewalk.
    - For signs placed in the right-of-way in a location where there is no sidewalk:
        - The sign shall be located outside of any street pavement and may not be located closer than four (4) feet from the travel lane, turning lane, shoulder, parking lane or bicycle lane.
    - Signs placed in the right-of-way must remain portable and may not be attached or anchored in any way to trees or public property including but not limited to utility or light poles, parking meters, traffic control signs, the ground or pavement.
    - Signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (including but not limited to travel lanes, shoulder, bike lanes, medians, traffic islands, and parking areas). The sign may not obstruct pedestrian or ADA access from the sidewalk to transit stop areas, designated ADA accessible parking spaces, ADA accessible ramps; or building exits including fire escapes. Signs may not impede or hinder the vision of drivers or bicyclists. The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face (see figure below).



- Hours of Sign Placement
    - For signs not within residential zoning designations, A-frame signs may be placed within the right-of-way for a maximum of 12 hours per day.
    - For signs within residential zoning designations, A-frame signs may be displayed on Thursday, Friday, Saturday, and Sunday between 12:00 pm and 8:00 pm daily; and from 6:00 am to 1:00 pm on Tuesday.
- Permit Process
    - An annual permit is required. The CAT has suggested a low or no fee for the permit (a new fee must be approved by the City Commission). An approval sticker shall be placed on each sign within the right-of-way to easily distinguish the approved signs.
    - The CAT suggested that all businesses that own A-frame signs placed in the right-of-way shall have a valid business license.
- Removal of signs.
    - Existing signs located in the right-of-way that do not comply with these standards or do not hold a valid permit shall be removed.
    - If streets are widened or other improvements made in the right-of-way that result in conditions that do not provide adequate clearance for pedestrians, vehicles or bicycles as set forth above, the City Engineer has authority to ensure public health, safety and welfare by requiring the owner of the A-frame sign located within the right-of-way to modify the sign dimensions, move or remove the signs. The modification, movement or removal of A-frame signs within the right-of-way resulting from street widening or other improvements will be at the sign owner's expense.

Exempt Signs:

The following signs are proposed to be exempt from the right-of-way

- City owned signs in the ROW- Street signs, banners on city light posts, etc.
- Signs approved with a right-of-way permit that comply with the City's "Street Standards" and/or the MUTCD. These signs temporarily control traffic, provide roadway construction and related information as applicable to the traveling public. Right-of-way permits are issued by the City's Public Works department after review of traffic control plans, for any project or event that will be temporarily or permanently controlling the traffic.
- City, County, and/or state owned permanent traffic control and traffic information signs.
- Over street banners with approval from the City Engineer

CAT Recommendation: Draft Code Concept

December 3, 2013

This document represents a framework for specific sign code updates developed with input from the Sign Code Update Community Advisory Team (CAT). Several placeholders are included covering a number of outstanding topics that will be addressed and documented in a separate set of recommendations.

Purpose and scope of sign regulations

The current sign code regulates the erection, placement and maintenance of signs to protect and enhance public health, safety, welfare and property. The code:

1. Allows signs compatible with the character and uses allowed in the zoning district in which they are located;
2. Maintains the effectiveness of traffic signs;
3. Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion (graphic and/or physical);
4. Maintains and enhances the scenic and other aesthetic qualities of the city.

The Sign Code Update's Community Advisory Team (CAT) has also suggested that design standards for signs are also intended to:

- Support the economic development of Oregon City businesses;
- Be simple and clear while balancing certainty for the community with some flexibility for the applicant.

The following information summarizes proposed code updates and weaves in recommendations from the Sign Code Update CAT. This document will be further revised based on information gathered during the remaining CAT meetings and will ultimately be used as a basis for staff's draft amendments to the Sign Code. An appendix with descriptions of the various zone classifications is provided.

Signs in Residential Zones

The following zoning designations are within the residential zone:

- R-10 Single-family dwelling district
- R-8 Single-family dwelling district
- R-6 Single-family dwelling district
- R-5 Single-family dwelling district
- R-3.5 Dwelling district
- R-2 Multi-family dwelling district

Wall Sign: Residential zones allow the placement of one wall sign for each property frontage (with a maximum of 3). A wall sign is prohibited if there is a freestanding sign, except in the "R-2" Multi-family dwelling district. Signs are permitted to be up 12 square feet in size, up to 5 feet in legth, and primarily constructed of natural materials. Signs may be up to 20 square feet for properties in the "R-2" Multi-family dwelling district. If illuminated, the source of illumination must be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

Freestanding Sign: Residential zones other than "R-2" Multi-Family Dwelling District allow the placement of one freestanding sign if there is no wall sign on the same frontage. Properties in the "R-2" Multi-Family Dwelling District may have one freestanding sign for each property frontage (with a maximum of 3). Signs are permitted to be up 20 square feet in size, up to 5 feet in length, up to 5 feet above grade, and primarily constructed of natural materials. However, in the R-2 Multi-family dwelling district, such signs may be up to 10 feet in length. If illuminated, the source of illumination for all signs within residential districts shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

Ancillary Signs: Placeholder for resulting CAT recommendation related to ancillary signs.

Other Signs Allowed within the Zone without a Permit:

- Temporary signs, provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face that exceeds four square feet in area;
- Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area, but not including signs painted on the sides of buildings;
- A single sign where the display surface area does not exceed two square feet;
- Window signs situated on the indoor-side of a window or door;
- Flags, limited to two per premises (excluding attention flags);
- Signs attached to, or carried by a person[1];
- Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- In addition, CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

<u>Proposed Changes to the Existing Code:</u>

- Delete OCMC 15.28.070.B.6 requiring that wall and freestanding signs will "be set back from the street as determined by the sign official, but not more than ten feet from the street right-of-way".
- The size of wall signs was reduced from 20 square feet to 12 square feet for properties in zones other than in the "R-2" Multi-family dwelling district
- CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.
- In an effort to reduce visual clutter, some CAT members suggested limiting the number of the temporary type signs (banners, and all signs allowed without a permit) to 4 per property.
- Wall sign length reduced from 10 to 5 feet and from 5 to 8 feet in height.
- Wall sign area reduced from 20 square feet to 12 square feet for residential.
- The CAT suggested removing the maximum height requirement for wall signs.
- The maximum length for free standing signs was reduced from 10 to 5 feet for residential zones other than the "R-2" Multi-family dwelling district.

[1] Note that based on the City Attorney's legal review, a prohibition of signs attached to or carried by a person would violate federal and state free speech protections. Therefore, regulations regarding signs attached to or carried by a person may be included in the sign code update, pending further recommendation from the CAT.

- For residential zones other than the "R-2" Multi-family dwelling district, the number of freestanding signs was changed from one freestanding or wall sign for each property frontage (with a maximum of 3) to a maximum of one freestanding sign.
- For properties within the "R-2" Multi-family dwelling district, the number of freestanding signs was changed from one freestanding or wall sign for each property frontage (with a maximum of 3) to allow one wall and freestanding sign for each property frontage (with a maximum of 6).

Signs for Conditional Uses in Residential Zones

Wall Sign: One wall sign per frontage may be allowed. If allowed, the sign may be up to 32 square feet, up to 10 feet in length, and must be primarily constructed of natural materials or similar products, such as wood, stone, brick or metal. In addition, if illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

Freestanding Sign: One free-standing sign per lot is allowed up to 32 square feet, up to 10 feet in length, 15 feet above grade and primarily constructed of natural materials or similar products, such as wood, stone, brick or metal. In addition, if illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.[2]

Ancillary Signs: Placeholder for resulting CAT recommendation related to ancillary signs.

Other Signs Allowed within the Zone without a Permit:

- Temporary signs; provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;
- Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;
- A single sign where the display surface area does not exceed two square feet;
- Window signs situated on the indoor-side of a window or door;
- Flags, limited to two per premises (excluding attention flags);
- Signs attached to, or carried by a person[3];
- Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- Portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

<u>Proposed Changes to the Existing Code:</u>

- Members of the CAT recommend increasing the height of freestanding signs allowed through a conditional use process from 8-feet to 15-feet
- CAT members recommended removing the maximum height requirement for wall signs.
- CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

[2] Placeholder for resulting CAT recommendations related to Electronic Messaging Centers.

[3] See footnote 1.

Signs in Office, Commercial and Industrial Zones

The following zoning designations are within the office, commercial and industrial zone:

- I, Institutional District
- NC, Neighborhood Commercial District
- HC, Historic Commercial District
- MUD, Mixed-Use Downtown District
- MUC-1, Mixed-Use Corridor District and MUC-2, Mixed-Use Corridor District
- MUE Mixed-Use Employment District
- C, General Commercial District
- CI Campus Industrial District
- GI, General Industrial District

Wall signs: The number of wall signs is unlimited provided the total combined display surface area of wall signs and projecting signs is no larger than one square foot for each lineal foot of the wall length of the tenant space on which the sign is erected. Signs on other project structures such as awnings, canopies, false fronts and wall extensions that do not extend more than a foot are considered wall signs. Wall signs shall project from the building face no more than 4 inches.

Freestanding signs: One freestanding sign or additional sign is allowed for each street frontage; if a frontage exceeds 600 lineal feet or more on arterial streets a second freestanding sign is allowed. No free-standing sign shall be permitted on the same frontage where there is a projecting or roof sign. Free-standing signs on the same premises shall be separated by a minimum of fifty feet distance. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet. The signs shall not project over the right-of-way and a minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access. The greatest horizontal dimension shall not exceed twenty feet and the height shall not exceed twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage. In no event shall any sign exceed thirty feet in height.

Incidental freestanding signs: One incidental freestanding sign is allowed for each street frontage, if a frontage exceeds 600 lineal feet or more on arterial streets a second incidental freestanding sign is allowed. No sign face shall exceed 8 square feet with a maximum surface display area of 16 square feet. The signs shall not project over the right-of-way and a minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access. The height shall not exceed 15 feet above grade.

Roof signs: One roof sign is permitted for each frontage if there is no projecting sign or free-standing sign along the frontage. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall

not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet. The signs shall not project over the right-of-way and a minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access. The horizontal dimension shall not exceed twenty feet and the vertical dimension may not exceed 10 feet. Skirting is required to obscure exposed hardware used to attach the sign to the roof.

Projecting signs: One projecting sign is allowed for each business frontage if there is not a free-standing or roof sign on the same frontage. The total combined display surface area of projecting signs and wall signs is no larger than one square foot for each lineal foot of the wall length of the tenant space on which the sign is erected. The maximum projection from a building wall shall be 6 feet and shall not project more than two feet of the curb line. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.

Banners: Placeholder for resulting CAT recommendation related to banners.

Ancillary Signs: Placeholder for resulting CAT recommendation related to ancillary signs.

Other Signs Allowed within the Zone without a Permit:

- Temporary signs provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;
- Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;
- A single sign where the display surface area does not exceed two square feet;
- Window signs situated on the indoor-side of a window or door;
- Flags, limited to two per premises (excluding attention flags);
- Signs attached to, or carried by a person[4];
- Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- In addition, CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

<u>Proposed Changes to the Existing Code:</u>

- Wall signs should be measured using the tenant space, and not using the entire building wall.
- The size of wall signs is unlimited so long as the total combined display surface area of wall signs and projecting signs is no larger than one square foot for each lineal foot of the wall length of the tenant space on which the sign is erected.
- Clarify that signs on other project structures such as awnings, canopies, false fronts and wall extensions which do not extend more than a foot are considered wall signs.

[4] See footnote 1.

- Increase the number of freestanding signs from one per frontage to one per frontage or two for frontages with 600 lineal feet or more on arterial streets.
- Free-standing signs on the same premises but on different frontages shall be seperated by 50 feet because some frontages may be long enough to allow more than one freestanding sign.
- The standard that freestanding and roof signs may not project over a public right-of-way should be changed to state that such signs may not project over any right-of-way, public or private.
- The number of roof signs should be changed from one per premises (if there is no projecting sign or free-standing sign along the frontage)to one per frontage (if there is no projecting sign or free-standing sign along the frontage).
- The requirements stating that "stamped approval of a licensed civil or structural engineer may be required due to stresses put on the building. No roof sign shall be erected without approval of the fire marshal after a finding that the size, type and location of the sign will not substantially interfere with fire fighting" for roof signs was removed.
- The height for roof signs was changed from a maximum of twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage (in no event shall any sign exceed thirty feet in height) to a vertical maximum of 10 feet.
- Skirting is required around the base of roof signs.
- The minimum distance between projecting signs on the same horizontal plane of 20 feet was removed.
- Increase the dimensions for projecting signs from a maximum size of 16 square feet per sign face, with total area of all faces not to exceed 32 square feet to a maximum of 24 square feet per sign face, with total area of all faces not to exceed 48 square feet. The maximum projection from a building wall was increased from 4 feet to 6 feet. The maximum vertical dimension of a projecting sign was eliminated.
- The standard under OCMC 15.28.080.A.5.g that

  "projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building code official, may extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet"

  should be amended to read:

  "In those instances where a projecting sign on other structures would be in the sight of pedestrians the clearance under the marquee or other permanent structure may be reduced to eight feet."
- Allow one additional incidental freestanding sign per premises, so long as a permit is first obtained as required by the sign code. An incidental freestanding sign may be a free-standing or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental frestanding sign shall not exceed sixteen square feet, and no sign face shall exceed eight square feet.
- Change incidental signs from either a wall or freestanding sign to an incidental freestanding sign. Reduce the size limitations from a maximum 16 square feet with a maximum sign face size of 8 square feet. Remove the maximum horizontal dimension of 20 feet. Reduce the maximum height from 25 feet above grade, plus 5 feet for each 200 feet, or portion thereof, frontage in excess of 200 feet (not to exceed 30 feet) to 15 feet.
- CAT members suggested allowing portable signs, A-frame signs, sandwich boards, tent signs up to 5 square feet per sign face and 32 inches in height.

- CAT members suggested allowing temporary banners to be attached to building walls outside of historic districts.
- In an effort to reduce visual clutter, the CAT suggested limiting the number of the ancillary signs (temporary signs and all signs allowed without a permit) to 4 per property.

Prohibited Signs

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this chapter:

- A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed views of official traffic control signs or devices or approaching or merging traffic
- A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts, except as otherwise allowed within this code. This subsection does not apply to traffic control signs or devices
- A sign with lighting that is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, unless the lighting is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof
- A sign located upon a tree, or painted or drawn upon a natural feature
- A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape
- A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction over the right of way
- Any sign larger than four square feet on an undeveloped lot or parcel of property
- A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter
- Attention flags
- A-frame signs larger than 5 square feet per sign face or no taller than 32 inches.
- Air blown signs

Proposed Changes to the Existing Code:

- Delete an obsolete sign because the description is not content neutral.
- Delete reference to an exception for traditional holiday decorations and consider allowing streamers, strings of lights, balloons, hulas, banners or pennants during certain times of the year
- A sign not maintained in a safe, neat, clean and attractive condition and in good repair was deleted as it is discretionary.
- A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard was deleted as it is difficult to measure or discretionary.
- Portable signs, A-frame signs, sandwich boards, tent signs are no longer prohibited up to 5 square feet per sign face and 32 inches in height.
- A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts remain prohibited, except as otherwise allowed within this code.
- Feathers are identified as prohibited signs.

- Prohibited air blown signs.
- Hulas were removed from prohibited signs.

Definitions

- “A-frame sign” means a movable steeply angled sign that meets at the top in the shape of the letter “A” and is not attached to a structure or the ground.
- “Ancillary sign” Any sign allowed by this code, with or without permit, that is not a freestanding, wall, roof or projecting sign.
- “Attention flag” means a sign made of fabric or other similar non-rigid material supported on a pole, where one side of the sign is more than three times as long as any other side.
- “Banner” means a sign made of fabric or other similar non-rigid material supported or anchored at four corners or along top with weighted bottom. Any fabric or non-rigid sign that is mounted in a permanent frame is considered a projecting or wall sign.
- “Air Blown Sign” A sign that is intended to be inflated by air or other gas for its proper display and support.
- "Billboard" means a sign with a display surface area of three hundred square feet or more.
- "Display surface area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.
- "Erect" or "erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.
- "Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.
- “Flag” means a sign made of fabric or other similar non-rigid material supported or anchored along one edge or two corners.
- "Free-standing sign" means a sign supported from the ground by its own structure.
- "Frontage" means the continuous distance along one street right-of-way line of one premises, provided such street is improved for public travel.
- "Grade" means the level of the nearest sidewalk or road pavement.
- "Incidental freestanding sign" means a sign which no sign face shall exceed 8 square feet with a maximum surface display area of 16 square feet.
- "Maintain," "maintained" or "maintaining" means activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.
- "Natural materials" means metal, wood, stone, brick and rock or any combination thereof.
- "Premises" means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.
- "Projecting sign" means a sign projecting more than one foot from the wall of a building.
- "Roof sign" means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- "Sign" means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.

- "Sign face" means the total of display surface area visible from one side of a sign.
- "Sign official" is the person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.
- "Temporary sign" means a sign that has no more than two faces, and that no sign face exceeds four square feet in area and which is not erected for more than 60 days[5].
- "Traffic control sign or device" means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the City of Oregon City, the state or federal governments.
- "Undeveloped lots" a property without a building, business or valid land use approval.
- "Wall" means a masonry structure.
- "Wall sign" means a sign erected on a wall.

Changes from the Existing Code:

- Flag: This sign type is not defined in the current code. Proposed definition: "a sign made of fabric or other similar non-rigid material supported or anchored along one edge or two corners." If any side is more than three times as long as any other side the flag becomes a feather.
- Attention flag: This sign type is not defined in the current code. Proposed definition: "A sign made of fabric or other similar non-rigid material supported on a pole, where one side is more than three times as long as any other side." If any side is less than three times as long as the other side it is defined as a flag.
- Remove the definition of obsolete sign, as it is not content neutral.
- A definition of undeveloped lots was added as "a property without a building, business or valid land use approval."
- A definition of A-frame sign was added which means a movable sign that is not attached to a structure or the ground.
- A definition for banners was added which is "A sign made of fabric or other similar non-rigid material supported or anchored at four corners or along top with weighted bottom."
- A definition for air blown signs was added which is "A sign that is intended to be inflated by air or other gas for its proper display and support."
- The definition of "Temporary sign" was changed from "a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs." To "a sign which has no more than two faces, and that no sign face exceeds four square feet in area and which is not erected for more than 60 days".
- The definition of incidental sign was updated to reflect an incidental freestanding sign.
- The definition of abandoned sign was removed as it was not content neutral.

[5] There was a request from a CAT member to increase the maximum size of a temporary sign from 4 square feet to 6 square feet.

Oregon City Sign Code Update: summary of draft code concept standards followed by examples of maximum number of signs allowed for a variety of frontage configurations

The table below demonstrates an example of the maximum size and number of signage allowed on private property.

Items for discussion at the December 9, 2013 CAT meeting are generally not included (such as signs in the right-of-way, murals, banners, billboards, signs on fencing, parked vehicles, etc.) 12/5/13

	Residential	**Multi-family**	**Conditional uses in Residential Zones**	**Office/Commercial/Industrial**
Summary of standards				
Wall	One sign per frontage, up to 12 sq. ft., 5 feet in length	One sign per frontage, up to 20 sq. ft., 5 feet in length	One sign per frontage, up to 32 sq. ft., 10 feet in length	Number dictated by total area, in combination with projecting signs, up to one sq. ft. per linear ft. of wall length of the tenant space.
Freestanding	One sign per frontage, IF NO WALL SIGN ON SAME FRONTAGE. Up to 20 sq. ft., 5 feet in length, up to 5 ft. above grade.	One sign per frontage , 20 sq. ft. per sign face, 10 feet in length, up to 5 ft. above grade	One sign per property, 32 sq. ft. per sign face, 10 feet in length, up to 15 ft. above grade	One per frontage if no projecting or roof sign on the same frontage; two signs for frontages > 600 ft. on arterial area allowed if frontage is: < 50 ft., 25 sq. ft. per sign face > 50 ft.-200 ft., 50 sq. ft. per sign face > 200 ft, 150 sq. ft. per sign face Up to 20 feet in length, height not to exceed 25 ft (up to 30 feet for properties with more than 200 ft of frontage)
Incidental Freestanding	Not Allowed	Not Allowed	Not Allowed	One per street frontage if no projecting or roof sign on the same frontage; two signs for frontages > 600 ft. up to 8 sq. ft. per sign face, up to 15 ft. above grade.
Roof	Not Allowed	Not Allowed	Not Allowed	One roof sign, if no projecting or freestanding sign on the same frontage. Area allowed if frontage is: < 50 ft., 25 sq. ft. per sign face > 50 ft.-200 ft., 50 sq. ft. per sign face > 200 ft, 150 sq. ft. per sign face Up to 20 feet in length, height not to exceed 10 ft.
Projecting	Not Allowed	Not Allowed	Not Allowed	Number dictated by total area, in combination with projecting signs, up to one sq. ft. per linear ft. of wall length of the tenant space. Not allowed if a freestanding or roof sign on the same frontage. Maximum 6 foot projection, no height limit.
Ancillary* temporary signs, A-frame signs, permanent signs less than 2 square feet, flags (excluding attention flags).	One sign per property	One sign per property	One sign per property	Two signs per property
Examples of maximum number of signs allowed for a variety of frontage configurations				
One frontage	**2** (freestanding OR wall; one ancillary)	**3** (freestanding AND wall; one ancillary)	**3** (freestanding AND wall; one ancillary)	**5+** (combination of wall/projecting per area allowance; one freestanding OR one roof; incidental freestanding; two ancillary)
Large frontage on arterial (over 600 feet)	**2** (freestanding OR wall; one ancillary	**3** (freestanding AND wall; one ancillary	**3** (freestanding AND wall; one ancillary	**7+** (combination of wall/projecting per area allowance; two freestanding OR one roof; two incidental freestanding; two ancillary)
Two frontages**	**3** (one freestanding OR wall per frontage; one ancillary)	**5** (one freestanding AND wall per frontage; one ancillary)	**4** (one freestanding per lot AND one wall per frontage; one ancillary)	**8+** (combination of wall/projecting per area allowance; two freestanding OR two roof; two incidental freestanding; two ancillary)
Three frontages**	**4** (one freestanding OR wall per frontage; one ancillary)	**7** (one freestanding AND wall per frontage; one ancillary)	**5** (one freestanding per lot AND one wall per frontage; one ancillary)	**11+** (combination of wall/projecting per area allowance; three freestanding OR three roof; three incidental freestanding; two ancillary)

*per draft majority recommendation, subject to refinement

**assuming frontages under 600 lineal ft. on an arterial; refer to details in summary of standards section for additional allowed signage for large frontages

Changes to the Draft Code Concept since Meeting #3

All items still under discussion were removed from the code, to be addressed in separate recommendations, including:

- The number of ancillary signs
- Banners
- Government signs
- Internally lit signs for Conditional Uses in residential zones

Wall signs:

- Height restrictions removed for all zones to accommodate placement above doorways, etc. For signs in office, commercial and industrial zones, wall signs may not project more than 4 inches.
- For signs in office, commercial and industrial zones, total combined display surface area of wall signs and projecting signs one square foot for each lineal foot of the wall length of the tenant space.

Roof signs:

- Requirement added for skirting to cover exposed hardware on roof signs.

Temporary signs:

- Limited to 60 days
- During the last CAT meeting a CAT member requested that colonial post real estate signs be considered. Staff cannot make a determination about this request because the title of the sign is content based. However, if the CAT wants to make a recommendation, more information may be provided during this meeting to determine whether such signs fall within the definition of a temporary sign.

Definitions:

- “Hula” removed
- “Attention flag” replaces “feather”
- “Natural materials” corrected to include metal
- “Ancillary” now defined
- Banner definition was clarified- any fabric or non-rigid sign mounted in a permanent frame is considered a wall or projecting sign.



Oregon City Sign Code Update
Draft
Legislative Adoption Schedule



Submittal of a Pre-Application Conference	Feb 10, 2014
Pre-Application Conference meeting	Feb 18, 2014
Submittal of Legislative application	Feb 19, 2014
Legislative application complete	Feb 20, 2014
Planning Commission Work Session #1 measure 56 and DLCD notice mailed	March 10, 2014
Planning Commission Work Session #2	March 24, 2014
City Commission Work Session #1	April 8, 2014
Planning Commission Hearing #1	April 14, 2014
Planning Commission Hearing #2	April 28, 2014
City Commission Work Session #2	May 13, 2014
City Commission Hearing #1	May 21, 2014
City Commission Hearing #2	June 4, 2014

Learn more about the project at www.OCSignCode.org.

APPENDIX B:

Comments received by the City

From: Kathleen Sinclair
To: Laura Terway
Subject: Oregon Sign Code Update comments
Date: Monday, January 06, 2014 1:50:17 PM

Dear Laura,

I started this long ago and it ended up in my drafts so I will try again to get it off to you.

Follow-up comments on **Billboards.** A huge red flag is Clear Channel Outdoor's involvement on the committee. This seems rather self serving and not conducive to what is best for Oregon City. If their tactics are similar to Walmart's or their radio stations take over in previous years then staying away from doing business with them and concentrating on local Oregon and Washington firms is probably advisable. My feeling is that the old signs should come down and not be replaced with other bill boards and that there be no new billboards within the city. Maybe on I-205 but even then it is ugly. I highly recommend the long hill from Molalla and Beavercreek to the freeway entrances be left a calm corridor. If anything goes in there it should be public art of some kind but just the way it is is fine too.

Signs on Fencing: No signs on fencing unless they are very small say one foot by one foot. No banners unless they are for a specific event and only up for one week. No signs permanently attached to a fence unless it is a farm and the name of the farm is part of the fencing.

Parked Vehicles: No use of parked vehicles being used as signs unless the vehicle is a shop for that type of vehicle and it is used in place of other legal signage.

Signs Carried by/Attached to people: So, if it is illegal to exempt these signs then the size and duration of time they can be visible should be limited. Maybe the person can wear the sign but not raise it up and down or flip the sign around. And, if there are complaints then the person needs to be asked to find another way to advertise.

Signs inside of windows: No more than a certain percentage of window space should be covered by signs. Perhaps 30% at the maximum.

Thanks for all of your work on this project and I wish all of you the best in implementing the changes. Sincerely, Kathleen Sinclair

From:	BURLEY, SANDI
To:	Laura Terway
Subject:	Comments on 4th CAT Meeting Minutes
Date:	Tuesday, December 31, 2013 10:32:33 AM
Attachments:	image001.png Oregon City Billboard Districts Draft Code Language_December 6, 2013.pdf

Good morning Laura,

I hope that your holidays were joyful and restful. After reviewing the Draft Meeting Minutes for the December 9th Oregon City Sign Code Meeting, I have the following comments and recommendations:

The majority opinion in both the public open house and CAT surveys were in favor of allowing electronic message centers. As a CAT member and sign industry advocate, I request that the sign code revisions allow electronic message centers using the same regulations that the State of Oregon adopted for electronic display signs. State regulations do not restrict the area of the sign used for the electronic message centers, allow for 8 second change rate, and allow signs with a display surface up to 672 square feet. Oregon City and many business and property owners in the community will benefit if Oregon City adopts these same standards:

1. **Electronic displays will keep Oregon City safer by providing critical, up-to-the-minute emergency and law enforcement information:**
   - AMBER Alerts to find missing children
   - "Most Wanted" information to help police find fugitives
   - Weather and natural disaster alerts

2. **Electronic displays will provide increased revenue for local businesses:**
   - Draw customers from I-205 and connecting state highways to patronize local Oregon City businesses
   - Update advertising quickly and target it in real time to desired audiences

3. **Electronic displays will help build the community's image:**
   - Benefit the community by promoting local civic and community events
   - Provide ad space to non-profit organizations, community groups, and government agencies

Existing billboards:

The majority opinion expressed in the public open house survey, the CAT survey and the meeting vote were in favor of allowing existing billboards to remain. I request that the sign code revisions allow existing billboards which are currently legal, nonconforming uses to remain and be legal, conforming uses under the new code.

New billboard recommendations:

The public open house survey and the CAT survey asked if billboards should be allowed and where they should be allowed. The majority of respondents in both surveys felt that billboards should only be allowed along the major roadways (Interstate 205, Highway 99E, and Highway 213).

The recommendation presented at the CAT meeting was changed from the survey questions to state that new (emphasis added) billboards should only be allowed on properties with frontage along major roadways. Although this recommendation was discussed and voted on at the December 9th meeting, when the vote was held, it was highly confusing as to what CAT members were voting on because it was unclear whether the recommendation included the requirement that four additional billboards be added to the total number of billboards in Oregon City. Because the majority of CAT members did not support this recommendation, I request that the number of billboards allowed in Oregon City not be increased by four additional billboards. As I discussed, currently Clear Channel Outdoor (CCO) owns all of the 16 existing billboards in Oregon City. These billboards have been rendered legal nonconforming since the City's

code was amended after the initial construction of these signs, and currently prohibits any new billboards. No operator, including CCO, has been able to construct any additional billboards in the City since this prohibition.

CCO supports a continuation of the prohibition on additional billboards and an amendment that would be a continuation of the status quo, but that would also ultimately result in a net decrease in the total number of signs operated by CCO, not create any new monopoly for CCO. As described in the attached draft sign code amendment included in a prior email that I sent you, CCO is proposing a consolidation of the signs in the City with the existing 16 sign cap, ultimately resulting in a reduction of the number of signs and also realizing the City's goals of reducing clutter and improving aesthetics.

Non-conforming sign recommendation:

A majority of CAT members supported the code recommendation that signs that were legally constructed but no longer comply with the new sign code be allowed to remain until removed by the owner. The majority of open house and CAT member survey respondents also supported the recommendation that signs that signs legally constructed but currently nonconforming should be allowed to remain. I request that the code revisions change the status of existing billboards to legal, conforming signs.

Thank you for allowing me the opportunity to serve as a CAT member and provide feedback on the sign code update. I look forward to working with Oregon City as this important process continues in the New Year.

Sincerely,

Clear Channel Outdoor

Sandi Burley
Real Estate Representative - Portland

715 NE Everett St
Portland, Oregon 97232

O 503-232-3111
D 503-736-2266
clearchanneloutdoor.com

Unless expressly stated otherwise, the information contained in this e-mail and any attachments is confidential and may be privileged. It is intended for the sole use of the addressee(s). Access to this e-mail and its attachments (if any) by anyone else is unauthorized. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, any dissemination, distribution or copying of the contents of this e-mail is strictly prohibited and any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you have received this e-mail in error, please inform the sender immediately and delete it from your computer.

OREGON CITY BILLBOARD DISTRICTS

DRAFT CODE LANGUAGE

15.28 __ Definitions

"BILLBOARD" means an outdoor advertising sign that may be a bulletin or a poster panel.

"BULLETIN" means a billboard with a display surface area of more than 300 square feet.

"DISPLAY SURFACE AREA" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"ELECTRONIC MESSAGE SIGN" means a sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. An electronic message sign may be internally or externally illuminated. Electronic message signs shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.

(1) Electronic message signs may be permitted on new and existing sign structures otherwise permitted hereunder, subject to the following requirements:

a. Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement. Each static message shall not include flashing or the varying of light intensity.

b. Minimum display time. Each message on the sign must be displayed for a minimum of (8) eight seconds.

c. Electronic message signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.

d. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria:

Nominal Face Size	Distance to be measured from:
12' x 25'	150'
10'6" x 36'	200'
14' x 48'	250'

e. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

"OUTDOOR ADVERTISING SIGN" means a sign not limited as to content, but usually and customarily used to advertise goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located; or to present messages dealing with political, public interest, public service, or education issues; an election, candidate for election, or ballot measure; or religious matters, health, and other similar subjects.

"POSTER PANEL" means a billboard with a display surface area of 300 square feet or less.

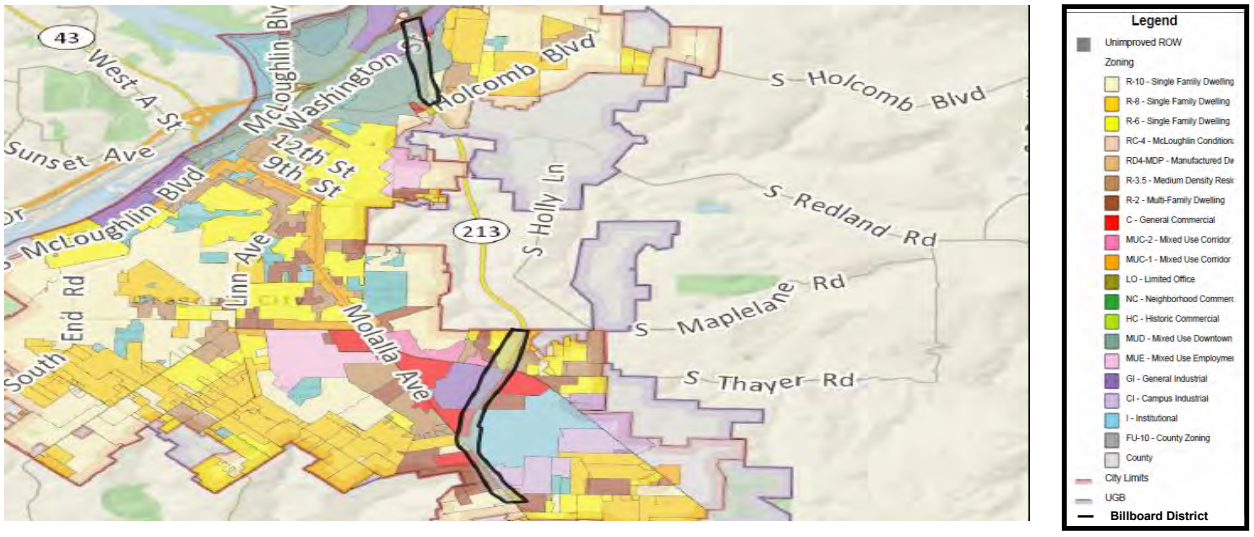
15.28 __ Sign districts generally

A. The Billboard Sign Districts are created and applied as designated. The Billboard Sign District includes the Interstate 205 billboard district, the Highway 213 billboard district, and the Highway 99-E billboard district, as each is shown the maps that follow. Billboards are allowed on properties located within these billboard districts, subject to the terms of this chapter. Billboards are otherwise prohibited within the City.

Billboard District 1 - Interstate 205



Billboard District 2 - Highway 213



Billboard District 3 - Highway 99E



15.28.___ Billboard district

The following billboard standards apply in the Interstate 205, Highway 213, and the Highway 99-E billboard district.

A. Billboards must be located within or relocated to the boundaries of the I-205, Highway 213, and Highway 99-E billboard district with no more than 16 approved billboard permits at any one time. The number of approved billboard permits may be increased if any billboards existing at the date of adoption of this chapter are located on land along Interstate 205, Highway 213 or Highway 213 that is not currently within the municipal boundaries of Oregon City but which is later annexed into Oregon City.

B. Except as provided in this subsection, each sign face of a billboard may not exceed 680 square feet in display surface area. Each sign display surface area may be increased by an

additional 20 percent for a sign that is irregular in form and projects beyond the outer dimensions of the signboard, frame or cabinet. Each side of a double-faced billboard is a separate sign face for the purpose of sign area limitations.

C. Billboards may be double-faced, allowing sign copy on two sides of a supporting structure, provided the two sides are parallel within a deviation of 10 degrees.

D. Billboards may have a maximum height of 70 feet above the adjacent freeway grade.

E. Billboards may not be located within 150 linear feet from the property line of any residentially zoned property.

F. Billboards are subject to the separation requirements established by state regulations.

G. A billboard permit may be assigned without the consent of the city, but the permittee must provide the city with notice of any assignment.

H. The permitted location of a billboard may be changed by modification of the permit if the new location meets all requirements of this chapter.

I. A billboard permit holder may file for a consolidation permit to combine two poster panels lawfully existing anywhere within the city limits of Oregon City with display surface areas of 300 square feet or less into one bulletin with a display face area of 680 square feet or less. The number of billboard permits allowed within the billboard district shall be permanently decreased by the number of consolidated permits.

From:	Tom O"Brien
To:	Laura Terway
Subject:	Re: Oregon City Sign Code Community Advisory Team Meeting #4 - Draft Meeting Minutes
Date:	Sunday, December 29, 2013 10:04:01 AM

Laura,

Thanks for getting back to me on this.

Congratulations on your upcoming family addition. Two children are always, at the very least, twice as much fun.

Regarding the minutes, I thought Bridger Wineman was taking minutes at the meeting.

I wasn't taking minutes but do know there were more than the two items identified in the draft of the minutes.

I continue to be skeptical regarding how A - Frame signs meet criteria 4, under **"Purpose and Scope of Sign Regulations"**.
It states;
4. Maintains and enhances the scenic and other aesthetic qualities of the city.

I remember mentioning that if A - Frame signs are allowed under the revised code, consideration should be given to make sure that the sizes that are called out, correspond to industry standards.

The current Draft lists, Maximum width: 28 inches wide, Maximum depth: 24 inches, Maximum height: 42 inches tall.

An A - Frame sign with a five square foot sign face is not a realistic dimension. Many individuals currently use boards manufactured by Plasticade. They are available in various sizes but a commonly used one is 24.5 inches wide by 45 inches high. There are several that you can check out for yourself on 7th near Washington or on Main Street. We should not have requirements that can not be met, otherwise enforcement will be difficult. **Perhaps wording stating no larger than eight square feet (or six square feet) per face with the vertical dimension being the largest.** If a smaller sign is desired, another standard size is 24.5 inches wide by 36 inches tall. Merchants who currently have the larger ones could obtain a smaller one at a cost of slightly more than $100.

Another important requirement regarding the use of A - Frame signs is to limit where they can be displayed. Currently we have several individuals that are locating signs in the public right of way as much as one and a half blocks away from their place of business. If every business decided to do the same we would have chaos. **Language requiring placement directly in front of their business needs to be stipulated.**

For A - Frame signs the draft in the section titled "Hours of Sign Placement", states that placement in the right of way should be limited to 12 hours per day. I'd suggest instead that it stipulate **"When the Business is Open".** Some businesses are open longer than 12 hours a day and others as little as three or four hours on a given day. We currently have A -Frame signs in the right of way throughout the city that are left out permanently, 24 hours a day 365 days a year.

Laura, thanks for your consideration of the above and for all the effort you have put into making the revision of the code successful. I appreciate the leadership you have shown on this project.

Tom O'Brien

On 12/27/2013 2:28 PM, Laura Terway wrote:

> Tom,
> I sincerely apologize for not returning you phone call, I did take Monday and Tuesday off but was back at work on Thursday. Christmas was wonderful with little Paige, she was excited to see all of our family! We also shared the name of our new little boy who is due in May, Liam Paul Terway.
>
> In regards to the minutes, please email a list of the items which are not reflected in the minutes and we will amend as needed. Thanks
>
> -Laura
>
> On Dec 27, 2013, at 11:48 AM, "Tom O'Brien" <tom.obrien4@comcast.net<mailto:tom.obrien4@comcast.net>> wrote:
>
> Laura,
>
> It does not seem that the draft minutes record a number of the discussions which took place at our last CAT meeting. Only two of the many items discussed have been included in the draft minutes.
>
> I had tried to contact you by telephone shortly after I received the draft as I had wished to discuss them. I left a voice message requesting that you return my telephone call. As of this morning I have not heard back from you, so I suspect that you may have taken a couple of weeks off to celebrate the Christmas holidays.
>
> Hopefully you were able to enjoy them with your family. It must have been wonderful to observe the expressions on your child's face.
>
> Tom
>
> On 12/18/2013 1:42 PM, Laura Terway wrote:
> <ATT00001.jpg>Good Afternoon,
> The draft minutes from our last CAT meeting are enclosed for your review. Please look over the minutes and provide me any comments by Tuesday, December 31th so we can post them on our project website.
>
> Also, please submit any remaining comments regarding the sign code to me by Friday, January 3rd, 2014 for inclusion into the final report. We plan on sending you the draft final report by the end of January.
>
> Thank you again for your participation in this project, we have received a lot of valuable feedback! Please feel free to contact me at (503) 496-1553. Thank you
>
> www.OCSignCode.org<http://www.OCSignCode.org>
>
> <ATT00002.jpg>
>
> Laura Terway, AICP
> Planner
> Planning Division
> PO Box 3040
> 221 Molalla Avenue, Suite 200
> Oregon City, Oregon 97045
> Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.
> Phone: 503.496.1553
> Fax: 503.722.3880

lterway@orcity.org<mailto:lterway@orcity.org>

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org<http://www.orcity.org/>. Quickly and easily print a report of your property with a Property Zoning Report<http://maps.orcity.org/imf/ext/viewPropertyReport/viewPropertyReport_Search.jsp> or view our interactive mapping at OCWebMaps<http://maps.orcity.org/imf/sites/OCWebMaps/jsp/launch.jsp?popup_blocked=true>. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

ü Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Zach Henkin
To: Laura Terway
Subject: Re: Oregon City Sign Code Community Advisory Team Meeting #4 - Draft Meeting Minutes
Date: Thursday, December 19, 2013 9:04:36 AM
Attachments: Beyond_Aesthetics.pdf

Hi Laura,

I'd like to submit as comments for CAT the attached 2011 Philadelphia study titled Beyond Aesthetics: How Billboards Affect Economic Prosperity.

I found it interesting how they drew the conclusion that billboards located within 500ft of homes or in the same census tract lowered home values.

Best,

-Zach

On Wed, Dec 18, 2013 at 1:42 PM, Laura Terway <lterway@ci.oregon-city.or.us> wrote:



Good Afternoon,

The draft minutes from our last CAT meeting are enclosed for your review. Please look over the minutes and provide me any comments by **Tuesday, December 31th** so we can post them on our project website.

Also, please submit any remaining comments regarding the sign code to me by Friday, January 3rd, 2014 for inclusion into the final report. We plan on sending you the draft final report by the end of January.

Thank you again for your participation in this project, we have received a lot of valuable feedback! Please feel free to contact me at (503) 496-1553. Thank you

www.OCSignCode.org

Laura Terway, AICP

Planner

Planning Division

PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045

Please note the Planning Division is available
from 7:30am - 6:00pm Monday - Thursday
and by appointment on Friday.

Phone: 503.496.1553
Fax: 503.722.3880

lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

--
Zach Henkin
zhenkin9000@gmail.com

Beyond Aesthetics:

How Billboards Affect Economic Prosperity



Jonathan Snyder

Samuel S. Fels Fund

December 2011

Introduction

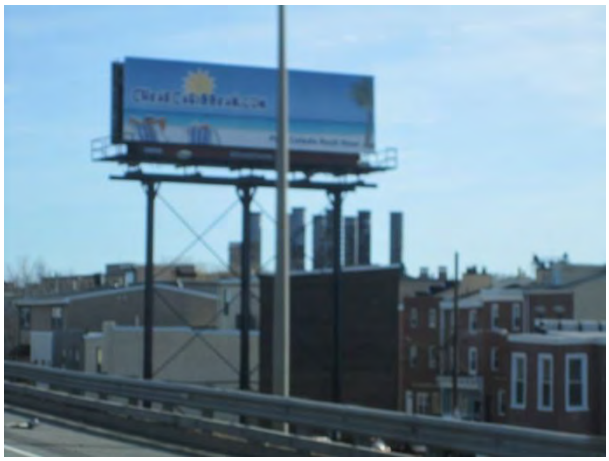
This paper seeks to answer the question of how billboards affect the economic prosperity of their surrounding areas. By combining US Census data, local home price data, and zoning code data with geographic information system (GIS) and statistical analysis tools, one can examine the complex interplay between billboards and economic prosperity. After a brief examination of the history of billboards and billboard regulation and a review of the available literature, this paper will analyze three fundamental questions:

1. What impact do billboards have on real estate prices in the City of Philadelphia?
2. What impact do billboards have on home value within census tracts in the City of Philadelphia?
3. What impact do billboard regulations have on median income, poverty rates, and vacancy rates in different cities in the United States?

Philadelphia was selected for this research for several reasons. It is large enough to make a careful examination of the interplay between billboards and real estate prices. Further, it has elements of both weak and strong market cities in that it has an affluent residential downtown area with significant purchasing power[1], but as a whole the city has a lower median income compared to the national average.[2] Lastly, Philadelphia has a zoning code that caps billboards and attempts to decrease their number through attrition, but it also has a history of allowing billboard companies to bypass the restrictions within the zoning code.[3]

[1] $74,317 household income according to the Center City District's November 2010 retail report.
[2] US median household income is $51,425 according to US Census 2005-9 estimates, Philadelphia median household income is $36,669.
[3] The passage of Bill 100720 creates a signage district in Center City.

In short, Philadelphia presents a good case study for this analysis as it embodies the different arguments and tools of the debate while containing both strong and weak market characteristics. Additionally, because of research conducted at the University of Pennsylvania, the locations of all billboards are known, thus allowing much of the spatial analysis to occur.



Literature Review

A review of available literature reveals a dearth of information on the economic impact of outdoor advertising billboards on the surrounding community. A number of articles have focused on the economic benefit to businesses, and one study examined how billboards affect the values of the property on which they reside, but we found no studies that examined how billboards affect the surrounding area. Further, we found no studies that have been conducted which examine the relationship between billboard controls and the economic condition of cities within the United States.

The argument against outdoor advertising which appears most often focuses on billboards' adverse visual and aesthetic impact on the surrounding community. Harvey K. Flad, emeritus professor of geography at Vassar College, comments on the "visual pollution"

created by billboards[4] and how they "desecrate the landscape."[5] Similarly, Charles R. Taylor, professor of marketing and Weih Chang of Villanova University describe how the public and law makers responded to the growth of outdoor advertising with legislation designed to curtail it.[6]



An article in the *Journal of Law and Politics* made the comment that "…the American public has consistently found outdoor advertising to be intrusive, ugly, crassly commercial, and a taint on nature. The story of billboards in America is thus characterized by an ongoing struggle between an expanding industry and a resistant public."[7]

The arguments against billboards traditionally have followed this aesthetic narrative with varying degrees of success in terms of restricting the proliferation of billboards. In its assessment of its billboard regulations, the City of San Jose notes that "Signs play a significant role in the visual environment of a city in that they are prominent structures that are typically, and deliberately, highly visible in the public realm. Billboards are more prominent than most other signs due to their size and height."[8] Flad goes further in stating that "they [billboards] actively seek the eye and tend to dominate the visual field."[9]

From their first appearance in the late 19th Century through today, billboards have met resistance on aesthetic grounds. However, the arguments against billboards often did not discuss their impact on the surrounding area. Some anti-billboard writers do discuss the economic impact of billboards but do not find the argument compelling. For example Flad comments that "…they [billboards] also do not perform an effective function. They simply encourage consumption."[10] Other researchers such as Taylor and Chang, in referencing a previous study, note that "…billboards had critics long before the turn of the century. While public opinion and legislation managed to curb some of the most blatant abuses, outdoor advertising was such a valuable and economical



medium for many advertisers that it was difficult to control (Wood 1958)."[11] They further comment that "the [billboard] industry was quick to point out that billposting had a positive effect on the economy, both by helping landowners better utilize their property and by

[4] Flad, Harvey K, "Country Clutter: Visual Pollution and the Rural Roadscape," *Annals of the American Academy of Political and Social Science*, 533: September 1997, pp. 124-125.
[5] Ibid, p. 123.
[6] Taylor, Charles R. and Weih Chang, "The History of Outdoor Advertising Regulation in the United States," *Journal of Macromarketing,* 15(47): 1995, pp. 48.
[7] "Note: Judging the Aesthetics of Billboards," *Journal of Law and Politics*, 23: 2007, pp. 173.
[8] "Billboards on Private Property & Off-Site Advertising on City Property: An Assessment of City of San Jose Sign Ordinance Regulations," City of San Jose, p. 7.
[9] Flad, p. 124.
[10] Flad, p. 123.
[11] Taylor and Chang, p. 50.

creating positive publicity for products and services."[12]



Despite the number of articles arguing for and against billboards on aesthetic, constitutional, and economic grounds, we are not aware of any studies that have been conducted which examine how billboards impact the area adjacent to them. Nor have any studies of which we are aware been conducted which examine whether billboard restrictions in different cities impact economic prosperity. A study conducted by Lilley III, DeFranco, and Buffalo of iMapData, Inc. entitled "The Outdoor Advertising Market and its Impact on Tampa Property Values" examined how billboards impacted the value of property in Tampa, Florida.[13] However, the study only examined the value of the property on which the billboards were located and determined that their presence elevated the property value. This is not an unexpected conclusion as the billboards represent income to the property owner. However the study did not attempt to assess whether those same billboards had any impact on the property values in the surrounding area.

In their paper "Ghettoizing Outdoor Advertising: Disadvantage and Ad Panel Density in Black Neighborhoods", Kwate and Lee examined how the quantity of outdoor advertising varies between neighborhoods which are predominantly black and predominantly white.[14] Their research showed that "black neighborhoods have more total billboards…than white neighborhoods"[15], however "income level was not significantly related to ad density after controlling for vacant lots."[16] More directly related to the discussion of billboards and economic prosperity, they concluded that "…the visual disorder caused by a high density of outdoor ads may reproduce inequality by marking neighborhoods as 'the ghetto' and reducing assessed value by residents and business owners."[17]



One reason for the paucity of studies on the issues of the economic impact of billboards on the surrounding area could be the difficulty in the valuation of open space. In their article "The Economic Value of Open Space," Fausold and Lilleholm comment:

Like all natural ecosystems, open space provides a variety of functions that satisfy human needs. However, attempting to assign monetary values to these functions presents several challenges. First, open space typically provides several functions simultaneously. Second, different types

[12] Ibid, p. 53.
[13] Lilley III, William, Laurence J. DeFranco, and Clarence W. Buffalo, "The Outdoor Advertising Market and its Impact on Tampa Property Values,"iMap Data Inc. July 24, 2001.

[14] Kwate, Naa Oyo A. and Tammy H. Lee, "Ghettoizing Outdoor Advertising: Disadvantage and Ad Panel Density in Black Neighborhoods," *Journal of Urban Health: Bulletin of the New York Academy of Medicine*. 84(1): 2006.
[15] Ibid, p. 21.
[16] Ibid p. 27.
[17] Ibid, p. 29.

of value are measured by different methodologies and expressed in different units. Converting to a standard unit (such as dollars) involves subjective judgments and is not always feasible. Third, values are often not additive, and "double counting" is an ever-present problem. Finally, some would argue that it is morally wrong to try to value something that is by definition invaluable.



At a minimum, they say, open space will always possess intangible values that are above and beyond any calculation of monetary values.[18] They do mention that "the most direct measure of the economic value of open space is its real estate market value"[19] which suggests that the market value of the real estate could be a useful proxy for evaluating whether billboards impact adjacent home values. A study examining home value and proximity to cell phone antenna towers demonstrated the effectiveness of using this approach to analyze home values in relation to the homes' distance from a tower.[20]

Using a similar methodology in evaluating billboards could provide useful indicators of the true economic benefits and costs to a community of such billboards in order to determine whether relevant regulation might be appropriate. An examination of billboard controls between cities could also provide useful information in order for cities to make informed decisions as to which regulations (if any) to apply in order to provide the most benefit to their city.

Findings

Analytical Overview[21]

This paper attempts to determine how billboards affect economic prosperity. Economic prosperity is a broad concept, and the paper analyzes several characteristics that can be easily measured and captured: median income, poverty rate, vacancy rate, and home values. For the city of Philadelphia, this data is publicly available through the US Census, the University of Pennsylvania's Cartographic Modeling Lab, and the City's Recorder of Deeds Office. Using ArcGIS and SPSS software, this paper marshals the data to answer the general question of how billboards affect economic prosperity.



Question 1: What impact do billboards have on real estate prices in the City of Philadelphia?

[18] Fausold, Charles J. and Robert J. Lilieholm, "The Economic Value of Open Space," *Landlines*, 8(5): September 1996, p. 2

[19] Ibid, p. 3

[20] Bond, Sandy, "The Effect of Distance to Cell Phone Towers on House Prices in Florida," *Appraisal Journal*, Fall 2007

[21] This section presents a brief examination of the analysis which follows. For a more thorough review of the methodological considerations, please examine Appendix XX.

In Philadelphia, there is a statistically significant correlation between real estate value (as measured by sales price) and proximity to billboards. Using 2010 sale price data, and taking into account adjacent amenities such as libraries and parks, residential real estate within 500 feet of a billboard is $30,826 less valuable (p=.035) at the time of purchase, according to the statistical model shown in Table 1 below, and further described in Appendix A. According to the model, the amount of livable area is the most important factor in determining the price of a property. For each additional SQ FT of livable area, there is an $89.34 increase in price. Similarly, properties located within 1,000 ft. of amenities (such as Bike Paths, Libraries, and Parks) are associated with a higher price. Properties purchased within 500 ft. of billboards have a decrease in sale price of $30,826 and the correlation is statistically significant (p ≤ .05).

Statistical Model for the Price of Properties within 500 ft. of a Billboard

Model[22]		Unstandardized Coefficients		Standardized Coefficients		
		B[25]	Std. Error[26]	Beta[27]	t[23]	Sig.[24]
1	(Constant)	-4936882.57	315905.74		-15.628	.000
	Livable Area	89.34	.46	.820	195.084	.000
	Bike Path 1000 Ft	82254.61	11494.54	.030	7.156	.000
	Library 1000 Ft	120130.59	17703.46	.029	6.786	.000
	Park 1000 Ft	102946.99	11027.36	.040	9.336	.000
	Year Built	2510.88	162.52	.065	15.450	.000
	Billboard 500 Ft	-30825.85	14634.00	-.009	-2.106	.035

a. Dependent Variable: Sales Price

Table 1

[22] Multiple variables were tested in different combinations, most of which were found not to be statistically significant. This model includes only statistically significant variables (p < .05).
[23] A measure of how well the variable fits the model.
[24] Denotes whether the variable is statistically significant. Numbers less than .05 are statistically significant.
[25] The unstandardized coefficient indicates the strength of a relationship between an independent variable (e.g. Livable Area) and a dependent variable (e.g. Sales Price). Results are expressed as a change in the dependent variable per unit change of the independent variable. i.e., for each additional square foot of Livable Area, a property increase in value $89.40.
[26] Standard error of the independent variable
[27] The Standardized Coefficient or beta weight is the relative strength of each independent variable in the regression equation. The larger the absolute value of the beta weight, the larger the influence of the independent variable.

Question 2: What impact do billboards have on home values within census tracts in the city of Philadelphia?

An analysis of Philadelphia census tracts and various economic prosperity indicators such as median income, percentage of vacant parcels, and population decrease do not reveal a correlation between billboards and economic prosperity. However, the analysis reveals a correlation between billboard density and home value. Billboards negatively impact home values. For each additional billboard in a census tract, there is a $947 decrease in home value. Considering that the mean number of billboards in a census tract is 4.8, the resulting decrease in value is $4,546 per house for homes in such districts when compared to the price of

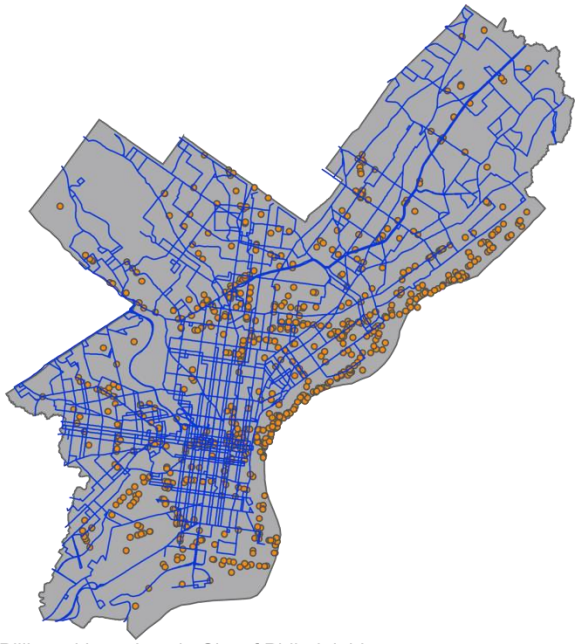
an equivalent home in a census tract without billboards.

Each additional billboard further degrades home value, but the reason behind the depression in home values is a nuanced one. Of course, billboards tend to be located along commercial corridors, yet our analysis shows that it is not the presence of the commercial corridor itself which has a negative impact on home values. Indeed when the variable "Percent of commercial properties" was included in the regression model, it was found to be not statistically significant. Thus, in this analysis, it is the billboard itself that has a depressing effect on the whole of the census tract. What this analysis cannot tell us is what characteristics of the billboard contribute to this problem. Is it the pole, the billboard itself, the lights upon it, or the commercialization of the viewscape[28] of local residents? It is likely that it is all, or some combination, of these factors that leads to this impact, but such analysis is beyond the scope of this paper.

Question 3: What impact do billboard regulations have on median income, poverty rates, and vacancy rates in different cities in the United States?

The sign codes of 20 cities listed to the right in Table 2 were condensed into a series of yes or no questions indicating the presence of a regulation or restriction pertaining to billboards. After all of the cities' answers were tabulated, a cluster analysis was undertaken which divided the cities into those having higher restriction (labeled "strict" in the following charts) and those having fewer restrictions (labeled "not strict" in the following charts).

These cities were divided into strict and not strict, and added as a variable to a chart listing median income, vacancy rates, and poverty rates. The medians of these rates were compared for strict and not-strict cities as seen below in Figures 1, 2, and 3.



Billboard Locations in City of Philadelphia

Table 2

Philadelphia	Jacksonville
Indianapolis	San Francisco
Youngstown	Austin
Tampa bay	Columbus
Houston	Fort Worth
Phoenix	Charlotte
San Antonio	Detroit
Chicago	El Paso
San Diego	Memphis
San Jose	Baltimore

[28] Lise Burcher in the case study "Urban Character and Viewscape Assessment " Isocarp Congress 2005 define viewscape as "a visual connection that occurs between a person and the spatial arrangement of urban and landscape features."

Median Income

The mean of the median income for strict control cities is higher than that for not-strict cities.

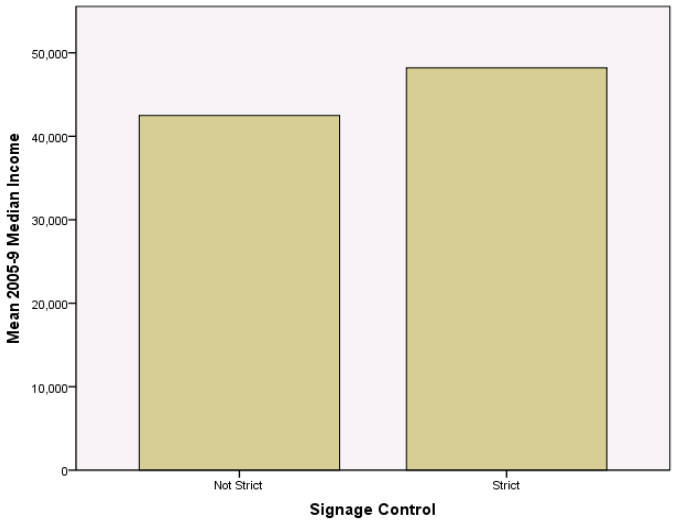


Figure 1 Billboard Control

Poverty Rate

The mean poverty rate for cities with stricter sign controls is lower than for cities without strict sign controls.

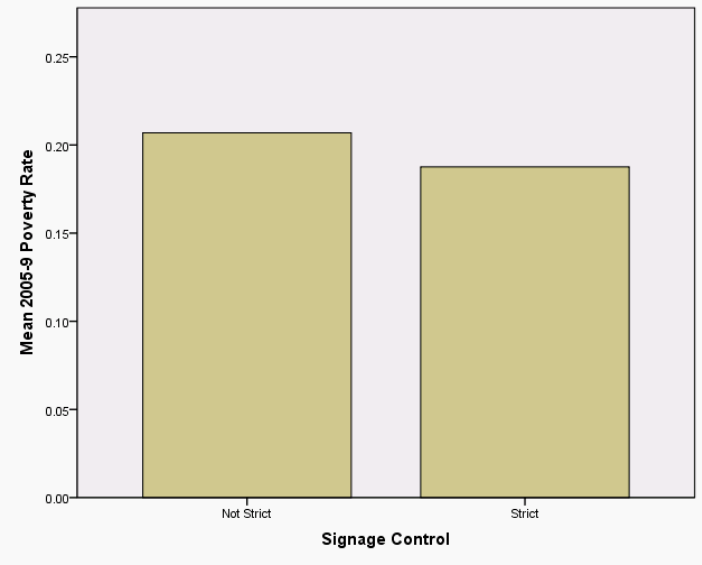


Figure 2 Billboard Control

Home Vacancy Rates

The mean home vacancy rate is lower for strict sign control cities.

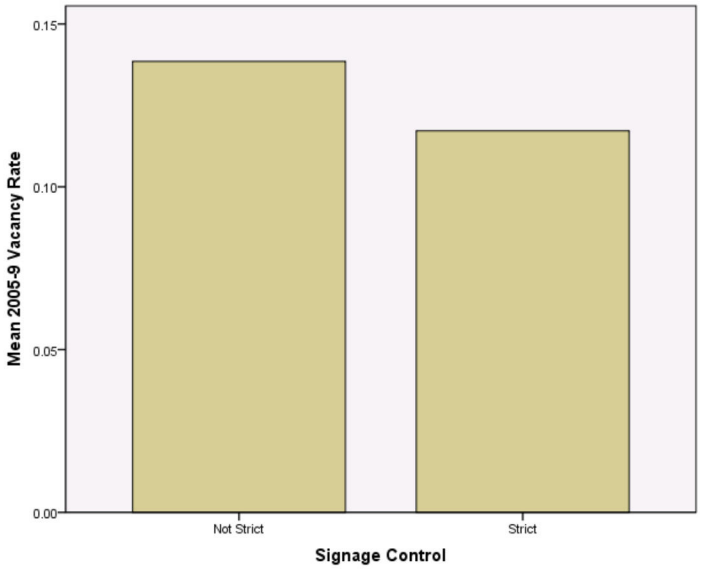


Figure 3 Billboard Control

Conclusion

This paper provides an approach and findings in an attempt to quantify the effects of billboards on real estate values in Philadelphia, and multiple measures of prosperity in 20 cities across the United States. Across these multiple measures, billboards were found to have negative financial and economic impacts. In Philadelphia, there is a statistically significant correlation between real estate value (as measured by sales price) and proximity to billboards. Properties located within 500 ft. of a billboard have a decreased real estate value of $30,826. Additionally, homes located further than 500 ft. but within a census tract/community where billboards are present experience a decrease of $947 for every billboard in that census tract. Income for strict sign control cities is higher than that for not-strict cities. Furthermore, the home vacancy and poverty rates for strict control cities are lower. Having strict sign controls does not negatively impact the economic prosperity of a city.

About the Author:

Jonathan Snyder is an urban planner from Philadelphia, Pennsylvania. He is a graduate of the University of Pennsylvania, with a Master in City Planning degree and a concentration in Community and Economic Development. He has worked to reform the process for obtaining accessory sign permits in Philadelphia. His research was generously support by a grant from the Samuel S. Fels Fund.

Bibliography

Baker, Laura E. "Public Sites Versus Public Sights: The Progressive Response to Outdoor Advertising and the Commercialization of Public Space." *American Quarterly*. 59: 4, December 2007.

Bales, Kevin. "Determinants in the Perceptions of Visual Blight." *Human Ecology*. 13:3, September 1985.

Bhargava, Mukesh and Naveen Donthu. "Sales Response to Outdoor Advertising." *Journal of Advertising Research*. July – August 1999.

"Billboard Industry Myths and the Facts They Distort." *scenic.org*. 25 May 2011.

"Billboard Mythology." *sceniccolorado.com.* 26 May 2011. http://www.sceniccolorado.org/articles/billboard-mythology.

"Billboards on Private Property and Off-site Advertising on City Property: An Assessment of City of San Jose Sign Ordinance Regulations." City of San Jose.

Bouvard, Pierre and Jacqueline Noel. "The Arbitron Outdoor Study: Outdoor Media Consumers and Their Crucial Role in the Media Mix." 2001.

Burcher, Lise. "Urban Character and Viewscape Assessment." *Isocarp.net*. 2005.

Burnett, David. "Judging the Aesthetics of Billboards." *Journal of Law and Politics*. 23: 171, 2007.

Cody, Thomas P. "Victory for Billboard Control: The Fourth Circuit Vacates and Remands Waynesville." *William & Mary Environmental Law and Policy Review*. 14:2, 1990.

Cox, Archibald. *The Court and the Constitution* . Boston, MA: Houghton Mifflin, 1987.

"The Economic Impact of Florida's Outdoor Advertising Industry from a Pre- and Post- September 11, 2001 Perspective." *Florida Tax Watch*. February 2002.

"The Economics of San Antonio's Digital Billboard Ordinance." 18 March 2008.

Edwards, Jim. "Why the Billboard Business Sucks, Even Though It Shouldn't." *bnet.com*. 16 May 2011.

Fausold, Charles J. and Robert J. Lilieholm. "The Economic Value of Open Space." *Landlines.* 8:5, September 1996.

Field, Andy. *Discovering Statististics Using SPSS Third Edition*. Sage Publishing: London, 2009.

Flad, Harvey K. "Visual Pollution and the Rural Roadscape." *Annals of the American Academy of Political and Social Science*. Vol 553, September 1997.

Goldberger, Paul. "Architecture View; Grand Central Basks in a Burst of Morning Light." *The New York Times*. 3 June 1990.

Goldfarb, Avi and Catherine Tucker. "Advertising Bans and the Substitutability of Online and Offline Advertising." *Journal of Marketing Research*. Vol 48, April 2011.

"Industry Snapshot." *oaaa.org*. 29 June 2011. http://www.oaaa.org/press/IndustrySnapshot.aspx

Iveson, Kurt. "Branded Cities: Outdoor Advertising, Urban Governance, and the Outdoor Media Landscape." 2006. Unpublished.

Kwate, Naa Oyo A. and Tammy H. Lee. "Ghettoizing Outdoor Advertising: Disadvantage and Ad Panel Density in Black Neighborhoods." *Journal of Urban Health: Bulletin of the New York Academy of Medicine*. 84: 1, 2006.

Lilley, William III, Laurence J. DeFranco, and Clarence W. Buffalo. "An Analytical Inquiry: Do States that Ban Billboards Have Increased Tourism and Improved Economics?" iMapData, Inc. 11 September 2001.

Lilley, William III, Laurence J. DeFranco, and Clarence W. Buffalo. "The Outdoor Advertising Market and its Impact on Tampa Property Values." iMapData, Inc. 24 July 2001.

Foxman, Larry. "Municipalities Considering Amending Digital Billboard Regulations." *Nation Cities Weekly*. 12 February 2007.

Loshin, Jacob. "Property in the Horizon: The Theory and Practice of Sign and Billboard Regulation." *30 Environs Environmental Law & Policy*. 30:101, 2006.

Mandelker, Daniel R., et al. *Planning and Control of Land Development: Cases and Materials*. Newark, NJ: Matthew Bender & Company, Inc., 2008.

McMahon, Edward T. "Billboards: The Case for Control." *Planning Commissioners Journal*. Number 81, Winter 2011.

Newman, Joe. "Enforcing Law on Billboards Might Require Time, Money." *St. Petersburg Times*. 14 November 1999.

O'Neall, Cris K. and Bradley R. Marsh. "Trends in the Property Tax Valuation of Commercial Outdoor Advertising Structures." *Journal of Property Tax Assessment and Administration*. 1:2, 2004.

Parsons, Katherine Dunn. "Billboard Regulation after Metromedia and Lucas." *Houston Law Review*. 31:1555, 1995.

"The PRS Eye Tracking Studies: Validating Outdoor's Impact in the Marketplace 1999-2000." Perception Research Services, Inc.

Rotfield, Herbert Jack. "Misplaced Marketing: Understanding Advertising Clutter and the Real Solution to Declining Audience Attention to Mass Media Commercial Messages." *Journal of Consumer Marketing*. 23:4, 2006.

"Signs, Billboards, and Your Community: A Citizen's Manual for Improving the Roadside Environment by Effective Control of Billboards and Outdoor Advertising." Pennsylvania Resources Council, Inc. and Society Created to Reduce Urban Blight. Undated.

Struppek, Mirjam. "The Social Potential of Urban Screens." *Visual Communication*. 5:173, 2006.

Taylor, Charles. "Misplaced Marketing: How Excessive Restrictions on Signage Backfire." *Journal of Consumer Marketing*. 23: 2, 2006.

Taylor, Charles. "A Technology whose Time Has Come or the Same Old Litter on a Stick? An Analysis of Changeable Message Billboards." *Journal of Public Policy & Marketing*. 16:1, Spring 1997.

Taylor, Charles R. and George R. Franke. "Business Perceptions of the Role of Billboards in the U.S. Economy." *Journal of Advertising Research*. June 2003.

Taylor, Charles R., George R. Franke, and Hae-Kyong Bang. "Use and Effectiveness of Billboards: Perspectives from Selective-Perception Theory and Retial-Gravity Models." *Journal of Advertising*. 35: 4, Winter 2006.

Taylor, Charles R. and Weih Chang. "The History of Outdoor Advertising Regulation in the United States." *Journal of Macromarketing*. 15:47, 1995.

Tao, Dominick. "Billboards Spur a Fight: Free Speech Vs. Beauty." *The New York Times*. 14 September 2009.

Toor, Amar. "Are Digital Billboards a Dangerous Distraction to Drivers." *Switched.com* 2 March 2010. http://www.switched.com/2010/03/02/are-digital-billboards-a-dangerous-distraction-to-drivers.

Appendix

In order to conduct an analysis of billboards and economic prosperity, three questions were considered:

1. What impact do billboards have on real estate prices in the City of Philadelphia?
2. What impact do billboards have on home values within census tracts in the City of Philadelphia?
3. What impact do billboard regulations have on median income, poverty rates, and vacancy rates in different cities in the United States?

These questions get to the heart of the issue on economic prosperity incorporating home values, real estate prices, median income, poverty, and vacancy rates. These variables create a portrait of the economic status of a neighborhood. In order to answer these questions, a number of analyses were undertaken using the available information from the University of Pennsylvania's Cartographic Modeling Lab, the United States Census, and the Philadelphia Office of Property Assessment. Information about billboard locations was obtained from a Geographic Information System (GIS) map supplied by Prof. Amy Hillier of the University of Pennsylvania, School of Design.

Question 1: What impact do billboards have on real estate prices in the City of Philadelphia?

In order to answer this question we obtained data from the Philadelphia Office of Property Assessment and geocoded the housing sale data for the year 2010 into a GIS shapefile using ArcMap from ESRI. We chose 2010 data because it was the most recent. Further, using multiple years exposes the data to the vagaries of the market. By only using one year, we can limit the market price fluctuations and also eliminated the need to convert price data into constant 2011 dollars. We combined this point data with the billboard locations provided by Prof. Amy Hillier and calculated distance from 2010 property sales to billboards and used that as a variable in our statistical model.

OPA data included home values, however home values are not uniformly updated in Philadelphia and can prove to be unreliable. Likewise information on the number of bathrooms, bedrooms, fireplaces, pools, and exterior condition are not available for every house. Sales price, lot size, and livable area are present for every sale. We did not use data for sales with less than 100 square feet (SF) of livable area as those properties could be vacant lots or in poor condition. Similarly, we did not include properties whose sale prices were under $500. Many times properties will sell between relatives for $1 and this skews the data as these properties can have significant value even though that price does not reflect it. After eliminating real estate under $500 and under 100 SF, we tried many variable combinations to derive a statistical model that explains property value including: neighborhood characteristics (census tract population 1990, 2000, 2010, and percent changes in population; median income; licenses and inspection violations; fires; arsons; and percent owner-occupied), real estate characteristics (lot size, livable area, and age), distance to amenities (parks, libraries, and schools); and distance to billboards. Using different combinations of variables, the statistical model which best explains the sales price is as follows:

Model Summary

Model	R	R Square[29]	Adjusted R Square	Std. Error of the Estimate
1	.826[a]	.683	.683	675184.969

a. Predictors: (Constant), Billboard 500 Ft, Livable Area, Park 1000 Ft, Library 1000 Ft, Year Built, Bike Path 1000 Ft

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	-4936882.574	315905.74		-15.628	.000
	Livable Area	89.34	.46	.820	195.084	.000
	Bike Path 1000 Ft	82254.61	11494.54	.030	7.156	.000
	Library 1000 Ft	120130.56	17703.46	.029	6.786	.000
	Park 1000 Ft	102946.99	11027.36	.040	9.336	.000
	Year Built	2510.88	162.52	.065	15.450	.000
	Billboard 500 Ft	-30825.85	14634.00	-.009	-2.106	.035

a. Dependent Variable: Sales Price

Question 2: What impact do billboards have on home values within census tracts in the City of Philadelphia?

Another way of examining how billboards impact economic prosperity is to examine how they affect home values. Combining census tract data, along with Cartographic Modeling lab data, and billboard information allowed us to build a statistical model that effectively explains median home values in census tracts.

[29] The R Square is a measure of how well the statistical model explains predicts the dependent variable; it varies between 0 and 1. The R square of .683 means that 68.3% of the property value can be explained by the independent variables.

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.920[a]	.847	.841	45651.456

a. Predictors: (Constant), % Hispanic 2005-9, % Asian 2005-9, Billboards per Tract, % Fed/State Owned 2007, Median Home Sale Price 2006, % Population Change, % PHA Owned 2007, % Water Shut-off 2007, % College Degree 2005-9, Median Home Value 2000, % African American 2005-9, % L&I Vilations 2005

b. Dependent Variable: Median Home Value 2005-9

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	82868.258	9755.310		8.495	.000
	Billboards per Tract	-947.24	402.706	-.055	-2.352	.019
	% L&I Vilations 2005	85701.29	25769.992	.124	3.326	.001
	% PHA Owned 2007	-400493.10	144587.829	-.090	-2.770	.006
	Median Home Sale Price 2006	.138	.026	.178	5.369	.000
	% Water Shut-off 2007	-505543.69	153061.067	-.118	-3.303	.001
	% College Degree 2005-9	252775.73	18920.030	.442	13.360	.000
	Median Home Value 2000	.29	.044	.214	6.458	.000
	% Fed/State Owned 2007	1175955.48	261486.584	.109	4.497	.000
	% Population Change	53297.14	14705.008	.084	3.624	.000
	% African American 2005-9	-47591.10	11333.477	-.153	-4.199	.000
	% Asian 2005-9	-111195.66	36243.755	-.072	-3.068	.002
	% Hispanic 2005-9	-55228.04	18919.073	-.078	-2.919	.004

a. Dependent Variable: Median Home Value 2005-9

Question 3: What impact do billboard regulations have on median income, poverty rates, and vacancy rates in different cities in the United States?

This last question looks beyond Philadelphia and required the assistance of a legal intern. We examined the zoning codes of different cities across the United States. We converted the answers to these regulatory questions into yes/no answers which we then input into SPSS Statistical software (see the table below). We used cluster analysis to divide the cities into two clusters: those which regulate strictly and those which do not regulate strictly. Using this as an independent variable we added in economic information for each city and graphed the results. The graphing function allowed us to compare the

median of the median incomes of strict control cities and not-strict control cities. We then employed this method to evaluate the median of the poverty rates and the vacancy rates between the two classifications of cities. The following column headings refer specifically to sign regulations; i.e. "Distance Between Signs" means: does the city require a certain distance between billboards.

City	Distance from Prohibited Areas	Distance from Highways	Distance Between Signs	Distance from Residential	Regulate Flashing Signs	Regulate Animated	Regulate Revolving
Philadelphia	Yes	No	Yes	Yes	No	No	Yes
Indianapolis	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Youngstown	Yes	No	Yes	Yes	Yes	Yes	Yes
Tampa bay	Yes	Yes	Yes	Yes	No	Yes	Yes
Houston	No	No	Yes	Yes	No	No	No
Phoenix	Yes	No	Yes	Yes	No	Yes	No
San Antonio	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Chicago	Yes	Yes	Yes	Yes	Yes	No	No
San Diego	Yes	Yes	Yes	Yes	Yes	Yes	Yes
San Jose	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jacksonville	Yes	Yes	Yes	Yes	Yes	Yes	Yes
San Francisco	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Austin	Yes	No	No	No	Yes	No	No
Columbus	Yes	No	Yes	Yes	No	No	Yes
Fort Worth	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Charlotte	Yes	No	Yes	Yes	Yes	Yes	Yes
Detroit	Yes	Yes	Yes	Yes	No	Yes	No
El Paso	Yes	No	Yes	Yes	Yes	Yes	Yes
Memphis	No	No	Yes	Yes	No	Yes	Yes
Baltimore	No	No	Yes	No	No	Yes	Yes

City	Regulate Changeable Message	Regulate Lighting	Regulate Landscaping	Regulate Maintenance	Regulate Traffic	Ban Off-Premise Signage	Ban Electronic Billboard	Regulate Size
Philadelphia	No	Yes	No	No	No	No	No	No
Indianapolis	Yes	Yes	No	No	Yes	No	No	Yes
Youngstown	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Tampa bay	Yes	Yes	Yes	No	Yes	Yes	No	Yes
Houston	No	Yes	No	Yes	Yes	Yes	Yes	Yes
Phoenix	No	Yes	Yes	No	Yes	No	No	Yes
San Antonio	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Chicago	Yes	Yes	No	No	Yes	No	No	Yes
San Diego	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
San Jose	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jacksonville	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
San Francisco	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Austin	no	Yes	No	No	Yes	Yes	Yes	Yes
Columbus	Yes	Yes	No	No	No	No	No	Yes
Fort Worth	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Charlotte	Yes	Yes	No	No	Yes	No	No	Yes
Detroit	Yes	Yes	Yes	No	No	No	No	Yes
El Paso	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Memphis	No	Yes	No	Yes	Yes	No	No	Yes
Baltimore	No	No	No	No	Yes	Yes	Yes	No

Acknowledgments:

Ruchita Acharya, Urban Planner
Nicholas Clark, Esquire
Daniel Cooper, Temple University Beasley School of Law Summer Intern
Kevin Gillen, Ph.D., Econsult
Amy Hillier, Ph.D. University of Pennsylvania
John D. Landis, Ph.D. University of Pennsylvania
Sabrine Tribié, University of Pennsylvania Civic House
Cartographic Modeling Laboratory, University of Pennsylvania
Office of Property Assessment (OPA), City of Philadelphia
Samuel S. Fels Fund
SCRUB, the Public Voice for Public Space

From: jeanbob06@comcast.net
To: Laura Terway
Subject: Sign Code
Date: Tuesday, December 10, 2013 3:13:33 PM

Hello Laura; that was a very good and informative meeting last night. We probably could have gone on for five hours! Following are my thoughts on the "Split issues without recommendation" that we couldn't get to:

Signs on fencing.

Small signs should be permitted to allow notice of no smoking, private parking, no trespassing, etc. They should not be more than four square feet.

Parked vehicles.

A vehicle with signage should not be allowed to park in the public right of way for more than 12 hours and three consecutive days.

Signs inside of windows.

Signs should not obstruct more than 50% of the window area.

Bob La Salle

From: Bob Cochran
To: Laura Terway
Subject: RE: Oregon City Sign Code Community Advisory Team Meeting #4 - December 9, 2013
Date: Monday, December 09, 2013 2:39:19 PM

Laura: I have evey intention of being at the CAT meeting tonight. However, I was called at 12:30 this morning with broken sprinkler line (from the freeze) in our Library. We are currently sorting through about 2,000 soak books. I am operating on 2 hours of sleep and doubt I could make it through the CAT.

That said, i as still supporting a Electronic message board for the college's entrances (two) with eight second maximum message time. I will attend future meetings (unless more lines break).

Thanks so much

Bob Cochran
Dean of Campus Services
Clackamas Community College

From: Laura Terway [lterway@ci.oregon-city.or.us]
Sent: Tuesday, December 03, 2013 1:39 PM
To: zhenkin9000@gmail.com; dwinand@pmar.org; guttmcg@msn.com; emahoney240@msn.com; tom.geil@rocketmail.com; pespe@ci.oswego.or.us; ckidwell@leebarc.com; edmica3@yahoo.com; mike.k.mitchell@gmail.com; tom.obrien4@comcast.net; pastor@catalystcc.org; comprehensivetx@aol.com; maizeemae@aol.com; lavenderhillcottageoc@gmail.com; retrorevivaloc@gmail.com; lindaxoxo@molalla.net; scarpenter@bctonline.com; sean@nebbiolowinebar.com; levi.manselle@clackamasfcu.org; jill@nvboutique.co; jerry.herrman@birdlink.net; shirleyanne4557@yahoo.com; info@christmasatthezoo.com; jessebuss@gmail.com; gordon@gkwphoto.com; blues_rae@msn.com; kimberlywalch@yahoo.com; christinehermann@clearchannel.com; danieldhruva@clearchannel.com; Bob Cochran; brian.martin@greshamoregon.gov; maraleesdance@live.com; zksc7@yahoo.com; sandiburley@clearchannel.com; oregoncityicehouse@hotmail.com; AmyD1122@Gmail.com; kayp@clackamas.us
Subject: Oregon City Sign Code Community Advisory Team Meeting #4 - December 9, 2013



Good Afternoon,

The last Community Advisory Team Meeting for the Oregon City Sign Code Update is scheduled for **Monday, December 9, 2013 from 5pm to 8pm at the Planning Division Office** (221 Molalla Avenue, 2nd floor conference room). The meeting is open to the public, hope to see you there!

The meeting agenda and project materials can be found at http://www.ocsigncode.org/project-documents/. If you have any questions in advance of the meeting, please feel free to contact me at (503) 496-1553. Thank you

Sign Code Update Community Advisory Team Meeting #4

Monday, December 9, 2013 (5pm to 8pm)

(Oregon City Planning Division, 221 Molalla Avenue, Oregon City, 2nd floor conference room)

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available
from 7:30am - 6:00pm Monday - Thursday
and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From:	BURLEY, SANDI
To:	Laura Terway
Subject:	Comments on CAT Recommendation and Sign Code Language
Date:	Friday, December 06, 2013 4:39:42 PM
Attachments:	image001.png Oregon City Billboard Districts Draft Code Language_December 6, 2013.pdf

Laura,

I'm looking forward to 4th CAT meeting on Monday evening. I reviewed the materials for Monday's meeting and have some questions related to the CAT Recommendation: Draft Consensus, Majority and Split Summary Issues for Electronic Message Centers (EMCs). On pp. 3 and 4 of the CAT Recommendation, the Majority and Minority opinion for EMCs are described. The Majority Opinion states that electronic message centers and internally lit signs should be allowed with conditional use approval. Although the requirement that EMCs be subject to conditional use review is consistent with the majority of open house and CAT survey respondents, I propose that the conditional use requirement be added to the discussion points that may lead to further refinement at Monday's meeting because there was a considerable amount of discussion and disagreement among CAT members at the last CAT meeting regarding conditional use review for EMCs.

I request that the bullet point stating that "Change no more than 8 seconds" be included as part of the Majority Opinion for EMCs because this response received more votes than any other option on both the open house and CAT surveys. In addition, regarding the bullet point for the lumosity standard, I recommend that the CAT discuss a lower limit of 0.3 foot candles of ambient light when measured at an appropriate distance, the standard for EMCs recommended by the International Sign Association.

I have also attached proposed sign code language related to the creation of billboard sign districts.

Enjoy the weekend!

Sandi

Clear Channel Outdoor

Christine Hermann
VP, Real Estate and Public Affairs Manager

715 NE Everett
Portland, OR 97232

O 503.736.2258
M 503.232.3111

clearchanneloutdoor.com

Unless expressly stated otherwise, the information contained in this e-mail and any attachments is confidential and may be privileged. It is intended for the sole use of the addressee(s). Access to this e-mail and its attachments (if any) by anyone else is unauthorized. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, any dissemination, distribution or copying of the contents of this e-mail is strictly prohibited and any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you have received this e-mail in error, please inform the sender immediately and delete it from your computer.

OREGON CITY BILLBOARD DISTRICTS

DRAFT CODE LANGUAGE

15.28 __ Definitions

"BILLBOARD" means an outdoor advertising sign that may be a bulletin or a poster panel.

"BULLETIN" means a billboard with a display surface area of more than 300 square feet.

"DISPLAY SURFACE AREA" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"ELECTRONIC MESSAGE SIGN" means a sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. An electronic message sign may be internally or externally illuminated. Electronic message signs shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.

(1) Electronic message signs may be permitted on new and existing sign structures otherwise permitted hereunder, subject to the following requirements:

a. Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement. Each static message shall not include flashing or the varying of light intensity.

b. Minimum display time. Each message on the sign must be displayed for a minimum of (8) eight seconds.

c. Electronic message signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.

d. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria:

Nominal Face Size	Distance to be measured from:
12' x 25'	150'
10'6" x 36'	200'
14' x 48'	250'

e. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

"OUTDOOR ADVERTISING SIGN" means a sign not limited as to content, but usually and customarily used to advertise goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located; or to present messages dealing with political, public interest, public service, or education issues; an election, candidate for election, or ballot measure; or religious matters, health, and other similar subjects.

"POSTER PANEL" means a billboard with a display surface area of 300 square feet or less.

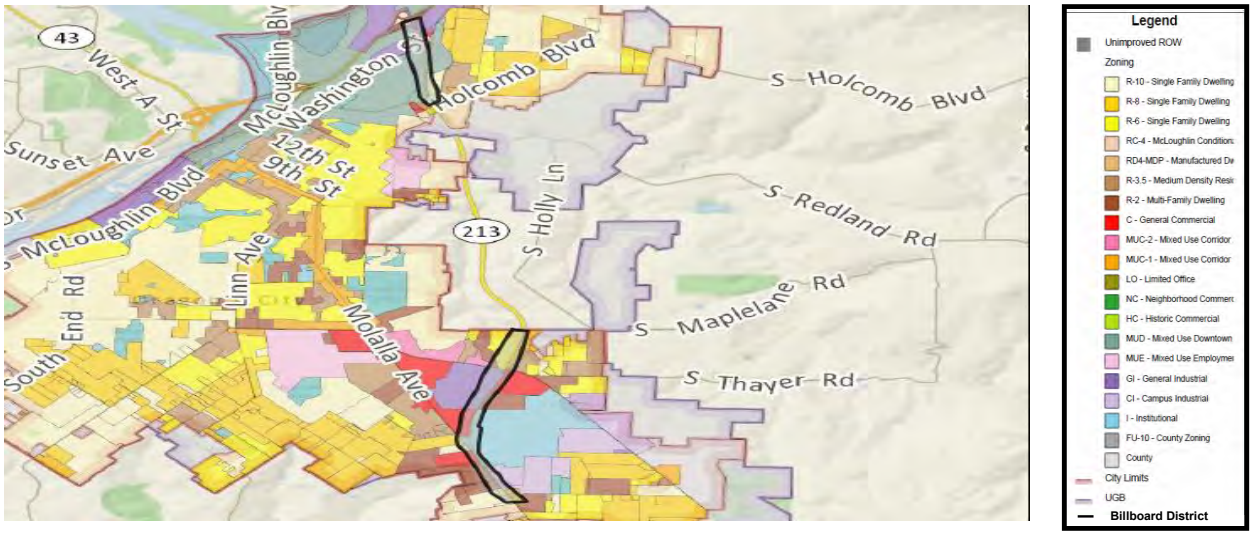
15.28 __ Sign districts generally

A. The Billboard Sign Districts are created and applied as designated. The Billboard Sign District includes the Interstate 205 billboard district, the Highway 213 billboard district, and the Highway 99-E billboard district, as each is shown the maps that follow. Billboards are allowed on properties located within these billboard districts, subject to the terms of this chapter. Billboards are otherwise prohibited within the City.

Billboard District 1 - Interstate 205



Billboard District 2 - Highway 213



Billboard District 3 - Highway 99E



15.28.___ Billboard district

The following billboard standards apply in the Interstate 205, Highway 213, and the Highway 99-E billboard district.

A. Billboards must be located within or relocated to the boundaries of the I-205, Highway 213, and Highway 99-E billboard district with no more than 16 approved billboard permits at any one time. The number of approved billboard permits may be increased if any billboards existing at the date of adoption of this chapter are located on land along Interstate 205, Highway 213 or Highway 213 that is not currently within the municipal boundaries of Oregon City but which is later annexed into Oregon City.

B. Except as provided in this subsection, each sign face of a billboard may not exceed 680 square feet in display surface area. Each sign display surface area may be increased by an

additional 20 percent for a sign that is irregular in form and projects beyond the outer dimensions of the signboard, frame or cabinet. Each side of a double-faced billboard is a separate sign face for the purpose of sign area limitations.

C. Billboards may be double-faced, allowing sign copy on two sides of a supporting structure, provided the two sides are parallel within a deviation of 10 degrees.

D. Billboards may have a maximum height of 70 feet above the adjacent freeway grade.

E. Billboards may not be located within 150 linear feet from the property line of any residentially zoned property.

F. Billboards are subject to the separation requirements established by state regulations.

G. A billboard permit may be assigned without the consent of the city, but the permittee must provide the city with notice of any assignment.

H. The permitted location of a billboard may be changed by modification of the permit if the new location meets all requirements of this chapter.

I. A billboard permit holder may file for a consolidation permit to combine two poster panels lawfully existing anywhere within the city limits of Oregon City with display surface areas of 300 square feet or less into one bulletin with a display face area of 680 square feet or less. The number of billboard permits allowed within the billboard district shall be permanently decreased by the number of consolidated permits.

From: Laura Terway
To: Laura Terway
Subject: FW: OSignCode
Date: Monday, December 09, 2013 11:28:11 AM

-----Original Message-----
From: Laura Terway
Sent: Wednesday, December 04, 2013 12:24 PM
To: 'Kathleen Sinclair'; rorth@enviroissues.com
Subject: RE: OSignCode

Thank you for this feedback, Kathleen. It is important for us to hear your perspective on the process. We realize that there have been a lot of details presented to the group. We hope that discussion and some illustration of the code concept at our next meeting will help clarify your questions. We will also be walking through a number of recommendations that we believe present clear options and points of decision for the group to consider. Please let us know if you would like to discuss any of these issues in advance of the meeting.

-Laura Terway

-----Original Message-----
From: Kathleen Sinclair [mailto:ks33030@gmail.com]
Sent: Tuesday, December 03, 2013 2:13 PM
To: Laura Terway; rorth@enviroissues.com
Subject: OSignCode

Dear Laura and Ryan,

I have been looking through my notes and all of the materials that have been handed out as well as continually looking at the Oregon City signage as I drive around. I have been thinking about signs and how I use them and what I want out of a sign and how they function day and night. As a new member of the community I probably look at signs a bit differently than say someone who has lived here for many years. Often I am looking for some place I have never been to or trying to find out about a certain area or business. Others might just whiz right by that same area as they have for many years of their lives and not even really recognize the sign for what it is any longer. But more importantly, to our group, seems to be what holds the sign together and how the sign is presented and its relationship to the building and the street and the rest of the surrounding buildings and sidewalks.

It is clear that some members of our group know and sell signs and signs are their business. They know the sizes and the materials and the laws and the requirements. That's great. However, that talk leaves me in the dust. I am very visual but those numbers are just that, numbers. They don't translate well to me.

It seems as if most of the people on the committee want to do what is best and what works best for most business owners and the public who uses those businesses. But, we are given too damn much information. Well, let me speak for myself. As it now stands I do not feel comfortable or confident to express my opinion on these proposals.

What would work for me is being given a choice of this or that in each category. But, with a visual component. So, if we are talking about the size of a sign on Main street, we could see a drawing of a typical building or street scene or both, and then an overlay of a sign being size A or size B, or type A or type B etc. Forget the actual legal sizes. Just present the idea of it. Same with commercial, residential and historic corridors or whatever they are called. I know we are allowed so many flags or banners or whatever but if that is combined with so many signs that are so big, or so tall or whatever, then it can look cluttered. Show us cluttered and show us an example of what you as professionals would like to see.

I guess I want you to be benevolent dictators here and give us some choice, but also some educated and professional guidance and not leave the entire thing up to the committee. I sensed that in some respect in meeting number 3, but then it waffled when some people went back to the letter of the law of what was allowed and not what would look best or be the most appropriate choice going forward and not just the dollar value of the advertising. Las Vegas is great and glitzy but holy crap, this is Oregon City and there has to be some focus here or it will quickly get out of hand and look like 82nd Ave.

Even if you could go through those same questions that you put up and also had us answer for meeting #3 and the public meeting, with visuals that represented each of the categories it would bring these issues into clearer focus. For example, Q5: What is the reasonable number of ancillary/temporary signs (in addition to permanent signs) that should be allowed on a business's property. Zero-five. Visually that would make this a whole lot clearer.

Perhaps you already have examples of all of these situations and wouldn't even have to dream them up.

Anyway, that is where I am coming from right now. I really appreciate all of the work you have done on this and it is obvious. Thanks for letting me vent. Sincerely, Kathleen Sinclair

ATTENTION FLAGS & BANNERS

NYLON FEATHER FLAGS

Fully sewn with the exception of the Black & White Checkered which is aniline dyed. The 12' x 26" is designed with a pole sleeve to accept up to a 1¼" outside diameter pole. A leather tab is sewn into the inside bottom portion of the header allowing a nylon flag tie (included) to secure the flag on to the pole. The 7' x 17" is designed with a pole sleeve to accept up to a 1" outside diameter pole. A grommet is installed at the bottom of the flag allowing a flag tie (included) to secure the flag to the pole The 12' x 26" flags weigh approximately .62 lbs. each and the 7' x 17" flags weigh approximately .24 lbs. each. **Made in the U.S.A.**



PARROT BLUE

ITEM #	SIZE	1-5	6-11	12+
155513	12' x 26"	$58.00	$53.00	$45.00
155548	7' x 17"	31.50	28.50	26.50



AQUA

ITEM #	SIZE	1-5	6-11	12+
155514	12' x 26"	$58.00	$53.00	$45.00
155549	7' x 17"	31.50	28.50	26.50



BLUE & WHITE

ITEM #	SIZE	1-5	6-11	12+
155521	12' x 26"	$58.00	$53.00	$45.00
155550	7' x 17"	31.50	28.50	26.50



RAINBOW 1

ITEM #	SIZE	1-5	6-11	12+
155524	12' x 26"	$58.00	$53.00	$45.00
155551	7' x 17"	31.50	28.50	26.50



RAINBOW 2

ITEM #	SIZE	1-5	6-11	12+
155525	12' x 26"	$58.00	$53.00	$45.00
155552	7' x 17"	31.50	28.50	26.50



CUSTOM DESIGNS

ITEM #	SIZE	1-5	6-11	12+
------	12' x 26"	CALL FOR PRICING		
------	7' x 17"			

TELESCOPING SUPERFLEX™ POLES - For 12' x 26" Feather Flags

These fiberglass flagpoles sway in the breeze producing a dramatic, attention-getting display. Available in both 15' and 21' exposed height sizes and comes complete with 21" PVC ground sleeve and easy-to-follow instructions. The 15' pole is adjustable from 6' to 15' while the 21' pole is adjustable from 8' to 21'.

ITEM #	HEIGHT	COLOR	BUTT DIA.	TOP DIA.	1-5	6-11	12+	LBS.
323442	15'	WHITE	1¼"	3/4"	$76.00	$72.00	$65.00	5.2
323443	21'	WHITE	1¼"	3/4"	82.00	79.00	69.00	7.0
324172	15'	BLACK	1¼"	3/4"	76.00	72.00	65.00	5.2
324173	21'	BLACK	1¼"	3/4"	82.00	79.00	69.00	7.0

Telescoping SuperFlex™ Poles can be mixed to achieve the higher quantity pricing.



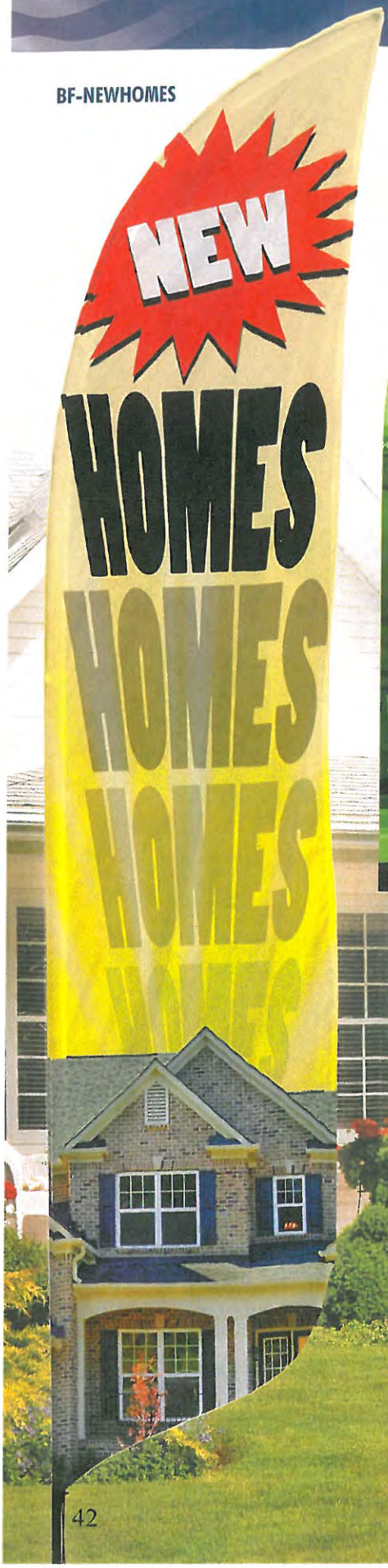
ALUMINUM FEATHER FLAG POLES - For 7' x 17" Feather Flags

This set comes with a two section 1" diameter silver mill finish pole - a 4' bottom and a 5' top plus a galvanized steel fabricated lawn socket. The top of the pole is capped with a plastic top plug to protect the top of the Feather Flag from premature wear.

ITEM #	HEIGHT	COLOR	1-5	6-11	12+	LBS.
324185	9'	SILVER	$31.00	$30.00	$29.00	1.6

OUTDOOR ADVERTISING BLADE FLAGS

BF-NEWHOMES



2′ x 11′ NYLON ADVERTISING BLADE FLAG

- The advertising flags are 100% Made in the U.S.A. on 200 Denier Nylon fabric

SIZE	DESCRIPTION	EACH
2′ x 11′	Nylon blade flag	$84.30



BF-ATM



BF-ICE



BF-LOTTERY



BF-FRESHPROD



BF-PRODUCE



BF-TATTOO



BF-TANNING



BF-OPENHOUSE

NYLON FEATHER FLAGS

Fully sewn with the exception of the Black & White Checkered which is aniline dyed. The 12' x 26" is designed with a pole sleeve to accept up to a 1¼" outside diameter pole. A leather tab is sewn into the inside bottom portion of the header allowing a nylon flag tie (included) to secure the flag on to the pole. The 7' x 17" is designed with a pole sleeve to accept up to a 1" outside diameter pole. A grommet is installed at the bottom of the flag allowing a flag tie (included) to secure the flag to the pole The 12' x 26" flags weigh approximately .62 lbs. each and the 7' x 17" flags weigh approximately .24 lbs. each. **Made in the U.S.A.**



BLUE OPEN

ITEM #	SIZE	1-5	6-11	12+
155515	12' x 26"	$80.00	$76.00	$74.00
155530	7' x 17"	57.00	50.00	47.00



BLUE WELCOME

ITEM #	SIZE	1-5	6-11	12+
155516	12' x 26"	$86.00	$85.00	$84.00
155531	7' x 17"	67.00	56.00	52.00



RED OPEN

ITEM #	SIZE	1-5	6-11	12+
155517	12' x 26"	$80.00	$76.00	$74.00
155532	7' x 17"	57.00	50.00	47.00



RED WELCOME

ITEM #	SIZE	1-5	6-11	12+
155518	12' x 26"	$86.00	$85.00	$84.00
155533	7' x 17"	67.00	56.00	52.00



RWB OPEN

ITEM #	SIZE	1-5	6-11	12+
155519	12' x 26"	$80.00	$76.00	$74.00
155534	7' x 17"	57.00	50.00	47.00



RWB WELCOME

ITEM #	SIZE	1-5	6-11	12+
155520	12' x 26"	$86.00	$85.00	$84.00
155535	7' x 17"	67.00	56.00	52.00



STARS & STRIPES 1

ITEM #	SIZE	1-5	6-11	12+
155522	12' x 26"	$80.00	$76.00	$74.00
155536	7' x 17"	57.00	50.00	47.00



STARS & STRIPES 2

ITEM #	SIZE	1-5	6-11	12+
155523	12' x 26"	$80.00	$76.00	$74.00
155537	7' x 17"	57.00	50.00	47.00



CHECKERED

ITEM #	SIZE	1-5	6-11	12+
155526	12' x 26"	$80.00	$76.00	$74.00
155538	7' x 17"	57.00	50.00	47.00

NYLON FEATHER FLAGS

Fully sewn with the exception of the Black & White Checkered which is aniline dyed. The 12' x 26" is designed with a pole sleeve to accept up to a 1¼" outside diameter pole. A leather tab is sewn into the inside bottom portion of the header allowing a nylon flag tie (included) to secure the flag on to the pole. The 7' x 17" is designed with a pole sleeve to accept up to a 1" outside diameter pole. A grommet is installed at the bottom of the flag allowing a flag tie (included) to secure the flag to the pole The 12' x 26" flags weigh approximately .62 lbs. each and the 7' x 17" flags weigh approximately .24 lbs. each. **Made in the U.S.A.**



WHITE

ITEM #	SIZE	1-5	6-11	12+
155504	12' x 26"	$58.00	$53.00	$45.00
155539	7' x 17"	31.50	28.50	26.50



CANADA RED

ITEM #	SIZE	1-5	6-11	12+
155507	12' x 26"	$58.00	$53.00	$45.00
155540	7' x 17"	31.50	28.50	26.50



ROYAL BLUE

ITEM #	SIZE	1-5	6-11	12+
155506	12' x 26"	$58.00	$53.00	$45.00
155541	7' x 17"	31.50	28.50	26.50



FM YELLOW

ITEM #	SIZE	1-5	6-11	12+
155505	12' x 26"	$58.00	$53.00	$45.00
155542	7' x 17"	31.50	28.50	26.50



LAVENDER

ITEM #	SIZE	1-5	6-11	12+
155511	12' x 26"	$58.00	$53.00	$45.00
155543	7' x 17"	31.50	28.50	26.50



EMERALD

ITEM #	SIZE	1-5	6-11	12+
155509	12' x 26"	$58.00	$53.00	$45.00
155544	7' x 17"	31.50	28.50	26.50



LILAC

ITEM #	SIZE	1-5	6-11	12+
155508	12' x 26"	$58.00	$53.00	$45.00
155545	7' x 17"	31.50	28.50	26.50



DAHLIA

ITEM #	SIZE	1-5	6-11	12+
155510	12' x 26"	$58.00	$53.00	$45.00
155546	7' x 17"	31.50	28.50	26.50



See more designs and SuperFlex™ Poles on next page

MAGENTA

ITEM #	SIZE	1-5	6-11	12+
155512	12' x 26"	$58.00	$53.00	$45.00
155547	7' x 17"	31.50	28.50	26.50

NYLON TEAR DROP FLAGS

Fully sewn with the exception of the Black & White Checkered design which is aniline dyed. When installed on our flexible Tear Drop Flagpoles below, these flags measure 10' x 30" and are designed with a pole sleeve to accept up to a 1" outside diameter pole. A grommet is installed at the bottom of the flag allowing a stretchy flag tether (included) to secure the flag to the pole Each flag weighs approximately .50 lbs. **Made in the U.S.A. Pricing below is for the flag only and does not include any mounting hardware.**

BLUE OPEN



1-5	6-11	12+
$69	$66	$61

BLUE WELCOME



1-5	6-11	12+
$74	$72	$67

YELLOW OPEN



1-5	6-11	12+
$69	$66	$61

YELLOW WELCOME



1-5	6-11	12+
$74	$72	$67

RWB OPEN



1-5	6-11	12+
$94	$90	$85

RWB WELCOME



1-5	6-11	12+
$94	$90	$85

FOR RENT



1-5	6-11	12+
$74	$72	$67

PATRIOTIC 1



1-5	6-11	12+
$69	$66	$61

PATRIOTIC 2



1-5	6-11	12+
$55	$53	$50

CHECKERED



1-5	6-11	12+
$37	$35	$34

WHITE



1-5	6-11	12+
$23	$22	$21

CANADA RED



1-5	6-11	12+
$23	$22	$21

Rubber Tipped Pole To Prevent Flag Damage



ROYAL BLUE



1-5	6-11	12+
$23	$22	$21

FM YELLOW



1-5	6-11	12+
$23	$22	$21

EMERALD GREEN



1-5	6-11	12+
$23	$22	$21

RAINBOW



1-5	6-11	12+
$37	$35	$34

CUSTOM



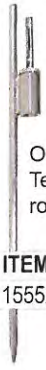
CUSTOM
CALL FOR PRICING

TEAR DROP FLAG POLE

ITEM #	1-5	6-11	12-17	18+	LBS.
155527	$84	$80	$75	$70	3.7

These continuous tapering, flexible black fiberglass flagpoles measure 14' when fully assembled. The bottom of the pole measures 1" and tapers to 1/4" at the top. This 3-piece pole swedges together perfectly and all swedge points are re-inforced with stainless steel fittings. Comes complete with heavy-duty, black canvas carry bag.

TEAR DROP POLE IN-GROUND MOUNT



Once installed into the ground, the Tear Drop Flag Pole slips over a rotating spindle. Weight = 3.2 Lbs.

ITEM #	1-5	6-11	12-17	18+
155528	$39	$37	$35	$33

TEAR DROP POLE SURFACE MOUNT

This rotating base can be permanently mounted or can be temporarily held in place with a heavy-duty water donut. When filled, the water donut holds 2 1/4 gallons of water and weighs 18 1/2 pounds. This water donut installation should only be used when winds do not exceed 5 m.p.h.



ITEM #	1-5	6+	LBS.
155529	$68	$64	8.6


GRAND OPENING


SPECIAL
only $3.99
DON CHICO


FOOD
Hot
MEXICAN
FOOD
GRAND OP
BREAKFAST • LUNC




BIG EAT
STARTING AT
$5




HAPPY HOUR
IN OREGON CITY

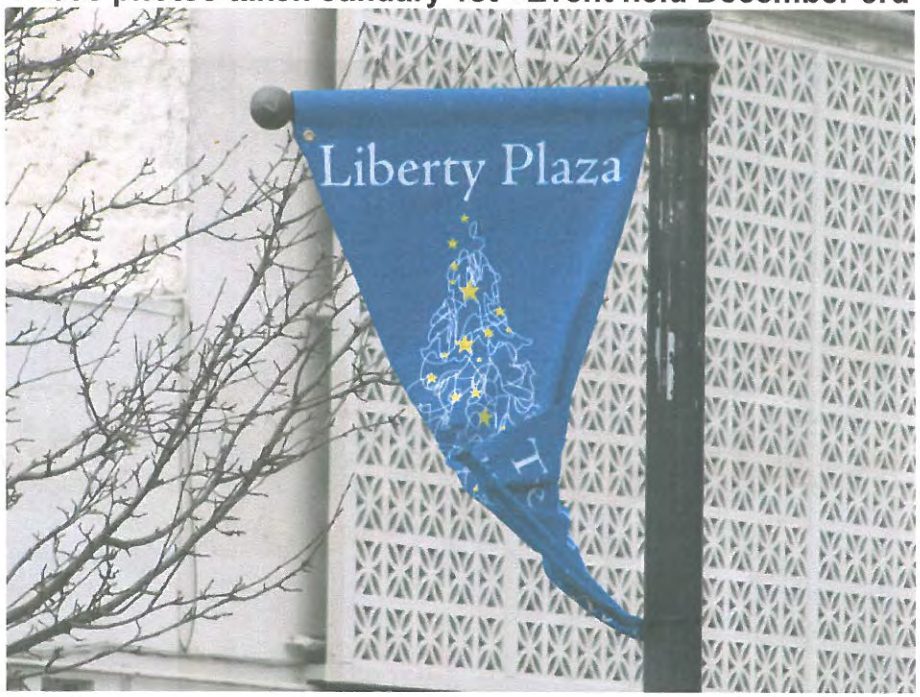

Supporting The
Fire Annexation
Fire District #1





These photos taken January 1st - Event held December 3rd






FARMERS MARKET
BCT


OREGON
FARMERS
Saturdays 9am-2pm


SORED BY:


MARKET
BCT
Beaver creek & Kaen Road


815 7th ST.
$40 INTRO
MASSAGE
Call;
Gina @ 503-459-9506
Rick @ 503-830-6134
Gift Certificates Available


Luminary Esthetics
Custom Facials & Skin Care
Microdermabrasion
Waxing
Make Up
503.442.8348/Walk-ins Welcome


Hot Stone
Massage
503.830.6134


That Adjustable Rate Mortgage
Eating You Up?
We can FIX that for you!
971-255-LOAN


REFILL YOUR PRINTER CARTRIDGE
HERE! SAVE UP TO 50%


ACCEPTING NEW
PATIENTS
503-650-2612


New Pets
Welcome!


Lifestyle
Nutrition & Massage
Lifestyle
Nutrition &
Massage
503-723-4462
Same Day Appointments
$45 Introductory Massage
FREE WEIGHT-LOSS
CONSULTATION
CHIROPRACTIC
CARE


pacific
medical
group
Oregon City Clinic
Lee Cordova, MD
George Edwards, MD
Kai Li, MD
Debra Todd, ANP
Physical Therapy
Accepting New Patients
Evening & Saturday Appointments Available
Physical Therapy
ProActive Orthopedic & Sports
Jonathan T Cook, D.D.S.
General Dentistry
Hergert & Associates
Attorneys at Law
1001 Molalla Avenue
ACCEPTING
NEW PATIENTS


TEMPUR-PEDIC
PRESSURE RELIEVING
SWEDISH MATTRESSES AND PILLOWS
EXPERIENCE IT HERE!


ESPRESS
FAX


NOEL
ORTHODONTICS
503-655-5125
Specializing In Orthodontics For Children And Adults


ESPRESSO
FAX


Play Here
OREGON LOTTERY
playtime
Rave
3 99
Marlboro
$ 5.29

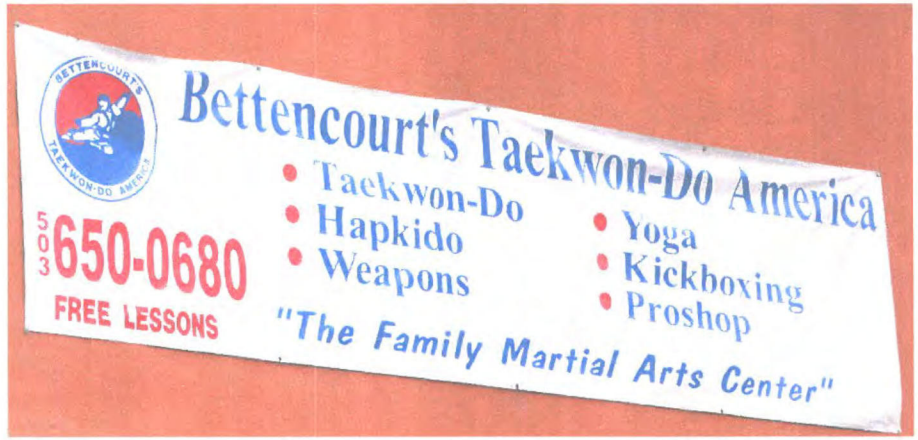

ICEHOUSE BAR & GRILL
Come check out our BURGERS and REMODEL
We're BIGGER then you think!


HILLTOP COMMUNITY
CHURCH
OREGON CITY
PRAYER AND HEALING ROOM
WED 7:00 PM
592
MINISTERIOS
VIENTOS DE ESPERANZA
DOMINGOS 3:30 PM
VIERNES 7PM
TEL.
503 449-5660
HILLTOP COMMUNITY
CHURCH OF GOD
ENGLISH SERVICES
SUNDAY 10:45 am
WEDNESDAY 7:00 pm
INFORMATION 503-655-5517


QUESTIONS?
Community
Bible Study
Wednesdays 7 to 8 PM
503-575-

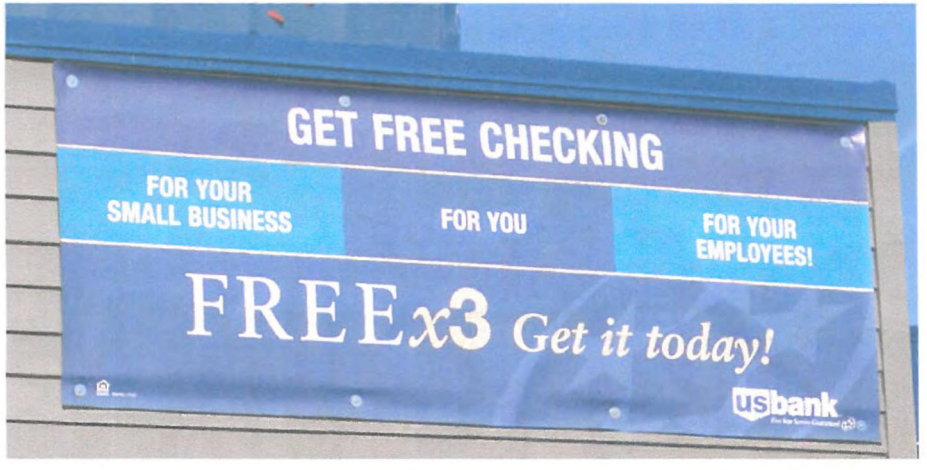

Oregon City · Evangelical Church
WEEKEND SERVICES
Sundays 8:15, 9:45, 11:15 a.m.
Tom Hurt, Lead Pastor


Dog Wash to Benefit Guide Dogs for the Blind April 17th
We Feed and Recommend
SCIENCE DIET


Bettencourt's Taekwon-Do America
503 650-0680
FREE LESSONS
• Taekwon-Do
• Hapkido
• Weapons
• Yoga
• Kickboxing
• Proshop
"The Family Martial Arts Center"

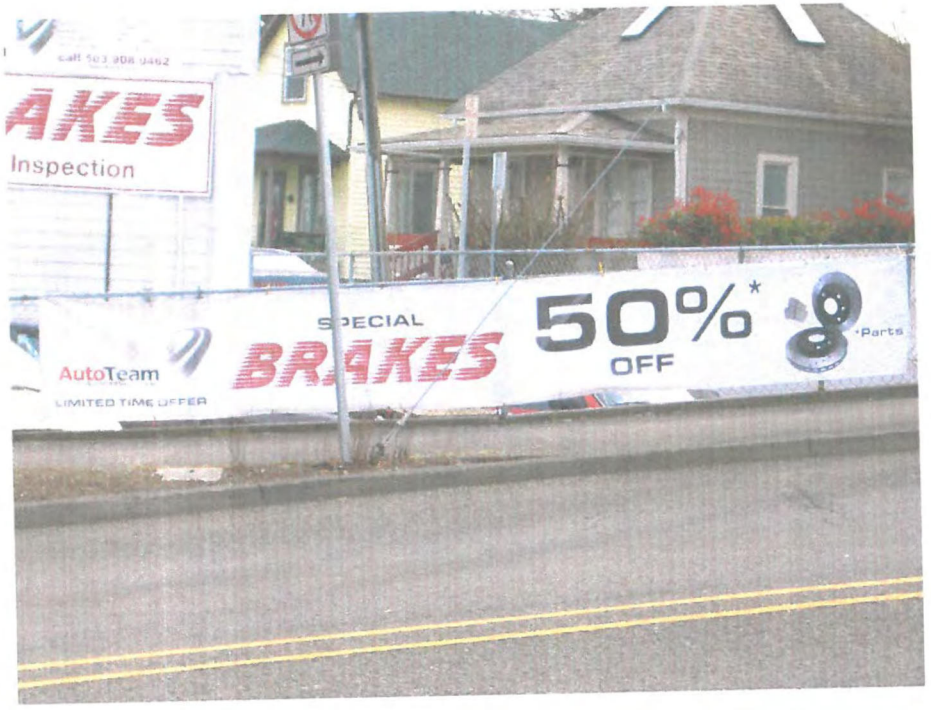

All of us serving you™
U.S. Bank is open for Business and ready to lend.
OPEN usbank NOW


Welcome to
U.S. Bank
usbank


GET FREE CHECKING
FOR YOUR SMALL BUSINESS
FOR YOU
FOR YOUR EMPLOYEES!
FREEx3 Get it today!
usbank


WHICH VISA PURCHASE COULD BE ON US?
ANY OF THEM.
Northwest COMMUNITY


ONE WAY
AutoTeam
BRAKES
50% OFF

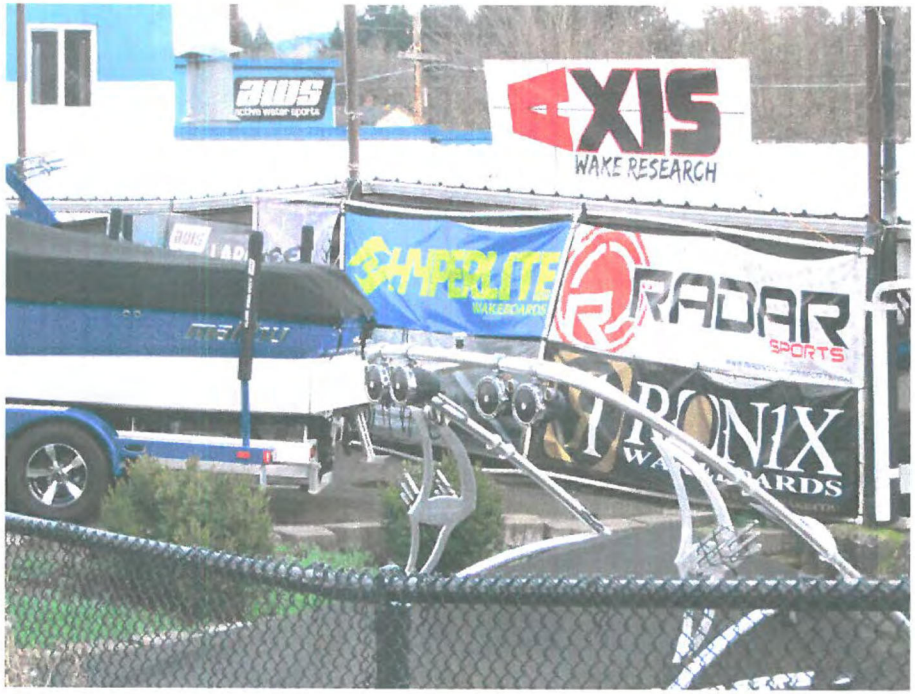

AKES
Inspection
SPECIAL
AutoTeam
BRAKES
50%*
OFF
LIMITED TIME OFFER
*Parts


Specializing in
Foreign & Domestic
Brakes
Clutch
Radiator
Timing Belt
Head Gasket
Maintenance
Inspections
Tune-up
Engine Repair
Engine Code Scan
AutoTeam
Automotive Repair
call 503.908.0462
Same Day Service*
BRAKES
Free Inspection

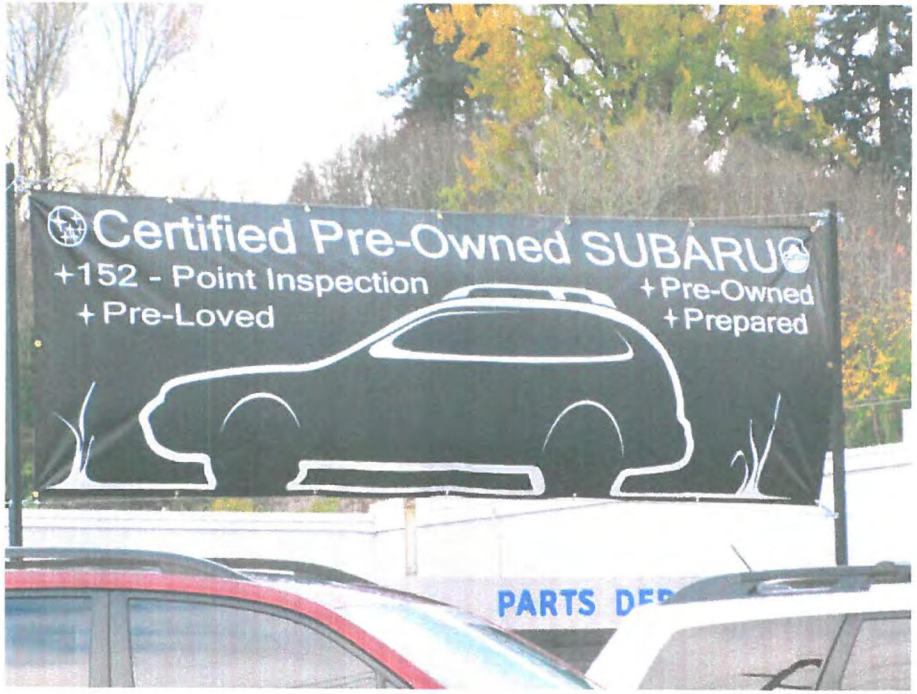

AutoTeam
TIMING BELTS
Pre-Maintenance

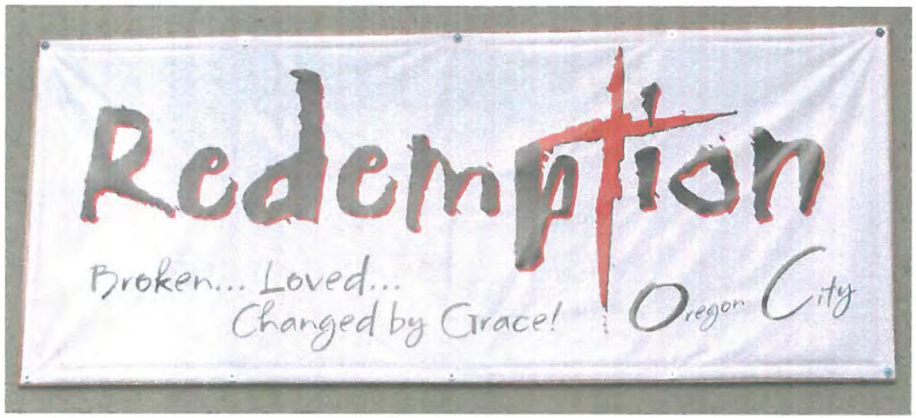

BETTER BODY
BOOTCAMPS
503-657-3814
Eastham Community Center
Pre-K - 4th Gr. Indoor Soccer
Registration Now Open
Call: 503-785-8520
Eastham Community Center
Boys 3rd - 8th Grade Basketball
Registration Now Open
1st - 2nd Grade Co-Ed Mini Hoops
Registration Now Open
Girls 3rd - 8th Grade Basketball
Registration Now Open


SUPERIOR
jazzercise
jazzercise.com • 800-FIT-IS-IT
SUPERIOR
PRESCHOOL & DAYCARE
space available
for information:
503-785-8520
or
www.orecity.k12.or.us/programs/preschool


AWS
XIS
WAKE RESEARCH
HYPERLITE
RADAR
SPORTS
RONIX


THE MORTGAGE CONNECTION
HOME LOANS
FREE WORKSHOP!
971-255-LOAN (5626)
LEARN HOW TO ... • Buy with little or zero down
• Improve your credit score
Simply CALL NOW for the next FREE workshop!!!!


Certified Pre-Owned SUBARU
+152 - Point Inspection
+ Pre-Loved
+ Pre-Owned
+ Prepared
PARTS


Redemption
Broken... Loved...
Changed by Grace!
Oregon City

From: mike fingerut <blusinatra@aol.com>

To: BLUSINATRA <BLUSINATRA@aol.com>

Date: Mon, 18 Nov 2013 3:51 pm

To whom it may
concern,

11/18/2013

Over 20 years ago I bought the property at 15815 S. Pope Lane and opened Park Place Homes. I wanted to bring an affordable housing business to Oregon City and greater Clackamas Co. The property had an old billboard on it that dated from approx. the 1950's. During the 10 years I personally owned and operated Park Place Homes I worked with the city and the owners of the billboard to replace the decades old structure and build the more modern and technologically advanced sign that resides there to this day.
The sign has been a steady and reliable income source for the property and without that source it would have been unlikely that the affordable housing choice offered there would still be available.

In the early 2000's the manufactured housing industry suffered a bubble bust, like the one that hit the wider housing industry in 2008.
The manufactured housing industry has been decimated. In 1999 there were over a dozen Portland area manufactured home providers. Now there is only one, J and M Homes at 15815 Pope lane Oregon City. I am overjoyed that J and M Homes, who started their business here in Oregon City, now has locations across Oregon and is by far the leader in providing their affordable housing solutions to the region.

I'm proud our property played a part in keeping this important housing resource viable at a time that it could well have disappeared from the Portland area. The part played by Clear Channel and the City of Oregon City shows that Cities and Businesses can work together to provide needed access to affordable housing, job creating businesses, and tax revenues that benefit the wider community.

Like so many years ago it is time to invest in the existing sign and add new technology. I'm certain the results will be the same as our previous efforts. A stronger business providing a wide variety of benefits to the area.

Sincerely,

Michael L. Fingerut
3535 Lanewood ST.
Lake Oswego, OR 97035
503-807-2245

For years Clackamas Community College has been aware that the exciting events taking place inside our campus are not communicated to our neighbors and the members of our district who drive by our Beavercreek and 213th entrances.

This was never more evident than when the Dean of College Advancement and I made a presentation to Caulfield Neighborhood Association meeting several months ago. They were amazed at all the great activities going on at Clackamas Community College of which they were totally unaware. Time after time that night when we told those in the audience of something going on at CCC, the reply was, "..I didn't know that."

We took away the knowledge that we just weren't communicating CCC's information to our neighbors. With that we began to investigate electronic signage that would tell our neighbors what's going on at inside at CCC. Our discussions with the city informed us that Oregon City was going through a Sign Code Update and our involvement and comments would be much appreciated.

So what would we like included in the new code? We would like the ability to communicate several messages daily to those who pass by our campus.

For our students or potential students

When is the first day to register for classes?

When is the first day of school?

When is the last day to add/drop a class?

When is a special speaker or event on campus?

For our neighbors and local residents

What plays are happening at the Niemeyer performing art center? The Clackamas Repertory Theatre (CRT) presents professional productions several times a year; the CRT's last play of the season "The 39 Steps" closed last weekend. CCC students produce three plays each year along with stand-up comedy and theater improv.

When are the Jazz or choir competition? The CCC Music Department puts on several instrumental and vocal concerts at the end fall, winter and spring terms. These performances are open to the public at little or no cost. CCC also hosts three music festivals each March, drawing high school students from around the Northwest.

For the sports minded

We have 11 college sports programs that include a 2010 National Champion wrestling team, and numerous league champion teams in softball, basketball and volleyball. Wouldn't it be great to know when those games are happening or be able to acknowledge a championship team?

Other things that happen on our campus

Career and benefit fairs connecting veterans to potential employers as well as community resources.

And how about when we have a need to close the college due to weather or other reason? A sign that tells our students and staff what is occurring on campus would really complement our existing email and phone notifications.

All that said, we are asking that the sign committee keep these thoughts in mind as you process the future sign rules. We are not looking for a Vegas-style board, but something tasteful that can potentially display several messages a day that are relevant to those who drive past our campus.

Thank you very much for your time.

Bob Cochran

Dean of Campus Services

Clackamas Community College

Laura Terway

From: Laura Terway
Sent: Thursday, November 14, 2013 5:45 PM
To: 'Jonathan Stone'
Cc: 'Jennifer Bragar'
Subject: RE: OC Sign Code CAT Survey - Outstanding Issues

I just forwarded your email back to our legal counsel. Let's talk more about this Monday night.

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.
Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Jonathan Stone [mailto:jon@downtownoregoncity.org]
Sent: Thursday, November 14, 2013 5:43 PM
To: Laura Terway
Subject: Re: OC Sign Code CAT Survey - Outstanding Issues

I'm confused by the legal interpretation that the sign would need to have content reviewed to determine ownership. There just be a content neutral way to determine ownership?

On Thu, Nov 14, 2013 at 5:35 PM, Laura Terway <lterway@ci.oregon-city.or.us> wrote:



Good Afternoon,

A few more comments are attached for your review.

Please do not forget to take time to complete a short online survey to CAT **prior to 10am on Monday the 18th**. The survey will take up to 20 minutes and is designed to understand the CAT's opinion on a few of the outstanding issues. These results will be shared at the CAT meeting and compared to other feedback received from the public to aid our discussion. The public will have a more general set of questions to respond to at the open house (attached).

Thank you again for your participation on this project! As always, feel free to contact me at 503.496.1553 with any additional questions or concerns.

Sign Code Update Community Open House - *Monday, November 18, 2013 (5pm to 7pm)*

Sign Code Update Community Advisory Team Meeting #3 - *Monday, November 18, 2013 (7pm to 9pm)*

City Hall, Commission Chambers (625 Center Street, Oregon City)

www.OCSignCode.org

Laura Terway, AICP

Planner

Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045

Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.

Phone: 503.496.1553
Fax: 503.722.3880

lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

From: Tom O"Brien
To: Laura Terway; rorth@enviroissues.com; Amber Holveck, Executive Director
Subject: Last Evenings Open House & Meeting
Date: Tuesday, November 19, 2013 9:52:28 AM
Attachments: On-Premise Sign Regulation.pdf

Laura & Ryan,

WELL DONE!

Last evenings open House and meeting were very well done. Thanks for your effort and for keeping us on target to achieve the goal of getting a revision that all can find acceptable.

Please share the attached with the CAT members.

I'm also copying Amber Holveck, Executive Director of the Oregon City Chamber of Commerce.

Amber, hopefully you can share this excerpt with chamber members. Signs impact the business community more than they may realize.

Thanks.

Tom O'Brien

On-Premise Sign Regulation

by Edward McMahon

Read excerpt from start of article:

When was the last time you really looked at the streets of your community? Drive out to the edge of town. Stop at the city limits. Now look at what you see. Is the scene pleasing? Does it make a good first impression on visitors, or is the scene ugly and cluttered?

Now, head downtown. Look at the streetscape along the way. Does your community appear attractive, interesting, unique? Or, does your town look like "Anyplace, USA?" Whatever your answer, you know that the physical appearance of your community is important. You should also recognize that sign control — or the lack of sign control — can have a significant impact on your community's appearance.

Sign regulation is one of the most powerful actions a community can take to make an immediate, visible change in its physical environment. Properly drafted and enforced, sign controls can reinforce the distinctive design quality of the entire community. And as I have noted in previous columns, a community's image and how it looks often correspond with its economic vitality. [See, e.g., Design Matters, in PCJ #21].

We need signs. We can't get along without them. They give us direction and necessary information. As a planned feature, a business sign can be colorful, decorative, even distinguished. So why talk about a sign problem? The answer is obvious: too often signs are misused, poorly planned, oversized, inappropriately lit, badly located, and altogether too numerous.

… A good sign code is pro-business, since an attractive business district will attract more customers than an ugly one. Moreover, when signs are controlled, merchants do a better job of selling, and at less cost. Indeed, studies on visual perception (like those detailed in Street Graphics & the Law, cited in the Resources sidebar) have shown that when the size and number of signs are reduced, the viewer actually sees more.

Sign control is especially important to areas that seek to increase tourism. Why? Because the more one town comes to look like every other, the less reason there is to visit. On the other hand, the more a community does to enhance its unique assets, the more tourists it will likely attract.

This article examines some of the key legal, political and practical aspects of on-premise sign regulation.

End of excerpt



January 15th, 1997 - Article #131

http://plannersweb.com/1997/01/on-premise-sign-regulation/

Ed McMahon

Edward McMahon is a nationally renowned authority on sustainable development, land conservation. and urban design. He is currently a senior resident fellow at the Urban Land Institute

McMahon previously served as director of The Conservation Fund's "American Greenways Program" and as president of Scenic America, a national non-profit organization devoted to protecting America's scenic landscapes.

Over the course of 15 years, Ed McMahon authored more than two dozen articles for the Planning Commissioners Journal. They are listed below. Click on the title to read excerpts. PlannersWeb members can download the articles in pdf format as published in the PCJ (click on the title first; you will then see the Download link)

From:	Amber Holveck
To:	Tom O"Brien; Laura Terway; rorth@enviroissues.com
Cc:	Magnetic Sign Company; sandiburley@clearchannel.com
Subject:	RE: Last Evenings Open House & Meeting
Date:	Tuesday, November 19, 2013 11:50:42 AM

Tom, thank you for including me in your email.

I wish I had attended but needed to stay home the entirety of the day.

I am hopeful that during the Open House your team received many helpful comments from the community.

It is my hope that our Chamber can facilitate another similar opportunity for our membership. Otherwise, if there is a summary that can be put in pdf form and emailed, I would be more than happy to share that with our membership as well.

I look forward to discussing next steps for getting the word out. Thank you all for your time.

Amber D. Holveck
CEO/Executive Director
Oregon City Chamber of Commerce
2895 S. Beavercreek Rd. Suite 103
Oregon City, OR 97045
P 503-656-1619 / F 503-656-2274
aholveck@oregoncity.org
Working together to promote the economic vitality and quality of life in the Oregon City community.

-----Original Message-----
From: Tom O'Brien [mailto:tom.obrien4@comcast.net]
Sent: Tuesday, November 19, 2013 9:53 AM
To: Laura Terway; rorth@enviroissues.com; Amber Holveck
Subject: Last Evenings Open House & Meeting

Laura & Ryan,

WELL DONE!

Last evenings open House and meeting were very well done. Thanks for your effort and for keeping us on target to achieve the goal of getting a revision that all can find acceptable.

Please share the attached with the CAT members.

I'm also copying Amber Holveck, Executive Director of the Oregon City Chamber of Commerce.

Amber, hopefully you can share this excerpt with chamber members. Signs impact the business community more than they may realize.

Thanks.

Tom O'Brien

From: Laura Terway
To: Laura Terway
Subject: Public Comment Received at www.OCSignCode.org
Date: Monday, November 18, 2013 9:02:13 AM

I believe signs should be banned from the right of way related to businesses and limit garage sale signs to a 2-3 day window. A frame signs in business districts should be allowed, but by permit and placement of the A frame signs should be stated on the permit. Signs on a business should be reviewed for each zoning district they are in and to blend with current signage and zoning that surround them. Thank you for allowing the citizen input!

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

Summary of Meeting with Sandi Burley

November 13, 2013 at 1:45pm

Sandi Burley, a Sign Company/Manufacture/Advocate member of the Sign Code Community Advisory Team representing Clear Channel Outdoor, requested a meeting with Laura Terway, Planner for the City to discuss the Sign Code. A summary of the items discussed, as well as a copy of the items distributed in the meeting are provided to the CAT to report on the discussion.

Sandi Burley proposed the City create a billboard corridor, where all billboards would eventually be relocated. The corridor would include the properties adjacent to Interstate 205, Highway 213 and Highway 99E in Oregon City, which are not zoned residential. Her proposal would be that all billboards outside of the billboard corridor would be relocated to the billboard corridor as billboard replacement occurs. In addition, no more than 16 billboards would be allowed within the City, thus a billboard would have to be removed in order for a new billboard to be constructed within the corridor. She also indicated that a 672 square foot billboard may only be constructed if a 672 square foot billboard was removed or if two 300 square foot billboards were removed. The billboard district would allow the construction of billboards in addition to the signage currently allowed within the district.

Sandi Burley provided an inventory of all of the existing billboards within the city limits of Oregon City:

Types of Billboards in Oregon City

Type of Billboard	Size of Billboard Type	Number of Billboard Type
Bulletin	14'x48' = 672 square feet	6
Poster	12'x25' = 300 square feet	10

According to Sandi Burley, all of the billboards are owned by Clear Channel Outdoor. Although a majority of the existing billboards are located within her proposed billboard corridor; some are located along 7th and Molalla.

Sandi Burley also discussed her view of the benefits to allow digital technology for billboards. The digital technology allows for additional advertising for businesses and allows opportunities for public service announcements. In addition, she explained it would be likely that only a portion of the billboards within the City would be digital.

Sandi Burley explained that Clear Channel can track the billboards and can submit a demolition permit for the removed billboards as well as pictures of the removed billboard with the submittal of a new billboard. A state permit is also required for billboards. The state does not allow any new billboards to be constructed, but has issued credits for billboards which have been removed around the state. The credits can be used anywhere in the state.

City Note: Billboards are currently prohibited within Oregon City. The City makes no endorsement of the above proposal, nor has it verified for accuracy Ms. Burley's representations about the number of billboards within city limits or about state law requirements for billboard removal, replacement, and new billboards.

Clear Channel Outdoor's Conceptual Proposal

Oregon City Sign Code Update

Goals and Objectives:

1. **Relocate existing billboards on City streets to locations along the interstate and on state highways which are more appropriate locations.**

2. **Allow digital technology which will provide new capability and versatility to businesses, public agencies and non-profits.**

Basis Elements of the Proposal:

1. **<u>Cap and replace:</u> The total number of billboard structures allowed within the City will be capped at 16, the number currently existing in the City. Billboard structures will not be allowed outside billboard districts.**

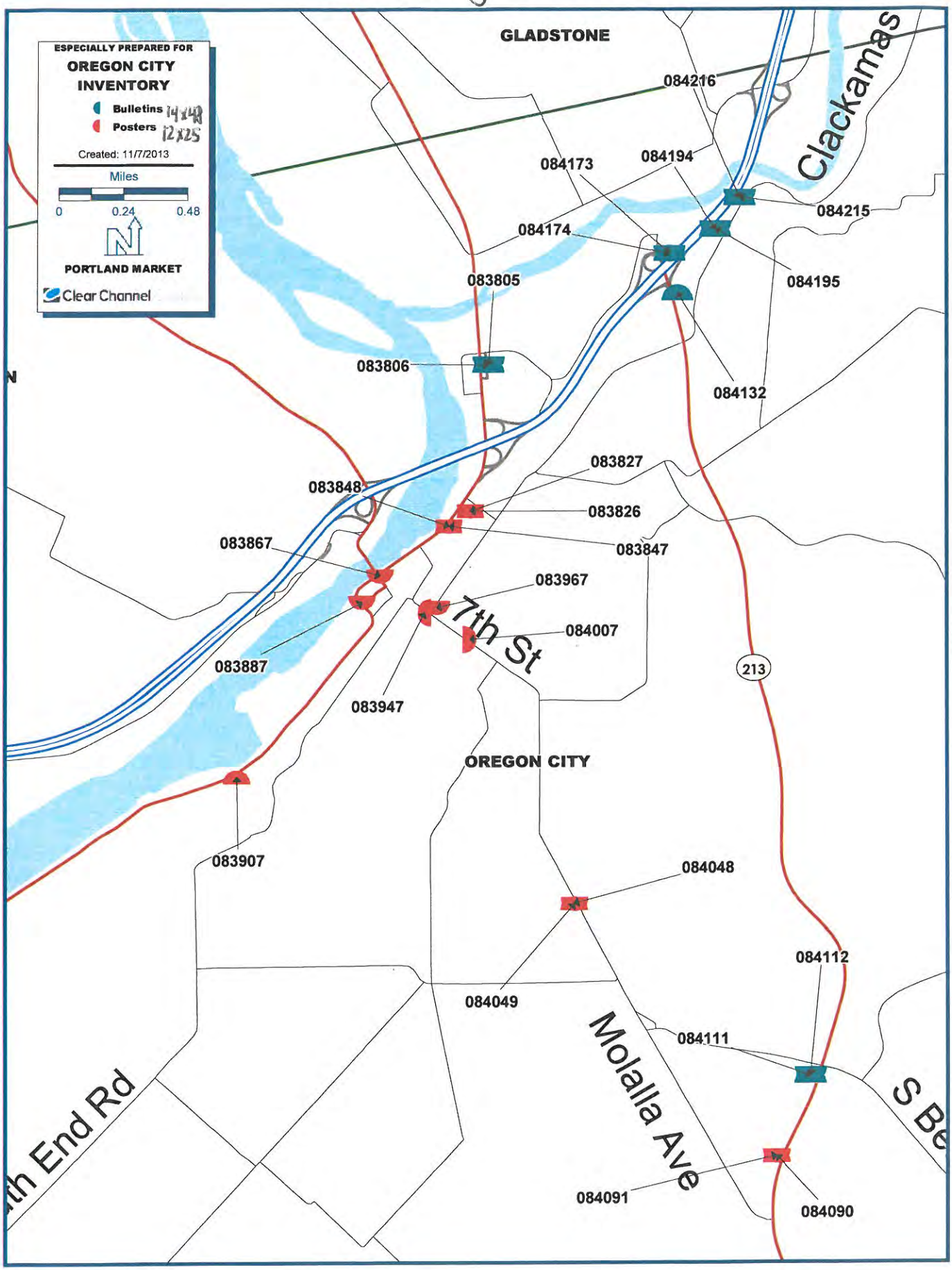
2. **<u>Sign corridors</u>: Establish billboard districts along I-205, Hwy 213 and Hwy 99-E where billboard structures are located or relocated. No new billboard structures can be located outside these areas shown on the billboard district.**

3. **<u>Location and relocation permits:</u> Only existing billboard structures in Oregon City can be located in or relocated to the billboard districts. To obtain a permit, two smaller eco-poster structures must be removed to secure a permit for one larger, bulletin structure, 2 to 1 ratio. Bulletin structures may be located or relocated at a 1 to 1 ratio.**

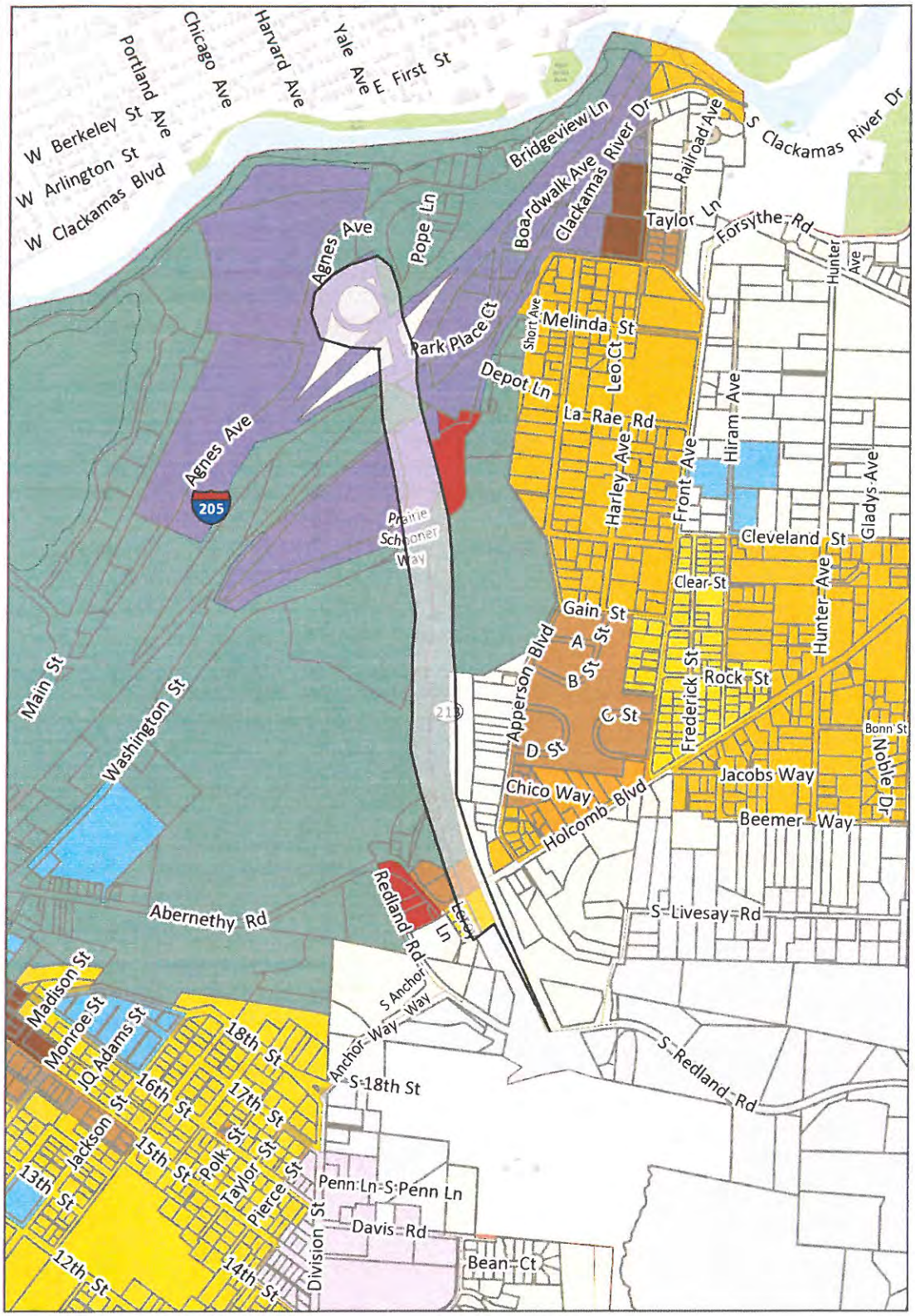
Benefit to the City:

1. **Overall cap provides certainty on the number and locations of billboard structures in the City. The net effect will be an overall reduction in the number of billboards due to the requirement that 2 smaller poster billboards be removed to build one larger, bulletin billboard within the designated billboard district.**

"Existing Billboard"



Oregon City GIS Map



Legend

- Taxlots
- Unimproved ROW

Zoning

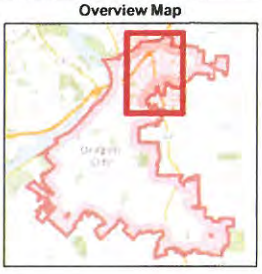
- R-10 - Single Family Dwelling
- R-8 - Single Family Dwelling
- R-6 - Single Family Dwelling
- RC-4 - McLoughlin Conditiona
- RD4-MDP - Manufactured Dw
- R-3.5 - Medium Density Resic
- R-2 - Multi-Family Dwelling
- C - General Commercial
- MUC-2 - Mixed Use Corridor
- MUC-1 - Mixed Use Corridor
- LO - Limited Office
- NC - Neighborhood Commerc
- HC - Historic Commercial
- MUD - Mixed Use Downtown
- MUE - Mixed Use Employmer
- GI - General Industrial
- CI - Campus Industrial
- I - Institutional
- FU-10 - County Zoning
- County

- City Limits
- UGB

Notes

Billboard District - Hwy 213 North

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

N

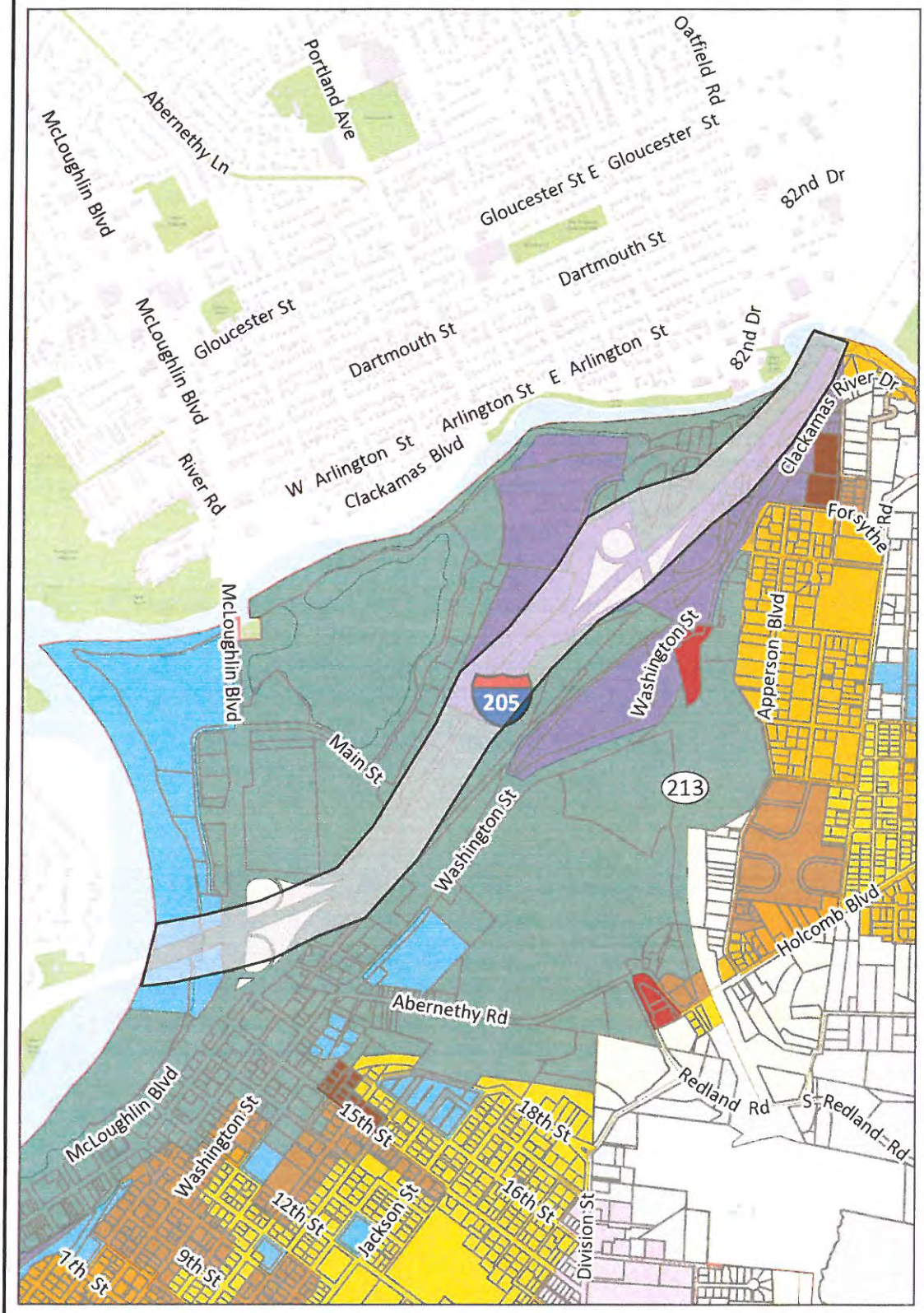
0 1,048 Feet

1: 12,579

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

Map created 11/11/2013

Oregon City GIS Map



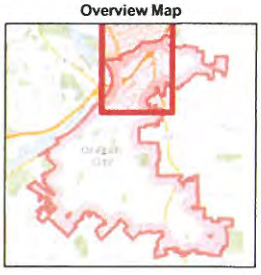
Legend

- Taxlots
- Unimproved ROW
- Zoning
  - R-10 - Single Family Dwelling
  - R-8 - Single Family Dwelling
  - R-6 - Single Family Dwelling
  - RC-4 - McLoughlin Conditiona
  - RD4-MDP - Manufactured Dw
  - R-3.5 - Medium Density Resic
  - R-2 - Multi-Family Dwelling
  - C - General Commercial
  - MUC-2 - Mixed Use Corridor
  - MUC-1 - Mixed Use Corridor
  - LO - Limited Office
  - NC - Neighborhood Commerc
  - HC - Historic Commercial
  - MUD - Mixed Use Downtown
  - MUE - Mixed Use Employmer
  - GI - General Industrial
  - CI - Campus Industrial
  - I - Institutional
  - FU-10 - County Zoning
  - County
- City Limits
- UGB

Notes

Billboard District - Interstate 205

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

N

0 1,344 Feet

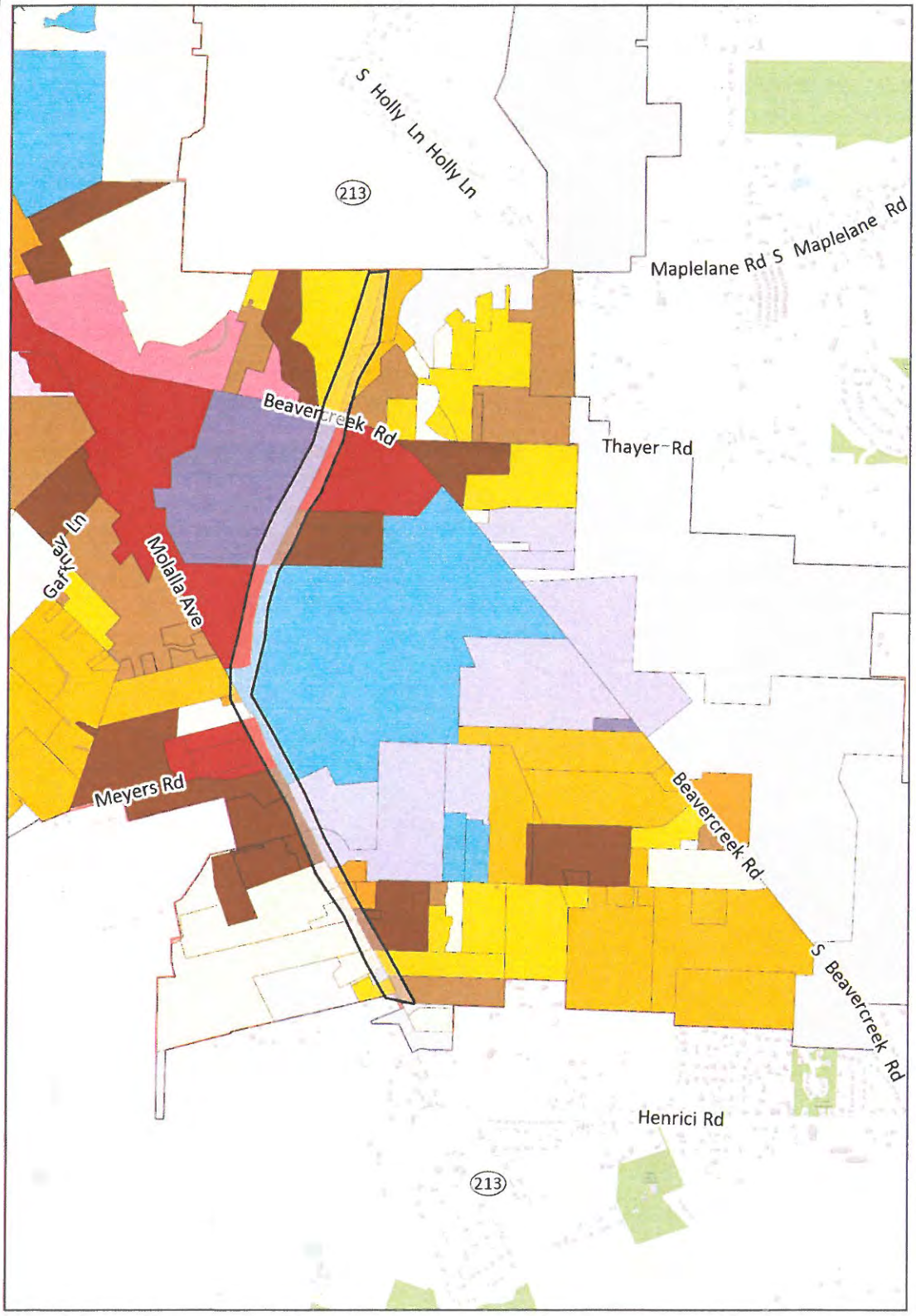
1: 16,127

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

OREGON CITY

Map created 11/11/2013

Oregon City GIS Map



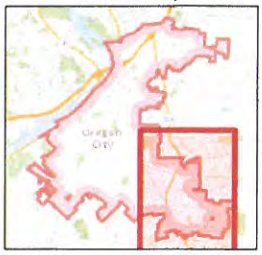
Legend

- Unimproved ROW
- Zoning
  - R-10 - Single Family Dwelling
  - R-8 - Single Family Dwelling
  - R-6 - Single Family Dwelling
  - RC-4 - McLoughlin Conditions
  - RD4-MDP - Manufactured Dw
  - R-3.5 - Medium Density Resic
  - R-2 - Multi-Family Dwelling
  - C - General Commercial
  - MUC-2 - Mixed Use Corridor
  - MUC-1 - Mixed Use Corridor
  - LO - Limited Office
  - NC - Neighborhood Commerc
  - HC - Historic Commercial
  - MUD - Mixed Use Downtown
  - MUE - Mixed Use Employmer
  - GI - General Industrial
  - CI - Campus Industrial
  - I - Institutional
  - FU-10 - County Zoning
  - County
- City Limits
- UGB

Notes

Billboard District - Hwy 213 South

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

N

0 1,790 Feet

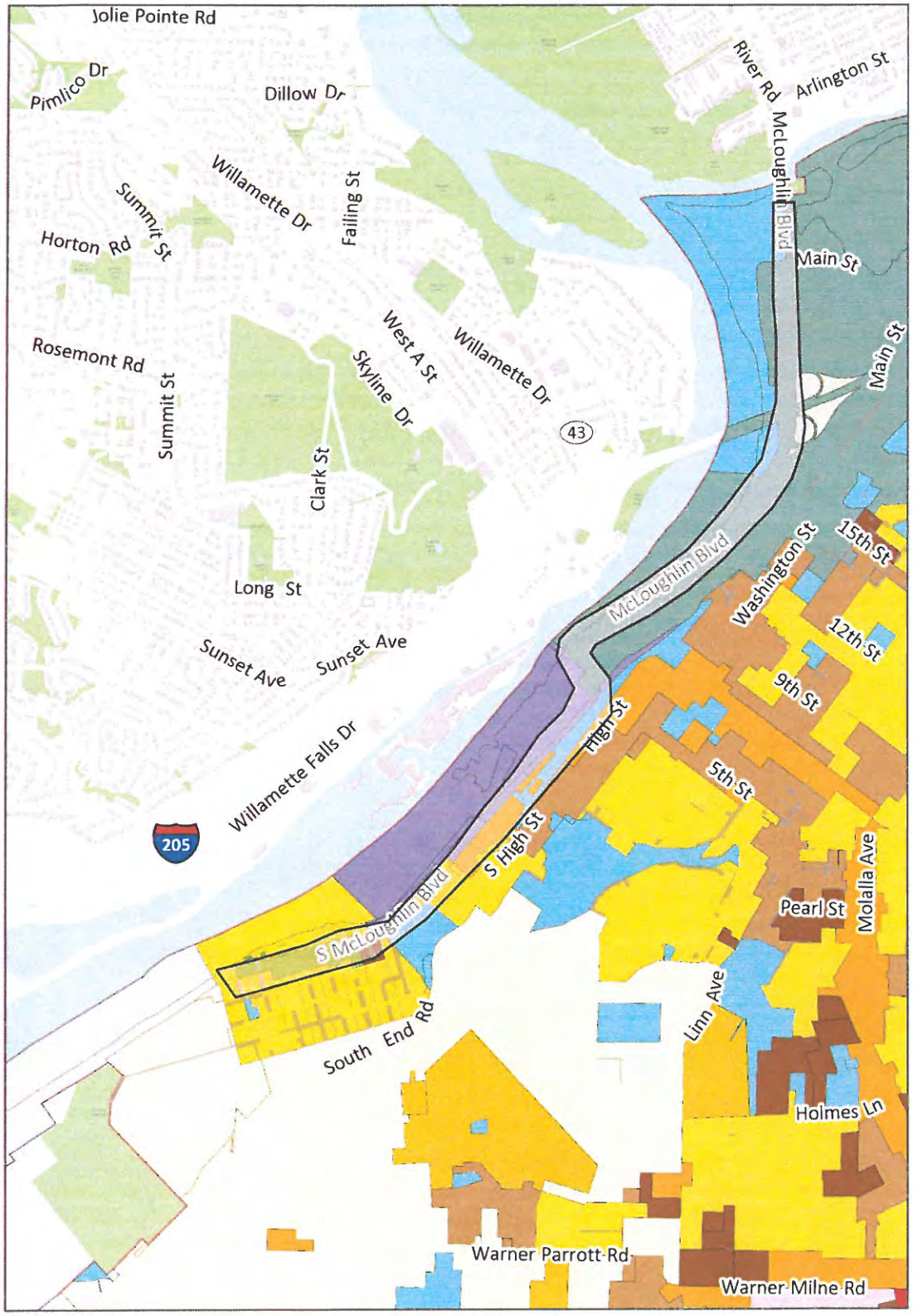
1: 21,477

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

OREGON CITY

Map created 11/11/2013

Oregon City GIS Map



Legend

- Unimproved ROW
- Zoning
  - R-10 - Single Family Dwelling
  - R-8 - Single Family Dwelling
  - R-6 - Single Family Dwelling
  - RC-4 - McLoughlin Conditiona
  - RD4-MDP - Manufactured Dw
  - R-3.5 - Medium Density Resic
  - R-2 - Multi-Family Dwelling
  - C - General Commercial
  - MUC-2 - Mixed Use Corridor :
  - MUC-1 - Mixed Use Corridor
  - LO - Limited Office
  - NC - Neighborhood Commerc
  - HC - Historic Commercial
  - MUD - Mixed Use Downtown
  - MUE - Mixed Use Employmer
  - GI - General Industrial
  - CI - Campus Industrial
  - I - Institutional
  - FU-10 - County Zoning
  - County
- City Limits
- UGB

Notes

Billboard District - Hwy 99E

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

N

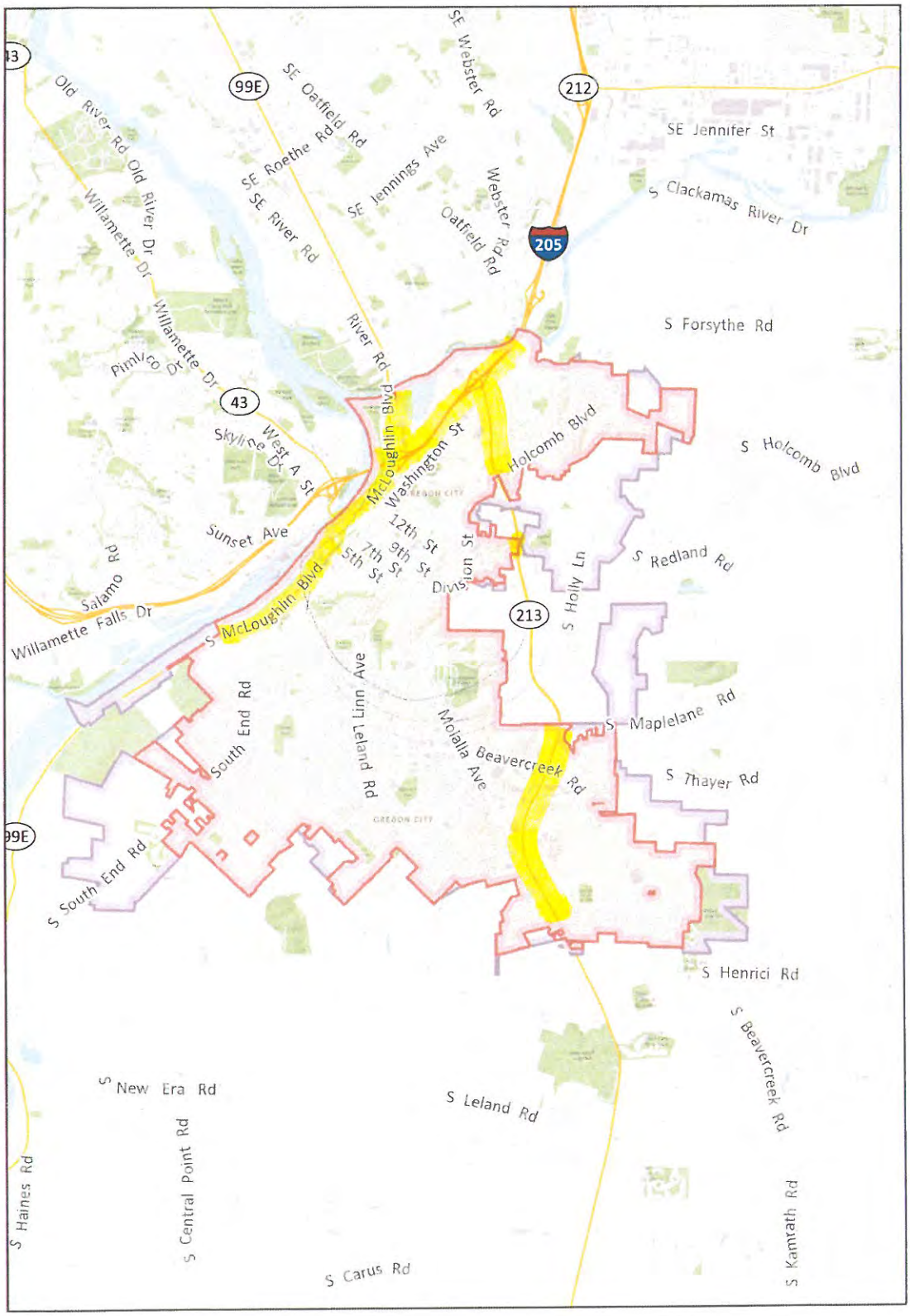
0 1,803 Feet

1: 21,642

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

Map created 11/12/2013

Oregon City GIS Map



Legend

- City Limits
- UGB

Notes

Proposed Billboard Districts

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

N

0 6,043 Feet

1: 72,515

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

Map created 11/7/2013



Sandi Burley
Real Estate Representative

715 N.E. Everett Street
Portland, OR 97232
D 503.736.2266 T 503.232.3111 F 503.232.7937
sandiburley@clearchannel.com

From: Jennifer Bragar
To: Laura Terway
Cc: Ed Sullivan; Bill Kabeiseman
Subject: RE: Open House: Oregon City Sign Code Update
Date: Thursday, November 14, 2013 11:33:34 AM

Laura,

The below proposals from Jon Stone are along the right track for time, place and manner restrictions for A-frame signs. The part where the City could run into trouble is where content comes into play. For example, in the proposals below, the City would have to look at the content of the sign to determine whether the sign does in fact belong to the business it is located in front of. The CAT members should continue to consider spacing and number limits that do not focus on the content of a sign.

I look forward to further discussion on this topic at the next CAT meeting.

Unless expressly stated otherwise, any federal tax advice contained in this communication (including attachments) is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties.
This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.
JENNIFER M. BRAGAR
Associate | 503.228.3939 x 3208 Tel | 503.226.0259 Fax | jbragar@gsblaw.com
GARVEY SCHUBERT BARER | 11th Floor | 121 SW Morrison Street | Portland, OR 97204 | ► GSBLaw.com
► land use | condemnation | real estate e-forum: www.northwestlandlawforum.com

-----Original Message-----
From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Thursday, November 07, 2013 12:18 PM
To: Jennifer Bragar
Subject: Fwd: Open House: Oregon City Sign Code Update

Morning, this can be addressed next week.

-Laura Terway

Begin forwarded message:

From: Jonathan Stone <jon@downtownoregoncity.org<mailto:jon@downtownoregoncity.org>>
Date: November 7, 2013 at 12:16:39 PM PST
To: Laura Terway <lterway@ci.oregon-city.or.us<mailto:lterway@ci.oregon-city.or.us>>
Subject: Re: Open House: Oregon City Sign Code Update

We had a discussion about signs at this morning's meeting. An idea cropped up that I thought was interesting.

1. A-frames in the right of way are allowed (within certain placement restrictions such as not on the road and not in the walking path... perhaps 12" away from curb... that sort of thing) in front of a business owner's frontage. No permit required as long as the sign fits within certain guidelines.
2. Signs not in front of a property/business owners's frontage require a permit and perhaps are restricted by distance from each other.

Is this legal?

On Wed, Nov 6, 2013 at 5:24 PM, Laura Terway <lterway@ci.oregon-city.or.us<mailto:lterway@ci.oregon-city.or.us>> wrote:

Afternoon, Can you forward this to everyone on your Main Street email list? Thanks

[cid:image003.jpg@01CEDB14.FF9C5F30]Oregon City Sign Code Update Community Open House

Please join us on Monday, November 18th from 5-7pm at City Hall to provide your input about signage regulations in Oregon City. We are updating our sign regulations to better meet the needs of Oregon City residents and businesses now and into the future and need your input and ideas on several key issues. Your comments matter!

www.OCSignCode.org<http://www.OCSignCode.org>

[cid:image002.jpg@01CED982.E691BE10]

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.
Phone: 503.496.1553<tel:503.496.1553>
Fax: 503.722.3880<tel:503.722.3880>
lterway@orcity.org<mailto:lterway@orcity.org>

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org<http://www.orcity.org/>. Quickly and easily print a report of your property with a Property Zoning Report<http://maps.orcity.org/imf/ext/viewPropertyReport/viewPropertyReport_Search.jsp> or view our interactive mapping at OCWebMaps<http://maps.orcity.org/imf/sites/OCWebMaps/jsp/launch.jsp?popup_blocked=true>. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org<http://www.OCTransportationPlan.org>.

ü Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

--
Jonathan Stone

Executive Director

Main Street Oregon City Inc.
816 Main Street
Oregon City, OR 97045

jon@downtownoregoncity.org<mailto:jon@downtownoregoncity.org>
Download Contact File<https://docs.google.com/file/d/0B2ttI4k5aWWmRHVlbVBvN0Z2Ymc/edit?usp=sharing>
Phone (971) 202-1604

fb.com/downtownoc<http://www.fb.com/downtownoc>
downtownoregoncity.org<http://www.downtownoregoncity.org>

From: Laura Terway
To: "BURLEY, SANDI"
Cc: "Ryan Orth"
Subject: Request to Meet
Date: Tuesday, October 29, 2013 3:11:00 PM

Sandi,

I am writing in reference to your request to meet with me to discuss billboards. I am happy to meet with any CAT member one on one, but in order to keep an open and transparent process I would like to summarize our conversation and provide that with any materials from the meeting to the group. I am available to meet November 12th or later. Please send me a few times which work for you to come to my office at 221 Molalla Avenue. Thanks

---

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Laura Terway
To: "marketmanager@orcityfarmersmarket.com"
Subject: RE: Sign code
Date: Tuesday, November 05, 2013 5:52:00 PM
Attachments: Open House Flyer.pdf

Jackie,

Good to hear from you. Unfortunately the members of the Community Advisory Team (CAT) for the Sign Code Update were appointed by the mayor in August. They have already met twice and will meet again on Monday, August 18th. We are having a Community Open House from 5-7pm at City Hall, followed by a CAT meeting from 7-9pm. We would love to hear your thoughts on the project both at the open house, the CAT meeting and at our project website www.OCSignCode.org. Please give me a call if you would like to discuss the project further.

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: marketmanager@orcityfarmersmarket.com [mailto:marketmanager@orcityfarmersmarket.com]
Sent: Monday, November 04, 2013 12:45 PM
To: Laura Terway
Subject: Sign code

Hi Laura would it be possible for me to get on the Sign Code committee?
I have extensive experience with signs and banners in the City..... for 9 years.
I would like to attend the next meeting either way, can you let me know when that is?
Thanks.

Jackie Hammond-Williams
Market Manager.
Oregon City Farmers Market.
503.734.0192

From:	Daryl Winand
To:	Laura Terway; jeanbob06@comcast.net; ks33030@gmail.com; tom.obrien4@comcast.net; melissa@securitysigns.com; pastor@catalystcc.org; zhenkin9000@gmail.com; signs@magneticsignpdx.com; sandiburley@clearchannel.com; awillhit@yahoo.com; emahoney240@msn.com; Ryan Orth; jon@downtownoregoncity.org; Jennifer Bragar
Subject:	RE: Oregon City Sign Code Community Advisory Team Meeting #2 - October 14, 2013
Date:	Tuesday, November 12, 2013 2:57:50 PM
Attachments:	image004.png image005.png image006.png

Thank you Laura. With respect to the area to be set-up at the open-house with questions that attendees will be able to vote for their preferred approaches to outstanding policy questions, will the CAT be privy to the questions to be asked prior to the open-house? And will those questions be open ended or will attendees be provided with a choice of possible options?

Daryl Winand
Governmental Affairs Specialist
503-459-2162 Direct

PMAR
PORTLAND METROPOLITAN ASSOCIATION OF REALTORS®



Our office is located at 825 N.E. Multnomah, Suite 1145, Portland, Oregon 97232.
Visit us at www.pmar.org and www.hownw.com!

CONFIDENTIALITY NOTICE: This e-mail, including attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of this email and its attachments.

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Tuesday, November 12, 2013 1:47 PM
To: 'jeanbob06@comcast.net'; 'ks33030@gmail.com'; Daryl Winand; 'tom.obrien4@comcast.net'; 'melissa@securitysigns.com'; 'pastor@catalystcc.org'; 'zhenkin9000@gmail.com'; 'signs@magneticsignpdx.com'; 'sandiburley@clearchannel.com'; 'awillhit@yahoo.com'; emahoney240@msn.com; Ryan Orth; jon@downtownoregoncity.org; Jennifer Bragar
Subject: Oregon City Sign Code Community Advisory Team Meeting #2 - October 14, 2013

Good Morning,

Our next Sign Code Update CAT meeting is scheduled for **Monday, Nov. 18 from 7:00-9:00 p.m.** A light dinner will be served. Materials for meeting #3 are attached for your review:

- Meeting agenda

- Briefing paper on sign code enforcement
- Revised code concept and associated map
- Open House plan flyer

As a reminder, we will hold an open house for the public this same evening, prior to the CAT meeting (from 5:00-7:00 p.m.). At the open house, several stations will be staffed by Oregon City to provide information, answer questions and gather feedback. You are encouraged but not required to come early to join in the conversation with participants prior to the CAT meeting. This is a drop-in open house format and you would not need to be there the entire time. The open house stations include background information on the code update project, existing sign code and potential updates previously discussed with the group. In addition, there will be an area set up with several questions where attendees can vote for their preferred approaches to outstanding policy questions.

Finally, note that we will be sending a short online survey to CAT members shortly for you to respond to prior to 10am on Monday the 18th. The survey will correspond to discussion questions listed in the draft code concept. These results will be shared at the CAT meeting and compared to other feedback received from the public to aid our discussion.

Thank you again for your participation on this project! As always, feel free to contact me at 503.496.1553 with any additional questions or concerns.

Sign Code Update Community Open House - *Monday, November 18, 2013 (5pm to 7pm)*
Sign Code Update Community Advisory Team Meeting #3 - *Monday, November 18, 2013 (7pm to 9pm)*
City Hall, Commission Chambers (625 Center Street, Oregon City)

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.

Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

Total Control Panel Login

To: dwinand@pmar.org
From: lterway@ci.oregon-city.or.us

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block ci.oregon-city.or.us

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

From: Jonathan Stone
To: Laura Terway
Subject: Re: Open House: Oregon City Sign Code Update
Date: Thursday, November 07, 2013 12:16:44 PM

We had a discussion about signs at this morning's meeting. An idea cropped up that I thought was interesting.

1. A-frames in the right of way are allowed (within certain placement restrictions such as not on the road and not in the walking path... perhaps 12" away from curb... that sort of thing) in front of a business owner's frontage. No permit required as long as the sign fits within certain guidelines.
2. Signs not in front of a property/business owners's frontage require a permit and perhaps are restricted by distance from each other.

Is this legal?

On Wed, Nov 6, 2013 at 5:24 PM, Laura Terway <lterway@ci.oregon-city.or.us> wrote:

> Afternoon, Can you forward this to everyone on your Main Street email list? Thanks
>
> 
>
>
> **Oregon City Sign Code Update Community Open House**
>
> Please join us on Monday, November 18th from 5-7pm at City Hall to provide your input about signage regulations in Oregon City. We are updating our sign regulations to better meet the needs of Oregon City residents and businesses now and into the future and need your input and ideas on several key issues. **Your comments matter!**
>
> www.OCSignCode.org
>
> ---
>
> **Laura Terway, AICP**
>
> **Planner**

Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045

Please note the Planning Division is available
from 7:30am - 6:00pm Monday - Thursday
and by appointment on Friday.

Phone: 503.496.1553
Fax: 503.722.3880

lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

--
Jonathan Stone
Executive Director

Main Street Oregon City Inc.
816 Main Street
Oregon City, OR 97045

jon@downtownoregoncity.org
Download Contact File
Phone (971) 202-1604

fb.com/downtownoc
downtownoregoncity.org

From: Laura Terway
To: Laura Terway
Subject: Comment received at www.OCSignCode.org
Date: Wednesday, November 06, 2013 8:42:29 AM

Share your thoughts on the kind of signage you would like to see or not see in Oregon City. Please focus on the physical characteristics of signs (height, size, materials, number of signs, etc) and not the content of signage.

We do not want wood signs that fall apart or cloth awnings. We would like illuminated Panaflex awnings, aluminum awnings, all types of illuminated signs that help reflect a businesses image.

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.

Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Mark Evans
To: Laura Terway
Subject: RE: Oregon City Sign Code Community Advisory Team Meeting #2 - Meeting Minutes and Comments
Date: Monday, October 28, 2013 6:42:18 PM
Attachments: image007.png

I did not get a chance to go through the entire code yet but here are a few things I would like included in the discussion.

Mark Evans

Mark Evans thoughts about sign code discussions:

1. Murals painted upon the wall of a home or business should not be regulated by the code. Since we are content neutral in regards to signs, then the painting on the surface of the building should not be considered a sign. For instance, the code does not tell me what colors I can paint my building. So if I want it painted red, white and blue, it should not be a problem. And if the paint happens to be in the shape of a star or a cross, or any other symbol, then it becomes an issue of content which we cannot regulate.



2. Currently there are no provisions for signs on fences or fencing. Again, if the issue of the color of a fence is not an issue, then anything painted on a fence, seems to be a matter of content. In regards to fences which are not solid, (i.e. chain link), people are allowed to put colored slats in them to make the area inside the fence more private. Since the design in the slats would not be considered a sign, then neither should anything else affixed to the fence that conveys an image or words.





Furthermore, there are some signs hung on fences that could be helpful and needed.



We also still need to determine what constitutes a sign. For instance, do the numbers on this fence constitute a sign? What about the dragons? Would this small fence company identifier be a sign that is not allowed according to the current code? What if it said, “Caution, electric fence”



From:	Magnetic Sign Company
To:	Laura Terway
Subject:	Additional comments: Oregon City Sign Code Community Advisory Team Meeting #2
Date:	Monday, October 28, 2013 4:24:31 PM

Laura,

I have an additional comment regarding discussions from our last meeting and as I understand this will be a topic of our next meeting too.

Previously it was stated that even with the changes that are made from this committee and the city staff work there is no money in the city budget for any sign code enforcement staff. That the current status of reacting to sign code violations will only come from complaints coming in to the city staff. I feel this is a very poor and unfair way to apply any code violation ordinance and will do nothing to enforce any changes nor will it help to improve our current sign problems. I know that has become the norm around the area in other cities to only react to complaints due to budget constraints but I don't think it is a very good system to follow.

We were told even if the city set aside sign application fees and code violation fines rather than putting these into the general fund there would still not be enough from these sources to fund enforcement staff.

I was thinking of other situations in OC that I might use as a comparison and thought about the downtown parking code enforcement. I have seen two code enforcement officers (a man and a woman) on separate occasions walking the streets check the different areas and meters. Now being there are only meters in a few block area of downtown I find it hard to believe these two code enforcement officers are writing enough tickets to pay their wages and benefits. I have to believe the city or maybe the downtown association is supplementing these employee wages to justify their existence.

The only way we are going to "clean up" the bad and violating signage in Oregon City is to have a dedicated city enforcement staff member going around town with the new code to educate the offenders. Then after a short period if those offenders do not comply they will need to levied a fine and then that violation needs to be enforced by staff.

We are basically wasting all of our time and any changes we make will not make much difference unless we have a serious mechanism in place (city enforcement staff) to move ahead to improve the sign quality in Oregon City. If the City really wants to see changes it is going to have to find a way to fund proper enforcement.

I am encouraged by the progress we have made so far and I feel the city wants to make fair changes keeping the code simple to understand and apply.

Sincerely, Ed LaPlante

Magnetic Sign Company... *since 1984*
Fleet Graphics - Site Signs - Banners - Neon
Brochures - Catalogs - Stationery - Labels
17832 S. Wesley Ct., Oregon City, OR 97045
503.631.4350 office
503.502.6675 Ed's cell
signs@MagneticSignPDX.com
www.MagneticSignPDX.com

From:	BURLEY, SANDI
To:	Laura Terway
Subject:	RE: Oregon City Sign Code Community Advisory Team Meeting #2 - Meeting Minutes and Comments
Date:	Monday, October 28, 2013 12:07:53 PM
Attachments:	image004.png image005.png

Hi Laura,

Thanks for sending the final minutes of the second CAT meeting.

I understood from your email of October 22nd with the draft meeting minutes attached that CAT members could provide comments by Monday, October 28TH. If it is too late to revise the meeting minutes, please ask the CAT to consider my comments:

1. On page 5, in the section on sign considerations across zones, the notes state that CAT members would like to simplify the zone groupings by proposing different requirements for residential zones while all other zones would share the same set of regulations. The billboard sign districts/corridors that I suggested may include more than one type of zoning group within each proposed corridor which would be another variation of grouping across zones.

2. On page 4, under the multi-family, small commercial and industrial zone grouping, the benefits of digital signs for community messaging, promoting events and public safety are described. I explained the benefits of digital signs including drawing customers driving on the highways into Oregon City to patronize businesses, messaging for community disasters, and Amber Alerts but I don't see my comments reflected in the meeting notes.

Thank you for your consideration of my comments and suggested changes.

Clear Channel Outdoor

Sandi Burley
Real Estate Representative - Portland

715 NE Everett St
Portland, Oregon 97232

O 503-232-3111
D 503-736-2266
clearchanneloutdoor.com

Unless expressly stated otherwise, the information contained in this e-mail and any attachments is confidential and may be privileged. It is intended for the sole use of the addressee(s). Access to this e-mail and its attachments (if any) by anyone else is unauthorized. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, any dissemination, distribution or copying of the contents of this e-mail is strictly prohibited and any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you have received this e-mail in error, please inform the sender immediately and delete it from your computer.

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Monday, October 28, 2013 11:57 AM
Cc: 'jeanbob06@comcast.net'; 'ks33030@gmail.com'; 'dwinand@pmar.org'; 'tom.obrien4@comcast.net'; 'melissa@securitysigns.com'; 'pastor@catalystcc.org'; 'zhenkin9000@gmail.com'; 'signs@magneticsignpdx.com'; 'sandiburley@clearchannel.com'; 'awillhit@yahoo.com'; jonathan.stone@gmail.com; emahoney240@msn.com; Ryan Orth
Subject: RE: Oregon City Sign Code Community Advisory Team Meeting #2 - Meeting Minutes and Comments

I apologize, I still had the "draft" watermark on the approved minutes. The updated document is attached and has been corrected online.
-Laura

From: Laura Terway
Sent: Monday, October 28, 2013 10:03 AM
Cc: 'jeanbob06@comcast.net'; 'ks33030@gmail.com'; 'dwinand@pmar.org'; 'tom.obrien4@comcast.net'; 'melissa@securitysigns.com'; 'pastor@catalystcc.org'; 'zhenkin9000@gmail.com'; 'signs@magneticsignpdx.com'; 'sandiburley@clearchannel.com'; 'awillhit@yahoo.com'; 'jonathan.stone@gmail.com'; 'emahoney240@msn.com'; 'Ryan Orth'
Subject: Oregon City Sign Code Community Advisory Team Meeting #2 - Meeting Minutes and Comments

Good Morning,
The final minutes from our second CAT meeting are enclosed as well as comments received since the last meeting. Thank you again for your participation in this project, we have received a lot of valuable feedback! Please feel free to contact me at (503) 496-1553. Thank you

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From:	Laura Terway
To:	"Daryl Winand"
Subject:	RE: Oregon City Sign Code Community Advisory Team Meeting #2 - Meeting Minutes and Comments
Date:	Monday, October 28, 2013 12:07:00 PM
Attachments:	image004.png image005.png image006.png

Daryl,
Thank you for the notice about the "draft" watermark on the minutes.

I did not recall a specific number of temporary signs which was stated at the meeting so I checked with EnviroIssues to see if they recalled anything or had a number identified in their notes and they did not have a specific number identified either. I believe this remains an outstanding question which the CAT will address specifically in greater detail. Please let me know if I am mistaken.
-Laura Terway

From: Daryl Winand [mailto:DWinand@pmar.org]
Sent: Monday, October 28, 2013 10:32 AM
To: Laura Terway
Subject: RE: Oregon City Sign Code Community Advisory Team Meeting #2 - Meeting Minutes and Comments

Hi Laura,

Couple things:

The attached minutes are still marked draft.

Am I incorrect in my belief that there was a recommendation for additional signage of up to 4 signs on private property which I included in my notes on the residential zone grouping?

Daryl Winand
Governmental Affairs Specialist
503-459-2162 Direct



Our office is located at 825 N.E. Multnomah, Suite 1145, Portland, Oregon 97232.
Visit us at www.pmar.org and www.hownw.com!

CONFIDENTIALITY NOTICE: This e-mail, including attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of this email and its

attachments.

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Monday, October 28, 2013 10:03 AM
Cc: 'jeanbob06@comcast.net'; 'ks33030@gmail.com'; Daryl Winand; 'tom.obrien4@comcast.net'; 'melissa@securitysigns.com'; 'pastor@catalystcc.org'; 'zhenkin9000@gmail.com'; 'signs@magneticsignpdx.com'; 'sandiburley@clearchannel.com'; 'awillhit@yahoo.com'; jonathan.stone@gmail.com; emahoney240@msn.com; Ryan Orth
Subject: Oregon City Sign Code Community Advisory Team Meeting #2 - Meeting Minutes and Comments

Good Morning,

The final minutes from our second CAT meeting are enclosed as well as comments received since the last meeting. Thank you again for your participation in this project, we have received a lot of valuable feedback! Please feel free to contact me at (503) 496-1553. Thank you

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

Total Control Panel Login

To: dwinand@pmar.org
From: lterway@ci.oregon-city.or.us

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block ci.oregon-city.or.us

High (60): Pass
Medium (75): Pass
Low (90): Pass

From:	Daryl Winand
To:	Laura Terway
Cc:	Ryan Orth
Subject:	RE: Oregon City Sign Code Community Advisory Team Meeting #2 - Draft Meeting Minutes
Date:	Thursday, October 24, 2013 12:08:38 PM
Attachments:	image009.png Oregon City PMAR Comments Edits to DRAFT Minutes CAT Meeting #2.docx

Laura & Ryan,

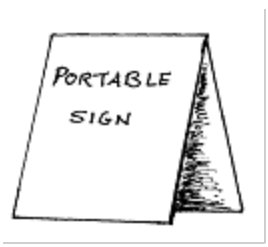
Attached is a copy of the CAT Meeting 2 draft minutes with my comments and/or questions.

I've also included language providing definition examples for "Sign", "Temporary Sign" and "Portable Sign" for the CAT's consideration.

And lastly, I've included recommended language for the various zones within Oregon City specifically as it pertains to temporary and/or portable (a-frame) signs within residential properties. I've not identified specific signage for mixed use zones in that it is my understanding that an opportunity to speak to the allowance of an additional portable sign for those conducting business within mixed use zones will be provided at the next CAT meeting.

SIGN, writing, video projection, pictorial representation, illustration, decoration (including material used to differentiate sign copy from its background), emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that by reason of its form, color, wording, symbol, design, or illumination is designed to communicate or enhance the communication of a message and is a building or any part thereof or written, printed, projected, painted, constructed, transmitted or otherwise placed or displayed upon or designed into a supporting structure or upon any material object or device whatsoever. "Sign" is not graphics, murals and artwork that do not communicate informational messages, apart from any aesthetic or artistic message. It is a disputable presumption that a graphic, mural or artwork that depicts or relates to the use of a site or building on which it is displayed, is intended to communicate an informational message about the site or building.

PORTABLE SIGN, sign and its support structure, typically of an A-frame design that is not affixed to a structure or the ground and is simply setting on the ground surface or sidewalk. Examples of a "portable sign" include:





TEMPORARY SIGN, sign and its support structure, typically of a stick sign or lightly mounted banner design that are not permanently affixed directly to a structure by hardware or anchored to the ground by concrete or other foundation. “Temporary signs” do not include portable signs. Examples of a “temporary sign” include:







Temporary Signs allowed without permit within Residential Zones:

Temporary and portable signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired, replaced or removed.

Maximum sign size: No more than one (1) sign shall be up to six (6) square feet in area and six (6) feet in height.

For property bordering on more than one public street, one additional six (6) square feet in area and six (6) feet) in height may be displayed on each additional public street frontage.

All other signs shall be no larger than six (6) square feet in face area and four (4) feet in height.

10sq foot set-back from intersection corners.

2-foot setback from sidewalk.

3-foot setback from street pavement if no sidewalk.

A-Frame Signs allowed without permit within residential neighborhoods:

One (1) A-Frame Sign no larger than 5 sq.ft sign face and no taller than 32" allowed on private property or within public right-of-way per property between 6 p.m. Friday and 8 p.m. Sunday, and from 10 a.m. through 3 p.m. on Tuesdays.

Must make effort to contact abutting property owner & if not home, must leave card w/ contact info & description of effort made to contact.

Must not block sidewalks or travel lanes.

Where no curb exists, the sign shall be placed outside the roadway at least 5 feet from the edge of the roadway.

Cannot be placed in a median, traffic island, or other area within the roadway.

The sign is to be entirely outside the roadway and any shoulder.

Signs must allow continuous pedestrian passageway or 4' and must not obstruct pedestrian and wheelchair access to transit stops, disabled parking spaces or building exists.

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Tuesday, October 22, 2013 3:28 PM
Cc: 'jeanbob06@comcast.net'; 'ks33030@gmail.com'; Daryl Winand; 'tom.obrien4@comcast.net'; 'melissa@securitysigns.com'; 'pastor@catalystcc.org'; 'zhenkin9000@gmail.com'; 'signs@magneticsignpdx.com'; 'sandiburley@clearchannel.com'; 'awillhit@yahoo.com'; jonathan.stone@gmail.com; emahoney240@msn.com; Ryan Orth
Subject: Oregon City Sign Code Community Advisory Team Meeting #2 - Draft Meeting Minutes

Good Afternoon,
The draft minutes from our second CAT meeting are enclosed for your review. Please look over the minutes and provide me any comments by Monday, October 28th so we can post them on our project website the following day. All comments received since the meeting are enclosed as well.

Thank you again for your participation in this project, we have received a lot of valuable feedback! Please feel free to contact me at (503) 496-1553. Thank you

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property

with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

Total Control Panel Login

To: dwinand@pmar.org
From: lterway@ci.oregon-city.or.us

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block ci.oregon-city.or.us

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880



Oregon City Sign Code Update
Community Advisory Team Meeting #2
Meeting Summary - DRAFT
October 14, 2013
5:00 – 7:00 pm
City Hall, 625 Center Street

	Community Advisory Team (CAT)	Oregon City staff and facilitation team
PARTICIPANTS	☑ Sandi Burley - Sign Company / Manufacture / Advocate ☑ Mark Evans - Institutional (Faith-based organization / School) ☑ Melissa Hayden - Development / Business ☑ Zach Henkin - Planning Commission ☑ Ed LaPlante - Chamber of Commerce ☑ Bob La Salle - Neighborhood Association/ Citizen Involvement Council ☑ Bob Mahoney (alternate for Tom O'Brien) - Neighborhood Association/ Citizen Involvement Council ☑ Kathleen Sinclair - City Resident ☑ Jonathon Stone (replacing John Southgate) – Main Street Oregon City ☑ Amy Willhite - City Resident ☑ Daryl Winand - Development / Business	☑ Laura Terway, Planner ☑ Jennifer Bragar, Assistant City Attorney ☑ Ryan Orth, facilitator (EnviroIssues) ☑ Bridger Wineman, notetaker (EnviroIssues)
OTHERS PRESENT	• Bob Cochran, Clackamas Community College • Kristine Herman, Clear Channel	
HANDOUTS	Agenda; Draft Code Concept (Oct. 7); Zoning descriptions; Public comments and comments from CAT (Sept. 17 – Oct. 14)	

AGENDA TOPICS

WELCOME, INTRODUCTIONS AND AGENDA OVERVIEW	LAURA TERWAY / RYAN ORTH
	Laura Terway and Ryan Orth welcomed attendees. Meeting participants introduced themselves, including Community Advisory Team (CAT) members, City staff and facilitation team.

DRAFT

	Bob Cochran, observing the meeting, introduced himself as the Dean of Campus Services at Clackamas Community College and provided comments for consideration of city staff and the CAT through the sign code update process. The Community College is aware that the surrounding community is not always informed of community-oriented events held at the college including performances, sporting events and career and benefits fairs, among others. There are also messages the college must communicate to students and staff, like campus closures and registration dates. The ~~collage~~ college has a very large frontage and two entrances. The property is zoned institutional. The administration is interested in using electronic signage, similar in size to the sign at Oregon City High School, in addition to the existing signs, to communicate multiple messages daily to the community.
REPORT ON COMMENTS RECEIVED SINCE LAST MEETING	LAURA TERWAY \ RYAN ORTH
	CAT members provided additional comments following the September CAT meeting which have been shared with the group. Since the last meeting, project staff also met with the Oregon City Transportation Advisory Committee. Compiled comments were provided in advance of the meeting and are posted to the project website, http://www.ocsigncode.org. No new comments were received through the website.
PRESENTATION AND DISCUSSION: SIGNS BY ZONE GROUPING	LAURA TERWAY \ RYAN ORTH
INTENT OF SIGN STANDARDS	Statements summarizing the intent of the sign code were shared with CAT members, developed based on the purpose statement of the current code and feedback heard so far: • Preserve and enhance the image and identity of Oregon City. • Be compatible with the character of the zoning district and its allowed uses. • Support the economic development of Oregon City businesses. • Promote public safety through design. • Provide guidelines for good design at reasonable costs and with multiple options. A CAT member proposed the list include a point additional language that the code be “clear and concise.”
SIGN APPLICATION BY ZONE	A draft code concept was developed based on comments received from presentations and community briefings, the project website and through the CAT process so far. Details were provided in the Draft Code document. The draft code concept is intended to help organize and advance the CAT’s discussion on the code update. The draft code concept considers five groups of zones which were assembled due to their shared characteristics in regard to signage considerations. Each zone group included elements of the proposed sign code, highlighting changes proposed to the existing code. Further changes and refinements are expected through additional iterations of the proposal, in response to CAT and community feedback, to form the CAT’s recommendation. CAT members were reminded that their recommendations will inform an update of the sign code that city planning staff will submit to the Planning Commission and City Commission as part of the formal code update process. CAT members were encouraged to consider the usefulness and form of the code groupings used, confirm that previous feedback was accurately captured in the proposal and provide

	additional comments. Several points were addressed concerning zoning and the sign code: • Zoning provides a forward-looking mechanism through which to express the sign code. Current land use do not always reflect uses allowed by the zoning code. No zoning changes will be proposed through this project. • There is a variance process established in the current code with clear and objective standards. • New construction in a historic district would go through design review by Oregon City staff or the Historic Review Board.
RESIDENTIAL ZONE GROUPING	Residential zones are characterized by residential uses, along with conditional uses such as churches and schools. Signage in these areas is limited in quantity, scale and location and primarily seasonal and temporary. Home occupations in areas zoned residential may have permitted permanent signs. CAT members directed staff that conditional uses should have different sign requirements from residential properties. CAT members provided the following comments about signage in residential zones: **Free standing signs** • Limits should be placed on the brightness and spacing of electronic signs in residential areas where they are generally used by churches and schools to advertise events. • The height limit for wall and freestanding signs for conditional uses should be expanded from 8 to 15 feet. **Temporary signs exempt from permit on private property (Examples include real estate and yard sale signs)** • The proposal to allow temporary signs just twice a year is too limiting for churches and schools. • CAT members discussed whether a time limit should be instituted for real estate signs, including suggestions both for limited display duration and comments that temporary signs do not need a time limit. [Question for City Attorney –is this permissible under the law as it identifies the content of the sign if limited to "real estate"?] • Additional temporary signage on private property should be allowed around election season. [Comment: How many days before election/days after election will they be allowed? How many signs? Note: would apply to all elections: May Primariy, November General, March & Sept special elections. Seems an enforcement headache as opposed to allowing 5 signs without permit on residential property with a sign face maximum of 6sq ft (2'x3') and 72" (6ft) height.} • Additional temporary signage of up to four signs should be allowed on private residential property. • A definition of temporary signage should be identified. • Placement of signs around intersections and driveways should be considered. The current code requires that views at intersections are not obstructed, but obstructed

	views at driveways should be considered as well. • The proposal should allow A-frame signs on private property to advertise real estate open houses, home studios and similar events and uses. While real estate open houses generally occur at particular times, home business which could benefit from temporary signs might operate daily. • Real estate signs should be considered a separate category in the sign code. This is accommodated in the current code which allows one temporary sign per frontage. [Question for City Attorney: Is this permitable under constitution law as it would rely on content to determine if such were being used for real estate?] **Signs not requiring a permit/Prohibited Signs** • Banners are not currently defined in the code and should be included in the revised code. • Lights and holiday decorations are not currently regulated in the sign code and should remain excluded. **Temporary sign in the public right of way** • Some explanation of the boundaries of the public right of way should be provided for the public.
MULTI-FAMILY, SMALL COMMERCIAL AND INSTITUTIONAL ZONE GROUPING	The multi-family, small commercial and institutional zone group is characterized by multi-family and smaller scale commercial development near single-family zones as well as major public institutions, government facilities and parks. Sign types in this area include convenience needs for residents, adaptive reuse of existing buildings, and institutional uses. CAT members agreed that the number of signs should be allocated based on frontage with a limit on the maximum number of signs per property. Other comments from CAT members included: • Large institutions do not fit well in this category unless the number of signs is allocated based on property frontage or number of entrances. • Currently permitted signs for properties with small street frontages are too constrictive and should be expanded. • Digital signs should be allowed as they are beneficial for community messaging, promoting events and public safety. • Signage is needed at multifamily and institutions for civic and emergency services and for traffic flow.
MIXED USE, DOWNTOWN AND CORRIDOR ZONE GROUPING	The mixed use, downtown and corridor area includes critical transportation corridors, land uses including high-volume establishments and areas where a mix of high-density residential, office and small-scale retail uses are encouraged along with multistory residential uses. Some areas included in this group have land uses currently which do not reflect the zoning, but may in the future. The group also agreed too many signs in a single stretch of street create a cluttered effect. Flags, banners and A-frames all contribute to clutter and should be regulated together by allowing a maximum total number of temporary signs. Additional comments from CAT members included: • There should be consideration of mixed use areas where real estate signs for

	residential uses should be allowed along with commercial temporary signs. [Comment: Again this specifically calls out the sign based on content to determine if it is real estate related. The Code should simply allow for the use of one a-frame per business during the hours that the business is being conduted.] • Additional height should be allowed to create vertical projecting signage to add visual interest to the streetscape.
INDUSTRIAL	The industrial zone is characterized by larger properties with industrial uses and outdoor storage. CAT members did not provide specific comments on proposed sign code for industrial-zoned properties.
COMMERCIAL, CAMPUS AND EMPLOYMENT	Properties in the group of zones including commercial, campus and employment are often larger and include uses such as shopping centers, retail/office campuses or light manufacturing. CAT members provided the following comments: • Menu boards and way finding sings should not count against the number of signs otherwise allowed on a property. • Billboards should be permitted in specific commercial and industrial zones, but not on all of the major arterials. • A-frames should be allowed in this zone group for use by retail which serves industrial uses, like delis and coffee shops.
SIGN CONSIDERATIONS ACROSS ZONES	CAT members expressed interest in discussing murals and possible regulation of signs on commercial vehicles at future meetings. Murals and undeveloped lots may need to be defined in the sign code. CAT members commented that the descriptor “TV Type Signs” used in the draft code is mislabeled because these types of signs do not necessarily use moving images. They often cycle through static content. The industry term for this type of sign is “Electronic Message Center”, or EMC. CAT members asked about inflated “air dancer” signs often seen at auto dealerships. These types of signs are considered balloons and are not permitted in the current sign code. CAT members also asked about signs attached to people. Handheld signs are currently except from the code. Some CAT members commented that these signs, especially those that move, are distracting. Other members commented that limiting handheld signs may be perceived as limiting rights to speech. CAT members agreed that tall, “feather”-type flags should be prohibited. The group felt that feather-type flags are overused and when left up for an extended period they fade and become unattractive. Eliminating these ~~type~~types of flags/banners while continuing to allow national and team-style flags will require a definition of flags in the code, including dimensions. CAT members would like to simplify the zone groupings presented in the draft proposal. It may be simpler to consider proposing different requirements for residential zones while all other zones to share the same set of regulations. Lot size or frontage is an effective mechanism for determining the appropriate size and number of signs across non-residential zones.

ITEMS FOR CONTINUED DISCUSSION	CAT members and staff identified several issues for further discussion, including: • Enforcement of the sign code: Oregon City has a strong business community which could be leveraged to help promote compliance with the code. Web-based reporting of non-compliant signs should be considered. • Signs behind a window are not restricted in the current code across all zones, but signs painted on the outside are regulated. • The language used in the updated sign code should be clear and understandable. One member suggested that an ad-hoc review committee be formed to ensure the code is clear. CAT members were encouraged to communicate additional comments to staff before the November meeting.
Next Steps and preview open house / meeting #3	LAURA TERWAY \ RYAN ORTH
	Staff will provide a revised proposal for review ahead of the next CAT meeting, scheduled for Nov. 18, 2013. The agenda will also address enforcement-related topics. A public open house will be held from 5:00 – 7:00 PM, immediately before the next CAT meeting, which is scheduled for 7:00 – 9:00 PM. CAT members were encouraged to arrive between 6:00 and 6:30 so public comments and CAT member comments on the revised code proposal can be captured before the CAT meeting begins. Staff will not bring proposals which have not been reviewed by the CAT to the open house. All materials presented to the public will first be provided to the CAT so members have an opportunity to comment. Materials from the first two meetings will be provided to the public. A flier announcing the open house will be distributed and provided to CAT members who are asked to circulate it among their interested acquaintances.

APPENDIX B:

Comments received by the City

From: Laura Terway
To: "BURLEY, SANDI"
Cc: "Ryan Orth"
Subject: RE: Follow-up to October 14, 2013 CAT Meeting
Date: Thursday, October 17, 2013 1:45:00 PM
Attachments: image003.png

Sandi,
Thank you for your comments. We have not yet begun the next revision of the proposed code and have identified the issue of billboard districts/corridors to be address further by the CAT.

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 8am - 5pm Monday - Thursday and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: BURLEY, SANDI [mailto:sandiburley@clearchannel.com]
Sent: Thursday, October 17, 2013 12:18 PM
To: Laura Terway
Subject: Follow-up to October 14, 2013 CAT Meeting

Hi Laura,

I was very impressed by the thoughtful input on a variety of sign issues at the Citizen's Advisory Committee (CAT) Meeting on Monday evening. There are a couple of items discussed at the meeting that I wanted to clarify with you. Regarding TV type signs, I recall that CAT members were opposed to allowing TV type signs which are signs that have moving or rotating parts. Melissa suggested that TV type signs be replaced with "Electronic Message Centers" which are considered static but are allowed to change images every 8 seconds. Based on commonly accepted industry definitions of outdoor terms, LED type digital billboards are also called Electronic Message Centers

and they comply with all applicable state and federal regulations. In light of this, if the code draft includes a prohibition on TV type signs, I suggest that TV type signs be described as "full motion video signs".

I also wanted to provide additional information on the request that I made prior to the CAT meeting and that I proposed at Monday's meeting regarding establishing billboard districts/corridors along I-205, Hwy 99E and Hwy 213. I did not hear any objections at the CAT meeting to my request. My outreach to individual businesses and business organizations in Oregon City regarding digital billboards on I-205 that could draw customers into Oregon City to shop, dine, and patronize other Oregon City businesses indicates that the business community supports allowing digital billboards in designated corridors. Will my request be incorporated into the next sign code revision to be discussed at the November 18th CAT meeting?

In addition to the Gladstone and Hillsboro sign codes which permit digital billboards, the City of Milwaukie recently amended their sign code to permit electronic billboards in a designated sign district/corridor. A copy of the relevant chapter from the Milwaukie sign code is attached.

I look forward to the Open House and next CAT Meeting.

Sincerely,

Clear Channel Outdoor

Sandi Burley
Real Estate Representative - Portland

715 NE Everett St
Portland, Oregon 97232

O 503-232-3111
D 503-736-2266
clearchanneloutdoor.com

Unless expressly stated otherwise, the information contained in this e-mail and any attachments is confidential and may be privileged. It is intended for the sole use of the addressee(s). Access to this e-mail and its attachments (if any) by anyone else is unauthorized. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, any dissemination, distribution or copying of the contents of this e-mail is strictly prohibited and any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you have received this e-mail in error, please inform the sender immediately and delete it from your computer.

Milwaukie Municipal Code

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DC, DS, DO, DR and DOS Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

A. Freestanding Sign

In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than 60% of the total area of the monument. Pole signs are prohibited.

1. Area

The maximum permitted display surface area of a freestanding sign shall be computed on 1 square foot of area per lineal foot of street or highway frontage.

a. In the DO Zone the maximum area shall not exceed 40 square feet per display surface and 80 square feet overall.

b. In the DR and DOS Zones the maximum area shall not exceed 32 square feet per display surface and 64 square feet overall.

2. Height and/or Clearance

a. In the DC, DS and DO Zones, freestanding signs are limited to a maximum height of 7 feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of 15 feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a 6-foot horizontal distance from the sign.

b. In the DR and DOS Zones freestanding signs are limited to a maximum height of 6 feet above grade.

3. Number

1 freestanding sign is permitted on a street or highway frontage.

B. Wall Sign

1. Area

The maximum permitted area of a wall sign shall be 20% of the building face.

a. In the DR and DOS Zones the maximum permitted area of a wall sign shall be 16 square feet.

2. Height and/or Clearance

No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number

a. Dictated by area requirements.

b. In the DR and DOS Zones 1 wall sign is permitted in addition to 1 freestanding sign.

4. Location

Limited to the building surface or surfaces facing the public right-of-way only.

C. Awning Sign

1. Area

The maximum permitted display surface of an awning sign is 25% of the surface of the awning. For a sign hung or suspended underneath an awning, the sign shall not exceed in area 1 square foot per 1 lineal foot of awning length.

2. Height and/or Clearance

An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. An awning sign may not be located higher than the first floor of a building or 15 feet, whichever is less. The minimum clearance below an awning on which signage is hung or displayed is 8 feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number

1 awning sign per frontage per occupancy, and 1 sign hanging per awning, is permitted.

D. Daily Display Sign

1. Area

The maximum permitted area of a daily display sign shall be 8 square feet per display surface and 16 square feet overall, with a maximum height limit of 6 feet above ground level.

2. Number

1 daily display sign per occupancy is permitted.

3. Location

A daily display sign shall not be located within the required landscaped areas, and is allowed within the right-of-way only subject to the standards of Section 14.20.040.

E. Projecting Signs

1. Area

Projecting signs shall not exceed in gross area 20% of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20% of the face of the building.

2. Height and/or Clearance

No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than 5 feet from a building. Overhead clearance and projection into public rights-of-way shall be

maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in the Table 14.16.060.E.2.

Table 14.16.060.E.2
Projection of Signs into Public Rights-of-Way

Overhead Clearance	Maximum Projection Into Public Right-of-Way
Less than 8 feet above finished floor/grade	Not permitted
8 feet above finished floor/grade	1 foot
8 to 16 feet above finished floor/grade	1 foot plus 6 inches for each foot of above clearance in excess of 8 feet
Over 16 feet above finished floor/grade	5 feet

3. Location

No projecting sign shall be located within 20 feet of another projecting sign. Of 2 signs not conforming to this provision, the first lawfully installed sign may remain.

4. Number

Only 1 projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign.

F. Marquee Signs

1. Area

The maximum display surface for a sign displayed on a marquee is 25% of the marquee surface.

2. Height

A marquee sign shall not extend higher than the point where the roofline intersects the wall, regardless of the existence of a parapet wall.

3. Location

Marquee signs shall not extend more than 1 foot from the surface of a marquee or more than 1 foot over the top edge of the marquee.

4. Number

1 marquee sign is allowed per frontage per occupancy.

G. Under-Marquee Signs

1. Area

Under-marquee signs shall not exceed 6 square feet per display surface or 12 square feet in overall sign area.

2. Height and/or Clearance

Under-marquee signs must have 8 feet of clearance below the lowest portion of the sign and the ground below.

3. Location

Under-marquee signs shall not project within 2 feet of the curb.

4. Number

No limit, dictated by area requirements.

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.

2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.

3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:

a. Sign lighting should be designed as an integral component of the building and sign composition.

b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.

c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.

4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:

a. The sign should be a unique design that responds to the Milwaukie Downtown Design Guidelines.

b. The sign copy should be lighter than the sign background.

c. The sign background should use a predominance of dark color or be opaque when the light source is on.

6. Electronic display signs are permitted for properties that have frontage on McLoughlin Blvd, subject to the following standards:

a. An electronic display sign may be included only as part of a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the following size limitations:

(1) 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.

(2) 20 sq ft.

b. An electronic display sign shall be primarily visible from, and oriented toward, McLoughlin Blvd and not toward any other street on which the property has frontage.

c. Illumination for an electronic display sign is subject to the standards of Subsection 14.24.020.G.1.

d. The manner of display on electronic display signs shall comply with the standards of Subsection 14.24.020.G.3.

e. Incorporating an electronic display sign within an existing nonconforming sign is allowed subject to the regulations of Subsection 14.28.020.A.3.b.

(Ord. 2040 § 2 (Exh. B), 2011; Ord. 2025 § 3, 2011; Ord. 2001 § 2, 2009; Ord. 1977 § 2, 2008; Ord. 1965 §§ 2, 3, 2006: Ord. 1917 § 3 (Exh. B), 2003; Ord. 1916 § 3 (Exh. B), 2003; Ord. 1733 § 1(1) (Exh. A), 1993)

From:	Bob Cochran
To:	Laura Terway
Subject:	Oregon City Sign Code - Committee meeting
Date:	Tuesday, October 15, 2013 2:59:59 PM
Attachments:	OC Sign Code.docx

Laura: It was good to be with you, your staff and the members of the sign committee last night. It was exciting to see such a diverse group of people addressing these complex and emotional code revisions.

Also, thank you for the opportunity to provide comments on the College's behalf for out desires in the new sign code. I have attached an electronic version for your use.

I would like to point out that during the discussion of the property zoned "Intuitional", that two members of the committee briefly touched on the TV/EMC topic that I requested in my presentation.

These included Sandy Burly who quickly mentioned EMC as it relates to this zone and Bob Mahoney who understood the civic nature our CCC's work and all the good things were are doing, but wondered if we had this information on our website (…and yes we do). At this point in the discussion, the committee was rushed and running out of time to address the other 3 zones and as such, a notation was not made on the topic boards on the wall.

Thank you for including this EMC/TV item for future discussion by the group.

Please let me know if there is anything else you need from me or the college.

Sincerely,

Bob Cochran

Bob Cochran, P.E.
Dean of Campus Services
CLACKAMAS COMMUNITY COLLEGE
Clackamas Community College
Lewelling Building 107
19600 Molalla Avenue
Oregon City, Oregon 97045
Voice: 503.594.6790 | Fax: 503.594.6798 | Email: BobC@clackamas.edu

For years Clackamas Community College has been aware that the exciting events taking place inside our campus are not communicated to our neighbors and the members of our district who drive by our Beavercreek and 213th entrances.

This was never more evident than when the Dean of College Advancement and I made a presentation to Caulfield Neighborhood Association meeting several months ago. They were amazed at all the great activities going on at Clackamas Community College of which they were totally unaware. Time after time that night when we told those in the audience of something going on at CCC, the reply was, "..I didn't know that."

We took away the knowledge that we just weren't communicating CCC's information to our neighbors. With that we began to investigate electronic signage that would tell our neighbors what's going on at inside at CCC. Our discussions with the city informed us that Oregon City was going through a Sign Code Update and our involvement and comments would be much appreciated.

So what would we like included in the new code? We would like the ability to communicate several messages daily to those who pass by our campus.

For our students or potential students

When is the first day to register for classes?

When is the first day of school?

When is the last day to add/drop a class?

When is a special speaker or event on campus?

For our neighbors and local residents

What plays are happening at the Niemeyer performing art center? The Clackamas Repertory Theatre (CRT) presents professional productions several times a year; the CRT's last play of the season "The 39 Steps" closed last weekend. CCC students produce three plays each year along with stand-up comedy and theater improv.

When are the Jazz or choir competition? The CCC Music Department puts on several instrumental and vocal concerts at the end fall, winter and spring terms. These performances are open to the public at little or no cost. CCC also hosts three music festivals each March, drawing high school students from around the Northwest.

For the sports minded

We have 11 college sports programs that include a 2010 National Champion wrestling team, and numerous league champion teams in softball, basketball and volleyball. Wouldn't it be great to know when those games are happening or be able to acknowledge a championship team?

Other things that happen on our campus

Career and benefit fairs connecting veterans to potential employers as well as community resources.

And how about when we have a need to close the college due to weather or other reason? A sign that tells our students and staff what is occurring on campus would really complement our existing email and phone notifications.

All that said, we are asking that the sign committee keep these thoughts in mind as you process the future sign rules. We are not looking for a Vegas-style board, but something tasteful that can potentially display several messages a day that are relevant to those who drive past our campus.

Thank you very much for your time.

Bob Cochran

Dean of Campus Services

Clackamas Community College

From:	BURLEY, SANDI
To:	Laura Terway
Subject:	Follow-up to October 14, 2013 CAT Meeting
Date:	Thursday, October 17, 2013 12:18:32 PM
Attachments:	image001.png Milwaukie Municipal Code_Electronic Display Signs.pdf

Hi Laura,

I was very impressed by the thoughtful input on a variety of sign issues at the Citizen's Advisory Committee (CAT) Meeting on Monday evening. There are a couple of items discussed at the meeting that I wanted to clarify with you. Regarding TV type signs, I recall that CAT members were opposed to allowing TV type signs which are signs that have moving or rotating parts. Melissa suggested that TV type signs be replaced with "Electronic Message Centers" which are considered static but are allowed to change images every 8 seconds. Based on commonly accepted industry definitions of outdoor terms, LED type digital billboards are also called Electronic Message Centers and they comply with all applicable state and federal regulations. In light of this, if the code draft includes a prohibition on TV type signs, I suggest that TV type signs be described as "full motion video signs".

I also wanted to provide additional information on the request that I made prior to the CAT meeting and that I proposed at Monday's meeting regarding establishing billboard districts/corridors along I-205, Hwy 99E and Hwy 213. I did not hear any objections at the CAT meeting to my request. My outreach to individual businesses and business organizations in Oregon City regarding digital billboards on I-205 that could draw customers into Oregon City to shop, dine, and patronize other Oregon City businesses indicates that the business community supports allowing digital billboards in designated corridors. Will my request be incorporated into the next sign code revision to be discussed at the November 18th CAT meeting?

In addition to the Gladstone and Hillsboro sign codes which permit digital billboards, the City of Milwaukie recently amended their sign code to permit electronic billboards in a designated sign district/corridor. A copy of the relevant chapter from the Milwaukie sign code is attached.

I look forward to the Open House and next CAT Meeting.

Sincerely,

Clear Channel Outdoor

Sandi Burley
Real Estate Representative - Portland

715 NE Everett St
Portland, Oregon 97232

O 503-232-3111
D 503-736-2266
clearchanneloutdoor.com

Unless expressly stated otherwise, the information contained in this e-mail and any attachments is confidential and may be privileged. It is intended for the sole use of the addressee(s). Access to this e-mail and its attachments (if any) by anyone else is unauthorized. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, any dissemination, distribution or copying of the contents of this e-mail is strictly prohibited and any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you have received this e-mail in error, please inform the sender immediately and delete it from

your computer.

From:	Kathleen Sinclair
To:	Laura Terway
Cc:	rorth@enviroissues.com
Subject:	Thoughts on the CAT meeting last night
Date:	Tuesday, September 17, 2013 8:42:50 AM

Dear Laura and Ryan,

Thanks so much for your knowledge and guidance regarding this sign business. We covered a lot of information. It seems like there are quite a few strong opinions already bouncing around. After looking over my notes from last night I wanted to express my opinion at this time knowing that things will continue to change and mold into something workable.

I agree with the gentleman in one of the side seats who talked about different districts. And, I believe you mentioned that also Ryan. In driving around and trying to get a feel for Oregon City as an "outsider" I have experienced the distinct feeling of areas not being connected. Then when the districts were discussed, that made more sense. There are distinct areas for whatever reason. It seems if we capitalize on that distinction it will be easier to come to some consensus about signage. It still won't please everyone but it might come closer.

For my personal tastes, I think Oregon City reads best in the area of Main Street, up Singer Hill and a little way past the library. The architecture of City Hall only adds to that distinction. Another area that seems to reflect the history and pull together is the Washington Street corridor from 205 up the hill to 7th. The commercial corridors around the Oregon City Shopping Center and the intersection of Beaver Creek and 213 (BerryHill??) seem a little less pulled together. There are so many shops in each of these centers that you can't really figure it out just going by one time. Perhaps they could be grouped in smaller signage with like industries in one area (retail, sporting goods, grocery, medical etc.). No one really gets the coverage they want with their area being so small.

Molalla seems like a mish mash of stuff, some new, some falling down, lots of signs and more a feeling of being on 82nd Ave. in Portland where it feels like you are really no where because there is no distinction. There are some nicer areas south of the post office towards 213 that includes the Haggen's shopping area and the Community College but it doesn't read as one area.

I know there are a lot of neighborhoods and associations but I don't know if their boundaries also include commercial areas. Looking at signage according to the feel of an area regarding time, place and manner while keeping it simple and clean would be a good place to start. Districts might include more than one neighborhood too. How does the department feel about

various districts? You have a better idea of what the plans are for the future regarding zoning and roads etc.

Right now, the signs don't reflect the neighborhoods or areas they are in very well. It is the same kind of jolt you get when someone builds a huge house on a small lot surrounded by small bungalows. Yes, maybe it is all to code and has the right permits and everyone crossed their "T's" and dotted their "I's" but it is okay? I am thinking of those huge commercial signs along Molalla that stick up so high. Surely we can find our burgers and chicken without those huge signs. It is a two lane road, not an 8 lane highway.

I guess it isn't up to us to figure out if there should be distinct districts or not but we could come up with recommendations regarding signage for types of districts and make recommendations about various areas based on our stake holders.

What does seem clear is that we should NOT have one code or recommendation for the whole area. I also agree that looking at other small cities of comparable size (not Portland) is a more viable way to see what might be successful in our area. Oregon City needs to figure out who it wants to be – an historical city that is growing and still respecting its history and roots and place in the State, or a blue collar working class town just chugging along or a quick pass through to get from one place to another and so on.

As for the sandwich boards, I like them, sometimes. Now, isn't that just typical. Well, I like them on Main Street as they give information I can use such as "serving breakfast now," "special today on cupcakes" or "new items," etc. But, the sidewalks are big and there is still room to walk. More of a problem might be people who put their merchandise out on the sidewalk. I like it and it might make me go into the store, but if it is out there plus a sandwich board then it might make it more difficult for people to use the sidewalk for getting from A to B. Is there a clearance code between the sandwich board and the door to the building so anyone in a wheel chair or other device can still get by? Are they regulated at all based on the width of the sidewalk and what else is out there (a tree, parking meter, fire hydrant)?

A-frames on the highways for people going over 35 don't really make sense. Sometimes that is all a person can afford but it does get junky out there. I forgot about the people standing on the corners dressed up and waving things. Are they considered signs?

As for compliance/enforcement, it seems like a warning, then a fine, then a daily fine would be in order after a certain length of time. On one of the spread-sheets it mentioned the idea of trained volunteers enforcing the codes. Coming from my background as a mediator, it seems the volunteers would be better used by being go-betweens (between the city and themselves) and listening to the offenders first and then making suggestions for various ways they could come into compliance rather than alienating them. This is where education could be a

valuable resource. Showing people what they can do and what is available to them rather than just telling them they are wrong makes them a partner.

I will keep looking and do some research too and come up with a more coherent list that you can actually make sense of. These are just my thoughts now. Sincerely, Kathleen Sinclair

From:	Tom O"Brien
To:	Laura Terway
Cc:	zhenkin9000@gmail.com; dwinand@pmar.org; guttmcg@msn.com; emahoney240@msn.com; tom.geil@rocketmail.com; pespe@ci.oswego.or.us; ckidwell@leebarc.com; edmica3@yahoo.com; mike.k.mitchell@gmail.com; pastor@catalystcc.org; comprehensivetx@aol.com; ethan.downtownoc@gmail.com; maizeemae@aol.com; lavenderhillcottageoc@gmail.com; retrorevivaloc@gmail.com; lindaxoxo@molalla.net; scarpenter@bctonline.com; sean@nebbiolowinebar.com; levi.manselle@clackamasfcu.org; jill@nvboutique.co; jerry.herrman@birdlink.net; shirleyanne4557@yahoo.com; info@christmasatthezoo.com; jessebuss@gmail.com; gordon@gkwphoto.com; blues_rae@msn.com; kimberlywalch@yahoo.com; Tony Konkol
Subject:	Oregon City Sign Code Update CAT - Public Right of Way definition
Date:	Tuesday, September 17, 2013 10:11:17 AM

Good morning Laura,

Thanks to everyone for their participation in the CAT meeting last evening.

During last evenings meeting, the subject of Public Right of Way versus Private Property came up.

I thought it may be helpful to send this definition to everyone.

To clarify the term **Public Right-of-Way.**
<!--[if !supportEmptyParas]--> <!--[endif]-->
Oregon City Code shows the following:
12.04.010 - Jurisdiction and management of the public rights-of-way.
<!--[if !supportEmptyParas]--> <!--[endif]-->
B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
<!--[if !supportEmptyParas]--> <!--[endif]-->
The Federal Government defines it as follows:
<!--[if !supportEmptyParas]--> <!--[endif]-->
PROW (Public Right Of Way)
Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use. The term includes any strip of land over which public facilities such as highways, railroads, or power lines are built.

Tom O'Brien

From: Ethan Erickson
Cc: Laura Terway
Subject: Re: Oregon City Sign Code Update CAT - Public Right of Way definition
Date: Tuesday, September 17, 2013 12:30:46 PM

Downtown Business Owners:

Many of you have heard by this time that among other roles, I am no longer able to serve as your representative to the Sign Code Update Committee. We have talked some lately downtown about "A-frame" signs and how they are used, how they are maintained, where they are best placed throughout the downtown, and about what concerns they bring up (e.g. Injury liability).

Below is additional information to consider on the matter of Private Property versus Public Right of way. If you have any further comments accounting for public input, you can direct them to Laura Terway (CC: here) or submit them through the project webpage at http://www.ocsigncode.org/

Take care.

Ethan

On Tue, Sep 17, 2013 at 10:10 AM, Tom O'Brien <tom.obrien4@comcast.net> wrote:

> Good morning Laura,
>
> Thanks to everyone for their participation in the CAT meeting last evening.
>
> During last evenings meeting, the subject of Public Right of Way versus Private Property came up.
>
> I thought it may be helpful to send this definition to everyone.
>
> To clarify the term **Public Right-of-Way.**
>
> **Oregon City Code** shows the following:
>
> 12.04.010 - Jurisdiction and management of the public rights-of-way.
>
> B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
>
> **The Federal Government** defines it as follows:
>
> PROW (Public Right Of Way)
>
> Any sidewalk, planting strip, alley, street, or pathway, improved or

> unimproved, that is dedicated to public use. The term includes any strip of land over which public facilities such as highways, railroads, or power lines are built.

--

Ethan E. Erickson
Downtown Community Coordinator
Main Street Oregon City | Facebook
816 Main St. - Oregon City, OR 97045
(971) 202 - 1606

The nonprofit Main Street Oregon City Inc. is a volunteer led organization that works with downtown property owners, business owners, and downtown stakeholders to make Oregon City a better place to work, live and visit.

From:	Melissa Hayden
To:	Laura Terway
Subject:	RE: Oregon City Sign Code Community Advisory Team Meeting #1 - Follow Up
Date:	Tuesday, September 17, 2013 5:09:58 PM
Attachments:	image001.png Presentation, sign sizes.pdf Value of Signs Woodburn Committee.pdf

Hi Laura,

Attached are some presentations that may come in handy. Let me know what you think/ or if you'd like them tweaked.

Melissa Hayden | Security Signs | Project Manager
Melissa@SecuritySigns.com | www.securitysigns.com
d. 503.546.7114 | m. 360.903.3495 | f. 503.230.1861
2424 SE Holgate Blvd. | Portland, Oregon 97202
Family Owned and Operated Since 1925

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Tuesday, September 17, 2013 1:19 PM
Cc: 'jeanbob06@comcast.net'; 'ks33030@gmail.com'; 'dwinand@pmar.org'; 'tom.obrien4@comcast.net'; 'melissa@securitysigns.com'; 'pastor@catalystcc.org'; 'zhenkin9000@gmail.com'; 'signs@magneticsignpdx.com'; 'sandiburley@clearchannel.com'; 'awillhit@yahoo.com'; John Southgate
Subject: Oregon City Sign Code Community Advisory Team Meeting #1 - Follow Up

Good Afternoon,
Thank you for your attendance at last night's Community Advisory Team meeting for the Oregon City Sign Code Update. Please continue to think about any issues that were not identified last night, concerns you have regarding signage in Oregon City and/or any specific changes to the code (including any examples from other jurisdictions). Your additional comments are appreciated by the **end of the day, Monday, September 23**.

We have posted staff's PowerPoint presentation on our website for public review. Please feel free to contact me at (503) 496-1553. Thank you

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday

and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.


Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

SECURITY SIGNS...



Contact Information:

Melissa Hayden, Project Manager

Melissa@securitysigns.com

2424 SE Holgate Blvd.

Portland, OR 97202

P: 503.546.7114

C. 360.903.3495

F. 503.230.1861

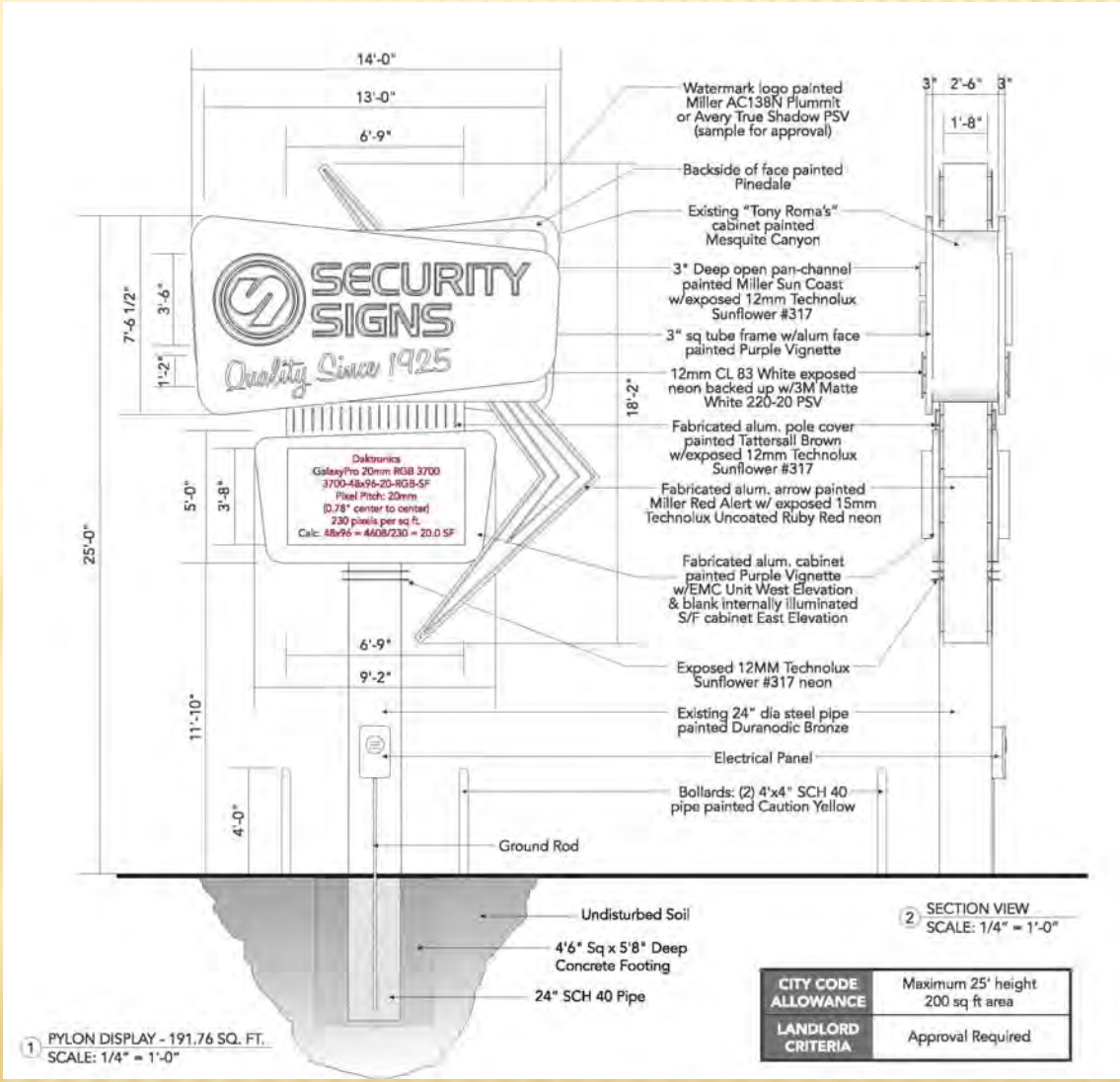
Quality since 1925

Letter Visibility Chart

- Viewing Distance → Required Letter Height
- 100′ → 4″
- 250′ → 10″
- 360′ → 16″ (city block)
- 500′ → 22″
- 750′ → 33″
- 1,000′ → 43″

Letter Visibility





Letter Visibility 100’





SECURITY SIGNS

Letter Visibility 250′





Letter Visibility 360′





SECURITY SIGNS

Letter Visibility 500′





SECURITY SIGNS

Letter Visibility 750′





SECURITY SIGNS

Wall Sign Examples

- Attached Signs
- Fascia Signs

16 square feet



- Lincoln Restaurant in Portland has a diameter of 4′.
- ‘Lincoln’ is 4″ tall.

SECURITY SIGNS

18 square feet



- These signs in the City of Gear Heart are 2′ x 9′. ‘Gearheart Junction’ is 6″ tall, ‘Café’ is 1′3″ tall.

SECURITY SIGNS

30.4 Square feet



- Evergreen Eye Care in Clark County, WA is 1’9” x 17’4”

33.84 square feet



- Bike Gallery located in downtown Portland has text 10″ tall.

SECURITY SIGNS

36 square feet



- Black Stone Grill in Vancouver, WA is 3’x 12’.
- The main text is 24” while ‘american grill’ is 9”.

225 square feet



- The ‘A’ in Aloft is 8’4”, the ‘h’ in hotel 18”.

Freestanding Signs

- Monument Signs
- Pylon Signs
- Pole Signs

32 square foot monument



- Overall height 5′2″

35 square foot pole sign



- This multi tenant sign in Portland is 15’ tall.

45 square foot monument



- Club Sport in Tualatin has a 10’ overall height.

50 square foot monument



- 15’ overall height

SECURITY SIGNS

130 square foot pylon



- 30′ overall height

SECURITY SIGNS

Electronic Message Centers

- Changing Image Features
- Electronic Reader boards
- LED Matrix

20 square feet - integrated



44 square feet – integrated



- 235 square feet overall
  30’ tall

SECURITY SIGNS

70 square feet



- 120 square feet overall 35′ tall.

LOOK FOR US ON HOLGATE BLVD….



THANKS!

WE LOOK FORWARD TO WORKING WITH YOU!

VALUE OF SIGNS: THE SMALL BUSINESS PERSPECTIVE

WHAT CAN BUSINESS SIGNAGE DO FOR A BUSINESS COMMUNITY?

- Help a Mobile Society
- Assist Traffic Safety
- Complement Community Aesthetics

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

- Southern California communities
- Local ordinance threatened removal of their freeway signs
- 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

Assist Traffic Safety

Two common assumptions influence many sign codes in their belief that commercial signage can compromise traffic safety:

1) *Placement, size or illumination of a sign can be a visual distraction to a motorist*
2) *Placement, size or illumination of a sign can mask visibility of traffic & highway signs*

Traffic Safety (cont.)

HOWEVER . . .

- *Pennsylvania Tort Claims Study*

  Concludes that 22% of serious auto injury cases derived from “signing deficiency”

- *Federal Highway Administration* cites sign deficiency as 2nd leading cause of serious accidents on primary & interstate highways

Traffic Safety (cont.)

"Signing deficiency" – the **"failure to provide information – in a safe and effective manner – when and where it is needed by a driver".**

When a code greatly restricts a sign by size, placement, and/or illumination, what's more dangerous:

the sign?

or the code?

Traffic Safety (cont.)

FHA report concluded that commercial signs could actually enhance traffic safety, provided that they are:

- noticeable or conspicuous from its background;
- legible; and
- recognizable

Traffic Safety (cont.)

Traffic safety can be improved when drivers:

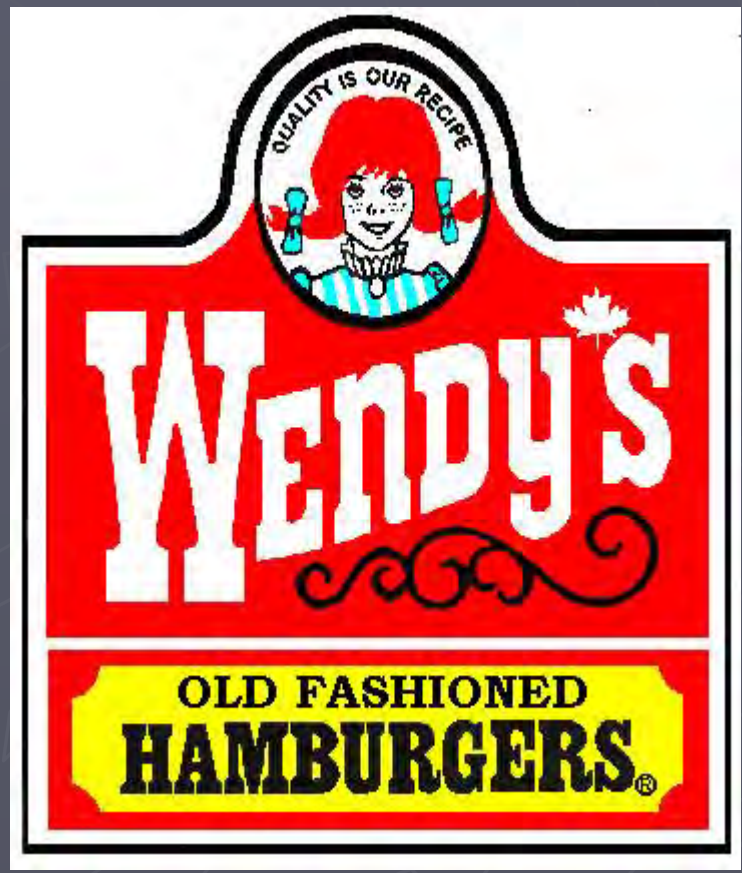
- know where they are *in relation to*
- where they want to go, *including*
- getting them onto a business' premises should they decide to stop

How can this be accomplished?

Noticeable, legible, and understandable signs.

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
- Sign ***helped*** traffic safety



Complement Community Aesthetics

Attempts to legislate a community “look” (often in the name of improving livability or limiting visual clutter) can wind up:

Alienating a business community

Running counter to the will of the majority

Aesthetics (cont.)

Small businesses need their signs to compete visually against larger stores in their industry.

Visually appealing signs = attention!

Bland, restrictive signs = not!

THE ROLE OF SIGNAGE FOR A SMALL BUSINESS OWNER

When advising our business clients:

- Thousands have never been to your store
- Signage = “handshake” with the public
- Sign often is first impression with a customer
- What does your sign tell a customer? Too much? Not enough?
- Quality of sign = quality of business

What role is your sign going to play?

Role of Signage

Signage should play these three roles:

Attracting new customers

Branding the location

Creating impulse sales

Attracting New Customers

Signage is more than just a structure hanging out front –

An effective, well-designed sign:

pay for it once

it works 24/7 to communicate your message

Attracting New Customers

Annual Signtronix Traffic Survey

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

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%*

EXAMPLE:
Carlson's Chrysler

- 70-year-old business, located in Concord, NH – intersection, daily vehicle traffic between 6K & 10K
- Dimensions of sign unchanged – replaced manual message board with an electronic equivalent – safer for employees
- Enabled owner to provide *greater variety of messages to consumers* regarding services
- Sign helped business attract many new customers to its service department (repairs, oil changes, etc.) – a sector which many consumers had been unaware



Attracting New Customers

Burger King study

+ Signtronix survey

+ Carlson's (and hundreds just like it)

= More people discover businesses through their sign than any other means

Branding Your Business

Extension of “Community Aesthetics” issue:

- Small businesses need effective signage to help brand their name against larger competitors

Signs are part of a business’ marketing plan

More consistent the display, the greater likelihood that business will be remembered

Branding Your Business

Successful companies emphasize repetition of their image & message – *especially with signage*

Strategy enhances a customer's:

recall (how well a message is remembered)

recognition (how quickly it is identified)

If local consumers were asked to name a company in their area in a given industry, do they have cause to think of yours?

Creating Impulse Sales

Univ. of California at Berkeley study

- Analyzed 30,000 purchases by 4,200 customers in 14 U.S. cities
- Found that 68% of purchases were unplanned during major shopping trips
- Just over 54% were unplanned on smaller trips

From: "Burying the Myth of Impulse Buying," *Brand Strategy*, Sept. 2002, p. 38.

Creating Impulse Sales

Not every business has the same level of impulse buyers:

Business Type	Impulse-Stop %
Shopping Center (>400K sq. ft.)	20%
Shopping Center (<100K sq. ft.)	35%
Convenience Store	40%
Sit Down Restaurant	15%
Service Station	45%
Supermarket	20%

Data from Institute of Transportation Engineers

Creating Impulse Sales

- Most retail & service industries rely on impulse sales
- Those that are heavily reliant (gas stations, discount hotels, c-stores, fast food, etc.) must design signage with this in mind

DESIGN FACTORS

An “effective sign” must accomplish many things. Here’s but a few of them:

- Legibility
- Cone of Vision
- Lighting
- Letter Heights
- Angle
- Color

Legibility

Legibility = the ability of customers with normal vision to understand symbols & letters on a sign.

More effective to keep message very simple – don't overload.

This table shows the distance at which a sign first becomes legible, based on vehicle speed.

Traffic Speed	Min. Req. Legibility Distance
55 mph	440'
50 mph	400'
45 mph	360'
40 mph	320'
35 mph	280'
30 mph	240'

Letter Heights

If a sign is to be effective, then it must be legible at enough of a distance to help a driver respond.

Generally, letters with a taller and wider “stroke” can be read from further away.

Letters of this height at these speeds should be legible to a driver for six seconds. More reaction time would be needed in tourist areas (because of unfamiliarity with area).

Speed of Traffic	Recommended Height (inches)
55 mph	16.5
50 mph	15.0
45 mph	13.5
40 mph	12.0
35 mph	10.5
30 mph	9.0
25 mph	7.0

CASE STUDY:
Belmont Auto Spa

Year 2000:

- Existing car wash business – new owners recently added detailing services
- Located along four-lane highway (45 mph)
- Monument sign located in front of premises:
  - Low to ground
  - Too much information
  - Difficult for fast-passing motorists to fully comprehend its message

OLD SIGN



Belmont (cont.)

2001:

- New owners installed a pole sign, with attachable reader board (for $15,000)
- Pole sign – higher above ground
- Reader board – changeable copy to allow promotion of services (like detailing)

NEW SIGN


Belmont Auto Spa
HAND WASH
DETAIL CENTER
FREE TIRE DRESSING
HAND WASH
8.50
EXPRESS HAND WAX
$19.99

Belmont (cont.)

Within first year of installation:

- Auto detailing sales increased by 125%
- Overall business increased 25%
- Gross income went up $135,000

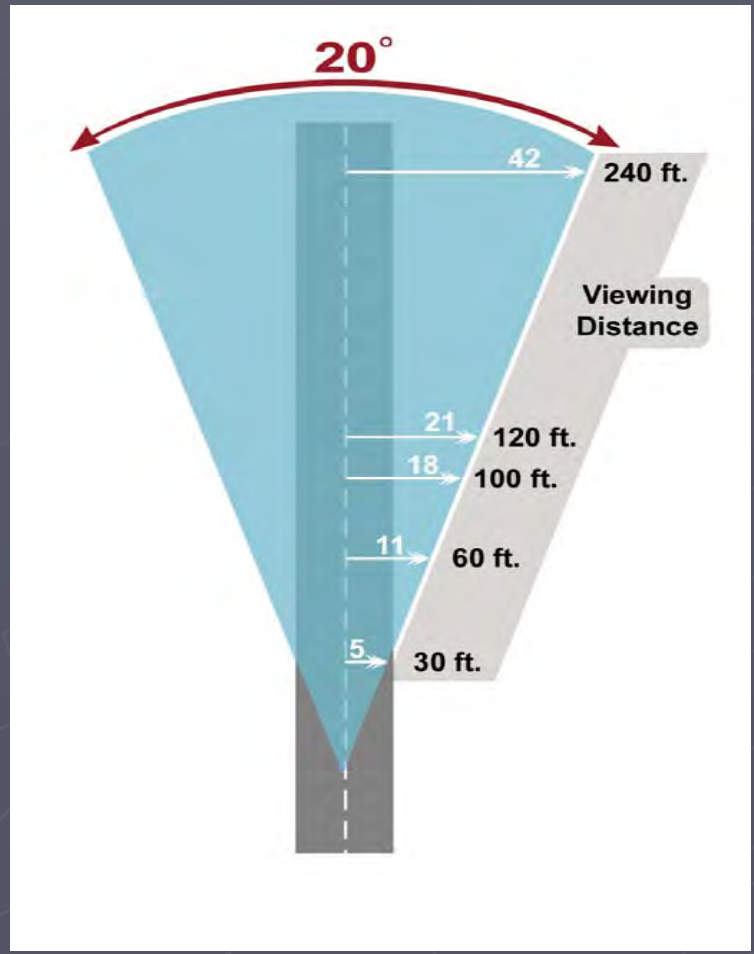
The new sign gave greater space to owners to convey their message, improving legibility for drivers on a four-lane road. The new sign paid for itself in six weeks.

Cone of Vision

Most signs are designed to be viewed from a car.

Drivers have a 20° range (or cone) of vision.

If business' setback is too far from road, sign can be missed.



Angle

Angle influences how much lead time a driver needs to react.

Type I = 90° to road
Type II = 180° to road

Perpendicular signs need less space, and can be seen more easily.

Speed Limit	Type I (sign size)	Type II (sign size)
25 mph	25 sq.ft.	50 sq.ft.
35 mph	36 sq.ft.	75 sq.ft.
45 mph	75 sq.ft.	100 sq.ft.
55 mph	150 sq.ft.	250 sq.ft.

Lighting

Can be lit internally or from without

Wide variety of options & techniques

Contrast is the difference between light & dark areas on the sign.

Positive contrast (light text on dark background) better than negative.

Luminance measures intensity of light emitted from a surface.

Brightness of text or an image should be 4 to 10 times greater than its background.

EFFECTIVENESS OF SIGNAGE ON THE BOTTOM LINE

What is the impact of effective signage on *sales*?

Univ. of California – San Diego Study (1997)

- Commissioned by ISA & California Electric Sign Assn
- Two-part study of on-premise signage performance

Bottom Line (cont.)

Part I

- Measured impact of several variables (including signage) on sales at 162 locations of a fast-food chain.
- Study showed that the number of signs at a site has *a significant, positive impact on increasing sales*.

Bottom Line (cont.)

Part I – results

1. One additional on-premise sign resulted in 4.75% increase in annual sales.
2. One additional on-premise sign increased annual no. of transactions by 3.94%.
3. One additional 36-sq.-ft. wall sign added $0.06 per transaction, while 144-sq.-ft. signs added $0.78 per transaction.

Bottom Line (cont.)

Part II

- Analyzed seven years of weekly sales data at Pier 1 Imports.
- Study analyzed how signage design at random store locations had influenced sales.

Bottom Line (cont.)

Part II – results

1. New signage added on previously-unsigned building facades increased weekly sales between 2.5% to 7.1%.
2. A new pole sign impacted revenues between 4.9% to 12.3% (attributed by researchers to enhanced visibility).
3. Interior directional signs enhanced sales by 4.0% to 12.4% per week.

Bottom Line (cont.)

Not uncommon for annual sales at a Pier 1 store to be $1 million. Given this:

1) One new wall sign:

   $1,000,000 x 4.8% = $48,000 increase

2) One new pole sign:

   $1,000,000 x 8.5% = $86,000 increase

3) Interior directional signage:

   $1,000,000 x 8.2% = $82,000 increase

Conclusions

- Effective, well-designed signs can *enhance* a business community
- A sign can attract new customers, brand a business, and create impulse sales
- Signs have a positive influence on sales tax revenue

From:	Daryl Winand
To:	Laura Terway
Subject:	PMAR - Oregon City CAT Comments as of Sept 23rd - Revised
Date:	Tuesday, September 24, 2013 10:21:15 AM
Attachments:	image001.png image002.png

Laura - the annual sold transaction numbers provided in my correspondence yesterday were erroneous. I've revised the numbers and resubmit below. Thank you for your time.

Daryl

September 24, 2013

To: Laura Terway, AICP
City Planner
City of Oregon City

Via: e-mail: lterway@orcity.org

Re: Oregon City Sign Code Update Community Advisory Team (CAT) Member Comments

Hi Laura,

The Portland Metropolitan Association of Realtors® (PMAR) appreciates the opportunity to assist the City in its effort to establish a workable and mutually beneficial sign code for its citizenry, local businesses and those who conduct business within the city.

Every day, individuals and families are buying and selling homes in Oregon City. In 2011, Realtors® helped sell more than $ 142 million worth of property in the city. In 2012, REALTORS® were part of transactions totaling more than $162 million. And, year to date in 2013, REALTORS® have been part of transactions totaling more than $171 million in the city. [Source RMLS™].

One of the key tools Realtors® use in their business is a sign. Realtors® place signs on the property to communicate with potential buyers. They use signs to assist people in finding homes within your community that are for sale. And, their clients (Oregon City's citizens) ask them to use, and want them to use, signage to market their home effectively. PMAR's recommendations for Oregon City's sign code updates are as follows:

PMAR encourages the use of an A-frame, a-board or sandwich board style of sign within residential and multi-use neighborhoods (residential over commercial) **without permit**. In the industry, these signs are typically known as "Open Signs" and are simply a four-sided sign with a message on two sides. These portable/temporary signs advise the public that in addition to being available For Sale, the property is also currently open for immediate public viewing. Open houses are commonly held for a limited amount of time

on weekends, and perhaps one day during the week (typically Tuesday).

PMAR encourages the use of an A-Frame or Directional temporary/portable signs **without permit** within the public right-of-way Friday 6 a.m. through Sunday at 6 p.m. and Tuesdays from 10 a.m. to 2 p.m., including multi-use neighborhoods/areas (residential over commercial).

PMAR encourages inclusion of language within the sign code to accommodate the multiple sizes of A-Frame signs used within the real estate industry to market residential open houses. Sizes range from 24" to 36" in height.

PMAR encourages *inclusion of language within the sign code to ensure the use of A-Frames/Portable Signs within the public right-of-way meet the following notification standards:*

> *An individual or entity wishing to place a portable sign off site-- in front of another property-- must make a good faith effort to contact the property owner and, if not available, leave a message in writing that includes the individual's contact information and a description of the effort made to contact the owner.*

PMAR encourages no limit to the number of Temporary Signs on private residential property in that there needs to be sufficient allowance for marketing of properties within your city to benefit both your current and future citizens.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me at 503-459-2162.

Regards,

Daryl Winand
Governmental Affairs Specialist
503-459-2162 Direct

PMAR
PORTLAND METROPOLITAN ASSOCIATION OF REALTORS®



Our office is located at 825 N.E. Multnomah, Suite 1145, Portland, Oregon 97232.
Visit us at www.pmar.org and www.hownw.com!

CONFIDENTIALITY NOTICE: This e-mail, including attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of this email and its attachments.

From: Laura Terway
To: "Amy"
Subject: RE: Oregon City Sign Code Community Advisory Team Meeting #1 - Follow Up
Date: Tuesday, September 24, 2013 4:45:00 PM

Amy,

That is a good question. The City used to allow billboards, but when the sign regulations were updated in 1994, billboards became prohibited. However, as we discussed at our CAT meeting there are a few exceptions due to the Highway Beautification Act. If the sign is not subject to an exception, then it is a nonconforming sign. The CAT may provide guidance to staff about methods for bringing nonconforming signs into compliance, or removal if such signs cannot come into compliance.

This is an important item and will be one of the topics at an upcoming CAT meeting. Please let me know if you have any additional questions or concerns.

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available
from 7:30am - 6:00pm Monday - Thursday
and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Amy [mailto:awillhit@yahoo.com]
Sent: Friday, September 20, 2013 9:43 PM
To: Laura Terway
Subject: Re: Oregon City Sign Code Community Advisory Team Meeting #1 - Follow Up

Laura,

As I was sitting at the light on 213 by Albertsons reading the Billboard today I suddenly found myself remembering you had said Billboards weren't allowed in Oregon City. How did this one get approved?

Amy

From: Laura Terway <lterway@ci.oregon-city.or.us>
To:
Cc: "'jeanbob06@comcast.net'" <'jeanbob06@comcast.net'>; "'ks33030@gmail.com'" <'ks33030@gmail.com'>; "'dwinand@pmar.org'" <'dwinand@pmar.org'>; "'tom.obrien4@comcast.net'" <'tom.obrien4@comcast.net'>; "'melissa@securitysigns.com'" <'melissa@securitysigns.com'>; "'pastor@catalystcc.org'" <'pastor@catalystcc.org'>; "'zhenkin9000@gmail.com'" <'zhenkin9000@gmail.com'>; "'signs@magneticsignpdx.com'" <'signs@magneticsignpdx.com'>; "'sandiburley@clearchannel.com'" <'sandiburley@clearchannel.com'>; "'awillhit@yahoo.com'" <'awillhit@yahoo.com'>; John Southgate <john@johnsouthgateconsulting.com>
Sent: Tuesday, September 17, 2013 1:18 PM
Subject: Oregon City Sign Code Community Advisory Team Meeting #1 - Follow Up

Good Afternoon,
Thank you for your attendance at last night's Community Advisory Team meeting for the Oregon City Sign Code Update. Please continue to think about any issues that were not identified last night, concerns you have regarding signage in Oregon City and/or any specific changes to the code (including any examples from other jurisdictions). Your additional comments are appreciated by the **end of the day, Monday, September 23**.

We have posted staff's PowerPoint presentation on our website for public review. Please feel free to contact me at (503) 496-1553. Thank you

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available from 7:30am - 6:00pm Monday - Thursday and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Mark Evans
To: Laura Terway
Subject: RE: Oregon City Sign Code Community Advisory Team Meeting #1 - Follow Up
Date: Tuesday, September 24, 2013 12:03:33 PM
Attachments: image001.png

15.28.050 Prohibited Signs

G. Portable Signs
N. Signs on fences or fencing

It is too prohibitive to not allow portable signs or signs on fences or fencing. Any organization that has a temporary location or events needs the ability to advertise and direct people.

Consider a chamber of commerce event which changes from month to month. A temporary sign would help direct to the event and parking. A church who rents facilities on Sundays, such as a school, would not be able to advertise and direct people to their location.

Fences are perfect for hanging banners for upcoming events or temporary signs when a company changes names etc. They are needed to put up parameters of use such as “No Parking Here” or “No unsupervised children on playground”

I also had a question concerning signs on cars. If a car has a magnetic or painted sign on it, does it fall within the parameters of the sign code? If not, can an individual put signs on their car and park it on the grass or street near their building?

Mark Evans, Pastor
Catalyst Community Church

www.catalystcc.org

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Tuesday, September 17, 2013 1:19 PM
Cc: 'jeanbob06@comcast.net'; 'ks33030@gmail.com'; 'dwinand@pmar.org'; 'tom.obrien4@comcast.net'; 'melissa@securitysigns.com'; 'pastor@catalystcc.org'; 'zhenkin9000@gmail.com'; 'signs@magneticsignpdx.com'; 'sandiburley@clearchannel.com'; 'awillhit@yahoo.com'; John Southgate
Subject: Oregon City Sign Code Community Advisory Team Meeting #1 - Follow Up

Good Afternoon,
Thank you for your attendance at last night’s Community Advisory Team meeting for the Oregon City Sign Code Update. Please continue to think about any issues that were not identified last night, concerns you have regarding signage in Oregon City and/or any specific changes to the code (including any examples from other jurisdictions). Your additional comments are appreciated by the **end of the day, Monday, September 23**.

We have posted staff's PowerPoint presentation on our website for public review. Please feel free to contact me at (503) 496-1553. Thank you

www.OCSignCode.org

Laura Terway, AICP
Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Please note the Planning Division is available
from 7:30am - 6:00pm Monday - Thursday
and by appointment on Friday.
Phone: 503.496.1553
Fax: 503.722.3880
lterway@orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more at www.orcity.org. Quickly and easily print a report of your property with a Property Zoning Report or view our interactive mapping at OCWebMaps. Let's work together to improve our transportation system. Provide your input at www.OCTransportationPlan.org.

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Kathleen Sinclair
To: Laura Terway; rorth@enviroissues.com
Subject: some additional things
Date: Tuesday, September 24, 2013 8:21:33 PM

Dear Ryan and Laura,

I'm sorry I didn't get back to you with a more coherent list like you asked for by Monday. The time just slipped away from me. But, I wanted to add these items to the other list I sent as I talked with some people today who mentioned that they wished there were signs coming into the city that announced the city and the number of inhabitants, or at least a nice sign on entry and a thank you for visiting when leaving. I don't remember seeing any signs at all from any direction that indicate where the city starts or where it ends. Other people have also pointed out and mentioned to me the age and upkeep or lack thereof of many signs. No one I talked to had anything negative to say about the murals and didn't consider them signs. It is often difficult to get people to just see the size, shape, and dimensions of a sign and not make comment on the content. Hope your week is going well. Sincerely, Kathleen Sinclair

From: Melissa Hayden
To: Laura Terway
Subject: Sign Videos
Date: Thursday, September 26, 2013 3:09:10 PM

Great video on sign area:
http://www.youtube.com/watch?feature=player_embedded&v=AwVhEWdzFMs

And on sign heights:
http://www.youtube.com/watch?feature=player_embedded&v=7VQBsNPZYXY

Melissa Hayden | Security Signs | Project Manager
Melissa@SecuritySigns.com | www.securitysigns.com
d. 503.546.7114 | m. 360.903.3495 | f. 503.230.1861
2424 SE Holgate Blvd. | Portland, Oregon 97202
Family Owned and Operated Since 1925

Confidentiality Notice: The information contained in this message and/or attachments is privileged and is for the intended recipient only. If you are not the intended recipient and have received this, you are hereby notified that any disclosure, copying, distribution, use of, or reliance on this email or attachments is exempt from disclosure under applicable law. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail and attachments from your system.

Would These Oregon City Businesses Be Better Served With Some Other Type Of Signage?

Consider If Their Current Signs May Actually Chase Potential Customers Away.

These Temporary A-Frame/ Sandwich Board Signs Are Being Used As Permanent Signs.

Would An Attractive Projecting Wall Sign Attract More Customers?













Does This Sign Attract Business?

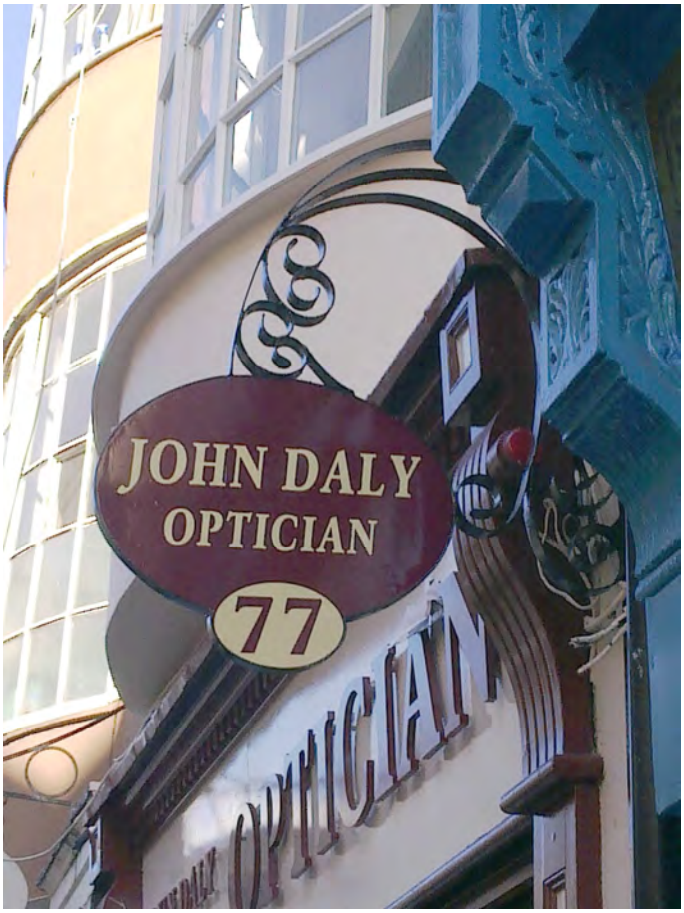


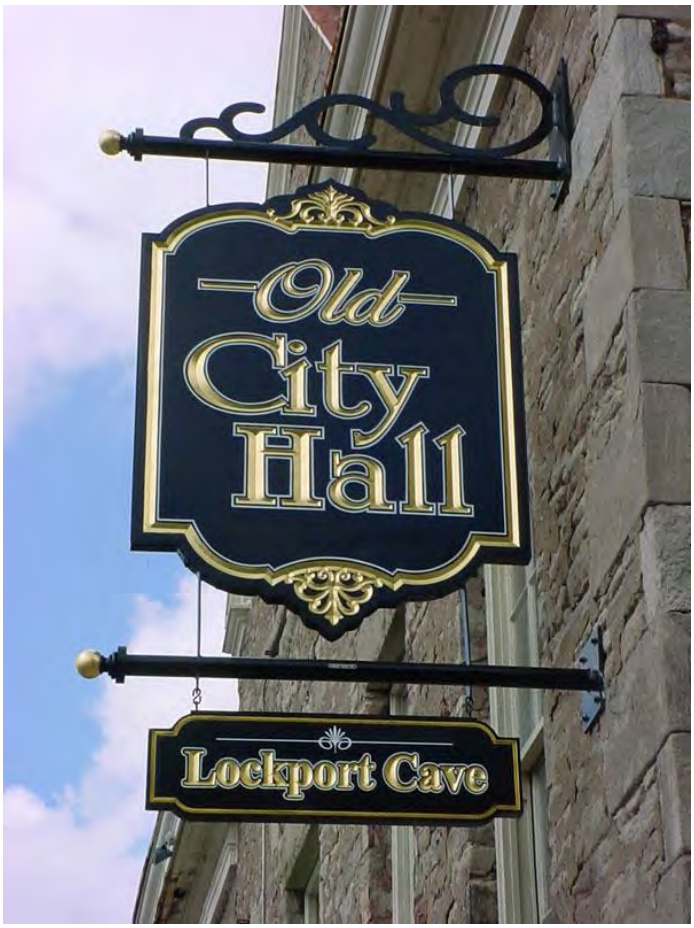
Projecting Sign Examples That Are Likely To Attract Business










Old
City
Hall
Lockport Cave


Quality
Fresh
Fish
Kirwans


PJ Piper
PANCAKE HOUSE
RESTAURANT


JUDI'S
PLACE
HOME COOKING


THE HAIR COMPANY .ie
Richard O Keeffe
044 9345 810


CENTRAL BEAN
COFFEE HOUSE


Capezio
Shoes
FACTORY DIRECT


Sherriff


VANS
SINCE'66


CAVENDISH
BAKERY
Bakers & Confectioners
Teas & Coffees
Eat-In Or Take-Away


AFTER DARK
AFTER DARK


OASIS
Flowers & Balloons
0121 445 5551


bishops
bishops


Tootsies
the chargrill place


HUNT
Since 1911
Always There For You
ERA


LOCAL
FOOD
EXPRESS


BRIDGE
HOUSE


INDIAN
CUISINE


YURY'S
LIGHTS
&
BEYOND
345.8660


Velvet
WOMENS
Velvet
MENS


KUSH
HAND-KNOTTED CARPETS


EARLY BIRD
Est. 2012
RESTAURANT


hair salon
barber • nail salon
waxing • make-up • skin care
tanning • massage
the barber lounge


TiltedKilt
Pub & Eatery


RECIPEASE


verizon wireless
Premium Retailer


ANTIQUA
ANTIQUA
Opening Soon
ANTIQUA
Opening Soon


miro
t e a


STANFORDS
EXPLORE DISCOVER INSPIRE


WESLEY
BARRELL


GAP


DICAMILLO
BAKERY


ARARAT
Restaurant
Bakery
&
Groceries


Chanteclair
BAKERY


Kay's
Fresh Fruit Ice Cream




Winzerhaus
WH
Gasthaus


CHARLOTTE
FINE ART


ALTER
MOSEL
BAHNHOF
Bes. Seppo Ehlen


mill
end
Draperies

Menu Display Cabinets – Outdoor Menu Display Cases










WONG'S WALK-UP
EGG ROLLS
SOUP
BEVERAGES




LOGO
STARTERS
CHEFS RECOMMENDATIONS
SPECIALITIES
BIRYANIES
SPECIAL DISHES
BALTI DISHES
KING PRAWN SPECIALITIES


the coffee bean café
coffee menu


RESTAURANT MENU


WHAT'S ON THE MENU?



OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

APPLICANT SUBMITAL

FILE NO.: Amendments to the Oregon City Sign Code Chapter 15.28

APPLICANT: Oregon City Planning Division
221 Molalla Ave, Suite 200
Oregon City, Oregon 97045

REQUEST: Adopt amendments to Chapter 15.28 (Signs) of the Oregon City Municipal Code.

LOCATION: City-wide. Legislative actions involve the adoption or amendment of the city's land use regulations that affect the entire city or large portions of it.

BACKGROUND:
Oregon City's sign code is located in Chapter 15.28 of the Municipal Code. The code regulates the location, number and size of signs in Oregon City. It determines when a sign permit is required, specifies what types of signs are prohibited, and exempts various types of signs from review. Oregon City's current sign code was adopted in 1994 (Ord. # 94-1027). Since its adoption, the only code amendment occurred in 2005 to add Section 15.28.075 – *Signs for listed conditional uses in residential zones* (Ord. 05-1002).

Goal 3 of the 2013-2015 Goals and Priorities of the Oregon City, City Commission was to "Enhance the Livability of the Community" (Exhibit 4). Under this goal, the City Commission identified a need to initiate an aggressive public involvement campaign to update the Oregon City Sign Code. More specifically the goal included the following tasks:

- Complete RFP for public outreach facilitator
- Review, revise, and adopt associated code amendments

The City has proposed a comprehensive rewrite of the City's sign code to create new sign standards that are safe, clear, fair and reflect Oregon City values. Copies of the updated draft code can be found in Exhibit 2.

DECISION-MAKING CRITERIA:
CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS
17.68.010 Initiation of the amendment.
A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:
A. A resolution request by the city commission;
B. An official proposal by the planning commission;
C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.
D. A Legislative request by the Planning Division.
All requests for amendment or change in this title shall be referred to the planning commission.

Applicants Response: The Oregon City Planning Commission has proposed this Legislative application for amendments to Chapter 15.28 of the Oregon City Municipal Code in response to a request from the Oregon City, City Commission.

17.68.020 *Criteria.*
The criteria for a zone change are set forth as follows:

17.62.020.A. *The proposal shall be consistent with the goals and policies of the Oregon City Comprehensive Plan.*

Section 1: Citizen Involvement

- *Goal 1.1 Citizen Involvement Program- Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*
  - *Policy 1.1.1- Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*
- *Goal 1.2 Community and Comprehensive Planning - Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*
  - Policy 1.2.1- *Encourage citizens to participate in appropriate government functions and land-use planning.*
- *Goal 1.3 Community Education- Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*
- *Goal 1.4 Community Involvement- Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*
  - *Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.*
- *Goal 1.5 Government/Community Relations - Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities*

Applicants Response: As described in the Community Advisory Team report, beginning in July 2012 the City conducted a variety of meetings and open houses to engage the public throughout the development of the sign code amendments. All comments submitted throughout the Sign Code Update process are provided in Exhibit 3.

In addition, City staff sent a request to speak with all neighborhood associations and met with nearly each neighborhood as well as with the Chamber of Commerce, Main Street Oregon City, Citizen Involvement Committee, Natural Resources Committee, Historic Review Board, and the Transportation Advisory Committee. Further, multiple Open Houses were held throughout the process and a Community Advisory Team (CAT) was appointed to advise staff. The CAT positions were appointed by the Mayor to represent a variety of interests and met four times in open meetings advertised to the public. All information created in the project was posted to the project website (www.OCSignCode.org) for public review and comment.

Section 2: Land Use

- *Goal 2.2 Downtown Oregon City - Develop the Downtown area, which includes the Historic Downtown Area, the "north end" of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and*

social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

- *Policy 2.2.5- Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.*
- *Policy 2.3.1- Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.*

- *Goal 2.4 Neighborhood Livability- Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*
- *Goal 2.5 Retail and Neighborhood Commercial - Encourage the provision of appropriately scaled services to neighborhoods.*
  - *Policy 2.5.1- Encourage the redevelopment of linear commercial corridors in ways that encourage expansion of existing businesses and infill development, and at the same time reduces conflicting traffic movements, improves the aesthetic character of these commercial areas, and encourages trips by transit, bicycling and walking.*
  - *Policy 2.5.3 - Review design standards and the sign code to ensure compatibility with existing neighborhoods.*

Applicants Response: The proposed signage standards would provide a variety of signage opportunities while balancing neighborhood livability. The proposed code would support downtown Oregon City and other entities by tailoring the standards so they are beneficial to a variety of users and tailored to recognize the different needs throughout the City. The standards were developmed through a comprehensive public planning process including inclusion by a wide variety of the public such as neighborhood associations, the Citizen involvement Committee, Main Street Oregon City, signage businesses, the Chamber of Commerce, those within the signage industry, etc.

Section 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

- *Goal 5.2 Scenic Views and Scenic Sites - Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.*
  - *Policy 5.2.2 - Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.*
- *Goal 5.3 Historic Resources - Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.*
  - *Policy 5.3.1- Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.*

Applicants Response: One of the purposes of the proposed Sign Code is to "Maintain and enhance the scenic and other aesthetic qualities of the city," and input from a variety of citizens and groups informed the choice of regulation to achieve this goal. In addition, the amended regulations included provisions to ensure maintenance of the integrity of historic areas within the City.

Section 9: Economic Development

- *Goal 9.1 Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.*
- *Goal 9.2 Cooperative Partnerships - Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.*

- *Policy 9.2.1 -Seek input from local businesses when making decisions that will have a significant economic impact on them.*
- *Policy 9.2.2- Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan*

- *Goal 9.3 Retention of Existing Employers- Retain existing employers, both public and private, and encourage them to expand their operations within the City.*

Applicants Response: One of the purposes of the Sign Code is to "Support the economic development of Oregon City businesses". The development of the sign code included input from a variety of business owners that resulted in provisions to allow a variety of signage types for businesses.

17.62.020.C. *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*
Applicants Response: The signage regulations proposed do not limit the capacity, function or level of service of the transportation system. The signage proposed within the right-of-way will maintain compliance with the Americans with Disabilities Act.

17.62.020.C. *Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*
Finding: Not Applicable. The Oregon City Comprehensive Plan addresses the Statewide Planning goals.

EXHIBITS

1. Proposed Amendments to Chapter 15.28 of the Oregon City Municipal Code
3. 2013-2015 Goals and Priorities of the City Commission
4. Community Engagement Plan
5. Report from the Community Advisory Team (CAT) and Community Engagement

A GUIDE FOR DRAFTING A

SIGN CODE

Table of Contents

INTRODUCTION 1
LEGAL LANDSCAPE 2
First Amendment 2
Oregon Constitution 4
"Facial" and "As Applied" Challenges 4
Land Use Regulation or Not? 4
Measure 37 (ORS 197.352). 5
PROCESS FOR ADOPTION 6
SIGN CODE – A TEMPLATE 8
Drafting Notes 8
XX.XX.005 Title 9
XX.XX.010 Purpose 9
XX.XX.015 Definitions. 9
XX.XX.020 General requirements 17
XX.XX.025 Exempt signs. 18
XX.XX.030 Prohibited signs. 19
XX.XX.035 Nonconforming signs. 20
XX.XX.040 Exemptions from requirement for permit. 26
XX.XX.045 Temporary signs. 27
XX.XX.050 Sign districts—General. 31
XX.XX.055 Residential sign district. 31
XX.XX.060 Commercial/industrial sign district. 35
XX.XX.070 Industrial park and research park sign district 39
XX.XX.075 Billboard districts and permits. 41
XX.XX.080 Measurements. 43
XX.XX.085 Projecting signs. 47
XX.XX.090 Wall signs. 48
XX.XX.095 Freestanding signs. 48
XX.XX.100 Awning signs. 49
XX.XX.105 Changing Image Signs 49
XX.XX.110 Comprehensive sign plan. 51
XX.XX.115 Automobile service station sign plan. 53
XX.XX.120 Construction and maintenance standards. 53
XX.XX.125 Illumination—General restrictions. 54
XX.XX.130 Sign permit application. 55
XX.XX.135 Adjustments 59
XX.XX.140 Appeal of decision on sign permit. 61
XX.XX.145 Inspections. 66

XX.XX.150 Enforcement of Sign Code – General Provisions..... 66
XX.XX.155 Enforcement - Sign in public right-of-way or on City-owned real property. 68
XX.XX.160 Enforcement - Sign on private property or on non-City-owned public property, other than on public right-of-way..... 70
XX.XX.165 Removal of unsafe signs..... 72
XX.XX.170 Removal of abandoned signs..... 72
XX.XX.175 Reserved. 73
XX.XX.180 Violations. 73
XX.XX.185 Penalties and Other Remedies. 73
XX.XX.190 Amendments..... 74
APPENDIX A - First Amendment Pitfalls In The Regulation Of Signs 75
TABLE OF CASES 88

A GUIDE FOR DRAFTING A SIGN CODE

INTRODUCTION

Sign regulation is a challenging area for local governments. Community interests in effective communication, safety, and aesthetics must be addressed, but always with respect for individual rights and interests safeguarded by the U.S. and Oregon Constitutions. CIS is dedicated to helping local governments manage the risks associated with carrying out their government functions. We have supported this project as a tool to assist in the area of sign regulation.

This Guide for Drafting a Sign Code was created by a group of experienced practicing city attorneys. City County Insurance Services (CIS) would like to acknowledge and thank the following attorneys who have worked diligently on this project: Evan Boone, Candace Haines, Alan Rappleyea, Mark Rauch, Rich Rodeman, Bob Shields, and Randall Tosh. Each attorney participated in the project with the permission of his or her client city and the cooperation of those cities is gratefully acknowledged. However, some initial disclaimers are in order.

The final product is general in nature, represents the collective effort of the involved attorneys, and has not been endorsed any city.

CIS and the city attorneys involved in preparing this Guide hope that our efforts will be useful to city officials; however this product does not constitute legal advice and should not be used without consulting your city's own legal counsel.

We specifically did not undertake to draft a "model" sign code. Sign regulations reflect the character and values of the local community, and only individual cities can make the necessary policy decisions to determine which regulations are appropriate for that city.

This Guide strives first to familiarize the reader with the overall legal issues presented when drafting a sign code, and then, using a recently adopted sign code to illustrate how the legal issues would be reflected in code text. The Committee has also provided commentary, and at times some alternative text, to aid the drafter. Finally, following the sign code in this Guide is an appendix of material on tips and issues involved in sign code drafting.

The drafter should consider the sign code in this Guide as a starting point for discussion and drafting, rather than an "off-the-shelf" finished product. The drafter may wish to review sign codes from other jurisdictions, to see how other jurisdictions have addressed the issues that arise in defining and implementing a sign code; many jurisdictions have their sign code available online: *Hillsboro (Chapter 15.20)*, *Lake Oswego*, *Portland*, *League of Oregon Cities Web Directory*. Additionally, there are other sources of information about signs generally which may be of assistance, particularly relating to "cutting edge" sign technologies and the impact upon communities: Scenic America

Finally – or perhaps firstly-- in preparing a sign code, the importance of local elected and appointed policy makers, with adequate and meaningful public participation, cannot be overemphasized.

LEGAL LANDSCAPE

First Amendment

Sign regulation is a challenging area for cities in every state because of the constitutional guarantees contained in the First Amendment. The Fourteenth Amendment makes First Amendment constitutional guarantees enforceable against all state and local governments. Consequently, all city sign regulations must comply with the First Amendment because signs are a constitutionally protected form of expression.

First Amendment analysis was recently applied to an Oregon sign code in *G.K. Ltd. Travel v City of Lake Oswego*, 436 F3d 1064, *cert. den.* ___ U.S. ___, 127 S. Ct. 156, 166 L. Ed. 2d 38 (2006). G.K. Travel purchased a travel business in Lake Oswego and changed the text on a pole sign advertising the business. The City told G.K. Travel that changing the copy on its pole sign the sign had to conform to the sign code, which prohibited pole signs. G.K. Travel was denied a permit and a variance. After an unsuccessfully appeal, G.K. Travel sued the City seeking to have its sign code declared unconstitutional.

The U. S. District Court ruled that a small part of the Sign Code was content-based but upheld the remainder of the Lake Oswego Sign Code.. The Ninth Circuit ruled that the City could impose reasonable time, place, and manner restrictions on protected speech if the restrictions: (1) are justified without reference to content, (2) are narrowly tailored to serve a significant government interest, and (3) where ample alternative channels for communication of the information are left open.

First, the pole sign restriction, as applied to G.K. Travel, was constitutional. It was not a content-based regulation of speech and it was narrowly tailored to achieve the City's significant interest in aesthetics and traffic safety. The code left open ample alternative means of communicating G.K. Travel's advertising message, including other kinds of signs and other types of communication.

Second, the sign code itself was content-neutral. The permit exemptions for public signs, hospital emergency services, legal notices, railroad signs, and danger signs were exemptions granted to certain speakers, not to particular content. The permit exemption for temporary signs in residential zones was content-neutral in that it was event based and imposed only temporal and size restrictions. The nonconforming provision only required the City to determine whether the text of a sign had changed, not to evaluate its substantive message. The design review provision, allowing sign review for "clarity and readability" was content-neutral, as applied by the City, because the City limited "clarity and readability" to legibility and not intelligibility. The sign code was narrowly tailored to achieve significant government interests and left ample alternative channels open for communication.

Third, the temporary sign in residential zones provisions did not illegally favor commercial over non-commercial messages or regulate commercial messages on the basis of content. Certain signs were exempted from a permit requirement during certain event-based time periods, without reference to content.

Fourth, the permitting requirement in the sign code did not constitute a prior restraint on speech and was constitutional. Reasonably specific and objective standards limited the discretion exercised by the permitting authority. Although the design review criteria required reasonable discretion to be exercised by the permitting authority, that alone did not make the sign code an unconstitutional prior restraint.

Finally in GK Travel, the sign code was not unconstitutionally vague. It clearly described what conduct was permitted and provided definite sign size and type requirements. It was clear what the sign code prohibited and this clarity avoided fear of arbitrary and discriminatory enforcement. The court refused to invalidate the entire sign code because of the reasonable subjectivity of the design review process and would not apply the vagueness doctrine to prevent the City from addressing problems that were difficult to define in objective terms.

The most critical legal issue raised by a sign code is whether it regulates signs based upon their content. Under the U.S. Constitution, courts evaluate content-based regulations under a demanding test known as strict scrutiny. Under the strict scrutiny test, a content-based sign regulation will be upheld only if it is justified by a compelling governmental interest, is narrowly-tailored to achieve that interest, and is the least restrictive means for achieving that interest.

Additional First Amendment challenges frequently include the adequacy of standards, and the permit review process. There must be adequate standards, rather than licensing official enjoying "broad discretion" whether to grant or deny permit (along with effective judicial review). Thomas v. Chicago Park District, 534 US 316, 122 S.Ct. 775, 151 L.Ed.2d 783 (2002). Standards are to be "narrowly drawn, reasonable and definite standards." Café Erotica of Florida, Inc. v St. Johns County, Florida, 360 F. 3d 1274 (11th Cir 2004) ("not in the public interest" or reference to grounds in the Building Code, when there are no grounds for denial existing in the Building Code impermissible." Desert Outdoor Advertising, Inc. v. City of Moreno Valley, 103 F.3d 814 (9th Cir. 1996). ("harmful effect upon the health or welfare of the general public, … and will not be detrimental to the aesthetic quality of the community or the surrounding land uses." G.K. Ltd Travel v. City of Lake Oswego, 436 F3d 1064 *cert. den.*, ___ U.S. ___, 127 S. Ct. 156, 166 L. Ed. 2d 38 (2006) (Standards must be capable of judicial review).

The presence of judicial review is not a substitute for "concrete standards" to guide decision maker's discretion. Granite State Outdoor Advertising, Inc. v. City of Clearwater, 351 F3d 1112 (11th Cir. 2003), *rehearing denied*, 97 Fed. Appx. 908 (Table), 11th Cir. 2004), *cert denied,* 543 U.S. 813, 125 S. Ct. 48, 160 L. Ed. 2d 17 (2004).

Oregon Constitution

In Oregon, the state constitution is more restrictive of sign regulation than the federal constitution. Some sign regulation allowed under the First Amendment is not permitted under Article I, Section 8 of the Oregon Constitution. For instance, the "off premises" v. "on premises" distinction, acceptable under the First Amendment, violates the Oregon Constitution. Outdoor Media Dimensions, Inc. v. Dept. of Transp, 340 Or. 275, 132 P.3d 5 (2006). Also, under the First Amendment, there is a distinction between commercial and non-commercial speech and greater regulation of commercial speech is allowed. The Oregon Constitution does not permit this. Ackerley Communications, Inc. v. Multnomah County., 72 Or. App. 617, 696 P.2d 1140 (1985), *rev. dismissed*, 303 Or. 165, 734 P.2d 885 (1987).

This does not mean that the Oregon Constitution prohibits any regulations of signs. In Outdoor Media, the Oregon Supreme Court stated that "Article I, Section 8 does not bar every content-neutral regulation of the time, place and manner of speech." Sign regulations must be reasonable and make no reference to the content of the sign. However, under Article I, Section 8, the appellate courts have set no specific standards or limits as to what are acceptable "time, space and manner" regulations.

Finally, under Article I, Section 8, any regulation that proscribes one or more modes of expression as a means to an end (i.e., prohibiting certain types of signs for reasons other than censorship, such as aesthetics or safety) is subject to "closer scrutiny" in order to determine "whether it appears to reach privileged communication or whether it can be interpreted to avoid such overbreadth." State v. Robertson, 293 Or 402, 649 P2d 569 (1983).

"Facial" and "As Applied" Challenges

In a "facial challenge," the person challenging a statute alleges that the statute is always, under all circumstances, unconstitutional. This type of challenge would be asserted where a sign regulation, on its face, is not content-neutral.

In contrast, an "as applied" challenge seeks relief from the application of a facially valid statute or ordinance because the regulation has been applied in an illegal or impermissible manner. Thus, even where care is taken to pass content-neutral sign regulations, it is important during implementation and enforcement to base all decisions on uniform rules and procedures. Otherwise, the application of the regulations will be challenged.

Land Use Regulation or Not?

Is the Sign Code intended to be a "Land Use Regulation" of the city? And what difference will it make if it is a land use regulation?

The Sign Code is a "land use regulation" if it implements a comprehensive plan provision. ORS 197.015(12). Ackerley Communications, Inc., v. City of Portland, 12 Or LUBA 410 (1984). Many jurisdictions adopt sign codes for, in part, aesthetic reasons. If aesthetic impacts of signage are addressed in the city's comprehensive plan, the Sign Code could be found to be a "land use regulation." See the following cases where the consideration of a sign permit as a land use decision was not challenged: Haug v. City of Newberg, 42 Or LUBA 411 (2002); Cotter v. City of Portland, 46 Or LUBA 612 (2004); Media Art v. City of Tigard, 46 Or LUBA 61 (2003)(Billboard challenge).

There may be other reasons why a municipality may want to leave a sign code inside the zoning ordinances. For instance, it may want to use the long established procedures for decision making and appeals that are found in zoning codes. It may not want to adopt special findings to support the aesthetics of a sign code and instead rely upon previously adopted policies in comprehensive plans. Additionally, the adoption of or amendment to sign codes are usually lengthy and contentious proceedings, there may be some benefit to using an city's experienced planning commission or sign code review commission to conduct these hearings.

The determination of whether the Sign Code is a "land use decision" will affect the procedural requirements of public notice, decision, and appeal. If the jurisdiction adopts the Sign Code not as a part of its land use regulation, then findings in the adopting ordinance are recommended that it is not being adopted as part of the jurisdiction's land use regulations.

Measure 37 (ORS 197.352).

Measure 37 provides compensation for the reduction in value to private property owners caused by the imposition of "land use regulations." ORS 197.352 These are defined as "local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances." ORS 197.352(11)(B)(iii).

Many cities will have their sign code regulations as part of their zoning ordinances but this does not have to be. Regulating signage can be entirely separate from the regulation of land uses. The statute provides "land use regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan." ORS 197.015(12). Thus, the sign code that does not establish zoning, clearly is not a land division ordinance and any provisions relating to signs can be removed from the comprehensive plan. No statute or rule mandates that they be part of the comprehensive planning system. Sign codes can fall outside of Measure 37.

PROCESS FOR ADOPTION

While it would be going too far to say that it's all about process, it probably would not be overstating things to say that the adoption process used for your jurisdiction's sign code will be immensely important. When you consider that the City of Hillsboro worked through their code for ten years, you begin to get the idea.

The decision in *G.K. Travel* practically sets out a blueprint for process—a review of that case would be *very helpful* to you as you begin. The Court liked (and, fortunately for us, commented at length upon) what they saw of Lake Oswego's adoption procedures.

The Court noted favorably that, in regulating all the signs in the City, the ordinance was aimed at reducing visual clutter, retaining the look of the City and maintaining traffic safety. The Court was also apparently impressed that the Lake Oswego Planning Commission held public hearings, looked to the experiences of other cities to see what was and was not successful, and consulted studies, while the City Council not only considered but incorporated many of the recommendations from businesses.

The G.K. Travel plaintiffs argued that the City didn't establish that it had a problem with visual clutter or traffic safety and that there was no evidence that the sign restrictions would help with those issues in any event. The Court, in finding these arguments had no credibility, stated that they generally defer to the body which has passed the law when considering whether that law advanced the governmental purpose. The Lake Oswego Sign Code, including the pole sign restriction, was the result of much legislative deliberation, a dynamic dialogue with the City's residents and businesses and extensive hearings; these conversations, along with Council reliance on the experience of other cities, produced strong evidence of the need for sign restrictions and the form these restrictions should take. This evidence provided the City with legitimate and relevant bases for advancing its Sign Code and restricting the availability of pole signs.

Lessons learned?

- Document, document, document. Be sure that every source of information considered is listed in minutes, staff reports, or the like, whether that information is a nation-wide study, front line experiences of other cities, or citizens who want to have their say. And preserve that documentation!

- Notify everybody. The greater the community involvement, the better. Provide notice to everybody you can think of who will have even the slightest interest, and provide them with a good opportunity for input.

- Make the process as public as you possibly can. Involve everyone. Get every person or business with any interests in this matter at all to testify. In McMinnville, their second sign ordinance was the result of a year and half of study of the issues by a citizen

committee. The draft has been (and will be) forwarded to various civic organizations. McMinnville anticipates gathering input for months yet, before bringing the draft to the Planning Commission.

And while this is not really a process issue, it is important enough to restate here: draft a strong purpose statement. The Court in *G.K. Travel* commented very favorably on Lake Oswego's purpose statement and returned to it over and over in their considerations. Address constitutional issues and goals. Be sure that the statement is "personal" to your city's needs.

Drafting Notes

This Code is based largely – *but not exclusively* – on the 2006 Hillsboro Sign Code. The Committee made changes to the Hillsboro Sign Code. The Committee elected to use the Hillsboro version as a template because it was adopted just prior to the Committee's work. The Committee was aided in its drafting of the template Sign Code by former Hillsboro City Attorney Tim Sercombe. CIS retained Mr. Sercombe to defend a multi-pronged challenge to the Lake Oswego Sign Code in *G.K. Travel.* Accordingly the drafting of the Hillsboro Sign Code was able to benefit from the Ninth Circuit's opinion.

Any sign code needs to be tailored to the jurisdiction, as each jurisdiction's desire to regulate signage varies, both in terms of scope and quantity. The Committee did not intend to offer the specifics of this sign code as a model, "off the shelf" sign code. How many signs to allow, what type of signs to allow, whether to have a "comprehensive sign program," what the sign districts should be called, and what signs are permitted in specific zones are examples of issues that each jurisdiction must consider. Each section arguably is a policy decision to be made by the jurisdiction.

The Committee struggled with how much of the Hillsboro Sign Code should be removed, to present its framework as a template, and how much to leave, in order to give sufficient detail for the drafter to visualize how detailed a sign code can, or should, be. References to specific requirements of the Hillsboro Sign Code have been retained, therefore, to provide assistance to the drafter if the jurisdiction elects to include similar specific provisions, e.g., comprehensive sign program. The Committee therefore offers this sign code as a starting point for a jurisdiction's consideration.

In some cases, the committee has noted optional text by the use of [**brackets**] to indicate text that should be customized.

The drafter should carefully consider the use of term "sign" v. "signs" in the regulatory sections. "Signs" means that an unlimited number of signs are authorized; a "sign" means one sign. The jurisdiction may wish to consider a specific number of signs.

A sign code may be a land use regulation, depending on whether it implements part of the jurisdiction's comprehensive plan. Where appropriate, the Committee has noted in the text and commentary the different requirements necessitated by whether the sign is, or is not, a land use regulation. In some cases, whether a section or a paragraph is included depends on whether the sign code is intended to be a "land use regulation," and in those instances, where paragraphs are added to address land use concerns, they are lettered as "X", in such cases the drafter will need to assign the correct paragraph number to that paragraph <u>and</u> to subsequent paragraphs.

Perhaps no chapter of a jurisdiction's code can result in as much passion as the sign code – it speaks to the jurisdiction's aesthetic and commercial vision of itself, but such passion must be tempered to meet the Oregon and federal constitutional "free speech" provisions. To that end, the Committee believes that alternative sign code text will continue to evolve, and the Committee encourages city attorneys and county counsels to submit alternative sections / procedures to CIS, for inclusion on the League of Oregon City's website for future consideration by jurisdictions other.

SIGN CODE – A TEMPLATE

XX.XX.005 Title.

This chapter shall be known as the "**[City]** Sign Code."

XX.XX.010 Purpose.

The purposes of this chapter are to:

- protect the health, safety, property and welfare of the public,
- provide a neat, clean, orderly and attractive appearance of the community,
- improve the effectiveness of signs,
- provide for safe construction, location, erection and maintenance of signs,
- prevent proliferation of signs and sign clutter, minimize adverse visual safety factors to travelers on public highways and on private areas open to public travel, and
- achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

To achieve these purposes, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public rights-of-way and private areas open to public travel.

XX.XX.015 Definitions.

Comment: All sign codes will include certain terms that should be defined in order to clarify intent and avoid ambiguity. The term "sign" itself, as well as various categories or types of signs are examples of such terms. Consideration should be give to whether other terms used in the code (e.g., "premises", "height", etc.) need to be specifically defined or whether their common "dictionary" definition is sufficiently clear and consistent with the drafters' intent. What follows are sample definitions of the term "sign" and various subcategories or types of signs, e.g., "lawn sign," as well as other terms that may be applicable to sign codes. The specific terms defined in a sign code depend on the provisions of the code. The terms listed below are offered as examples. They may or may not be applicable, depending on your code provisions. As well, other terms may be appropriate for listing in this definition section.

For alternative language, as well as examples of other defined terms, see codes from other jurisdictions, e.g., Hillsboro (Chapter 15.20), Lake Oswego, Portland, League of Oregon Cities Web Directory.

For the purposes of the **[City]** Sign Code, unless the context indicates otherwise: words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; undefined words have their ordinary accepted meaning; and, the following words and phrases mean:

"A-Frame Sign" means a double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

"Abandoned sign" means a sign or sign structure where:

A. The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located;

B. The sign has been damaged, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

"Alter" means to make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

"Athletic scoreboard" means a sign erected next to an athletic field by the owner or operator of the field and which is visible to spectators.

"Automobile service station" means a retail place of business engaged primarily in the sale of motor fuels.

"Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or nonrigid materials on a supporting framework.

"Awning Sign" means a sign attached to or incorporated into an awning.

"Balloon signs" means a sign consisting of` a membrane that relies on internal gaseous pressure or a semirigid framework for maintaining its form.

"Banner" means a sign made of fabric or other nonrigid material with no enclosing framework.

"Bench sign" means a sign on an outdoor bench.

"Billboard" means a sign on which any sign face exceeds two hundred square feet in area.

"Blanketing" means blocking a pedestrian's or motorist's view of a projecting sign by another projecting sign.

"Boundaries of a site" means the area inside the legal lot lines of a site, not including any property in a public right-of-way.

"Building elevation area" means the area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

"Building frontage, primary" means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

"Building frontage, secondary" means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

"Building official" means the building official or his or her designee.

"Bulletin board" means a permanent sign providing information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically, through use of an array of lights in a dot matrix configuration, from which characters can be formed.

"Business complex" means a development consisting of one or more lots sharing appurtenant facilities, such as driveways, parking and pedestrian walkways, and is designed to provide varied products and services at a single location.

A. "Major business complex" means a development consisting of single or multiple principal uses and where the building(s) contain a minimum of forty-five thousand square feet in gross floor area.

B. "Minor business complex" means a development consisting of a minimum of six principal uses and where the building(s) contain a maximum of forty-four thousand nine hundred ninety-nine square feet in gross floor area.

C. "Industrial/research business complex" means a development consisting of a minimum of six principal uses and where the building(s) contain a minimum of one hundred thousand square feet of gross floor area.

> *Comment: This definition would mean a development of less than six "principal uses" and less than 45,000 square feet would not be treated as a "business complex" for purposes of sign regulation.*

"Canopy" means a permanent roofed structure which may be freestanding or attached to a building, but which is not a completely enclosed structure or awning.

"Changing Image Sign" means a sign that through the use of:

- moving structural elements,
- flashing or sequential lights,
- lights in a dot matrix or LED configuration, which may be changed intermittently, or
- other automated method,

results in movement, the appearance of movement, or change of sign image, message, or display.

"Clearance" means the distance between the average grade below a sign to the lowermost portion of the sign.

"City" means the City of [**name of City**].

"City engineer" means the city engineer or his or her designee.

"City Manager" means the City Manager or his or her designee.

> *Comment: Modify this definition here and throughout the code to refer to the highest decision making authority of the sign code within the jurisdiction, e.g., Planning Director, Community Development Director, City Manager . Note: If the jurisdiction*

does not consider the sign code to be a land use regulation, but has members of the Planning Department also administer the sign code, the drafter should consider use of the term "City Manager" as inclusive of city staff generally, and thus not necessarily because of the staff's planning position.

"City recorder" means the city recorder or his or her designee.

"Community event" means an activity or event identified as such by the city council.

"Dwelling" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation.

"Filing" means depositing a document in the United States mail, postage prepaid and accurately addressed to the city, or leaving a copy with the city recorder at City Hall during work hours. For purposes of this chapter, a document is "filed" on the date it is received at City Hall.

"Fire marshal" means the fire marshal or his or her designee.

"Flag" means a rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, local government, business, organization or a person.

"Flashing Sign" means a sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

"Freestanding sign" means a sign wholly supported by integral pole(s), post(s), or other structure or frame, the primary purpose of which is to support the sign and connect it to the ground. Examples include monument signs and pole signs. A freestanding sign does not include a portable sign.

"Grade" For freestanding signs, "grade" is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

"Ground-mounted sign" means a freestanding sign with a minimum of twelve inches of vertical solid base directly and continuously connected to at least fifty percent of the sign face width or, is borne by two or more supports which are a minimum of twelve inches but less than eight feet above grade.

"Handheld sign" means a hand-carried sign of six square feet or less in area, worn or carried by a person when being displayed.

"Hearing Body" means the [commission or other body that hears appeals of sign code permits] of the City.

"Height" means the vertical distance measured from grade to the highest attached component of a sign including the supporting structure.

"Historical or landmark marker" means a sign constructed in close proximity to a historic place, object, building, or other landmark recognized by an official historical resources entity, where

the sign is constructed by the owner of the historic property and does not exceed twenty square feet in size.

"Historical sign" means a sign designated as a historic or cultural resource under city, state or federal law or a sign that is an historical element of an historical landmark.

"Illuminated sign" means a sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is "direct" when the source of light is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

"Interior sign" means a sign erected and maintained inside of a building, including, but not limited to, a sign attached to or painted on the inside of windows. This definition does not include text, pictures, graphics, or similar representations in display windows.

"Lawn Sign" means a temporary freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole or other structure placed directly in or upon the ground without other support or anchor.

"LED" means a semiconductor diode that coverts applied voltage to light and is used in digital displays.

"Lot" means a single unit of land that is created by a subdivision of land.

"Maintenance" means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs.

"Marquee" means a permanent roofed structure attached to or supported by a building.

"Menu board" means a sign placed at the beginning of a drive-up service lane of a food service establishment that includes a two-way speaker system for taking food orders.

"Monument sign" means a freestanding sign that is placed on a solid base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

"Name plate" means a permanent wall sign located on the front facade of a residential structure.

"Neon sign" means a sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

"Nonconforming sign" means a sign that was lawful when it was constructed but does not meet the requirements of the **[City]** Sign Code. When a sign permit is granted prior to the effective date of the ordinance codified in this chapter that complies with then existing requirements, the sign is conforming if it is erected within ninety days of the effective date of the ordinance codified in this chapter.

Comment: Other examples:

***Portland**: A sign that was created in conformance with development regulations, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the current applicable development standards. Nonconforming signs also includes signs that do not conform with the land use regulations of this Title and that were established prior to November 18, 1998.*

***Lake Oswego**: Non-conforming signs are those signs which were lawfully installed which do not comply with the requirements of this sign code.*

"Numeric information sign" means a sign only displaying current numeric measurements such as time, date, temperature, or stock indices.

"Owner" means the person owning title to real property on which a sign is located, or the contract purchaser of the real property as shown on the last available complete assessment roll in the office of county assessor. "Owner" also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

"Pennant" means a sign device made from a strip of flexible material intended to wave in the wind.

"Person" means every person, firm, partnership, association, or corporation.

"Planned unit development" means a tract or tracts of land developed as a planned unit development under city zoning / development ordinances.

"Pole sign" means a sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.

"Portable sign" means a sign which is not affixed to a building or other structure, or the ground in a permanent manner and is designed to be moved from place to place.

"Principal use" means a nonresidential use of property by an owner or lessee. Multiple principal uses may be located on a lot or development.

"Projecting sign" means a sign, other than a wall sign, that projects from, and is supported by or attached to a roof or wall of a building or structure.

"Public right-of-way" means travel area dedicated, deeded or under control of a public agency, including but not limited, to highways, public streets, bike paths, alleys and sidewalks.

"Public sign" means a sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

"Repair" means mending or replacing broken or worn parts with comparable materials.

"Roof elevation area" means the area of a single plane of a roof, measured in square feet and calculated by multiplying the difference between the height of the ridge and the height of the eave by the distance between opposing rakes.

"Roof line" means the top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

"Roof sign" means a sign erected upon, against, or over the roof of any building or structure.

"Seasonal Holiday decorations" means every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not, and whether attached to utility poles, buildings or any other structure.

> *Comment: The inclusion of "seasonal" decorations presents challenges in terms of scope, and hence, enforcement. If the determination of what signs qualify as seasonal decorations cannot be "content-based," then seasonal decorations can result in decorations that do not relate to the "season" being erected during the "season." See G.K. Travel v. City of Lake Oswego.*
>
> *There are also implications related to the First Amendment, regarding religious and free expression, because some of the religious holidays are not federally recognized holidays.*
>
> *If "seasonal holiday" is eliminated, then the drafter should review the scope and limitations of "temporary signs."*

"Setback" means the horizontal distance from the property line to the sign, measured at the closest points of the sign to the property line.

"Sign" means any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates, or is designed to communicate on any subject whatsoever.

The scope of the term "sign" does not depend on the content of the message or image being conveyed.

It is a rebuttable presumption that a graphic, mural or art work that depicts or relates to the use of a site or structure on which it is displayed, is intended to communicate an informational message about the site or structure.

> *Comment: The Committee debated the breadth of the definition of "sign"-- should it extend to projections and/or graphics/text on the ground, i.e., parking lots, topiary, or the placement of rocks or vegetation in a manner that forms a text or graphic. Perhaps guided by the policy choices of the jurisdictions represented by the Committee members, the Committee opted for a generally broad definition, but did not include topiary or rock / vegetation. This is not to say that a jurisdiction could not include such media as a sign, but the drafter is cautioned that including such media should necessitate a careful consideration of expanding the types and quantity of permanent signage.*
>
> *This broad definition arguably includes artwork. Some sign codes attempt to except "art" from this definition with language such as: "Graphics, murals and art work that do not communicate informational messages, apart from any aesthetic or artistic message*

are not signs." Although we are not aware of relevant case law, such a distinction is arguably "content-based."

"Sign area" means the area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations, or supports.

"Sign band" means a continuous horizontal band located on a facade where there are no doors, windows or other architectural features.

"Sign copy" means the message or image conveyed by a sign.

"Sign face" means the sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

"Sign height" means the average level of the grade below the sign to the topmost point of the sign including the supporting sign structure, foundations, and supports.

"Site" means the area, tract, parcel, or lot of land owned by or under the lawful control of an owner. Abutting platted lots under the same ownership shall be considered one site.

"Street frontage" means the length or width of a site, measured along a line separating the site from a street or public right-of-way.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

"Subdivision" means a site with four or more lots.

"Supporting structure" means a structure specifically intended for supporting or containing a sign.

"Suspended sign" means a sign suspended from the underside of a canopy, awning, eve, or marquee.

"Temporarily attached" means attached to a building, structure, vegetation or the ground in a manner than is easily removable.

"Temporary business" means a temporary business as defined by the city of **[City]** Municipal Code.

"Temporary sign" means a sign that is temporarily attached to a building, structure, vegetation, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

"Transportation system plan (TSP)" means that portion of the city of **[City]** Comprehensive Plan that implements the State of Oregon Transportation Planning Rule OAR 660-012.

"Tri-vision sign" means a sign that contains display surfaces composed of a series of three-sided rotating slates arranged side by side, either horizontally or vertically, that are rotated by an electro-mechanical process, capable of displaying a total of no more than three separate and distinct messages, one message at a time, provided that the rotation from one message to another

message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

"Unlawful Sign" means a sign that does not conform to the provisions of this Code and is not a non-conforming sign.

"Utility Sign" means a sign constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right-of-way or utility easement.

"Vehicle sign" means a sign placed in or attached to the motor vehicle, trailer, railroad car, or light rail car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

"Video sign" means a sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

"Vision clearance area" means a triangular area on lot at the intersection of two streets or a street and a railroad, alley, or driveway as defined and measured in **[City]** Zoning Ordinance No. 1945.

"Wall sign" means a sign that is painted on a wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall, or attached to or erected against a roof with a slope not more than 20 degrees from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than18 inches from the wall or roof. Window signs that are permanently attached to the outside of a window are wall signs.

"Window sign" means a sign attached to, or painted on a window, or displayed inside the building within [**6"**] inches of a window or building openings so that it is viewable from the outside of the building.

"Zoning / development ordinance" means [**City's name for its zoning / development ordinance or community development code**].

XX.XX.020 General requirements.

A. Except as provided in Section XX.XX.025 of this chapter, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the **[City]** Sign Code.

XX. Except for public signs, railroad, or utility signs or for signs required by state or federal laws or regulations to be of a certain color or size, signs shall be designed to be compatible with other nearby signs, other elements of street and site furniture and with adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.

Comment: This general requirement for sign compatibility was one of the sections challenged in the G.K. Travel v. City of Lake Oswego case. The City prevailed based on the strength of its

procedures for administering this section. Thus, if a jurisdiction wishes a heightened level of aesthetic compatibility, the drafter is urged to review the procedures discussed in G.K Travel as guidance in assuring that the requirement is constitutionally administered.

B. Except as provided in Section XX.XX.040 of this chapter, no person shall erect, construct or alter a sign, or permit the same to be done, unless a sign or billboard permit has been issued by the city. A sign or billboard permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the **[City]** Sign Code.

C. An application for sign permit approval is subject to the procedures set forth in Section XX.XX.125 of this chapter. An application for billboard permit approval is subject to the additional requirements set out in Section XX.XX.075 of this chapter.

D. No owner shall erect or construct a sign on a site that contains unlawful signs.

E. The **[City]** Sign Code shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the **[City]** Sign Code conflicts with a provision of any zoning / development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

F. The **[City]** Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

G. If any section, subsection, paragraph, sentence, clause or phrase of the **[City]** Sign Code is declared invalid for any reason by a court having jurisdiction under state or federal law, the remaining portions of this chapter shall remain in full force and effect.

XX.XX.025 Exempt signs.

Except for signs prohibited by this chapter, the following signs are exempt from the provisions of the **[City]** Sign Code:

A. All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside of the structure or building.

X. [***Additional exempt signs desired by jurisdiction***.]

Comment: To the extent any such exemptions could be seen as content-based, they could subject the code to challenge.

Comment: The drafter is cautioned against adding a number of exempt signs. See GK

*Travel, n 11: "In this case, the Sign Code reflects the City's preference for not subjecting certain entities-public agencies, hospitals and railroad companies-to the requirements of the permitting and fee scheme." The exemptions are purely speaker based according to the City's reasonable construction of the provision and say nothing of the City's preference for the content of these speakers' messages, nor do they allow the City to discriminate against disfavored speech. That is, plaintiffs have not shown that the City preferred the substance of railroad company messages, for instance, over travel agency messages and therefore exempted the railroad companies from the permitting process. See One World One Family Now v. City & County of Honolulu, 76 F.3d 1009, 1012 n. 5 (9th Cir.1996) ("Because [the] exemptions don't enable the city to discriminate against ideas it disfavors, they don't render the ordinance content-based."). **Moreover, these institutional speakers are still subject to the mandates of the Sign Code concerning the type, number and characteristics of signs that are permissible in the City; it is just that certain speakers need not obtain permits (and pay the associated fee) before posting their signs.** That the law affects plaintiffs more than other speakers does not, in itself, make the law content based. See Ward v. Rock Against Racism, 491 U.S. 781, 109 S.Ct. 2796, 105 L. Ed. 2d 661 (1989) ('A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others.')."*

XX.XX.030 Prohibited signs.

Except for nonconforming signs, the following signs are unlawful and are nuisances:

A. Abandoned signs;

B. Billboards, except as permitted by Section XX.XX.075 of this chapter;

C. Video signs;

D. Any sign constructed, maintained or altered in a manner not in compliance with the **[City]** Sign Code;

E. Any nonpublic sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device;

F. Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;

G. Any sign located in a manner which could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;

H. Any sign equipped with moving, rotating or otherwise animated parts, except for tri-vision signs permitted under Section XX.XX.075 of this chapter and athletic scoreboards permitted under Section XX.XX.040;

I. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;

J. Any nonpublic sign within the vision clearance area provisions contained in the zoning / development ordinance;

K. Any sign attached to a tree or a plant, a fence or a utility pole, except as otherwise allowed or required by the **[City]** Sign Code or other chapters of the City Code;

L. Any sign within or over any public right-of-way, or located on private property less than two feet from any area subject to vehicular travel, except for:

1. Public signs, (includes banners over the public right-of-way, with the approval of the controlling jurisdiction).

2. Temporary signs specifically allowed within the public right-of-way under Section XX.XX.045 of this chapter;

M. Temporary signs, including banners, pennants, and wind signs, except as authorized by Section XX.XX.040 or XX.XX.045 of this chapter.

N. Unlawful signs.

O. Any sign which is judicially determined to be a public nuisance.

XX.XX.035 Nonconforming signs.

A. Nonconforming signs may continue in use, subject to the restrictions in this subsection:

1. [**OPTION #1**] Removal Required for Specific Nonconforming Signs. All non-conforming [**type of sign**] signs shall be brought into compliance with [**applicable code section for the zone**] by _____, 20[**XX**].

Comment: This subsection of the draft code is primarily taken from Lake Oswego's code and it has recently withstood a federal court challenge that was petitioned to the highest court in the land. G.K. Ltd Travel v. City of Lake Oswego. As such, it is a good model to use. Non-conforming pole signs were at the heart of the GK Travel case. Lake Oswego prohibited pole signs and had a mandatory time frame in which to make them legal. Some jurisdictions may or may not want to follow this provision or to apply it to other types of signs.

If a mandatory removal provision is used under this provision, findings regarding a amortization schedule should be adopted. Lake Oswego originally adopted a five-year amortization period for pole signs, and that was extended an additional five years before enforcement began. See also below amortization period text. Also, the variance provisions in your sign code can provide some flexibility in case of hardship.

2. [**OPTION #2**] Removal Generally Required for Non-Conforming Signs Following Amortization Period. Any sign constructed made nonconforming by a provision of the sign code:

[**Option 2a**] may be maintained for a period ending no later than **[three][five]** years from the date such sign becomes non-conforming,.

[**Option 2b**]. Any sign made nonconforming by a provision of the sign code may be maintained for a reasonable period of time to amortize the investment therein. The amortization period shall be determined as follows:

(a) Except as provided in paragraphs (b) and (c) of this subsection, every nonconforming sign shall be removed in accordance with the following amortization schedule:

Value	Maximum Period of Time Sign May Be Maintained
Less than $500.00	1 1/2 years
$500 to $1,000	2 years
For each additional $1,000 increment	One additional six-month period
Maximum period regardless of value	5 years

(b) The value of any nonconforming sign shall be determined by the following formula:

V = C - (10% C) Y

V = Value of the sign for amortization purposes.

C = Original cost of the sign, including the cost of construction and installation.

Y = Number of years the sign has been standing as of the effective date of the ordinance codified in this title.

(c) The amortization period shall begin on the date of mailing by the **[City Manager]** of notice to the owner of the property on which the sign is located (as determined from the most recent tax assessor's roll), of the fact that the sign is nonconforming and subject to amortization. The notice shall include a statement of the owner’s right to seek an extension of the amortization period under subsection (3) of this section.

Comment: Alternatively, the jurisdiction may wish to consider the amortization period automatically starting upon the date the sign becomes non-conforming, with the one-year opportunity to seek an extension to start then. This may depend upon how extensive changes in the sign code are publicized in the jurisdiction, and the degree of responsibility it wishes to place upon the sign owner.

(d) Notwithstanding any other provision in this paragraph, any nonconforming sign that has been fully depreciated for federal or state income tax purposes shall be removed or modified to comply with the provisions of the sign code within one year of the date the sign became non-conforming.

3. **Extension of Amortization Period.** If the amortization period established by the above provision of this section creates an exceptional hardship for the sign owner, the owner may make an application for an extension of the amortization period, provided the application is submitted before the expiration of such amortization period. For purposes of this subsection, "owner" includes lessee.

a. Application. An application shall be submitted to the **[City Manager]** and shall be accompanied by a fee as may be set by resolution adopted by the City Council. The application shall contain the name and address of the sign owner, the land owner, the type, location and size of sign, the date the sign was erected, the height (including supports) of the sign, the cost of construction, and the length of time extension is requested; and shall be accompanied by a detailed statement of reasons an extension is sought, and why the amortization period constitutes an exceptional hardship,

b. Procedures. Applications for extension of an amortization period shall be heard by the **[hearing body]**, which shall determine whether the application satisfies the criteria set forth in subsection (b)(3) of this section. The **[hearing body]** may grant or deny the extension, and impose such conditions as may be necessary to minimize the adverse effects such extension upon surrounding properties. In granting an extension, the **[hearing body]** shall determine the length of the time for the extension. The findings and the basis for the **[hearing body]**'s decision shall be transmitted to the applicant in writing.

c. Criteria. In considering an application for an extension of the amortization period for a nonconforming sign, the following criteria shall be applied:

(1). The original cost of the sign;

(2) The date the sign was constructed and located on the site;

(3) The degree of deviation from the sign regulations;

(4) Whether unusual circumstances concerning the sign's size, height, location or nature are present;

(5) The nature of the exceptional hardship, and whether allowing an extension in light of the hardship would be inconsistent with the intent of sign amortization;

(6) The effect of the nonconforming sign on the use, value, and enjoyment of surrounding and neighboring properties;

(7) The least amount of additional time required, if any, for the applicant to amortize any unreasonable economic loss, over and above the amortization period already permitted under this section; and

(8) Proof that the sign has not been fully depreciated for federal income tax purposes shall be required except in extraordinary circumstances where such proof is deemed inapplicable.

3. General Requirements for Nonconforming Signs.

Comment: The provisions relating to nonconforming signs are frequently the result of the governing body's sensitivity to the requests of current sign permit holders for the greatest possible rights to maintain, repair, and expand the current installed signs versus the desire to phase the nonconforming signs out to achieve the underlying goals motivating the change in sign regulations. Accordingly, the nonconforming sections are tailored by each city. The Committee sets forth several different versions of nonconforming sign provisions, for illustrative purposes:

Lake Oswego (*with options suggested*)

a. A non-conforming sign shall not be:

(1) Modified, unless the modification brings the sign into compliance with this Chapter. A change of copy is allowed, except that any change in a wall sign which is painted on a structure shall comply with [**applicable code section for the zone**]

(2) Expanded.

(3) Relocated.

b. A non-conforming sign may undergo normal maintenance, except:

(1). Normal maintenance" excludes major structure repairs designed to extend the useful life of the non-conforming sign.

(2). **[*Option #1***] If a non-conforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60% of its replacement value, the non-conforming sign shall be removed.

[***Option #2***] When any proposed change, repair, or maintenance would constitute an expense of more than [**fifty**][**twenty-five**] percent of the lesser of the original value or replacement value of the sign, the non-conforming sign shall be removed..

c. Upon change of use of a business or premise, a non-conforming sign shall be brought into compliance with [**applicable code section for the zone**] within one-hundred-eighty (180) days.

Comment: This code section also allows for a change of copy. Change of copy means the change of logo and/or message upon the face of a legal sign. Code provisions that prohibit change of copy are more likely to receive a constitutional challenge. Here, the code requires compliance with the code upon change of business. This provision survived review in G.K. Travel Ltd..

Hillsboro

a. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.

b. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this chapter, except that:

(1). Nonconforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this chapter.

(2). Nonconforming signs may be structurally altered when the alteration is necessary for structural safety.

(3). Nonconforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.

c. A nonconforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, “nonconforming sign” includes the sign structure, foundation and supports.

d. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign,

provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.

e. Whenever repairs and restoration of a damaged nonconforming sign are not started within ninety days of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.

f. Abandoned signs shall not be permitted as nonconforming signs.

g. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign maintained in violation of this provision shall be removed as provided in Section XX.XX.160 of this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section XX.XX.165 of this chapter. Any nonconforming sign determined by the **[City Manager]** to be an abandoned sign shall be removed as provided in Section XX.XX.170 of this chapter.

B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

C. Continuation of Non-Conforming Sign as Public Nuisance; Removal and Abatement.

1. The continuation of any nonconforming sign beyond the time period(s) set forth in Subsection A of this Section is hereby declared to be a public nuisance, which may be abated as provided by this section.

2. Any non-conforming sign that remains in place after the expiration of the amortization period, or any extension thereof, shall be removed within thirty days after a written notice for removal has been posted on the property upon which the sign is located, and a copy sent by certified mail, postage prepaid, to the sign owner and land owner, if different. Such notice shall state the particulars of the violation and require removal of the sign upon or before a date specified in the notice, but not less than thirty days after such posting and mailing, and that written objections to such removal may be filed with the **[City Manager]** on or before such date. If the non-conforming sign is not removed on or before the date specified in the notice, and if no written objections to such removal are filed, the **[City Manager]** may cause the removal thereof at the expense of the owner of the real property upon which such sign is located.

3. Upon receipt of timely filing of objections, the non-conforming sign shall remain in place. Hearing upon the objections shall be held before the City Council. Notice of the time, date and place of the hearing shall be personally delivered, or mailed by certified mail, postage prepaid, to the person filing such objections at the address provided in the objections, at least ten days prior to the hearing. Any non-conforming sign ordered removed by the City Council shall be removed within thirty days after notice of the removal order has been mailed to such objector,

and if not removed within such time, the **[City Manager]** shall cause the removal to be made at the expense of the owner of the real property upon which such sign is located.

XX.XX.040 Exemptions from requirement for permit.

The following signs are allowed in all sign districts without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of the **[City]** Sign Code.

A. Signs (including name plates and dates of erection of buildings) on multifamily residential, commercial, industrial, or institutional buildings when the sign is cut into the surface or the facade of a building, or when it is constructed of stone, masonry, bronze or other noncombustible material and projects no more than two inches from a building, so long as the cumulative sign face(s) are eight square feet or less in area;

B. One indirectly illuminated or nonilluminated sign not exceeding one and one-half square feet in area placed on any nonmultifamily residential lot. This type of sign is typically used as a name plate;

C. Flags;

Comment: a jurisdiction may want to establish the maximum size of flag permitted.

D. Vehicle signs;

E. Signs displayed upon a bus or light rail vehicle owned by a public transit district;

F. Historical sign or historical or landmark markers;

G. Seasonal holiday decorations on private property;

H. Handheld signs;

I. A sign up to six square feet constructed or placed within a parking lot, for each [**XX**] square feet of parking area. These signs are typically used to direct traffic and parking;

J. Any public notice required by federal, state or local law, regulation or ordinance,

K. Sign within the public right-of-way that is erected by a governmental agency, utility or contractor doing authorized work within the right-of-way;

L. A sign that does not exceed eight square feet in area and six feet in height, and is erected on property where there is a danger to the public or to which public access is prohibited;

M. Nonilluminated interior signs in nonresidential sign districts designed primarily to be viewed from a sidewalk or street provided the sign does not obscure more than twenty-five percent of any individual window;

N. Illuminated interior signs in nonresidential sign districts designed primarily to be viewed from a sidewalk or street, provided the sign face is less than four square feet in area;

O. One suspended sign for each principal use erected on property which is not considered public right-of-way, under an attached first floor awning or canopy upon a building with direct exterior pedestrian access, provided the sign does not exceed six square feet in area and has a minimum of eight feet of clearance;

P. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature;

Q. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended for viewing by persons within the facility. The signs shall be placed so as to be oriented towards the interior of the field and the viewing stands;

R. Signs incorporated into vending machines or gasoline pumps;

S. Temporary signs as allowed under Section XX.XX.045 of this chapter;

T. Public signs.

U. Utility signs.

Comment: A jurisdiction may wish to establish limitations for utility signs, in which case utility signs should be addressed in a separate section.

V. Signs for hospital or emergency services, and railroad signs.

XX.XX.045 Temporary signs.

Comment: the listing of types and number of temporary signage permitted throughout the jurisdiction is illustrative. See other jurisdictions' sign code to compare the type and number of temporary signs permitted throughout a particular city.

A. Temporary signs may be erected and maintained in the city only in compliance with the regulations in this chapter, and with the following specific provisions:

1. Except as approved in a comprehensive sign plan and in connection with a community event, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.

2. A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.

3. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.

4. No temporary sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.

B. In any residential sign district, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home

construction or remodeling and similar activities. Signage shall be allowed for each lot as follows:

Comment: note that this sign code authorizes different types or numbers of temporary signs based on the type of sign district where the sign is located. If sign districts are not utilized, then the drafter should revise this section accordingly to reflect the jurisdiction's wishes. See XX.XX.050 Sign Districts.

1. Signs not exceeding six square feet in area or four feet in height during the period from one hundred twenty days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

2. One temporary sign not exceeding six square feet in area and four feet in height which is erected for a maximum of eight days in any calendar month and is removed by sunset on any day it is erected.

3. A sign not exceeding six square feet in area and five feet in height during the time of sale, lease or rental of [**the lot**] [**a dwelling**] provided that the sign is removed within fifteen days of the sale, lease or rental of the [**lot**] [**dwelling**],

Comment: Some jurisdictions use the term "property", but the Committee recommends a more specific, and defined term, as to whether the event is related to the sale of a dwelling or to the underlying lot. Multi-family dwellings located on a single lot, i.e., apartments, condominiums, may result in temporary signs that seem more akin permanent signs if the multi-family dwelling structure has a re-occurring turnover of units.

4. A sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area may be increased to thirty-two square feet. In no case shall the sign or signs be erected for more than twelve months.

4. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding thirty-two square feet in area and eight feet in height on properties less than four acres in size or two temporary signs not exceeding sixty-four square feet in area each and eight feet in height on properties greater than four acres in size.

C. In any commercial/industrial sign district, station community commercial sign district, or industrial park and research park sign district, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, construction or remodeling, special events and similar activities. Signage shall be allowed for each lot as follows:

Comment: This could be as simple as establishing size limitations for temporary signs, without reference to specific dates / events. As signage is added for each type of event, the need to define the duration of the sign, and the size of the signs becomes necessary for each type of event.

1. Signs not exceeding four square feet in area and five feet in height, during the period from one hundred twenty days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

2. A sign not exceeding thirty-two square feet in area and eight feet in height during the time of sale, lease or rental of the property provided that the sign is placed on the property for sale, lease, or rental and removed within fifteen days of the sale, lease or rental of the property, or a sign not exceeding thirty-two square feet in area and eight feet in height during the time of construction and remodeling of the property, provided the sign is placed on the property where construction and remodeling is taking place and removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. In no case shall the sign or signs be erected for more than twelve months.

3. A sign not exceeding thirty-two square feet in area during the period of charitable fundraising event being conducted on the property where the sign is erected by a charitable or nonprofit organization. This sign shall not be placed more than seven days prior to the event and must be removed within two days following the event.

D. No temporary signs or banners shall be allowed in the public right-of-way or on public property, except for those listed in this subsection.

1. The following temporary signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic and shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary sign shall extend into a vision clearance area. Temporary signs allowed in the right-of-way shall include:

a. Signs owned or erected by a governmental entity;

b. Signs on public sidewalks in all [**list applicable**] districts and adjacent to commercial uses in the [**listed specific**] districts which comply with the following standards:

1. Any temporary sign is placed on the sidewalk within the first three feet behind the curb, and

2. Any temporary sign is present only during the business hours of the responsible enterprise, and

3. Any temporary sign placed elsewhere than directly adjacent to the primary use shall be placed only with the written consent of the property owner of the adjacent property. No more than two temporary signs shall

be placed in the public right-of-way adjacent to any property frontage on a single street;

c. Portable signs limited to a maximum of six square feet in area and three feet in height, displayed only on weekends and holidays, placed at street intersections in relative close proximity to a property for sale or lease during the time of that display. One single sign for each property or development shall be permitted at each intersection and shall be positioned as to be no closer than two feet from areas subject to vehicular travel;

d. Bench signs located at mass transit stops so long as the bench sign copy does not exceed fifteen square feet and the bench sign is approved by the owner;

e. Signs attached to mass transit shelters which are approved by the mass transit agency and the owner.

2. Temporary banners or seasonal holiday decorations which extend over a roadway or are attached to utility or streetlight poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the procedures set out in Sections XX.XX.125 and XX.XX.135 of this chapter and shall comply with the following standards:

a. Banners or decorations which extend over a roadway shall not exceed sixty square feet in area. Banners which are attached to a single utility or streetlight poles shall not exceed twelve square feet in area.

b. Temporary banners or decorations shall be permitted only if the applicant is conducting an event or activity in the city of **[City]** that has been identified as a community event by the **[City]** city council or for purposes of identifying a geographic area or district of the city. Applications for geographic identification banners shall be submitted by an organized neighborhood association, or shall be accompanied by a petition indicating the consent of at least fifty-one percent of the property owners or retail establishments in the geographic area delineated on the banner application.

c. Applicants requesting permits for temporary banners or decorations in city of **[City]** right-of-way shall obtain all permits and approvals as outlined in Chapter XX.XX.045(D) of this Code prior to submittal of an application for a sign permit. Applicants requesting temporary banners placed over rights-of-way controlled by other agencies other than the city of **[City]** shall obtain written consent from the appropriate agency regarding the proposed banner(s) prior to submittal of an application for a sign permit. The consent shall identify any restrictions desired by the owner of the right-of-way.

d. Except for a banner(s) identifying a geographic area or district of the city, banner(s) shall be removed within two days of the applicant’s event or activity giving rise to the permit.

XX.XX.050 Sign districts—General.

Comment: If the jurisdiction does not view the sign code as a land use regulation, the drafter is cautioned regarding the sign districts being co-terminus with, and using the same designations as, the zoning districts for the jurisdiction. Although not necessarily determinative, the more similarities the sign code has to the jurisdiction's land use scheme, the more likely it may be thought of as a land use regulation, by the public and perhaps by the courts.

A. The following sign districts are created and applied to designated land. No permit shall be issued for any sign unless specifically allowed as an allowed sign under the terms of the applicable sign district or otherwise allowed as a nonconforming sign under Section XX.XX.035 or exempted under Section XX.XX.040 of this chapter. Any particular limitation in a sign district regulation shall not be construed to exclude the applicability of other restrictions imposed under this chapter.

B. The sign districts shall be as follows:

1. The residential sign district includes all land within the [**list sign/zone**] districts.
2. The commercial/industrial sign district includes all land within the [**list sign /zone**] districts.
4. The industrial park and research park sign district includes all land within the [**list sign /zone**] zoning districts.
5. [**List any additional sign /zone districts**].
6. [**list any additional Overlay Districts / corridors**] –

C. Property within a newly designated [**sign / zone**] district shall be governed by the provisions of the sign code applicable to the new [**sign /zone**] district upon the effective date of the ordinance amending the [**sign /zone**] map. Completed applications for sign permits made before the effective date of the [**sign district /zone**] change will be considered under the provisions of the **[City]** Sign Code applicable to the [**sign /zone**] district existing at the time the application was completed. All signs which are not in compliance with the provisions of the **[City]** Sign Code applicable to the newly established [**sign / zone**] district shall be considered nonconforming signs.

XX.XX.055 Residential sign district.

Comment: In determining signage for a specific area or zone / sign district, the drafter is cautioned to fully consider the uses in the zone / district, the types of signs that should be permitted, sign height, illumination, changeable copy, compatibility, etc. The specific provisions below reflect the policy choices by the City of Hillsboro, and are shown for illustrative purposes.

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

A. Permitted Sign Types, Number and Area.

Signs within the residential sign district are limited as follows and require issuance of permits under Section XX.XX.125 of this chapter.

Comment: in referencing specific types of dwellings within the districts, the drafter is cautioned to refer to the jurisdiction's zoning ordinance, and to either similarly define them in the sign code or at least by reference to the zoning / development code.

A different formatting option is to list the sign / zone districts, and then list under each zone the types of signs permitted within the sign / zone districts – more text but perhaps more user-friendly.

1. Monument and Ground-Mounted Signs.

   a. In multifamily developments, one double-faced monument sign, or not more than two single-faced monument signs on either side of a vehicular entrance shall be permitted on the primary street frontage. Sign area shall not exceed sixteen square feet for each sign face. Where a complex has multiple street frontages, this signage may be permitted on each building frontage that abuts a TSP designated arterial or collector street.

   b. In subdivisions, not more than two single-faced monument signs for a subdivision or planned unit development having twenty or more lots may be permitted on either side of a public right-of-way or private street tract entrance. Sign area shall not exceed sixteen square feet for each sign face.

   c. For churches, schools, public/semipublic facilities, and privately owned community centers; one single- or double-faced monument sign shall be permitted for each such facility. Where such a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed sixteen square feet for each sign face.

   d. For commercial and office uses in **[name of district]** Commercial districts, one single- or double-faced monument sign shall be permitted on the primary frontage of the development. In lieu of one monument sign, one single- or double-faced ground-mounted sign shall be permitted on the primary frontage of developments which contain five or more principal uses in one structure. Where a development has multiple street frontages, this signage may be permitted on each building frontage that abuts an arterial or collector street. Sign area shall not exceed thirty square feet for each sign face.

2. Bulletin Boards.

   a. For schools, churches, public and semipublic facilities, and privately owned community centers, one single- or double-faced bulletin board may be incorporated into an approved monument sign. Sign area for a bulletin board shall not exceed twenty-four square feet for each sign face.

   b. For commercial and office uses in **[name of district]**Commercial districts, one single- or double-faced bulletin board per site may be incorporated into an

approved monument or ground-mounted sign. Sign area of the bulletin board portion of the sign shall not exceed sixty-five percent of the total sign face.

3. Wall Signs.

a. For commercial uses permitted in **[name of district]** districts, one wall sign for each tenant occupancy shall be permitted. Sign area for all wall signs shall not exceed eight percent of the building elevation area, with a maximum individual sign face area of fifty square feet on primary frontages. Sign area for all wall signs shall not exceed six percent of the building elevation area on secondary frontages, with a maximum individual sign face area of twenty-five square feet.

b. For churches, schools, and public/semipublic facilities, one wall sign for each building frontage shall be permitted. Sign area for all wall signs shall not exceed eight percent of the building elevation area with a maximum individual sign face area of fifty square feet on primary frontages, and six percent of the building elevation area on secondary frontages, with a maximum sign face area of twenty-five square feet.

c. For commercial and office uses in **[name of district]**Commercial districts, total sign face area for all primary building-mounted wall signs shall not exceed twelve percent of the building elevation area with a maximum individual sign face area of one hundred square feet. Where the use has multiple frontages, the signage on secondary frontages shall not exceed eight percent of the building elevation area with a maximum sign face area of fifty square feet. No more than two wall signs shall be permitted on the primary building frontage. Only one wall sign shall be permitted on the secondary frontage.

4. Awning Signs.

a. For commercial uses permitted in **[name of district]** districts, one awning sign for each building frontage shall be permitted. Total sign area including wall signs shall not exceed twelve percent of the building elevation area, with a maximum sign face area of fifty square feet on primary frontages, and eight percent of the building elevation area on secondary frontages, with a maximum sign face area of twenty-five square feet.

b. For churches, schools, and public/semi-public facilities, one awning sign for each building frontage shall be permitted. Total sign area including wall signs shall not exceed twelve percent of the building elevation area, with a maximum sign face area of fifty square feet on primary frontages, and eight percent of the building elevation area on secondary frontages, with a maximum sign face area of twenty-five square feet.

c. For commercial and office uses in **[name of district]** Commercial districts, total sign face area for primary building-mounted wall signs and awning signs shall not exceed twelve percent of the building elevation area with a maximum sign face area of one hundred square feet. Where the use has multiple

frontages, the signage on secondary frontages shall not exceed eight percent of the building elevation area, with a maximum sign face area of fifty square feet.

5. Projecting Signs.

For upper floor businesses in the **name of district]**district, two projecting signs for each street frontage shall be permitted for buildings having two or more floors and at least fifty feet of street frontage. Sign area for each sign shall not exceed six square feet.

6. Suspended Signs.

For each business in **[name of district]** districts, one suspended sign over public right-of-way shall be permitted under an attached first floor awning or canopy with direct exterior pedestrian access. Sign area shall not exceed six square feet.

7. Banner Signs.

a. For multifamily residential developments, one banner sign shall be permitted for each development. The banner sign shall be limited to a display period of a maximum of thirty continuous days twice for each calendar year. Sign area shall not exceed fifty square feet.

b. For principal uses in **[name of district]**districts, one banner sign shall be permitted for each principal use. The banner sign shall be limited to a display period of a maximum of thirty continuous days twice during the calendar year. Sign area shall not exceed fifty square feet.

c. For temporary uses, one banner sign shall be permitted for each temporary use. The banner sign shall be allowed for the same duration as the temporary use. Maximum sign area shall not exceed fifty square feet.

B. Maximum Sign Height.

Monument signs shall be no more than six feet in height. Ground-mounted signs shall be no more than twelve feet in height.

C. Illumination.

1. Except for monument signs in the **[name of district]**zoning district, athletic scoreboards, bulletin boards, and wall signs permitted in the **[name of district]**districts, any illumination of signs in the residential sign district shall be indirect.

2. The illumination of signs within the residential sign district shall comply with the standards contained in Section XX.XX.120 of this chapter.

D. Other Limitations.

1. For major business complexes, a comprehensive sign plan, in compliance with Section XX.XX.105 of this chapter, shall be required.

2. For minor business complexes, a comprehensive sign plan in compliance with Section XX.XX.105 of this chapter, may be submitted.

3. Signage for automobile service stations in **[name of district]**Commercial districts shall comply with the provisions contained in Section XX.XX.110 of this chapter.

4. Within the **[name of district]**district, the design of all signs shall be historic in character, reflecting the type, style and materials of the 1900-1930 historic period of the district. In evaluating the design of signs in the **[name of district]**district, the approving authority shall consider elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering. The planning department shall maintain an inventory of depictions of approved signs to offer guidance to applicants and the approving authority in the application of these standards. Plastic-faced signs, signs displaying flashing or intermittent lights or lights of changing degree of intensity, including bulletin boards, are prohibited in this district. The content of a sign message shall not be considered as a part of design review.

5. Within the **[name of district]**district, monument signs otherwise allowed by subsection (A)(1)(b) of this section are prohibited.

6. Within the **[name of district]**district, the design of a sign shall be evaluated in its relationship to the architectural style of the building on the site and signage on adjacent properties. To the extent feasible and without interfering with the communication need of the sign owner, the form, proportion, scale, color, materials, surface treatment, size, illumination, and size and style of lettering of a sign shall be harmonious with the building style and design, and signs of adjoining properties. The number of graphic elements on a sign shall be held to the minimum necessary to convey the sign message and shall be composed in proportion to the area of the sign face. Plastic-faced signs, signs displaying flashing or intermittent lights or lights of changing degree of intensity, including bulletin boards, are prohibited in this district. The content of a sign message shall not be considered as a part of design review.

7. When an applicant submits a determination by an architect or other design professional that the design standards of this section are met, it creates a rebuttable presumption that the criteria are satisfied. In order to overcome this presumption, and deny a sign permit for the failure to satisfy design criteria, the city must obtain a contrary opinion from an architect or other design professional that the criteria are not met and a recommendation of the design changes needed to obtain compliance with the standards.

XX.XX.060 Commercial/industrial sign district.

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

Comment: in referencing specific types of uses within the districts, the drafter is cautioned to refer to the jurisdiction's zoning ordinance, and to either similarly define them in the sign code or at least by reference to the zoning / development code.

A. Permitted Sign Types, Number and Area.

Signs within the commercial/industrial sign district are limited as follows and require the issuance of permits under Section XX.XX.125 of this chapter:

1. Monument or Ground-Mounted Signs.

a. For principal uses, one single- or double-faced monument or ground-mounted sign shall be permitted for each lot along the primary street frontage. Where a use has multiple street frontages, this signage may be permitted along each frontage building frontage that abuts an arterial or collector street. Sign area shall not exceed forty square feet for each sign face.

b. Major or Minor Business Complex. Monument signs in major or minor business complexes shall be permitted in accordance with the comprehensive sign plan provisions contained in Section XX.XX.105 of this chapter.

c. For churches, schools, and public/semipublic facilities, one single- or double-faced monument sign shall be permitted for each such facility. Where such a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed forty square feet for each sign face.

2. Pole Signs.

a. For major or minor business complexes, pole signs shall be permitted in accordance with the comprehensive sign plan provisions contained in Section XX.XX.105 of this chapter.

3. Wall Signs.

a. For a principal use, the total sign face area for all building-mounted wall signs, including multiple signs for multiple tenants, shall not exceed eight percent of the building elevation area on the primary frontage, with a maximum individual sign face area of one hundred twenty square feet. Where the use has multiple building frontages, the total signage area on secondary building frontages shall not exceed six percent of the building elevation area, with a maximum individual sign face area of sixty square feet. However, if the building elevation area on a frontage exceeds five thousand square feet, the maximum individual sign area may increase to one hundred ninety-nine square feet.

b. For major or minor business complexes, wall signs are permitted in accordance with the provisions of this section and the comprehensive sign plan provisions contained in Section XX.XX.105 of this chapter.

4. Awning Signs.

a. For principal uses, the total sign face area for awning signs and wall signs shall not exceed twelve percent of the building elevation area on the primary frontage, with a maximum sign face area of one hundred twenty square feet. Where the use has multiple frontages, the signage on secondary building frontages shall not exceed eight percent of the building elevation area, with a maximum sign face area of sixty square feet.

5. Numeric Information Signs.

For principal uses, one single- or double-faced time, numeric information sign with a maximum of six square feet shall be permitted.

6. Bulletin Boards.

a. Schools, churches and public and semipublic facilities, one single- or double-faced bulletin board may be incorporated into an approved monument or ground-mounted sign. Maximum sign area for a bulletin board shall not exceed twenty-four square feet for each sign face.

b. Theater Marquees. One single-faced bulletin board, or one double-faced bulletin board constructed so that the two faces connect at one end with an angle of forty-five degrees or more, may be incorporated into a theater marquee. Maximum sign area for the bulletin board shall not exceed twelve percent of the building elevation area on the primary frontage, with a maximum sign face area of one hundred twenty square feet. The total combined area of theater marquee bulletin boards, awning signs and wall signs shall not exceed the maximum percentage of building elevation area permitted for the building elevation.

7. Banner Signs and Balloon Signs.

a. Principal Use. One banner sign or one balloon sign shall be permitted for each principal use and shall be limited to a display period of a maximum of thirty continuous days twice during the calendar year. Maximum sign area shall not exceed fifty square feet, as calculated pursuant to Section XX.XX.080(A) of this chapter.

b. Temporary Business. One banner sign or one balloon sign shall be permitted for a temporary business and shall be allowed for the same duration as the temporary business. Maximum sign area shall not exceed fifty square feet for a banner sign. Sign area for a balloon sign shall be calculated pursuant to Section XX.XX.080(A) of this chapter.

8. Electronic Message Signs.

a. For principal uses, one single- or double-faced electronic message sign per site may be incorporated into an approved monument or ground-mounted sign. Sign area of the electronic message portion of the sign shall not exceed fifty percent of the total sign face.

b. For major or minor business complexes, one single- or double-faced electronic message sign per complex may be incorporated into a monument or ground-mounted sign approved under the comprehensive sign plan provisions contained in Section XX.XX.110 of this chapter. Sign area of the electronic message portion of the sign shall not exceed fifty percent of the total sign face.

9. Illuminated Interior Signs.

a. For principal uses, one or more illuminated interior signs may be installed into the windows facing a public street or sidewalk. Sign area of individual illuminated interior signs shall not exceed four square feet; and the cumulative area of two or more illuminated interior signs installed in windows on the same building elevation shall not exceed fifteen percent of the overall window area on that elevation.

b. For major or minor business complexes, one or more illuminated interior signs may be installed into the windows facing a public street or sidewalk. Sign area of

individual illuminated interior signs shall not exceed four square feet; and the cumulative area of two or more illuminated interior signs installed in windows on the same building elevation shall not exceed fifteen percent of the overall window area on that elevation.

10. Projecting Signs.

For principal uses, one or more projecting signs shall be permitted per use. Maximum sign area shall not exceed twenty square feet. Total sign area for wall and projecting signs shall not exceed twelve percent of the building elevation area on the primary frontage. Where the use has multiple frontages, total sign area for wall and projecting signs.

11. Roof Signs.

a. For a principal use, the **[City Manager]** may approve one roof sign, in lieu of other building-mounted signs, only upon finding that there are no other reasonable means of signing the business or use, due to extraordinary circumstances related to the physical location or structure of the building, distance from nearby streets, proximity of surrounding buildings or vegetation, or other factors over which the applicant has no control.

b. Approval of a roof sign shall be subject to the following standards:

1. The sign is installed on a gabled, hipped, mansard, or otherwise sloped roof;

2. Sign area for the roof sign shall not exceed eight percent of the roof elevation area, with a maximum area of one hundred twenty square feet;

3. The highest point of the roof sign shall not exceed the height of the ridge of the roof; and

4. Issuance of a building permit and final approval of the installed sign by the building department.

B. Maximum Sign Height.

1. Monument signs shall be no more than six feet in height.

2. Ground-mounted signs shall be no more than twelve feet in height.

3. Pole signs in a major or minor business complex shall not exceed the sign heights outlined in Section XX.XX.105 of this chapter.

4. Pole signs permitted in the Tualatin Valley Highway sign corridor, as defined in Section XX.XX.050 of this chapter, shall not exceed twenty-four feet in height.

5. The overall height of a balloon sign, if installed on the ground, shall not exceed the height of the lowest building on the site. If installed on top of a building, the height of the balloon sign above the roof of the building shall not exceed a distance equal to the height of the building above grade.

C. Illumination.

Illumination of signs within the commercial sign district shall meet the standards contained in Section XX.XX.120 of this chapter.

1. For a major business complex, a comprehensive sign plan in compliance with Section XX.XX.105 of this chapter shall be required.

2. For a minor business complex, a comprehensive sign plan in compliance with Section XX.XX.105 of this chapter may be submitted.

3. Signage for automobile service stations shall comply with Section XX.XX.110 of this chapter.

4. Pole signs are prohibited within three hundred feet of public right-of-way designated as a freeway or as light rail transit on the transportation system plan.

5. Where up to five principal uses are contained in a building(s) with less than thirty thousand gross square feet of building area, one monument or ground-mounted sign shall be permitted for each lot.

6. Balloon signs permitted in the commercial/industrial sign district shall the securely installed by a professional sign contractor.

XX.XX.070 Industrial park and research park sign district.

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

Comment: in referencing specific types of uses within the districts, the drafter is cautioned to refer to the jurisdiction's zoning ordinance, and to either similarly define them in the sign code or at least by reference to the zoning / development code.

A. Permitted Sign Types, Number and Area. Signs within the industrial park and research park sign district are limited as follows and require the obtaining of permits under Section XX.XX.125 of this chapter:

1. Monument Signs.

a. Principal Use. One single- or double-faced monument sign shall be permitted for each lot along the primary street frontage. Where a use has multiple street frontages, this signage may be permitted along each building frontage that abuts a TSP designated arterial or collector street. Sign area shall not exceed thirty square feet for each sign face.

b. Principal Use on Sites Larger Than Five Acres. One single- or double-faced monument sign shall be permitted for each lot along the primary street frontage. Where a use has multiple street frontages, this signage may be permitted along each building frontage that abuts an arterial or collector street. Sign area shall not exceed sixty square feet for each sign face.

c. Churches, Schools and Public/Semipublic Facilities. One single- or double-faced monument sign shall be permitted for each such facility. Where such

a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed thirty square feet for each sign face.

2. Wall Signs.

a. Principal Use. The total sign face area for building-mounted wall signs shall not exceed eight percent of the building elevation area on the primary frontage, with a maximum individual sign face area of one hundred square feet. Where the use has multiple building frontages, the total signage on secondary building frontages shall not exceed six percent of the building elevation area with a maximum individual sign face area of one hundred square feet. However, if the building elevation area on a frontage exceeds five thousand square feet, the maximum individual sign area may increase to one hundred ninety-nine square feet.

3. Bulletin Boards.

a. Churches, Schools and Public/Semipublic Facilities. One single- or double-faced bulletin board may be incorporated into an approved monument sign. Maximum sign area for the bulletin board shall not exceed twenty-four square feet for each sign face.

4. Banner Signs.

a. Principal Use. One banner sign shall be permitted for each principal use and shall be limited to a display period of a maximum of thirty continuous days twice during the calendar year. Maximum sign area shall not exceed fifty square feet.

b. Temporary Business. One banner sign shall be permitted for a temporary business and shall be allowed for the same duration as the temporary business. Maximum sign area shall not exceed fifty square feet for a banner sign.

5. Electronic Message Signs.

a. For principal uses, one single- or double-faced electronic message sign per site may be incorporated into an approved monument or ground mounted sign. Sign area of the electronic message portion of the sign shall not exceed twenty-five percent of the total sign face.

b. For major or minor business complexes, one single- or double-faced electronic message sign per complex may be incorporated into a monument or ground-mounted sign approved under the comprehensive sign plan provisions contained in Section XX.XX.105 of this chapter. Sign area of the electronic message portion of the sign shall not exceed twenty-five percent of the total sign face.

6. Roof Signs.

a. For a principal use, the **[City Manager]** may approve one roof sign, in lieu of other building-mounted signs, only upon finding that there are no other reasonable means of signing the business or use, due to extraordinary circumstances related to the physical location or structure of the building, distance from nearby streets, proximity of

surrounding buildings or vegetation, or other factors over which the applicant has no control.

b. Approval of a roof sign shall be subject to the following standards:

1. The sign is installed on a gabled, hipped mansard, or otherwise sloped roof;

2. Sign area for the roof sign shall not exceed eight percent of the roof elevation area, with a maximum area of one hundred twenty square feet;

3. The highest point of the roof sign shall not exceed the height of the ridge of the roof; and

4. Issuance of a building permit and final approval of the installed sign by the building department.

B. Maximum Sign Height. Monument signs shall be no more than six feet in height.

C. Illumination. The illumination of signs within the industrial park and research park sign district shall meet the standards contained in Section XX.XX.120 of this chapter.

D. Other Limitations.

1. A comprehensive sign plan may be submitted for industrial and research business complexes and shall comply with Section XX.XX.105 of this chapter.

XX.XX.075 Billboard districts and permits.

Comment: Billboards need not be authorized within a city. See generally G.K. Travel v. Lake Oswego, (no constitutional right to communicate via pole signs). If permitted, there should be no distinction between on-premise / off-premise billboard. Outdoor Media Dimensions, Inc. v. Dept. of Transp., 340 Or. 275, 132 P.3d 5 (2006)

Comment: If included, it is recommended that the billboard restrictions be in a separate section from the rest of the sign code. Billboard regulation is frequently challenged; it would be harder to also challenge other parts of your sign code in attempting to demonstrate unconstitutionality as it relates to billboard signs, and thus reduces the possible challenge to the entire sign code.

A. No billboard shall be constructed or maintained within the city unless the owner obtains a billboard permit from the **[City Manager]**. A billboard permit is a type of sign permit required under Section XX.XX.020 of this chapter.

B. An owner of a billboard site may apply for a billboard permit as provided in Section XX.XX.125 of this chapter. The **[City Manager]** shall issue or deny the billboard permit within thirty days of receipt of the permit application. If there is more than one complete application for a billboard permit, the **[City Manager]** may select an application for approval by chance. A billboard permit is a type of sign permit. A billboard permit shall be issued under the provisions of Sections XX.XX.125 and XX.XX.135 of this chapter.

C. A billboard permit is subject to the following standards:

1. A billboard must be located within the boundaries of **[list]** district.

2. No more than sixteen billboard permits shall be issued at any one time for billboards within the **[list]** district. The number of billboard permits within the **[list]** district may be increased by the number of any billboards located on land designated industrial or commercial in the city's comprehensive plan, located adjacent to [**street / highway name – define scope of area**]. No more than two billboard permits shall be issued at any one time for billboards within the **[list]** district. The **[City Manager]** shall limit the number of billboard permits within the **[list]** billboard district to one permit if that permit allows a tri-vision sign or an electronic message sign. The **[City Manager]** shall also limit the number of billboard permits within the **[list]** billboard district if consolidation is approved under subsection (C)(10) of this section.

3. A billboard permit may be assigned without the consent of the city. The permittee shall provide notice of any assignment to the city. The allowed location of a billboard may be changed by modification of the permit. The **[City Manager]** shall approve a modification if the new location is consistent with the requirements of this section of the code.

4. Except as provided herein and in subsection (C)(10) of this section, each sign face of a billboard shall not exceed three hundred square feet in area. The signage area may be increased an additional twenty percent for any signage that is irregular in form and projects beyond the outer dimensions of the sign board, frame or cabinet. Each side of a double-faced billboard shall be a separate sign face for purposes of these signage area limitations.

5. Any billboard in the **[list]** billboard district may be a tri-vision sign or an electronic message sign. No tri-vision sign of electronic message sign may be located within the **[list]** billboard district until or unless the number of billboard permits for that district is limited to one permit. Any billboard may be double-faced, allowing sign copy on two sides of a sign structure, provided the two sides are parallel to each other within a deviation of ten degrees.

6. The building height zoning limitation for the property upon which a billboard is situated applies to that billboard.

7. Within the **[list]** billboard district, no billboard shall be located closer than one hundred fifty linear feet from the property line of any residentially zoned property as measured along the same side of the highway and at the highway frontage where a sign is proposed, unless the residential property is separated from the billboard property by [**highway name**].

8. All billboards shall be subject to the separation requirements established by state statute or rule.

9. The provisions of this section control over any inconsistent requirement or limitation in the underlying sign district applicable to the property on which a billboard is located.

10. Within the **[list]** billboard district, a billboard permit holder may file a consolidation application to combine two billboards with areas less than three hundred square feet into one billboard with an area less than seven hundred square feet. The **[City Manager]** shall approve the billboard consolidation application if the consolidated billboard meets the locational standards in subsections (C)(7) and (C)(8) of this section. In the event a billboard permit holder receives a consolidated billboard permit, the number of permits allowed within the billboard district shall be permanently decreased by the number of consolidated permits issued.

11. No person installing a billboard shall scatter, daub, or leave any paint, paste, glue, or other substances used for painting or affixing advertising matter or scatter or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth, or materials of whatsoever kind removed from signs on any public street, sidewalk, or private property.

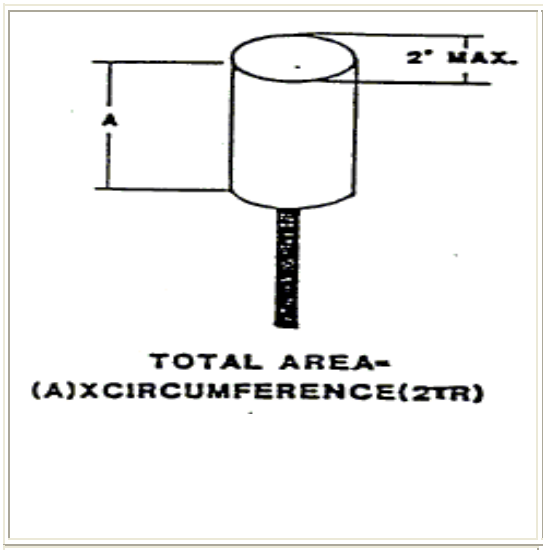
XX.XX.080 Measurements.

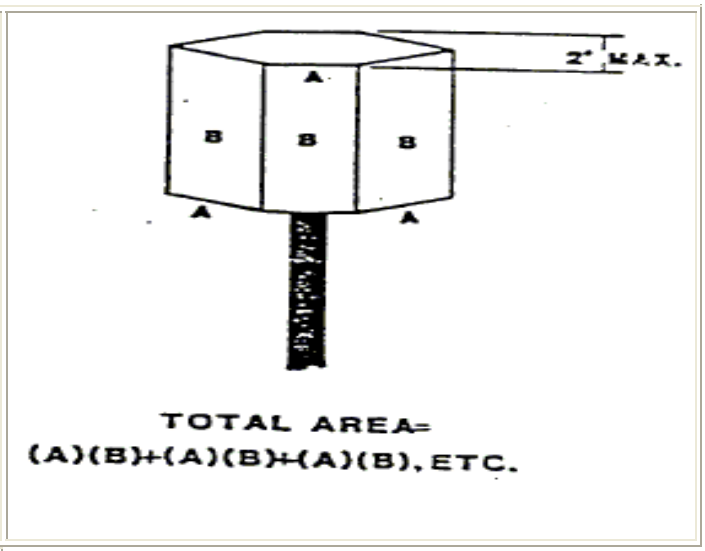
The following shall be used in measuring a sign to determine compliance with this chapter:

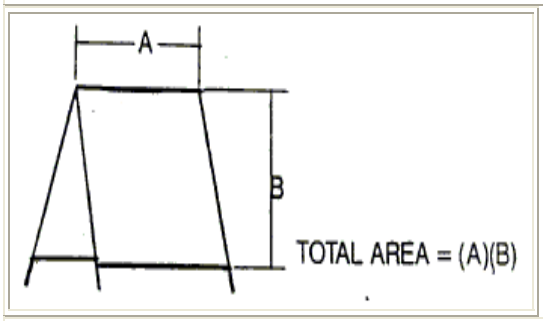
A. Sign Area.

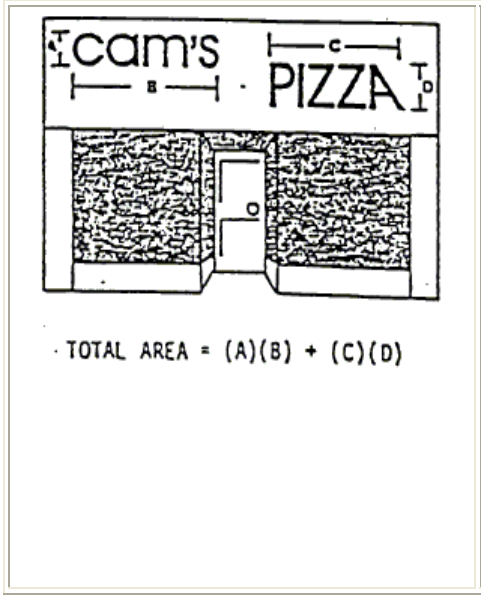
1. Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy. When signs are not framed or on a base material and are inscribed, painted, printed, projected or otherwise placed upon, or attached to a building, canopy, awning or part thereof, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

Table [XX]


2" MAX.
A
TOTAL AREA=
(A)XCIRCUMFERENCE(2πR)


2" MAX.
A
B
B
B
A
A
TOTAL AREA=
(A)(B)+(A)(B)+(A)(B), ETC.


A
B
TOTAL AREA = (A)(B)


cam's
PIZZA
C
B
D
TOTAL AREA = (A)(B) + (C)(D)

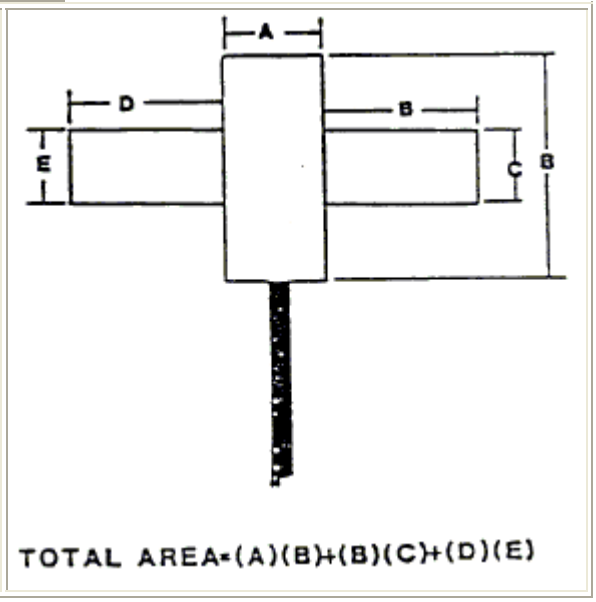
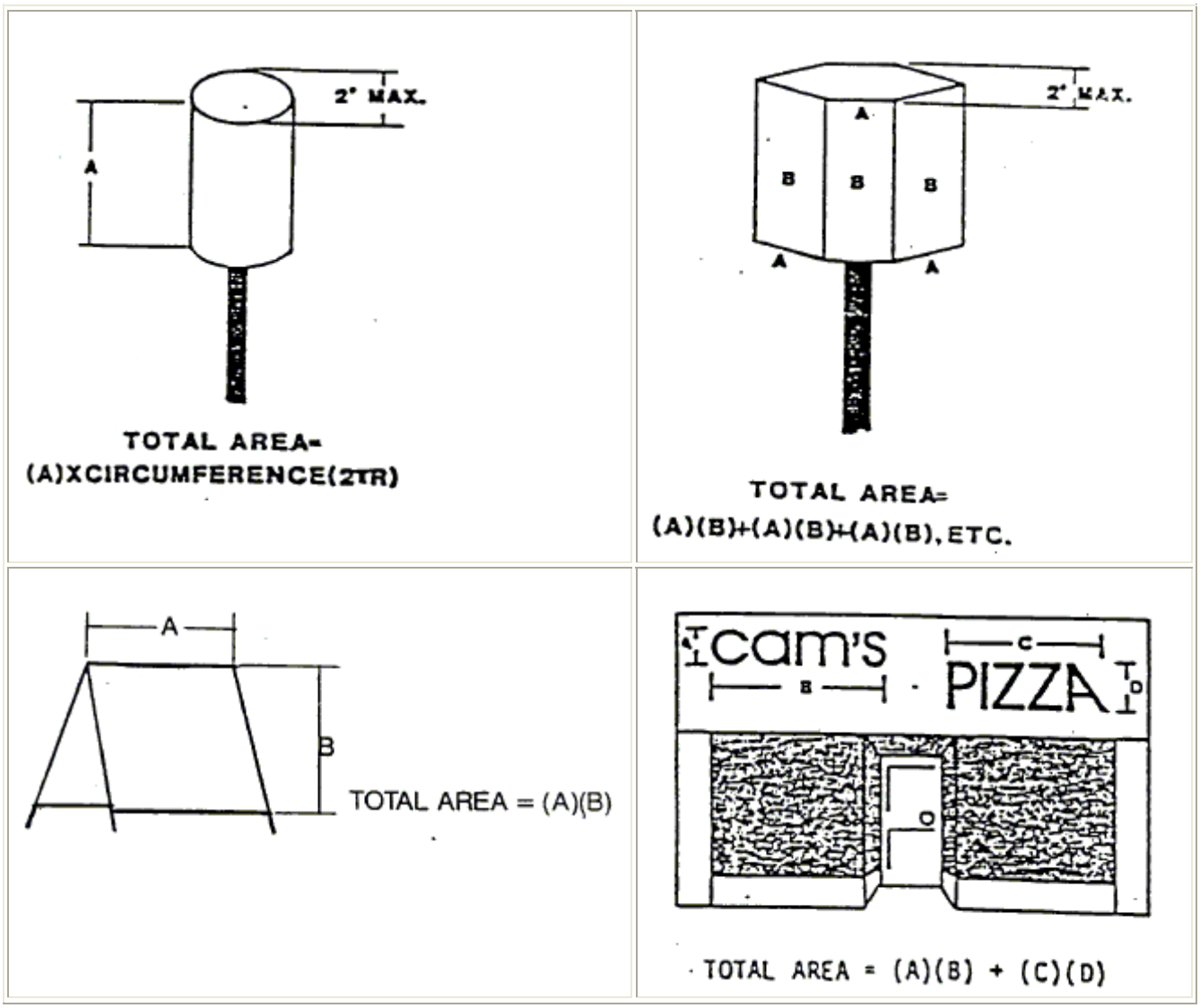

A
D
B
E
C
B
TOTAL AREA=(A)(B)+(B)(C)+(D)(E)

Table [XX]



2. The area of all signs in existence at the time of enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area.

3. When signs are constructed in multiple separate pieces containing sign copy, sign face area is determined by a perimeter drawn in straight lines, as small as possible, around all pieces.

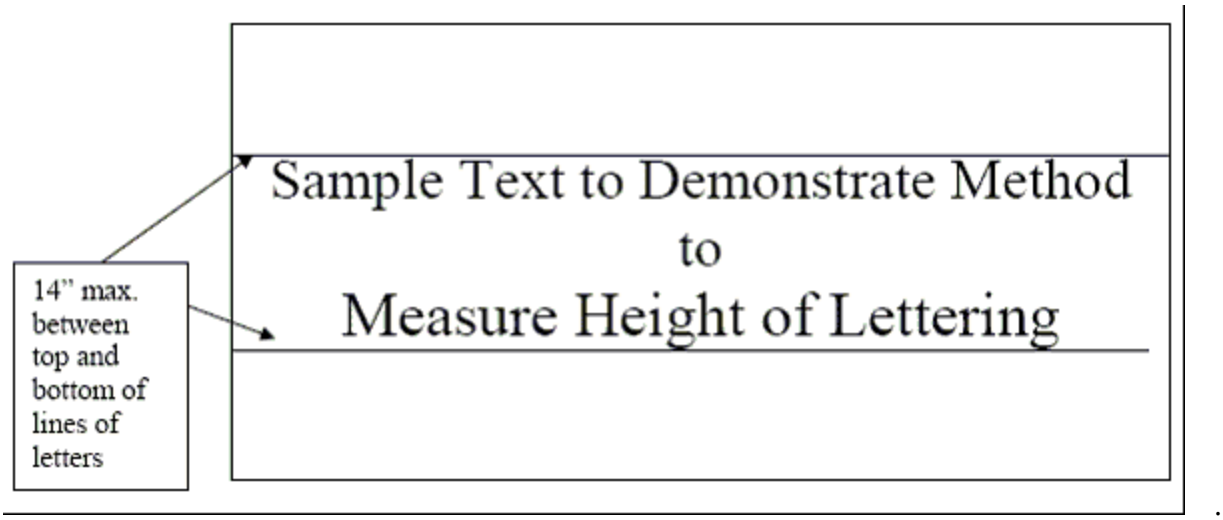
B. Height.

1. Height of sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign including the supporting structure.

2. Where there is a limitation on the size of lettering, the lettering shall be measured cumulatively in height. See graphic below.

///

TABLE [XX]
METHOD OF MEASURING HEIGHT OF LETTERING FOR CORNICE SIGNS



C. Clearance.

Clearance is measured from the average grade below the sign to the lowermost point of the sign.

D. Spacing.

1. For the purpose of applying spacing requirements to signs, distances shall be measured parallel to the centerline of the adjacent street or highway.

2. The sign or sign location under consideration shall be included as one sign.

3. A back-to-back sign is counted as a single sign for the purpose of spacing distances.

[**E. Visibility**.]

Comment: Some jurisdictions may wish to attempt to regulate the visibility of the signs vis-à-vis other signs. These should be carefully thought out because there are likely challenges in the administration and enforcement.

XX.XX.085 Projecting signs.

An otherwise authorized sign shall be permitted to project over public right-of-way if the sign meets all of the following requirements:

A. The sign is attached to the face of a building where the building face is located within five feet of the property line abutting a street.

B. No external cross braces, guy wires, trusses, or similar bracing systems are used in constructing the sign.

C. The sign extends no more than eight feet from the building face and shall be no less than [**XX**] feet above the ground under the projecting sign.

D. The sign does not project above the roof line or parapet wall, whichever is higher.

E. Projecting signs shall conform to all provisions of this section which are designed to provide safe minimum clearance along public sidewalks and streets. The sign must have a minimum of [**8.5**] feet clearance from the ground. The outer edge of the projecting sign must be set back a minimum of two feet from the curbline.

[**F. Spacing between an earlier erected and any later erected projecting sign shall be a minimum of twenty feet**.]

Comment: only applicable if the jurisdiction imposes a spacing requirement, see XX.XX.080.E.

XX.XX.090 Wall signs.

A. A wall sign shall not project more than eighteen inches from the wall to which it is attached. A wall sign located on an alley frontage shall not project more than twelve inches from the wall to which it is attached and shall have fifteen feet of clearance.

B. A wall sign shall not project above the roof line, or top of the parapet wall, whichever is higher.

C. No external braces, guy wires, “A” frames, or similar bracing systems shall be used in constructing a wall sign.

D. The height of a wall sign attached to the end or face of a marquee shall not exceed thirty inches. The lower edge of this sign shall not extend below the marquee.

E. Wall signs on mansard roofs of thirty degrees or less may be installed vertically if solid background is used.

F. Wall signs shall be placed within the sign band.

XX.XX.095 Freestanding signs.

A. No part of a freestanding sign shall be erected or maintained within three feet of a street front property line, or within five feet of a side lot line, unless the application for the permit has been reviewed by the fire marshal and the fire marshal has determined that the location of the sign does not interfere with adequate fire access to any property.

B. No part of a freestanding sign shall project or extend into any public right-of-way.

C. Except as provided in this subsection, no freestanding sign shall project or extend into any vision clearance area. One or two sign poles supporting a freestanding sign may be located within the vision clearance area if they are necessary for the support of the sign, and if no other

portion of the sign is located within the vision clearance area between two feet and ten feet overgrade.

D. A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross braces, guy wires, “T” frames, “A” frames, “trusses,” or similar bracing systems shall be used to buttress, balance, or support a freestanding sign.

E. Only one freestanding sign is allowed for each street frontage, unless multiple signs are approved through a comprehensive sign plan.

F. A minimum of nine feet in clearance is required in areas accessible to vehicles. The lowest point of these signs may be less than nine feet above grade in areas not accessible to vehicles when the signs are protected from physical damage by the installation of bumper poles or other ground protections.

G. Freestanding signs permitted in a commercial/industrial sign district, station community commercial sign district or industrial park and research park sign district shall not be located closer than fifty linear feet from the property line of any single-family residential, multifamily residential, or station community residential zoned property as measured along the street frontage.

XX.XX.100 Awning signs.

A. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.

B. The awning supporting structure shall maintain a clearance of eight feet.

C. An awning shall not extend to within two feet from the curb. An awning shall not project above the roof line.

D. The awning sign shall extend no more than eight feet from the building face.

XX.XX.105 Changing Image Signs

A. Changing images permitted under this chapter shall comply with the following standards and all other applicable requirements under this code or other applicable law:

1. The sign is constructed, established, operated, or otherwise function in such a way that the message or display changes no more frequently than every [*] hours/minutes;

2. The changing image sign may not be more than [**forty (40)**] square feet, whether the changing image is stand alone or a part of a more comprehensive or aggregate sign; and

3. Subject to subsection 4 of this section, the changing image sign must be constructed, established, operated, or otherwise function in such a way as to not exceed the following illumination limitations:

(A) For a sign comprised of red only, the intensity level (NIT) may be no more than [**3,130**] in the daytime and [**1,125**] in the nighttime;

(B) For a sign comprised of green only, the intensity level (NIT) may no more than [**6,300**] in the daytime and [**2,250**] in the nighttime;

(C) For signs comprised of amber only, the intensity level (NIT) may be no more than [**4,690**] in the daytime and [**1,675**] in the nighttime; and

(D) For signs with full color, the intensity level (NIT) may be no more than [**7,000**] in the daytime and [**2,500**] in the nighttime; and

4. The permittee shall submit to the Building Official a written certification from the sign manufacturer, stating that the light intensity of the sign has been factory pre-set not to exceed the levels specified in subsection (3) of this section, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Building Official.

5. No other flashing light is permitted on the same side of a sign containing a changing image sign.

B. Electronic message signs permitted under this chapter shall comply with the following standards and all other applicable requirements under this code or other applicable law:

1. The rate of` change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.

3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.

4. Sign copy shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.

5. No electronic message sign lamp may be illuminated to a degree of brightness than is greater than necessary for visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the **[City Manager]**.

XX.XX.110 Comprehensive sign plan.

A comprehensive sign plan provides a means for defining common sign regulations for multi-tenant projects by providing incentives in the design and display of multiple signs. A comprehensive sign plan shall be required for all major business complexes and may be submitted for minor business complexes, industrial and research business complexes, and institutional uses. An application for a comprehensive sign plan approval shall be filed at the time permits for permanent signs on the property are sought. If a sign is for a development that requires development review under **[City]** Zoning / development Ordinance Sections 133 and 136, then the sign shall be reviewed as part of the development review process prior to approval of a sign permit. The plan shall be reviewed under the procedures set out in Section XX.XX.125 of this chapter. A decision on the plan application is subject to review under the procedures set out in Section XX.XX.135 of this chapter.

Comment: if the jurisdiction wishes signs to be compatible with other nearby signs, the drafter should consider how a comprehensive sign plan will be implemented. Presumably, following approval of a comprehensive sign plan, subsequent signs that comply with the plan should be approvable. But what of later-erected nearby signs and the requirement that the new sign under the sign program be compatible with the then existing signs?

A. An application for a comprehensive sign plan shall include information on the following:

1. The location of all wall, projecting, monument, and freestanding signs;

2. A description of the signs including construction materials, color scheme, unifying design elements, and any proposed lighting;

3. An itemization of sign sizes including height and area at all identified sign locations;

4. The location of any area designated for temporary signs, and documentation of the means by which such signs may be illuminated if approved.

B. A comprehensive sign plan shall comply with the following standards:

1. The signs and the signs together with the architectural style of structures in the business complex shall share common design elements. The content of any sign message shall not be considered in determining whether common design elements are present.

2. The comprehensive sign plan shall accommodate future revisions that may be required because of changes in principal uses or tenants; and

3. The comprehensive sign plan shall comply with the standards of this chapter, including any special allowances for sign area, number, location, and height provided for in this section.

C. Wall signs in a comprehensive sign plan shall meet the following requirement:

1. The allowed sign area shall be the amount authorized in the relevant sign district.

D. Freestanding signs and monument signs in minor business complexes shall meet the following requirements:

1. One freestanding sign shall be permitted for the entire complex. The maximum height of such sign shall be twenty feet. The maximum area of this sign shall be one hundred square feet for a single-faced sign and two hundred square feet for a double-faced sign.

2. One monument sign shall be permitted on each pad site or lot located within the minor business complex. The sign shall not exceed six feet in height and thirty-two square feet in area for a single-faced sign and sixty-four square feet in area for a double-faced sign.

E. Freestanding signs and monument signs in major business complexes shall meet the following requirements:

1. One freestanding sign shall be permitted for the entire major business complex. The maximum height of this sign shall be twenty-six feet. The maximum area of this sign shall be one hundred thirty square feet for a single-faced sign and two hundred sixty square feet for a double-faced sign.

2. Where a complex has multiple street frontages, one freestanding sign shall be permitted on each street frontage classified as an arterial or collector on the transportation system plan and having a minimum of five hundred feet of frontage. There shall be three hundred lineal feet of separation, measured along each side of the right-of-way, between the two freestanding signs.

3. One monument sign shall be permitted on each pad site or lot located within the major business complex. The sign shall not exceed six feet in height and thirty-two square feet in area for a single-faced sign and sixty-four square feet in area for a double-faced sign.

F. Monument signs in industrial and research business complexes shall meet the following requirements:

1. One double-faced sign located at the primary vehicular entrance or a maximum of two single-faced signs on either side of the primary vehicular entrance shall be permitted. The sign shall not exceed thirty-two square feet in area for a single-faced sign and sixty-four square feet for a double-faced sign. The sign may either be constructed as a monument sign with a maximum six-foot height, or incorporated into a decorative wall.

2. One monument sign shall be permitted on each lot located within the industrial and research business complex. The sign shall not exceed four feet in height and sixteen square feet in area for a single-faced sign and thirty-two square feet in area for a double-faced sign.

G. Where development review is accomplished through the approval of a development permit for a commercial or industrial building or site, a comprehensive sign plan shall be included with the conceptual drawings, illustrations and building elevations and shall address the standards contained in this chapter. The sign plan shall be reviewed and approved by the [**[hearing body]**], in association with building and site design, as a part of the development permit review process using the standards set out in this section.

XX.XX.115 Automobile service station sign plan.

Comment: This provision arguably is a "speaker-based distinction," which could subject the provision to legal challenge. The distinction may well be justified and defensible based on considerations such as the heightened need to control sign clutter for service stations so the traveling public can clearly identify the service station and the services and goods it offers, given the nature of the business – servicing autos on the adjacent right of way -- to prevent slow traffic cruising gas stations to find the best deal. If this type of provision is to be included in the sign code, the entity should be able to document their consideration of such factors."

An automobile service station sign plan shall be required for all automobile service stations. An application for an automobile service station sign plan approval shall be filed at the time permits for permanent signs on the property are sought and shall comply with the provisions contained in this section. The plan shall be reviewed under the procedures set out in Section XX.XX.125 of this chapter. A decision on the plan application is subject to review under the procedures set out in Section XX.XX.135 of this chapter.

A. One freestanding sign shall be permitted. The sign area may include both a stationary sign face area and a bulletin board or changing image sign area. The maximum area for such a sign shall be fifty square feet for a single-faced sign and one hundred square feet for a double-faced sign.

1. The maximum height of a freestanding monument sign shall be six feet.

2. The maximum height of a freestanding ground-mounted sign shall be twelve feet.

3. The maximum height of a freestanding pole sign, including supporting structure, shall be twenty-four feet. The minimum clearance of a freestanding pole sign, excluding supporting structure, shall be fifteen feet.

B. Except for a service station opening for a period up to three weeks, flags, pennants, or other attention-seeking or advertising devices shall not be permitted.

C. Wall signs associated with an automobile service station sign plan shall not exceed the amount authorized in the relevant sign district. In lieu of the wall signage allowed by this section, one sign shall be permitted on the automobile service station canopy facing the principal frontage. Total sign area shall not exceed twenty percent of the visible vertical surface of the canopy face, with a maximum sign face area of fifty square feet. Where the use has multiple frontages, one additional sign shall be permitted on the canopy facing each secondary frontage. Total sign area on the secondary frontage shall not exceed ten percent of the visible vertical surface of the canopy face, with a maximum sign face area of twenty square feet.

XX.XX.120 Construction and maintenance standards.

A. All permanent signs shall be constructed and erected in accordance with the requirements of the Uniform Building Code.

Comment: The International Structural Specialty Code, Appendix H, contains structural requirements relating to sign materials, loads and stresses, as well as provisions relating to "exempt signs", "sign definitions", etc. The State has <u>not</u> adopted Appendix H, so the jurisdiction should review Appendix H to determine if it wishes to adopt Appendix H, in full or in part, to require a building permit review as part of the sign permit. If not adopted, then the signs are subject to the State Building Code, as determined by the local building official, e.g., structural requirements for free-standing or marquee signs, electrical code, etc.

When reviewing Appendix H, the Committee recommends the drafter consider the following revisions to Appendix H:

Section H101: The first sentence should be moved to Section H103.

Section H101.2: delete, because that is duplicative with this Sign Code.

Section H102: delete, because this Sign Code has its own definitions of types of signs.

Section H112.4: delete, as this is addressed in height limitations relating to projecting signs.

Section H113.4: delete, as this is addressed in the sign size limitations contained in this Code.

B. All illuminated signs must be installed by a state-licensed sign contractor, subject to the requirements of the State Electrical Code. All electrically illuminated signs shall be listed, labeled, and tested by a testing agency recognized by the state of Oregon.

C. Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining building and electrical permits, the applicant shall obtain a sign permit or demonstrate an exception from the permit requirements of this chapter.

D. All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

E. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No signs shall be erected or maintained so as to obstruct any building opening to such an extent that light or ventilation is reduced below minimums required by any applicable law or provisions of this code.

XX.XX.125 Illumination—General restrictions.

A. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.

B. Regardless of the maximum wattages or milliampere rating capacities allowable under Section XX.XX.120(E) of this chapter, no light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.

C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.

D. Except for [**either**] holiday seasonal decorations, [**or signs approved under a comprehensive sign plan**], temporary signs shall not be illuminated.

E. The illumination of signs shall comply with the following standards:

1. No exposed reflective type bulb, par spot nor incandescent lamp, which incandescent lamp exceeds [**twenty-five**] watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

2. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed [**three hundred]** milliamperes rating for white tubing nor [**one hundred**] milliamperes rating for any colored tubing.

3. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed:

a. Within residential sign districts, illumination equivalent to four hundred [**twenty-five**] milliampere rating tubing behind a sign face with tubes spaced at least seven inches, center to center;

b. Within commercial or industrial sign districts, illumination equivalent to [**eight hundred**] milliampere rating tubing behind a sign face spaced at least nine inches, center to center.

XX.XX.130 Sign permit application.

A. Except as provided in this chapter, a permit is required to erect, construct, repair or alter a sign. If a sign is for a new development that requires development review under **[City]** Zoning / development, then the sign shall be reviewed as part of the development review process prior to approval of a sign permit.

B. An application for a sign permit shall be made on a form prescribed by the **[City Manager]** and shall be filed with the city. The application shall be filed by the owner of the sign or a representative of the sign's owner. A separate sign permit application is required for each sign, unless a combined application for all signs in a proposed development is proposed. The application shall include information required by the **[City Manager]** and the following:

1. A sketch of the site, drawn to scale, showing the approximate location of existing structures, existing signs, and the proposed sign;

2. Building frontage elevations drawn to scale, showing the sign's relative location and placement;

3. An illustration of the proposed sign, drawn to scale, showing the design, elevations, sign face dimensions and area, materials and engineering data which demonstrates its structural stability. The illustration of the proposed sign need not show the sign message, but shall show the size, style, and design of the lettering, numbers, and graphics conveying any message. The content of any message shall not be considered in the evaluation of a sign permit application;

4. The names and addresses of the applicant, the owner of the property on which the sign is to be located, the manufacturer of the sign and the person installing the sign, and the construction contractor's board number of the installer. The owner of the property on which the sign is to be located shall sign the sign permit application;

5. A fee in the amount set by council resolution. When a person begins construction of a sign requiring a sign permit before the permit is approved, the permit fee shall be doubled.

Comment: Fee charged must not "restrain" the free expression or "restrict" the right to speak freely. Fee should be reflective of the cost of the permit review and cost of the program. Fidanque v. State by and Through Oregon Gov't Stds. & Practices Comm'n, 328 Or. 1, 9 (Or. 1998); Outdoor Media Dimensions, Inc. v. Dept. of Transp, 340 Or. 275, 132 P.3d 5 (2006)

Example: Lake Oswego

19)	Signs (multiple window signs in the EC zone treated as a single sign)	$ 329
	Special event sign	$ 95
	Variance to Sign Code	$ 1,081
	Sign Retrieval Fee (violations)	$ 20
	Refundable deposit for Public Notice Signs	$ 70

C. When deemed necessary by the building official, building or electrical permits shall be obtained as a part of the sign permit process. When required by Section XX.XX.095 of this chapter, the approval of the fire marshal shall be obtained.

Land Use Regulation

X. Public Notice of Sign Permit Application and Comment Period.

Comment: *If Sign Permit review is a "limited land use decision" (approval or denial based on discretionary standards that regulate the physical characteristics of a use permitted outright, i.e., design review), then must provide for at least 14-day written comment period by properties within 100 feet. ORS 197.195(3). Notice is required to be given to the recognized neighborhood association in which the site is located. ORS 197.763(1)(b).*

Notice must contain:

- *Statement that issues that could be basis of appeal must be stated in written comment; list criteria; address;*
- *date/time/place comments are due;*
- *copies of application available for inspection / copying;*
- *name of staff person.*

ORS 197.195(3).

It is recommended that the notice process be the same as for the city's zoning/development applications which are "limited land use decisions," for consistency.

D. The **[City Manager]** shall grant or deny the sign permit application based upon the information submitted with the application and other information obtained by or submitted to the city.

Non-Land Use Regulation	Land Use Regulation
1. A decision on a sign permit application shall be made within seven calendar days of submission of a complete application, unless a later decision period is specified under the below subsections.	1. A decision on a sign permit application shall be made within seven calendar days following completion of the Public Comment Period above, unless a later decision period is specified under the below subsections. The decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.
Comment: To exercise prior restraint (requiring a permit before erection of a sign), it is recommended that the time for application review and appeal provide for expeditious review. If review of application is content-neutral with objective criteria, quick time for review is not required. St. Petersburg. "time	*Comment: Decision to be made following close of Comment Period. ORS 197.195(4) requires a statement explaining the decision See also Non-Land Use Regulation Comment opposite.*

limits are not per se required when the licensing scheme at issue is content-neutral." See also Thomas v. Chicago Park. GK Travel. However, this depends on court finding the licensing scheme was a content-neutral time, place and manner permit scheme. GK Travel. In Granite State Outdoor Advertising, Inc. v. City of Clearwater, 5 day completeness review and 5-10 working days substantive review deemed constitutional. In Thomas v. Chicago Park, 28 days was approved. GK Travel (14 day review).	

If a decision is not made within the time specified in this section, the applicant may temporarily install the sign as requested, at the applicant's risk for costs of removal, until such time as the City's decision is issued and is final.

> *Comment: The Code should specify what remedies applicant has if the review is not completed in the time specified -- can the sign be put up while waiting for decision? Is permit deemed issued? Granite State Outdoor Advertising, Inc. v. City of Clearwater*

X. When the requested permit is part of an application for [a comprehensive sign plan] or [an automobile service station plan] reviewed by the [City Manager], a decision on the permit shall be made within thirty days of submission of a complete application.

E. Notice of Decision

Non-Land Use Regulation	Land Use Regulation
4. If the application is denied, the **[City Manager]** shall mail the applicant written notice of the decision and shall explain why the application was denied. [**The decision shall also include an explanation of the applicant's appeal rights.**] The decision shall be mailed to the address of the applicant on the application by regular mail.	4. The **[City Manager]** shall mail the applicant and any persons who submitted a written comment upon the application within the Public Comment Period written notice of the decision and shall explain why the application was approved or denied. The decision shall also include an explanation of the appeal rights. The decision shall be mailed by regular mail to the address of the applicant on the application and to interested persons to the address stated in their Comment.
*Comment: The **[bracketed text]** is not required by statute.*	*Comment:* o *Decision must be based upon the*

	submitted record and explain the justification for the decision. ORS 197.195(4). o *Explanation of appeal rights required by ORS 197.195(4).*

E. A sign permit application shall be approved if:

1. The application complies with all of the applicable provisions of this chapter and any other objective requirement imposed by law. No standard shall be applied to deny a permit if the operation of that standard violates a constitutional right of the applicant. If, as part of the application, an applicant identifies a particular standard alleged to have unconstitutional effect, and provides reasons for that contention, the **[City Manager]** shall seek the opinion of the city attorney on the contention. If the city attorney concludes that the operation of the standard violates a constitutional right of the applicant, the **[City Manager]** shall not apply the standard in reviewing the application;

2. The applicable permit fee has been paid.

F. An approved sign shall be constructed and installed within six months of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this chapter or other provisions of this code are void. The **[City Manager]** may grant a reasonable extension of time for the installation deadline upon a showing of reasonable grounds for delay.

G. If sign does not conform to the building code after inspection, the sign will be subject to removal under Section XX.XX.155 of this chapter.

H. The **[City Manager]** may revoke a sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.

XX.XX.135 Adjustments.

A. Adjustments to the numeric standards of this section shall be allowed only in compliance with this subsection. Adjustments may be requested to allow relocation of a sign, on the subject property, reducing the height of a sign, or enlarging the area of a sign. Adjustments allowing the use of prohibited signs, or allowing signage other than that specifically allowed by this code, are not permitted.

B. Requests for adjustments shall be filed with the city, on a form provided by the planning department, and accompanied by a fee as approved by the city council. The request shall include the information required for a sign permit, as specified in Section XX.XX.125(B) of this chapter, the specific standard from which the adjustment is requested, and the numeric amount of the adjustment, and written responses to the following approval criteria:

Land Use Regulation
Comment: when setting up the application and appeal process, attention should be given to the requirement for processing an application to a final decision within the 120-day period required by ORS 227.178.

Hillsboro

1. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the same vicinity or sign district, and the adjustment is necessary to permit signage comparable with other properties in the same sign district in the vicinity;

2. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and

3. Approval of the adjustment will not adversely affect the function or appearance of the development and use of` the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

Lake Oswego

1. Strict application of the code requirement would deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses because of an unusual or unique circumstance relating to the property or the proposal, such as site or building location, building design, physical features on the property, or some other circumstance;

2. The sign which would result from the variance will not affect the surrounding neighborhood or other property affected by the request in a manner materially inconsistent with the purpose of the Sign Code as stated in XX.XX.010; and

3. The degree of the variance is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance identified pursuant to subsection (1) of this section.

C. The [**hearing body**] shall conduct a public hearing on the request for adjustment. The [**hearing body**] shall approve, approve with conditions, or deny the adjustment, based upon the evidence at the hearing. The **[hearing body]** may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from approving the adjustment. The hearing shall be conducted under the procedures used by the [**hearing body**] for a quasi-judicial land use hearing.

D. The city recorder shall give written notice of the hearing by mail to owners of property located within one hundred feet of the lot containing the sign, using for this purpose names and addresses of owners as shown upon the latest assessment role of the county assessor. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for an adjustment.

Comment: Some jurisdictions expand the notice area beyond the statutory minimum of 100 feet. ORS 197.763(2)(a). Notice to neighborhood associations is required by ORS 197.763(2)(b)

Comment: if the sign code is a land use regulation, the notice of decision area should be the same as for a limited land use decision (variance) under the development code.

E. The [**hearing body**] shall issue its decision in writing explaining the reasons why the adjustment was approved or denied. The decision shall be mailed to the address of the applicant on the application by regular mail. The decision of the [**hearing body** shall be final.

XX.XX.140 Appeal of decision on sign permit.

Non-Land Use Regulation	Land Use Regulation
A. An applicant may appeal the denial of an application for a sign permit, conditions of approval of the allowance of a permit or revocation of the permit. An appeal may be initiated by filing a form prescribed by the **[City Manager]**, that is filed within twenty days of the date of mailing the decision of the **[City Manager]**. The form shall specify the bases for the appeal. Except as provided herein, the appeal shall be to the [**hearing body**]. The decision of the [**hearing body]** may be appealed to the city council. In considering the appellant's contentions, the city council shall exercise only the review authority listed in subsection (F) of this section.	A. An applicant or interested person who appeared by submission of a Comment may appeal the denial of an application for a sign permit, conditions of approval of the allowance of a permit, or revocation of the permit. An appeal may be initiated by filing a form prescribed by the **[City Manager]**, that is filed within twenty days of the date of mailing the decision of the **[City Manager]**, city engineer or the building official. Except as provided herein, the appeal shall be to the **[hearing body]**.

Comment: A decision of approval or denial should be in writing, with a copy provided to the applicant. Café Erotica (concurring opinion); GK Travel *To exercise prior restraint (requiring a permit before erection of a sign), it is recommended that the time for appeal provide for expeditious review. Granite State Outdoor Advertising, Inc. v. City of Clearwater, Thomas v. Chicago Park, GK Travel*	*Comment: At least one internal appeal required from hearing officer's decision to the planning commission or to the City Council is required, if the initial decision is made without a hearing. ORS 227.175(10)(a)(A).* *Comment: See ORS 227.010 - .090 to determine if other hearings bodies within the jurisdiction qualifies as a "Planning Commission." Appeal could be directly to city council. ORS 227.175(10(a)(D).*
	2. The hearing before the [**hearing body**] shall be de novo, and is not limited to the issues stated in the appeal notice.
	Comment: ORS 227.175(10)(a)(D) and (E) require the initial post-hearing officer hearing be de novo, without limitation of evidence or argument to what was reviewed by the hearings officer.
	3. The decision of the [**hearing body**] may be appealed to the city council. In considering the appellant's contentions, the city council shall exercise only the review authority listed in subsection (F) of this section.
	Comment: only one internal appeal is required; the hearing body's decision could be the final decision of the City. If the sign code is considered a land use regulation, refer to similar provisions in the jurisdiction's development code. [In setting the application processing times and hearing notice requirements, keep in mind the 120 day limitation for processing land use permits]

B.

Non-Land Use Regulation	Land Use Regulation
	The city recorder shall give written notice of the hearing by mail to owners of property

	located within one hundred feet of the lot containing the sign, using for this purpose names and addresses of owners as shown upon the current records of the county assessor, and to the recognized neighborhood association in which the site is located. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for an appeal.
Comment: The extent of public notice of an appeal hearing is up to the City, as the focus under the First Amendment is only upon the speaker's rights. Some jurisdictions may elect to involve the public, and issue public notices of hearings, akin to land use hearings.	*Comment: Again, some jurisdictions expand the notice area beyond the statutory minimum of 100 feet. ORS 197.763(2)(a). Notice to neighborhood associations is required by ORS 197.763(2)(b)*

C. The [**hearing body**] shall conduct a public hearing on the appeal within 21 days following the receipt of the filed notice of appeal.

Comment: To exercise prior restraint (requiring a permit before erection of a sign), it is recommended that the time for appeal provide for expeditious review. Granite State Outdoor Advertising, Inc. v. City of Clearwater, Thomas v. Chicago Park, GK Travel

The [**hearing body**] shall grant or deny the permit based upon the evidence at the hearing and the record of its administrative proceedings.

Non-Land Use Regulation	Land Use Regulation
The hearing may be conducted under the procedures used by the **[hearing body]** for a quasi-judicial hearing.	The hearing shall be conducted under the procedures used by the **[hearing body]** for a quasi-judicial land use hearing.
	Comment: The initial evidentiary hearing procedures of ORS 197.763 must be followed. See also ORS 197.195(5).

D. The [**hearing body**] shall issue its decision in writing explaining the reasons why the permit was granted or denied.

Non-Land Use Regulation	Land Use Regulation
The decision shall be mailed to the address of the applicant on the application by regular mail.	The decision shall be mailed by regular mail to the address of the applicant on the application and to interested persons to the address stated in their Comment.

Municipal Court Not Available or Not Elected	Municipal Court Option
Comment: no additional text is necessary, as subsection D grants broad authority to consider the appeal.	E. In considering the appellant's contentions, the **[hearing body]** shall exercise only the following review authority: 1. Determining whether the **[City Manager]** failed to follow applicable procedures in taking action on the permit or the sign in ways that prejudiced the rights of the appellant; 2. Determining whether the **[City Manager]** properly applied the provisions of this chapter; 3. Modifying the decision of the **[City Manager]** only to the minimum extent necessary to be consistent with the requirements of this chapter or of other laws; 4. Attaching such conditions to granting all or a portion of any appeal as necessary to achieve the purposes of this chapter. F. When the appeal form in an appeal of a sign permit or revocation states an issue involving the application of state or federal constitutional law, the municipal court judge shall resolve the constitutional law issues on an expedited basis. Notice of the hearing before the municipal court judge shall be provided as set forth in subsection (B) of this section. The court shall conduct a public hearing on the constitutional issues and may allow the reception of factual evidence. The city attorney may appear on behalf of the city. Following the hearing, the court shall issue a written opinion on the constitutional issues. If the constitutional issues are the only issues raised in the appeal, the court shall direct the **[City Manager]** to grant or deny the permit or

	revocation. The directed decision of the **[City Manager]** is the final decision of the city. If other issues are raised in the appeal, the decision of the municipal court shall be binding on the **[hearing body]** . Following resolution of these other issues, the decision of the **[hearing body]** may be appealed to the city council. In considering the appellant's contentions, the city council shall exercise only the review authority listed in subsection (F) of this section. *Comment: the drafter should consider whether the appeal should be bifurcated between the constitutional issues (if any) and the non-constitutional issues, with the Municipal Court hearing the constitutional issues.*

Note to Drafter regarding Appeal Beyond City's Final Decision

Non-Land Use Regulation	**Land Use Regulation**
Judicial appeal would be by a writ of review. ORS 34.010.	*City's decision is either a "land use decision" or a "limited land use decision", resulting in judicial appeal to LUBA. ORS 197.825.*
Littleton ("Ordinary court procedural rules and practices (generally) provide reviewing courts with judicial tools sufficient to avoid delay-related First Amendment harm.", citing Freeman)	
In Oregon, we do not differentiate based on content, so burden is upon applicant to show that application meets Code requirements. See Café Erotica of Florida, Inc. v St. Johns County, Florida, 360 F. 3d 1274, 1294 (11th Cir 2004)'s concurring opinion: "Although this provision demands a content-based analysis, it is not an impermissible prior restraint. First, there is not a Metromedia violation because commercial speech is not advantaged over non-commercial speech. Rather, the provision establishes a preference for "core" speech by making the county bear the burden of proof and costs of initiating cases in circuit court if a denial is based on the content of the message. "Second, in Freedman v. Maryland, the Supreme Court required municipalities to "bear the burden of going to court to suppress speech and must bear the burden of proof once in court." FW/PBS v. City of Dallas, 493 U.S. 215, 227, 107 L. Ed. 2d 603, 110 S. Ct. 596 (1990) (citing Freedman v. Maryland, 380 U.S. 51, 58-60, 85 S. Ct. 734, 738-40, 13 L. Ed. 2d 649 (1965)). The county was most likely attempting to write its code to meet this Freedman requirement." (citations in original).	

XX.XX.145 Inspections.

A. If a building permit is required, the building official shall perform a sign inspection upon notification by the permittee that the construction is ready for inspection. Failure of the permittee to notify the building official of the progress of construction for inspection purposes shall result in the revocation of the sign permit. A final inspection of a sign shall be made upon completion of all construction work and prior to its illumination.

B. All signs may be inspected or reinspected at the discretion of the building official. The building official may inspect footings for monument, ground-mounted or freestanding signs. The building official may enter at reasonable time upon the premises of any person licensed under the provisions of this chapter for the purpose of inspection of signs under construction.

XX.XX.150 Enforcement of Sign Code – General Provisions

Comment: It can be difficult to enforce sign codes. The defendant is such cases often points to other instances in the City where violations have occurred and have not been

enforced. This leads to arguments that the city is selectively enforcing its ordinance in violation of Article 1 Section 8 (free expression) and Article 1 Section 20 (equal privileges) of the Oregon Constitution and the First Amendment as well is the Equal Protection and Due Process under the Fourteenth Amendment of the US Constitution.

The basic elements of this claim are 1) that there is selectivity in enforcement; 2) that the selective enforcement is intentional; and 3) that the selective enforcement is based on a unjustifiable standard. City of Portland v. Bitans, 100 Or App 297, 302, 786 P2d 222 (1990); McQuillin, Municipal Corporations Section 27.57.10. The argument that others have not been prosecuted is not sufficient. Selectivity in enforcement is allowed unless there is proof that it was deliberately pursued because of some impermissible reason such as race, religion or some other arbitrary standard. Proof of sporadic or non-existent enforcement in the past is not adequate.

In Oregon, these challenges to enforcement have generally failed. City of Eugene v. Crooks, 55 Or App 351, 637 P2d 1350 (1981).

The proposed code allows for monetary penalties and the recovery of costs for both signs on right of way and private property that are taken down by the City.

- *On private property, before the sign can be taken down and the owner charged, there should be notice and an opportunity for a hearing.*
- *On public property, non-permitted signs can be summarily removed and the owner given notice before the property is destroyed. Some codes and some jurisdictions merely remove the signs and destroy them. To avoid issues regarding the taking of private property, notice is proposed to be given before the property is destroyed.*

A. The following referenced code sections may be utilized for enforcement of this Sign Code, in regards to the types of sign violations referenced:

1. Sign in public right-of-way or on City-owned real property: Section XX.XX.155.
2. Sign on private property or on non-City-owned public property, other than on public right-of-way: Section XX.XX.160.
3. Unsafe Sign: Section XX.XX.165.
4. Abandoned Sign: Section XX.XX.170.

B. In addition to any other provisions contained herein, the [**City Manager**] is authorized to undertake such action as the [**City Manager**] deems necessary and convenient to carry out the provisions of this Sign Code, as is permitted by law.

C. Nothing contained herein shall preclude the issuance of citations for civil violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a sign to be unlawful or to removal an unlawful sign.

D. The **[City Manager]** may promulgate reasonable rules and regulations necessary to carry out the provisions of this chapter.

E. When a sign is removed, altered, and/or stored under these enforcement provisions, removal and storage costs may be collected against the sign owner and the person responsible for the placement of the sign. The city council shall establish the fees for removal and storage of signs, and for other associated fees, by resolution, from time to time.

F. This chapter shall not be construed to create mandatory enforcement obligations for the City. The enforcement of this chapter shall be a function of the availability of sufficient financial resources consistent with adopted budgetary priorities and prosecutorial priorities within the range of delegated discretion to the **[City Manager]**.

> *Comment: Just because a city prosecutes one violation and not another is not in itself prohibited discrimination. In the example of the sign code violation, unless the city is actually prosecuting a sign code because of the content of the message or because of membership in suspect class, there would be no improper prosecution. See also Medford Assembly of God v. City of Medford, 72 Or App 333, 339, 695 P2d 1379 (1984).*

XX.XX.155 Enforcement - Sign in public right-of-way or on City-owned real property.

Any sign installed or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of this chapter, may be removed by the [**City Manager**] as follows:

A. Immediate confiscation without prior notice to the owner of the sign.

B. The city shall store any sign ordered to be removed by the **[City Manager]** for a period of [**30**] days from the time the person responsible therefore is notified as provided in subsection C. The city shall continue to store such sign for any additional period during which an appeal or review thereon is before the [**City Manager / municipal court**.]

C. If a telephone number or address of the owner of the sign, person responsible therefore, or person or business that is the subject of the communication on the sign in on the text of a sign, the City shall contact the said person or business by telephone or by mail (based on the manner of contact stated on the sign) and advise that the City believes that:

1. The sign was found in a location that the City believes to be a public right-of-way or City-owned real property;

2. That no permit was issued for the placement of the sign in said location, and that the sign is not otherwise lawfully permitted to be in said location;

The communication shall advise said person or business that the City has confiscated the sign and shall destroy the sign after [**30**] days from the time the person responsible therefore is notified, unless either the sign is claimed and the removal and notice fees are paid in full or a Request for Hearing is submitted by the reputed sign owner to the [**City Manager**].

If no telephone number or mailing address is stated for the owner of the sign on the sign, the City shall retain the sign for a period of [**15**] days to permit the sign owner to ascertain that the sign has been removed and to file a Request for Hearing.

D. Upon receipt of a Request for Hearing, the City Recorder shall determine that that applicable fee is paid, and shall then schedule a hearing before the [**City Manager / municipal judge**] within [**3]** business days. The City Recorder shall notify the reputed sign owner and the appropriate city staff of the date, time, and place of the hearing upon the removal of the sign.

E. The hearing shall be conducted by the [**City Manager / municipal judge**]. The procedures for the hearing shall be established by the [**City Manager / municipal judge**] sufficient to provide the parties not less than the minimum due process required under state and federal law.

F. A prima facie violation of this Code shall be met if it is shown that:

1. The sign was located in a public right-of-way or City-owned real property; and

2. The sign owner is not a public entity or other public entity authorized to install and maintain public signs within the public right-of-way under this Sign Code.

The sign owner may rebut the prima facie showing of violation upon a showing that the sign was lawfully permitted within the public right-of-way or City-owned real property, or that the law does not require the sign owner to obtain a permit under this Sign Code to place a sign within the public right-of-way or on City-owned real property.

G. The [**City Manager / municipal judge**) shall issue a written decision within [**7**] days following close of the hearing. The decision shall be based upon substantial evidence in the record. A copy of the decision shall be mailed to the reputed sign owner at such address as provided on the Request for Hearing. The decision of the [**City Manager / municipal judge**] shall be the final decision of the City.

H. If the [**City Manager / municipal judge**] determines that the sign was not lawfully placed upon the public right-of-way or City-owned real property, then, following any applicable appeal or review period, the sign shall be destroyed in such manner as the [**City Manager**] determines appropriate. Destruction of the sign is in addition to any penalties that may be imposed under separate proceedings for civil violation of this Sign Code.

Land Use Regulation	Non-Land Use Regulation
Comment: If the decision is a land use decision, the appeal period to LUBA is 21 days from the date of the decision.	*Comment: if the decision is not a land use decision, the appeal period is 60 days, under the writ of review provisions of ORS 34.030.*

Comment: Some jurisdictions may wish the option of allowing the sign owner to recover the sign. The following alternative text is suggested:

> At the expiration of the time specified in this section, if the person responsible for the sign or other interested person has not reclaimed the sign as provided herein, the **[City Manager]** may destroy the sign or dispose of it in any manner deemed appropriate. To reclaim any sign removed by the **[City Manager]** the person reclaiming the sign shall pay the city an amount equal to the entire costs incurred by the **[City Manager]** as provided in subsection (I).

If the [**City Manager / municipal judge**] determines that the sign was lawfully placed upon the public right-of-way or City-owned real property, then the City shall re-install the sign upon the same place that it was removed from within [**3**] business days of the issuance of the decision and the fee for Request for Hearing shall be refunded to the payor of the fee.

Comment: The City may wish to include its right to appeal from the decision. In that case, re-installation of sign should be delayed until the appeal period has passed.

I. Costs, as determined by Section XX.XX.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually.

XX.XX.160 Enforcement - Sign on private property or on non-City-owned public property, other than on public right-of-way.

A. The **[City Manager]** may order the removal of any sign erected or maintained on private property or on non-City-owned public property, other than on public right-of-way, in violation of the provisions of this chapter or other applicable provisions of this code. If necessary to enter the premises to inspect the sign, the [**City Manager**] shall seek an administrative warrant for entry to the premises.

B. An order to bring a sign into compliance or to remove a sign shall be in writing and mailed or delivered to the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known.

C. The order shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known that the sign violates the regulations in this chapter and must be brought into compliance or be removed

within [**60**] days of the date of the order, or such earlier date as shall be stated in the order. The order shall also state the reasons why the **[City Manager]** concludes the sign violates the regulations in this chapter and shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known of the right to submit a Request for Hearing, to determine whether or not the sign is in violation of this Sign Code.

D. A Request for Hearing shall be filed by the reputed owner of the sign, or owner of the building, structure or premises on which the sign is located within [**15**] days following mailing or delivery of the order. The Request for Hearing shall be filed with the City Recorder.

E. Upon receipt of the Request for Hearing, the City Recorder shall proceed in the manner specified in Section XX.XX.155(D), and a hearing shall be held, and decision issued, in the manner specified in Section XX.XX.155(E) and (G).

F. A prima facie violation of this Code shall be met if it is shown that the sign:

1. Does not conform to the requirements of this Code; or

2. Is posted by a person that is not authorized to post the sign in the specific location.

The prima facie showing of a violation may be rebutted upon a showing that the sign was lawfully permitted or authorized under this Code, or is otherwise required to be installed and maintained by state or federal law.

G. If the [**City Manager / municipal judge**] determines that the sign is not permitted or authorized by this Sign Code, or by other applicable state or federal law, then within [**10**] days following any applicable appeal or review period, the owner of the sign, or owner of the building, structure or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to conform to the requirements of this Sign Code. A sign which is not removed or altered in such a manner as to be made to conform to the requirements of this Sign Code, is defined as a public nuisance.

Comment: some jurisdictions may wish to consider different periods for removing permanent v. temporary signs. Other jurisdictions may decide that an illegal sign should be removed, following, hearing, post haste, regardless of its classification.

H. The [City Manager] may:

1. Exercise all rights and remedies to cause the removal of the sign, including but not limited to removal of public nuisance, injunctive order, or as otherwise existing under Oregon law; and/or

2. Seek judgment against the owner of the land and the sign owner, individually, or collectively, for the removal and other costs pursuant to Section XX.XX.150(E), and may collect upon the judgment in the manner provided by Oregon law; and/or

3. Seek such additional orders from a court of competent jurisdiction to permit entry upon the premises and removal of the sign.

I. Costs, as determined by Section XX.XX.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

XX.XX.165 Removal of unsafe signs.

A. If the **[City Manager]** finds that any sign by reason of its condition it presents an immediate and serious danger to the public, the **[City Manager]** may, without prior written notice, order the immediate removal or repair of the sign within a specified period. The City Manager shall follow the procedures provided in Section XX.XX.160, subsections (B), (C), (D), (E), (H), except that the [**City Manager**] may shorten the time deadlines as reasonable, considering the risk to the public from the sign if the sign were to fail.

B. If the [**City Manager / municipal judge**] determines that the sign presents an immediate and serious danger to the public, then within such time as set by the [**City Manager / municipal judge**] the owner of the sign, or owner of the building, structure or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to eliminate the threat of death, injury, or damage to the public and its property. A sign which is not removed or altered in such a manner as to be made safe, is defined as a public nuisance.

C. Costs, as determined by Section XX.XX.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

XX.XX.170 Removal of abandoned signs.

A. An owner of a sign shall remove the sign when it is abandoned.

B. The [**City Manager**] may order the removal of abandoned signs in the same manner as provided in Section XX.XX.160, and the procedures for requesting a hearing, and the decision issued, shall be as set forth therein.

C. Abandonment of a sign shall be made when it is shown that:

1. The sign is no longer used by the person who constructed the sign or the property where the sign is located is no longer used. The sign owner may rebut the prima facie showing of this ground of abandonment upon a showing that a reasonable effort is underway to continue the use of the property or sign,

2. The sign has been damaged, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

D. Costs, as determined by Section XX.XX.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

XX.XX.175 Reserved.

XX.XX.180 Violations.

A. It shall be a violation of this Code for any person to perform, undertake, allow, or suffer the following:

1. Installation, creation, erection, suffering, or maintenance of any sign in a way that would create a non-conforming sign;

2. Failing to remove any non-conforming signs within sixty calendar days after the expiration of the amortization period;

3. Failing to remove any non-conforming sign after being order to do so;

B. Continuing Violation**.** Each day of a continued violation shall be considered a separate violation when applying the penalty provisions of this Code.

XX.XX.185 Penalties and Other Remedies.

A. The [**municipal / circuit**] court is empowered to hear and determine violations of this chapter.

B. In addition to any other penalty of law, the municipal court or any other court of competent jurisdiction may issue a judgment necessary to ensure cessation of the violation, including but not limited to injunctive order and/or monetary penalty.

C. Any person who places a sign on property in violation of this chapter shall be punishable by a fine not to exceed **[XX]** dollars.

XX.XX.190 Amendments.

Non-Land Use Regulation	Land Use Regulation
Comment: The drafter should consider whether the Sign Code should contain an amendment process that requires greater public notice and comment than required for the city's regular ordinances, given the need for meaningful public participation.	*Comment: The drafter should also comply with the required notice and adoption process required for land use regulations.*

APPENDIX A - First Amendment Pitfalls In The Regulation Of Signs

FIRST AMENDMENT PITFALLS IN THE REGULATION OF SIGNS

Timothy J. Sercombe[1]
Michael K. Ryan
Kirkpatrick & Lockhart, Preston Gates Ellis LLP
(503) 228-3200

Presented at International Municipal Lawyers Association Annual Conference
Portland, Oregon
September 18, 2006

Summary of GK Ltd Travel v. City of Lake Oswego

In *GK Ltd. Travel v. City of Lake Oswego*, 436 F.3d 1064, 1077 (9th Cir. 2006), the Ninth Circuit Court of Appeals sustained Lake Oswego's sign regulations against a variety of federal constitutional claims. The case provides guidance in framing and defending the regulation of signs by local governments. The plaintiffs in the case were a sign owner (Ramsey Signs), its lessee (GK Travel) and GK's two shareholders. The city and its code enforcement officer were the defendants. Plaintiffs' pole sign was used to advertise and identify GK Travel, a travel agency. The city reformed its sign code in 1985 and again in 1994 to eliminate classifications of signs based on content. As part of the 1994 changes, the city phased out allowance of pole signs over a five-year amortization period, which was later extended to ten years. The case arose out of enforcement efforts against plaintiffs' nonconforming pole sign.

The plaintiffs asserted 17 claims for relief. Two of the four damage claims sought compensation under 42 U.S.C. § 1983 because of the enforcement of the pole sign limitation. The remaining two damage claims (race discrimination and just compensation for removal of sign) were without factual support or were premature. The claims for injunctive and declaratory relief alleged that the ordinance was unconstitutional because it triggered compliance upon change of copy on a sign, prohibited pole signs which were a "protected medium" of speech, impermissibly classified based on the content of signs, the viewpoint of the sign owner, and commercial/non-commercial sign distinctions, failed to provide sufficient procedural safeguards in obtaining a sign permit, granted "unbridled discretion" to the issuer of sign permits, and was vague and overbroad.

The city obtained summary judgment in the district court in all but a few particulars. The court found, and the city conceded, that the regulations of "danger," "official notices," "no solicitation," and "for charitable fundraising events" signs were based on content of messages and were not justified. The remainder of the sign code was found to be constitutional and the

[1] Editor's note: Mr. Sercombe was appointed to the Oregon Court of Appeal in 2007 and is no longer in private practice. [5/07]

judgment of the district court was affirmed on appeal. The circuit court upheld the pole sign limitations and the remainder of the sign code against all of the constitutional claims.

The opinion is significant in several respects. First, the court found that the sign code was content-neutral. Importantly, the court held that classifying on the basis of speaker is not a content-based regulation, and upheld the city's speaker-based exemptions to the permitting process. (These exemptions spared hospitals, railroads and public bodies from obtaining a permit and paying a fee.) The court also found that event-triggered allowances for temporary signs were not content-based restrictions, and upheld these allowances for signs around the time of elections and the sale or lease of real estate. Finally, the court declared it is not a content-based regulation merely because a city officer has to read a sign in order to determine if the change of copy regulation applies.

Second, the court granted deference to the city's stated purposes in the sign code. While the plaintiffs argued that the city had to prove the existence of traffic safety problems or aesthetic decline and show how the sign code would remedy them, the court accepted the evidence offered by the city and announced a general deference to the city's determination that the sign code served its legitimate interests.

Third, the court upheld permitting regulatory classifications based on sign structure types. In upholding the near complete ban on pole signs, the court held that pole signs were not a "venerable means of communication" and that the city's limitation was justified by its aesthetic interests. The court also found that the sign code left open ample alternatives to pole signs, including other non-sign-based forms of communication, as well as other types of signage.

Fourth, the court upheld the city's design review process. Because the code contained sufficiently specific criteria to determine whether the sign in question was "compatible" with the surrounding environment and required written reasons for a denial, it did not grant unbridled discretion to city officials. The court also rejected the plaintiffs' vagueness challenge, and held that the "somewhat elastic" criteria in the design review process did not invalidate the code.

Finally, the court determined that the procedural protections in the Lake Oswego sign code were sufficient to meet constitutional standards. The court determined the sign code was content-neutral, and therefore did not require all the procedural requirements of content-based prior restraints. The court was satisfied that the sign code requires quick processing of sign permit applications and a written decision with findings; it did not require more.

Plaintiffs' petition for a writ of certiorari was denied by the United States Supreme Court.

Other Issues in Sign Code Litigation

While the *GK LTD Travel* case addresses many pertinent topics in sign code litigation, there are several other current issues municipalities should consider in drafting and defending their sign codes. The following section addresses some of the most important questions.

1) Can a municipality provide generic exemptions to the permitting requirements under its sign code?

Courts draw distinctions between exemptions from the application of municipal sign codes to certain types of signs and exemptions from permitting and fee requirements. *GK Ltd. Travel v. City of Lake Oswego*, 436 F.3d 1064, 1077 (9th Cir. 2006). Cases arise where exemptions from code requirements allow certain messages to appear in forms unavailable to other messages, such as banning noncommercial billboards but allowing signs placed by government bodies or memorial plaques placed by historical agencies. *Nat'l Adver. Co. v. City of Orange*, 861 F.2d 246, 248 (9th Cir. 1988). While such categorical exemptions from sign code requirements are consistently found unconstitutional, *id.*, the law is not entirely clear as to when exemptions from permitting and fee requirements are permissible.

Depending on how they are drafted, generic exemptions from municipal permitting and fee requirements can constitute impermissible content-based restrictions as well. Even though permitting exceptions narrow the reach of the sign ordinance, they will be struck down if the exceptions favor particular sign messages. For example, in *Solantic LLC v. City of Neptune Beach*, 410 F.3d 1250 (11th Cir. 2005), the Eleventh Circuit invalidated a city ordinance that exempted 17 different categories of signs from both the form and permitting schemes imposed in the sign code, including several seemingly "generic" exemptions.[2] The court emphasized that even if the enumerated exemptions applied only to the permit requirements, the character of the exceptions would still render them unconstitutional because they were based on the content of the messages. 410 F.3d at 1256 n.6. The court relied on its previous decision in *Dimmit v. City of Clearwater*, 985 F.2d 1565 (11th Cir. 1993) to support a finding that the permitting exemptions were content-based. In *Dimmit*, the court invalidated a city ordinance that exempted from permitting requirements flags representing a governmental unit or body but not flags of another organization or group. *Id*. at 1262.

However, not all exemptions from permitting requirements have been struck down as content-based restrictions. In *Solantic*, the Eleventh Circuit distinguished its previous decision in *Messer v. City of Douglasville*, 975 F.2d 1505 (1992) in which it held that an ordinance exempting certain signs from a city permit requirement was not content-based on the grounds that the *Messer* exemptions were "much more limited"[3] and "contained no specific exemptions for political, historical, religious, or special event signs." 410 F.3d at 1263 n.12.

---

[2] The following kinds of signs are among the exemptions enumerated by the Neptune City Sign Code. "Signs erected by, on behalf of, or pursuant to the authorization of a government body, including… legal notices, identification signs and informational, regulatory or directional signs; … Official signs of a noncommercial nature erected by public utilities…; Holiday lights and decorations; …Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards; …. and Religious displays." 410 F.3d at 1257.

[3] "The ordinance in *Messer* exempted from permitting requirements and/or permit fees the following signs: (1) one wall sign per building, attached to the side of the building, announcing the business; (2) one real estate "for sale" sign per property; (3) one bulletin board located on religious, public, charitable, or educational premises; (4) one construction identification sign; (5) directional traffic signs containing no advertisements." 410 F.3d at 1263 n. 12 (quoting *Messer v. City of Douglasville*, 975 F.2d 1505, 1511 (11th Cir. 1992)).

As noted above, in *GK LTD. Travel v. City of Lake Oswego*, the Ninth Circuit upheld exemptions from the city's permit and fee requirements for "public signs, signs for hospitals or emergency services, and railroad signs." 436 F.3d at 1076.[4] The court found that these exemptions are "purely speaker based" and "say nothing of the City's preference for the content of these speakers' messages." *Id.* at 1077. The court also held that event-based exemptions for temporary signs in residential zones were not content-based. *Id.* However, the Ninth Circuit did not disturb the district court's holding that exemptions for "legal notices" or "danger signs" were constitutionally impermissible (as based on the message of the sign rather than the identity of the sign owner). The district court reasoned that there are no obvious owners for either type of sign, and therefore the distinction based on speaker was inapplicable. *Id.* at 1076.

The Ninth and Eleventh Circuits take different positions on whether speaker-based exemptions from permit requirements are content-based or content-neutral. In *Solantic*, the Eleventh Circuit expressly rejects the idea that exemptions favoring certain speakers are not content-based. 410 F.3d at 1265 ("The sign code exemptions that pick and choose the speakers entitled to preferential treatment are no less content-based than those that select among subjects or messages."). The Ninth Circuit takes a contrary view in *GK LTD. Travel*, holding that municipalities may exempt certain speakers from permitting and fee requirements without the burden of justifying a content-based regulation. The court notes that these institutional speakers are otherwise required to follow the substantive requirements of the sign code and concludes that just because the law affects one class of speakers more than others does not make the law content-based. 436 F.3d at 1077.

The key differences between the valid and invalid ordinances providing exemptions to permitting requirements seem to be the breadth of the exemptions and the presence of an articulated requirement of content-neutrality. The *Messer* exemptions are extremely narrow and very limited in scope. The *GK Travel* exemptions are entirely content-neutral and justified solely on the basis of the party speaking or a triggering event. There, the Ninth Circuit expressly notes the sign code's demand for content-neutrality.[5] 436 F.3d at 1077. Speakers exempt from permit and fee requirements should not be exempt from the general sign regulation scheme, as exemptions from form requirements are routinely held unconstitutional. *See Nat'l Adver. Co. v. City of Orange*, 861 F.2d 246 (9th Cir. 1988) (striking down content-based exemptions to general ban on billboard signs).

2) What kind of procedural protections must a municipality provide to permit seekers?

[4] The Lake Oswego Code defined "public sign" as "a sign erected and maintained by a public agency within the right-of-way of a street or alley."

[5] The provisions allowing temporary signs without a permit expressly state that "signage shall not be restricted by content" but is "usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling" and other temporary events.

Municipalities seeking to impose sign permitting requirements must comply with the procedural protections established by prior restraint jurisprudence. In *Freedman v. Maryland*, 380 U.S. 51 (1965), the Court articulates the requirements imposed by the First Amendment for valid licensing processes. These requirements have been summarized as: "(1) any restraint prior to judicial review can be imposed only for a specified brief period, during which the status quo must be maintained; (2) expeditious judicial review of that decision must be available; and (3) the censor must bear the burden of going to court to suppress the speech and must bear the burden of proof once in court." *Solantic*, 410 F.3d at 1270 (quoting *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990)).

Whether or not the *Freedman* protections apply depends upon whether the permitting scheme in effect is content-based or content-neutral. In *Thomas v. Chicago Park Dist.*, 534 U.S. 316 (2002), the Court evaluated a content-neutral licensing scheme for public park use and found that "*Freedman* is inapposite because the licensing scheme at issue here is not subject-matter censorship but content-neutral time, place, and manner regulation of the use of a public forum." *Id.* at 322. Following *Thomas*, multiple courts have concluded that the *Freedman* requirements apply only to content-based permitting schemes. *See Solantic*, 410 F.3d at 1271(citing *Granite State Outdoor Adver., Inc. v. City of St. Petersburg*, 348 F.3d 1278, 1281 (11th Cir. 2003)); *GK LTD. Travel*, 436 F.3d at 1082.

Therefore, so long as the city's sign code is content-neutral, courts will not require all the *Freedman* procedural protections to be in place. However, municipalities still must avoid granting "unbridled discretion" to their city officials in making determinations under the code and provide avenues for "effective judicial review." *Thomas*, 534 U.S. at 323.

3) What must a local government prove to justify its sign code?

The sign code must meet the *Ward* test for time, place and manner restrictions

When a municipal sign ordinance is challenged as violating the First Amendment, courts will use the test laid out in *Ward v. Rock Against Racism*, 491 U.S. 781 (1989) to determine the constitutionality of the restrictions on speech. Municipalities defending their ordinances will have the burden of showing that the regulations are reasonable time, place, and manner restrictions. Under *Ward*, time, place and manner restrictions must be content-neutral, narrowly tailored to serve significant government interests, and provide for ample alternative channels of communication. An analogous test is used to justify the regulation of commercial speech under *Central Hudson Gas and Elec. v. Public Serv. Comm'n*, 447 U.S. 557 (1980).

To satisfy the first prong of the test, the regulations must be content-neutral, which means that the regulations must be justified without reference to the content of the regulated speech. *Id.* at 791. Many sign codes fail under this prong, as it is difficult to draft exemptions to sign codes that do not classify permissible speech according to content. *See Nat'l Adver. Co. v. City of Orange, supra*. In *City of Orange*, the sign code granted exemptions to the ban on noncommercial billboards for a variety of speakers and topics, including signs placed by

governments and public utilities, memorial tablets or plaques, flags of national or state bodies, and changeable reader boards. *Id.* at 248. The court found that the exemptions were based on content and ultimately struck down the sign code. *Id.* at 249. Content-based regulations must meet a higher standard and are much more difficult for governments to justify.

If the regulations in a sign code are found to be content-neutral, the government must also show that they serve significant government interests and are narrowly tailored to advance those interests. *Ward*, 491 U.S. at 796. The most common government interests advanced in sign code litigation are traffic safety and aesthetics. The Supreme Court has held that both of these interests are "significant" for the purposes of the *Ward* test. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507 (1981). While courts will defer to the legislative body's judgment in determining whether the government's ends are advanced by a particular regulation, they will also examine the city's statement of purpose and any studies or findings advanced by the litigants to justify the regulations. *GK Travel LTD*, 436 F.3d at 1073. Municipalities should clearly articulate their interests in passing sign regulations in a statement of purpose included in the sign code ordinance.

Once a city demonstrates its ordinance serves significant government interests, it must also show that the regulations on speech are narrowly tailored to advance those interests. *Id.* The more exceptions to form and permitting requirements included in a code, the less likely it is that a court will find the code to be necessary to advance the stated regulatory purposes. In *Solantic v. City of Neptune Beach*, the 11th Circuit found that the City never explained how its purported interests in traffic and aesthetics were served by the numerous exemptions in the code. The court faulted the city for failing to explain how a sign depicting a religious figure with flashing lights and moving parts (which was permissible under the exemption for religious displays) would be any less distracting to motorists than a moving or illuminated sign featuring another figure which was categorically barred by the code's general prohibition on moving parts or flashing lights. *Solantic*, 410 F.3d at 1267. While the city's interests may have been legitimate, the code had too many loopholes to appear to seriously advance them. The ultimate question before most courts is whether the code in question could have been written more narrowly (*i.e.*, with less exceptions) and still advance the stated interest.

By contrast, the Ninth Circuit upheld the City of Lake Oswego's ban on all pole signs, finding it was narrowly tailored to serve the city's interests in traffic safety and aesthetics. The court found that because of their height, pole signs could reasonably be perceived by the city to be aesthetically harmful and distracting to travelers and that severely limiting their presence in Lake Oswego "directly serves the City's purposes." *Id.* By banning all pole signs, and not excepting certain signs, Lake Oswego's code was upheld as narrowly addressing a specific problem.

The final prong of the *Ward* test requires that even narrowly tailored content-neutral regulations on speech leave open ample alternative opportunities for a speaker to convey his or her message. *GK LTD Travel*, 436 F.3d at 1074. A city defending its sign code must show that speakers have other reasonable opportunities to communicate. In *GK Travel*, the Ninth Circuit

found that even though the city had banned pole signs, the sign code left unrestricted many other non-sign based forms of communication, such as handbills, radio, television, newspaper or telemarketing. *Id.* With respect to signage, the code still authorized several other types of signs, including wall, monument and canopy signs. *Id.* Municipalities should consider what other avenues are left open to speakers when they restrict certain media.

The local government has the burden of proof to show its code meets the *Ward* factors

When a sign code is challenged, the burden is on the municipality to show that its code meets the *Ward* requirements. Different courts have required varying amounts of evidence from government entities in meeting this burden, but at the very least, the government must come forward with some justification for its restrictions on speech. The amount and kind of required evidence will depend somewhat on whether the sign code is subject to a "facial" or "as applied" challenge. A "facial" challenge alleges that any enforcement of the ordinance creates an unacceptable risk of the suppression of ideas. *Kuba v. 1-A Agricultural Assoc.*, 387 F.3d 850, 856 (9th Cir. 2003) (citing *Foti v. City of Menlo Park*, 146 F.3d 629, 635 (9th Cir. 1998)). An "as applied" challenge alleges that the restriction on speech is unconstitutional as applied to the litigant's particular speech activity or to a particular permitting decision, even though the law may be capable of valid application to others. *Id.* The kind of evidence needed to meet the government's burden in overcoming these challenges varies somewhat depending on which type of challenge is brought and under which of the *Ward* factors the sign code is attacked.

When a challenger alleges that an ordinance is content-based, the city must show that its code provisions are content-neutral. In a "facial" challenge, the city can present the text of the code itself to show that its provisions or exemptions do not discriminate on the basis of content. A statement of purpose espousing content-neutrality can also be helpful in supporting the city's position. *See GK LTD Travel*, 436 F.3d at 1077. In an "as applied" challenge, whether or not a facially content-neutral ordinance was applied to censor or limit particular sign messages may create jury claims for damages, depending upon factual issues about consistency in the application of the ordinance. *Seattle Affiliate of the October 22nd Coalition v. City of Seattle*, 403 F.Supp.2d 1185, 1194 (W.D. Wash. 2006). Courts will consider evidence of past discriminatory enforcement (or lack thereof) in assessing a city's claims of content-neutral application.

The city also has the burden of demonstrating that its stated interests are significant and that the regulation in question is narrowly tailored to advance those interests. Though courts often combine this two-prong test into a single inquiry, municipalities defending sign ordinances should be prepared to provide *both* evidence of sign-related problems (to justify the significance of the interest) *and* evidence that demonstrates that the proposed regulations will address the identified problems (to show narrow tailoring). In an as applied challenge, the city's actual motivation in enforcing its ordinance may sometimes create a question for the jury which speaks to both the legitimacy of the interest and narrow tailoring. *See, e.g., October 22nd Coalition*, 403 F.Supp.2d at 1194. However, whether a jury will ultimately make this determination is dependant on the particular facts of each case. Similarly, a jury may also consider whether the

city's ordinance has left open ample alternative channels for the speaker to communicate his message, but this question, once again, is very fact dependant. *Id*. (finding, as a matter of law, that placing marchers on sidewalk instead of street along permitted parade route provided an ample alternative).

The required justification may vary.

The amount of evidence a city must provide varies somewhat by court and by the particular type of speech limitation. In cases dealing with regulations that limit the physical characteristics of signs (size, height and structure limitations), courts defer to a municipality's means-end determinations. As noted in *City of Ladue v. Gilleo*, 512 U.S. 43, 48 (1994), "[i]t is common ground that governments may regulate the physical characteristics of signs . . . ."

In contrast, regulations that preclude signage may require more substantial justification. A court will question and require stricter justification for any "broad prophylactic rule[]" that is of the kind that is "inherently suspect in the area of free expression." *Edenfield v. Fane*, 507 U.S. 761 (1993). In *Weinberg v. City of Chicago*, 310 F.3d 1029 (7th Cir. 2002), the court struck down the city's prohibition on peddling near a sports stadium because the city had "provided no objective evidence" that its stated interests in traffic flow and safety were jeopardized by the plaintiff's peddling. *Id.* at 1039. The court noted that the city offered "no empirical studies, no police records, no reported injuries, nor evidence of any lawsuits filed" to support either its interest in pedestrian safety or the proposition that its ordinance advanced that interest. *Id.*

Other courts have not required as significant a showing from the city defending an ordinance burdening speech. In the commercial speech context, courts have permitted litigants to justify speech restrictions "solely on history, consensus, and simple common sense." *Falanga v. State Bar of Georgia*, 150 F.3d 1333, 1341 (11th Cir. 1998)(citing *Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 628 (1995)). However, municipalities should be wary of this seemingly permissive language. Even in cases where this lower standard has been applied, the city has been required to offer more than "conclusory affidavits" from interested parties. *City of Watseka v. Illinois Public Action Council*, 796 F.2d 1547, 1555 n.15 (7th Cir. 1986). Similarly, in *GK Ltd Travel*, the 9th Circuit noted favorably the existence of testimony and hearings in the city's record about the problems of "visual pollution" associated with pole signs and the dialogue between the city and business leaders regarding the proposed sign code. 436 F.3d at 1073. The court also considered evidence that the city had relied "on the experience of other cities" and found that "this evidence provided the City with legitimate and relevant bases for advancing its Sign Code and restricting the availability of pole signs." *Id.*[6]

At a minimum, municipalities defending their sign ordinances should offer some empirical data justifying their sign codes. While cities are not necessarily required to conduct their own independent studies and can rely on research or reports conducted in other

[6] Finally, many of the cases requiring "hard" evidence are outside the context of sign regulations and occur generally in cases dealing with leafleting and picketing. *See, e.g., Weinberg, supra.*

communities, they should be prepared to offer justification for why the experience of another city necessitates similar action in their own communities. That justification may be present in the legislative history of the sign regulation.

4) Can a local government apply design review to signs without creating "unbridled discretion" in decision makers?

Municipalities can apply design review provisions to their sign codes if they employ "narrowly drawn, reasonable, and definite standards." *Advantage Media, LLC v. City of Eden Prairie*, 2006 WL 2129304 (8th Cir. Aug 1, 2006) (citing *Forsyth County, Georgia v. Nationalist Movement*, 505 U.S. 123, 133 (1992)). Plaintiffs challenging design review provisions often allege that the design review process grants "unbridled discretion" to local authorities enabling them to improperly reject permit requests for unconstitutional reasons. Local governments can defeat these challenges if their sign codes contain a limited and specific set of criteria for review, including characteristics such as form, proportion, scale, color, materials, and style of lettering. *GK Ltd Travel*, 436 F.3d at 1083. Cities should also provide written reasons for the denial of any permit and an established deadline within which officials must make permitting decisions.

Most design review provisions that have been invalidated by the courts have contained overly broad design criteria or have failed to articulate standards for officials to follow. In *Desert Outdoor Adver., Inc. v. City of Moreno*, 103 F.3d 814 (9th Cir. 1996), the court struck down the city's sign code because permits could be denied on the basis of such ambiguous reasons as "harming the community's health, welfare or aesthetic quality." *Id.* at 819. Moreover, city officials could deny a permit without providing any evidence or reasons as to why a proposed sign is detrimental to the community. *Id.* Conversely, the court upheld the City of Lake Oswego's permitting process because the standards for "compatibility review" were explicitly defined in the city's sign code. *GK Ltd. Travel*, 436 F.3d at 1083.[7] Courts will also look to the history of the sign code to determine whether or not a pattern of past abuse exists. *Id.* at 1084. Lacking evidence of past discriminatory application, courts are less likely to find that a design review process is unconstitutional.

5) Can sign companies challenge regulations that do not apply to them?

The "overbreadth doctrine" creates an exception to some traditional standing requirements in First Amendment cases. This doctrine allows litigants to challenge a statute not because their own rights of free expression are violated, but because of an assumption that the statute's very existence may cause others not before the court to refrain from constitutionally protected speech. *CAMP Legal Defense Fund, Inc. v. City of Atlanta*, 451 F.3d 1257, 1270 (11th Cir. 2006) (citing *Broadrick v. Oklahoma*, 413 U.S. 601, 612 (1973)). Under the doctrine, a party may bring a First Amendment case asserting the rights of third parties if a statute is

[7] The Lake Oswego sign code required signs to be "designed to be compatible with other nearby signs, other elements of street and site furniture and with adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering."

constitutionally applied to the litigant but might be unconstitutionally applied to third parties not before the court. *Id.* The challenge on behalf of the absent third parties must be a "facial" challenge.

Sign companies challenging municipal sign codes often use the overbreadth doctrine to attempt to invalidate an entire sign code, even when the code has been constitutionally applied to their particular case. In order to bring an overbreadth challenge, the sign company must still first establish what is known as "constitutional standing" before they can sue on behalf of anyone else. Constitutional standing requires a showing that the company has suffered an injury, that there is a causal connection between the injury and the city's conduct, and that there is a likelihood that the injury can be redressed by a favorable decision in the case. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992).

Recent circuit court decisions have interpreted this requirement to mean that a sign company can only challenge the provisions of the sign code that in some way apply to them. In *Advantage Media LLC v. City of Eden Prairie*, *supra*, the sign company sought to invalidate the entire sign code on a facial overbreadth challenge. The Eighth Circuit held that because the code's provisions were severable, the sign company could not challenge other provisions of the code which were not factors in the denial of its permit applications. *Id.* at *5. Similarly, in *CAMP Legal Defense Fund, Inc. v. City of Atlanta*, 451 F.3d 1257 (11th Cir. 2006), the Eleventh Circuit concluded that the plaintiff could only challenge provisions of the contested festival ordinance that affected its activities.

However, municipalities should be aware that sign companies can indeed bring overbreadth challenges if they can show that they are subject to the provisions of the sign code. In *CAMP v. City of Atlanta*, though the court found that the plaintiff organization could not challenge the entire festival ordinance as a whole, it did have standing to challenge provisions of the code that allegedly granted unbridled discretion to licensing officials, a permitting exception for government-sponsored events, and three application requirements that allegedly functioned as unconstitutional prior restraints. *Id.* at 1275-76. Because CAMP was impacted by each of those provisions, the court found it had standing to sue. Thus, if a particular sign code (or any of its provisions) could possibly apply to a sign company, the company will be able to establish standing to challenge the code (or particular provisions).

6) How can municipalities regulate political signs?

Municipalities drafting sign codes must be particularly sensitive to regulations on political signs. Because political speech is at the core of the First Amendment, it is the most protected and any regulations impacting political speech will be closely scrutinized by a court. There are two primary ways in which political speech can be impermissibly burdened: when a sign code favors commercial speech over noncommercial speech and when the sign code makes content-based distinctions between types of noncommercial speech.

A sign code is invalid if it imposes greater restrictions on noncommercial speech than on commercial speech. *GK Ltd Travel*, 436 F.3d at 1081. Sign codes which make it easier, cheaper and faster to communicate a commercial message than a political message will likely be held unconstitutional. In *Beaulieu v. City of Alabaster*, 2006 WL 1791401 (11th Cir. June 30, 2006), the court struck down a sign code which required a permit to post a campaign sign but not to post a real estate sign.

As discussed throughout this paper, exemptions to permitting and form requirements are difficult to draft without making impermissible content-based distinctions. In *Solantic, LLC v. City of Neptune Beach*, 410 F.3d 1250 (11th Cir. 2005), the court struck down the city's sign code because some types of signs were extensively regulated and others were exempt from regulation based on the nature of their messages. *Id.* at 1266. In the case of political signs, homeowners could post signs "related to elections, political campaigns, or referendums" without a permit, but could not post a different political message unrelated to an upcoming election. *Id.* at 1264-65. The court held that these content-based distinctions between types of noncommercial speech are unconstitutional.

Conversely, the City of Lake Oswego was able to successfully regulate political signs by avoiding content-based distinctions. In *GK Ltd Travel*, the sign code provided for an exemption for all signs placed in residential zones regardless of content. 436 F.3d at 1077. The only restrictions were temporal and size limits. Under the code, residents could erect a temporary sign without a permit so long as that sign goes up not more than 90 days prior to an election, stays up not more than five days following the election, and is no larger than six square feet. *Id.* The sign code explicitly prohibited content-based regulation and allowed for residents to display any message of their choosing as long as the size and time requirements were honored. The court found that the code was neutral with respect to noncommercial messages and upheld the regulations.

Practical tips for municipal lawyers drafting sign codes

1. Include a statement of purpose in the sign code that clearly identifies the city's interests in sign regulation. Cite to evidence of the problems necessitating the sign code as well as evidence that the proposed solution will address the problems. Reliable sources of evidence include empirical studies, anecdotal evidence from citizens (compiled complaints about distractions or dissatisfaction with current sign scheme), transcripts from hearings on the issue, studies of the impact of sign codes conducted in other cities that can be reasonably related to the problems faced in your city, or other data showing a correlation between the signs to be regulated and the problems you want the code to solve.

2. Include minimal exemptions and define them without reference to content. Speaker-based exemptions have been upheld in the Ninth Circuit, but not in the Eleventh Circuit. Short lists of clear, narrow, exemptions are more often upheld than longer lists. Event-based exemptions are also upheld, so long as the

exemption is not content-based. For example, instead of allowing temporary signs for the conveyance of messages about candidates or election issues, merely permit additional temporary signs of any content during the period of 90 days before an election. Instead of allowing signs about subdivision sales, consider allowing additional signage of any content on subdivision property that is the subject of sales.

3. Provide opportunities to comment and participate in the creation of sign regulations to affected persons and industry groups. The factual foundation for the regulation will be more firm if the comments are recognized by modifications or discussion.

4. Explicitly disavow regulatory distinctions based on the message of a sign in the text of the ordinance. A provision in the sign code for the City of Hillsboro, Oregon provides that,

   "The Hillsboro Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail."

5. Publicly-owned signs should not be completed exempted from sign regulation. They can be exempted from the requirements to obtain a permit and pay a permit fee.

6. If possible, place the decision-making authority under a sign code in either a single individual, or a select committee, to increase the likelihood that code decisions will be consistent. The more people with authority to make permitting decisions increases the risk that the code may be applied inconsistently.

7. Provide written reasons for permit denials and include a time limit for permit decisions in the text of the sign code.

8. Provide some type of formal administrative review of all adverse permitting decisions.

9. Use a separate severability clause than the standard one in your code. In particular, be sure to state that the physical limitations on signage (size, height, location, illumination and number restrictions) are severable.

10. Consider including a variance provision to allow a court to find that the sign code is more narrowly tailored. Subjective variance criteria, however, risk a determination of "unbridled discretion."

TJS: tjs

K:\99975\00035\TJS\TJS_P22CL 5/21/07 4:26 PM

TABLE OF CASES[8]

Ackerley Communications, Inc., v. City of Portland, 12 Or LUBA 410 (1984).

Ackerley Communications, Inc. v. Multnomah County, 72 Or. App. 617, 696 P.2d 1140 (1985), rev. dismissed, 303 Or. 165, 734 P.2d 885 (1987).

Café Erotica of Florida, Inc. v St. Johns County, Florida, 360 F. 3d 1274 (11th Cir 2004).

City of Eugene v. Crooks, 55 Or App 351, 637 P2d 1350 (1981).

City of Portland v. Bitans, 100 Or App 297, 302, 786 P2d 222 (1990).

Cotter v. City of Portland, 46 Or LUBA 612 (2004).

Desert Outdoor Advertising, Inc. v. City of Moreno Valley, 103 F.3d 814 (9th Cir. 1996).

Fidanque v. State by and Through Oregon Gov't Stds. & Practices Comm'n, 328 Or. 1 (Or. 1998).

Granite State Outdoor Advertising, Inc. v. City of Clearwater, 351 F3d 1112 (11th Cir. 2003), *rehearing denied*, 97 Fed. Appx. 908 (Table), 11th Cir. 2004), *cert denied*, 543 U.S. 813, 125 S. Ct. 48, 160 L. Ed. 2d 17 (2004).

G.K. Ltd Travel v. City of Lake Oswego, 436 F3d 1064 *cert. den.*, ___ U.S. ___, 127 S. Ct. 156, 166 L. Ed. 2d 38 (2006).

Haug v. City of Newberg, 42 Or LUBA 411 (2002)

Medford Assembly of God v. City of Medford, 72 Or App 333, 695 P2d 1379 (1984).

Media Art v. Tigard, 46 Or LUBA 61 (2003).

One World One Family Now v. City & County of Honolulu, 76 F.3d 1009 (9th Cir.1996).

Outdoor Media Dimensions, Inc. v. Dept. of Transp, 340 Or. 275, 132 P.3d 5 (2006).

State v. Robertson, 293 Or 402, 649 P2d 569 (1983).

Thomas v. Chicago Park District, 534 US 316, 122 S.Ct. 775, 151 L.Ed.2d 783 (2002).

Ward v. Rock Against Racism, 491 U.S. 781, 109 S.Ct. 2796, 105 L. Ed. 2d 661 (1989).

[8] Table of Cases lists cases cited in the Sign Code Template, not in the Appendix.

Summary of Mural standards

Two primary models are used in the region, *public art murals and painted wall signs (permitted murals)*.

Sources reviewed
City of Portland: painted wall sign, public art murals
City of Beaverton: Arts commission mural policy
Salem: public art code (includes mural standards)
Milwaukie: Oct. 2013 planning commission work session (see report beginning on p. 68)

Public art murals
Each of the examples reviewed (Portland, Milwaukie, Salem, Beaverton) have adopted code that defines public art, mural review standards or policies and a pathway for subjective content review through an arts commission. In Salem and Beaverton, murals are not permitted within the sign code. Signs meeting the standards of public art are exempted from the sign code and conveyed through easement to the city's public art collection. The arts commissions conduct a subjective review and approval process. Each city has established an arts trust fund available for mural applications and matching funds.

Permitted murals
Portland and Milwaukie also provide a content-neutral permitted pathway within their sign code. The City of Milwaukie proposes to follow Portland's lead and define a new "painted wall" sign type and standards that would undergo the same objective review as other signs. A common feature in this model is to prohibit compensation from being given or received for placement of a sign. This provides a content-neutral means to discourage (not prevent) use of murals for advertising purposes while steering murals toward their public mural pathway (incentivized by matching funds).

Standards
Standards from various codes and policies:

- Definition: Signs defined as painted directly to a wall surface
- Compensation: No compensation given or received for placement of the sign (affidavit by building owner required)
- Placement: is allowed in commercial/downtown zones, excepting historic properties. Residential is generally excluded, with some allowances for conditional uses in residential areas ("community service use" in Milwaukie). Salem and Portland allow in mixed use areas, Salem's code describes allowances for multifamily if in a mixed use development.
- Size: up to 40% of wall (Milwaukie), shared allocation for all attached signs (1:1 for properties with freestanding sign, 1.5/1 for frontage w/o freestanding)
- Height: same as freestanding limits
- Materials: "media that ensure durability and longevity" and UV/anti-vandalism coatings (Beaverton)
- Duration: Easements 5 to 7 years in duration; easement addresses maintenance responsibility. Presumably renewable through commission for subjective review of condition.

Conclusion
All reviewed examples have responded to community interest in allowing murals with a public art mural model. Milwaukie and Portland have added a layer of legal protection with their painted wall sign regulations.

Public comments from the Oregon City public process have included interest in the public art mural model. Oregon City may want to wait on adopting mural standards until a public art code is adopted (or if there is some level of certainty that its timing will support related pieces of the sign code adoption). Oregon City Public Works has recently reported to City Commission about a public art policy and code to establish a commission and trust fund (Nov. 12, 2013). While there is an option to develop a painted wall sign standard and then make further changes once a public art code materializes, given the inherent incentives and relationship between the painted wall sign and public art mural standards, it's suggested to continue to prohibit murals until the public art code has been adopted.

PUBLIC ART MURALS PROGRAM



Panel from "Human Diversity" mural by Judy Bryant, located at 3044 NE M L King Boulevard.

As Adopted Report
Adopted December 8, 2004
Ordinance #178946
Effective January 7, 2005

City of Portland

For more information on the Public Art Murals Project, please contact:

Hannah Kuhn, Policy Development Manager
Office of the Mayor
1221 SW Fourth Avenue, Room 340
Portland, OR 97204
Phone: 503-823-7589
Fax: 503-823-3588
TDD: 503-823-6868
EMail: mayorkatz@ci.portland.or.us
Internet: http://www.portlandonline.com/mayor/

Phil Nameny, City Planner
Portland Bureau of Planning
1900 SW 4th Avenue, Suite 4100
Portland, Oregon 97201
Phone: 503-823-7709
Fax: 503-823-7800
TDD: 503-823-6868

The Bureau of Planning is committed to providing equal access to information and hearings. If you need special accommodation, please call Phil Nameny at 503-823-7709.

(TTY 503-823-6868).

PUBLIC ART MURALS PROGRAM

As Adopted Report

Adopted by the City Council
on December 8, 2004
Ordinance #178946

Effective January 7, 2005

City of Portland

Acknowledgements

Portland City Council

Vera Katz, Mayor
Jim Francesconi, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Erik Sten, Commissioner

Portland Planning Commission

Ethan Seltzer, President
Richard Michaelson, Vice President
Ingrid Stevens, Vice President
Christine Caruso
Don Hanson
Larry Hildebrand
Paul Schlesinger
Gail Shibley
Timothy W. Smith

Staff

Eloise Damrosch, Regional Arts & Culture Council
Hannah Kuhn, Mayor's Office
Phil Nameny, Bureau of Planning City Planner
Cary Pinard, Bureau of Planning Principal Planner
Tracy Reeve, City Attorney's Office

With Assistance

Sheila Frugoli, Bureau of Development Services
Jeff Joslin, Bureau of Development Services
Sandra Pattie Wood, Bureau of Planning

Table of Contents

Page

Summary **1**

Part A
Murals as Public Art Program **3**

I. Overview **3**

II. Background and Legal History **5**

III. RACC Process and Evaluation Criteria **7**

Part B
Approved Code Amendments **11**

I. Impact Assessment **11**

II. Title 5, Revenue and Finance, Code Amendments **15**

III. Title 32, Signs and Related Regulations, Code Amendments **19**

IV. Title 33, Planning and Zoning, Code Amendment **23**

Appendix-
I. Mayor's Original Letter of Support **31**
II. Ordinance **33**

Public Art Murals Project

Summary

The Public Art Murals Project report consists of three parts. The first part, detailed in Part A, explains the expansion of the Regional Arts and Culture Council's (RACC) public art program to include a Public Art Murals program. RACC will review submissions for public art murals, which will be placed on public wall space, and paid for with public funds administered by the RACC. The RACC review process includes guidelines for placement, artistic quality, architectural and historical context, scale, community support, and other factors.

The second part of the project, detailed in Part B, provides changes to three Titles of the City Code that work in concert with the changes to RACC's program:

- Title 5, Revenue and Finance: Amends the definition of "public art" to clarify that only artwork approved and funded through the RACC can be considered "public art."

- Title 32, Signs and Related Regulations: Amends the code to exempt public art, including public art murals, from the Sign Code.

- Title 33, Planning and Zoning: Adds language to exempt public art, including public art murals, from Design Review and Historic Design Review.

The original letter of support from Mayor Katz and approved ordinance is placed in the Appendix, identified as Part C at the back of the document.

Part A. Murals as Public Art Program

I. Overview

A New Approach to Public Art Murals in Portland

A. A Brief Legal History of Murals in Portland

Prior to 1998, the City exempted all murals from its sign regulations. In 1998, the largest owner of billboards in Portland, AK Media, filed a lawsuit against the City claiming that by exempting murals from its sign regulations, the City was discriminating against advertising in favor of murals. This was alleged to violate the free speech provisions of both the Oregon and United States Constitutions. The Multnomah County Circuit Court ruled in AK Media's favor, finding that the City had made an unconstitutional distinction between two types of speech, and was therefore regulating speech based on content. The City was faced with the choice of not regulating signs at all, or regulating murals as signs. To comply with the legal ruling, the City changed its Sign Code to remove the exemption for murals and regulated both murals and commercial signs the same. As a result, murals were limited to 200 square feet in size (at most) in all areas of the City. This limitation on murals to 200 square feet resulted in a substantial reduction in new murals within the City. Artists, community groups and building owners, as well as many citizens at large expressed dissatisfaction with the status quo, which seriously impeded the creation of new mural art in our City. During the past year, the Mayor and her staff worked with interested stakeholders to find a solution to this issue. This project is a result of their work.

B. The Public Art Murals Project

The Public Art Murals project does not significantly alter the City's Sign Code. Instead, the city exempts all public art, including public art murals, from the Sign Code (and from other land use reviews). The Regional Arts and Culture Council (RACC) already administers an existing public art program that has been expanded to include public art murals. Public art murals are to be placed on public wall space and paid for with public funds administered by the RACC. With regard to its public art collection, including public art murals, the City acts as a patron of arts, not as a regulator. This distinguishes this amendment from the old, broader exemption for all murals that was found unconstitutional.

C. Criteria for Selecting Public Art Murals

As part of this proposal, the RACC is adapting its existing public art approval criteria to be used in evaluating public art murals. These criteria include artistic quality, originality, context, permanence, diversity, feasibility, scale and community support. The public art selection process evaluates the artistic quality and originality of proposed murals. It also promotes murals that are aesthetically pleasing, creative and unique additions to Portland's neighborhoods. Like other

public art administered by the RACC, public art murals are to be owned by the public. Public art murals would be placed on wall space that is either already owned by the public (such as on the walls of publicly owned buildings) or on wall space that is dedicated to the public through a public art easement. Artists retain copyright protection for their artwork.

D. RACC Review Process

Acting on behalf of the City through an Intergovernmental Agreement (IGA), the RACC reviews proposals for public art murals pursuant to the criteria mentioned above. Such reviews are conducted by the Public Art Advisory Committee, which includes representatives from the Design Commission, as well as artists and arts patrons. Public notice of proposed public art murals is given to representatives of the community who are interested in or may be affected by the public art. These representatives can include neighborhood and business associations, adjoining neighbors, as well as the Landmarks Commission if the public art is proposed in areas of historical significance. Members of the public have an opportunity to review and comment on proposed murals**.**

The RACC works to ensure that its review process also achieves the objectives of the design review and landmarks review processes, which no longer apply to public art. Public art murals are not to be approved on historic landmarks or in historic districts until the RACC and the Landmarks Commission agree upon a review process that best serves the public's interest in these unique structures and areas.

Funding Options
The funding options for public art murals are similar to those already available through the existing Public Art Program. Depending on the individual project, public art murals may be funded completely with public dollars or partially funded with public funds and "matching" private funds. Alternatively, individuals may offer to commission a public art mural to be donated to the City's public art collection, or may donate funds to the Public Art Trust Fund to support the public art program.

E. Public Art Easements

Building owners who wish to donate wall space to the public for a RACC-approved public art mural may do so by granting an easement for placement of a public art mural on their building to the City. Easements will be for five or more years. The City can accept or decline any easements for public art murals which are offered to it. Public art easements are managed by the City's property manager, as with other publicly owned property. The Bureau of General Services is responsible for maintaining a written and photographic record of each RACC-approved public art mural and accepted public art easement.

Real estate attorneys, lenders and real estate developers have provided assurances that the public art easement, which allows for termination in select circumstances, should not pose a barrier to securing loans or to sale or transfer of affected properties. Examples of circumstances under which an easement could be terminated early include sale of a building to an owner not willing to assume the

easement, refinancing where the lender requires termination of the easement as a condition of granting a loan, or the reconstruction of the building in a manner that results in the destruction of, or significant damage, to the mural.

F. Lessons from Other Cities

Other cities, such as Los Angeles and Philadelphia, do not regulate murals through their sign codes. They have special public art programs to encourage community murals. Philadelphia in particular has an incredibly vibrant collection of public art murals that add vitality to the community, serve as a tourist draw, beautify the city and provide an avenue for involving youth and others in artistic expression. The City of Portland, by acting as a patron of public art murals, hopes to foster many of these same benefits here.

II. Background and Legal History

A. The Legal Starting Point

Starting at least as early as the mid 1980s, the City attempted to exempt murals from its sign regulations. Prior to 1991, the Zoning Code defined a sign as "Materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, private roadway or another property." The code exempted murals, known as "painted wall decorations" from the sign regulations. Prior to 1991, "painted wall decorations" were defined as "displays painted directly on a wall and are designed and intended as a decorative or ornamental feature." In 1991, these definitions were amended to provide greater clarity as to what constituted a (regulated) painted wall sign and what constituted an (unregulated) mural or "painted wall decoration." The new definitions were as follows:

> *Sign -- "Materials placed or constructed primarily to convey a message and which can be viewed from a right-of-way or another property. Signs contain text, numbers, registered trademarks or registered logos."*
>
> *Painted Wall Decorations -- "Displays painted directly on a wall which are designed and intended as a decorative or ornamental feature. Painted wall decorations do not contain text, numbers, registered trademarks, or registered logos."*

In 1998, AK Media filed suit against the City claiming that the distinction based on the presence or absence of "text, numbers, registered trademarks or registered logos" was an unconstitutional, content-based regulation of speech under the Oregon and United States Constitutions. In November of 1998, the Multnomah County Circuit Court issued a summary judgment holding that the murals exemption, based on this definition, was unconstitutional under the Oregon Constitution. The City immediately amended the definition of sign, and removed the exemption for painted wall decorations, to comply with the Court's ruling. Eventually after trial, the exemption was also held to be unconstitutional under the

First Amendment to the United States Constitution. The Multnomah County Circuit Court ruled, however, that the City's sign code, as amended to remove the exemption for murals (or "painted wall decorations") was constitutional.

Since the murals exemption was removed, murals had been regulated as signs in the City. As a result the largest allowable mural anywhere in the City (absent an adjustment) was 200 square feet.

B. The Public Art Mural Amendment

Mayor Katz spent many months exploring an alternative approach with staff and a variety of stakeholders, namely to exempt all "public art", including public art murals from the sign code. The concept was that public art (that is publicly funded art in public spaces approved by the RACC) would not fall under the Sign Code but would instead go through a RACC approval process.

C. The Legal Basis for the Proposal

There are no Oregon cases applying Article I, Section 8 of the Oregon Constitution in the public art context that we have been able to locate. There is authority under the First Amendment to the United States Constitution, however, suggesting that when the government is acting as a patron of art, or is displaying art in publicly owned places, there is greater (but not unfettered) leeway to distinguish based on content than when the government is acting in a regulatory capacity.

For example, in *National Endowment for the Arts v. Finley*, 118 S Ct 2168, 141 L Ed 2d 500 (1998), the United States Supreme Court upheld a criterion in NEA grants taking into consideration general standards of "decency and respect" for diverse beliefs and values of the American public. The Court held that the decency and respect factors were merely to be taken into account and did not constitute per se a tool "for invidious viewpoint discrimination." 118 S Ct at 2176. The Court noted that direct viewpoint discrimination would not be allowable even under a public funding program, but held that these criteria "do not silence speakers by expressly 'threatening censorship of ideas.'" *Id.*

The Court also upheld the criterion against a content-based challenge, noting that "[a]ny content-based considerations that may be taken into account in the grant making process are a consequence of the nature of arts funding. The agency may decide to fund particular projects for a wide variety of reasons, 'such as the technical proficiency of the work, the anticipated public interest in or appreciation of the work, the work's contemporary relevance, its educational value, its suitability for or appeal to special audiences, such as children or the disabled, its service to a rural or isolated community, or even simply that the work could increase public knowledge of an art form.'" *Id.* at 2178.

D. Application to the Approved Amendments

Under the approved amendments, the City acts as a patron of art, and in its proprietary capacity, displays art in spaces it either already owns or which are donated to it for that purpose. The City is not acting as a regulator. The

regulations of the Sign Code remain unchanged, and all expression previously available under the Sign Code remains available. The amendment exempts only public art (that is, art funded by the City/Public Art Trust Fund and owned by the City) in public locations (in/on publicly owned buildings or spaces or in/on easements donated to the City). This distinguishes this amendment from the blanket exemption for murals ("painted wall decorations") previously held to be unconstitutional.

III. RACC Process and Evaluation Criteria

A. Overview

The Regional Arts and Culture Council (RACC) administers an existing public art program for the City of Portland through an Intergovernmental Agreement (IGA). This program is being expanded to include public art murals. The established RACC public art review and selection process is a flexible and interactive process that allows the mural artist/proponent and the Public Art Advisory Committee (PAAC) to have a dialogue about all aspects of a proposed public art mural project. Discussions about the proposed mural can cover issues such as its size/scale, artistic quality, materials, lighting (if any), location/context, and community support.

The PAAC is a standing RACC committee, which meets monthly and is responsible for all aspects of the City's public art program. Members' terms last for three years, and the committee includes artists, arts professionals, curators, RACC's designee to the Design Commission, one or two RACC board members, and citizens with interest and experience in the visual arts. The PAAC is currently made up of artists (one of whom has experience with community mural arts) a curator, arts writer, architect, visual arts patrons, and a RACC board member. The PAAC approves the selection panels' recommendations for all public art commissions or purchases; considers potential gifts to the public art collection; and now reviews mural proposals.

In response to public input, RACC has agreed to add at least one person with specific expertise in community murals to the Public Art Advisory Committee, and encourages mural artists, community mural advocates and other underrepresented ethnic, cultural and linguistic groups interested in murals to submit mural proposals and to attend PAAC meetings and comment on proposed murals.

Another issue raised through public input was whether the "commercial" or "noncommercial" nature of a mural should be an approval criterion. Because the RACC approval criteria adequately address the City's interest in ensuring the artistic quality, originality and site-specific appropriateness of any given mural, such a criterion is not necessary. It is often difficult to objectively distinguish between what is "commercial" and what is "noncommercial," and the mere fact that a given mural may bear some relationship to a commercial establishment or enterprise is simply not determinative of whether it meets the criteria for public art.

RACC staff meet with representatives of any mural project and forward the proposal to the PAAC if selection criteria appear to be met. Criteria include the requirement that the building owner sign an easement granting the City the right to place a mural on the building. The RACC then notify neighborhood coalitions, business associations and other interested parties of the PAAC meeting where the mural is to be considered and input may be provided by these groups. The PAAC weigh the proposal against the approval criteria and vote to approve or reject the proposal.

If the Public Art Advisory Committee decides not to approve a public art mural proposal, the applicant may ask for specific feedback on ways to improve his or her proposal, resubmit the proposal, and ask for reconsideration by the Committee at its next meeting.

B. Proposed Selection Criteria

The RACC staff and committees use the following criteria in considering murals:

- Artistic quality: strength of the artist's concept and demonstrated craftsmanship;
- Context: architectural, geographical, socio-cultural and historical;
- Media: paint, collage, relief, etc.;
- Scale: appropriateness of scale to the surrounding neighborhood;
- Diversity: race, age, style, media, experimentation, range of professional experience;
- Feasibility: budget, timeline, etc.;
- Originality: uniqueness;
- Structural and surface soundness: resistance to vandalism and weather;
- Building owner's signed easement form: Minimum 5 years unchanged, on site;
- Building owner's signed agreement for maintenance: over life of mural;
- Community Support: Key neighborhood representatives notified of RACC review meetings and opportunity to provide comment;
- Lighting provisions (if any): as allowed by City code;

- Public Safety: meets City codes for safety; and
- Accessibility: meets City codes for accessibility.

Part A
Murals as Public Art Program

Part B. Approved Code Amendments

I. Impact Assessment

A. Background

Prior to 1998, the City exempted all murals from its sign regulations. In 1998, the largest owner of billboards in Portland, AK Media, filed a lawsuit against the City, claiming that by exempting murals from its sign regulations, the City was discriminating against advertising in favor of murals. This was alleged to violate the free speech provisions of both the Oregon and United States Constitutions. The court ruled in AK Media's favor, finding that the City had made an unconstitutional distinction between two types of speech, and was therefore regulating speech based on content. The City was faced with the choice of not regulating signs at all, or regulating murals as signs. To comply with the legal ruling, the City changed its Sign Code to remove the exemption for murals, and regulated both murals and commercial signs the same. As a result, murals were limited to 200 square feet in size (at most) in all areas of the City. Muralists and many other community members expressed concern about the negative impact this limitation had on the City's aesthetic quality and artistic environment.

As a result of the City regulating murals as signs, the creation of murals in Portland has virtually come to a standstill. The few individuals and groups who still attempt to create large-scale murals have faced costly adjustment fees or citations and fines for violating the City's Sign Code. Portland has an international reputation as an "incubator" for emerging artists and innovative arts events, such as the Modern Zoo, Time Based Art, Design Festival and Fashion Incubator, as well as a strong supporter of traditional performing arts. Regulating murals as signs effectively curtailed this unique, community-based art form in Portland; at the same time murals enjoyed a renaissance in Los Angeles, Philadelphia and other major U.S. cities.

B. The Approved Proposal

Mural artists and the larger artistic community have a desire to create murals that will beautify Portland's neighborhoods, provide an outlet for the expression of diverse community artistic and cultural values, and bolster the area's creative economy. This project helps satisfy that desire by exempting public art, including public art murals from the Sign Code, and from other land use reviews. These amendments allow public art murals to be approved through a streamlined review process conducted by the Regional Arts & Culture Council (RACC), acting on behalf of the City of Portland.

The goal of this project is to provide a new, constitutionally sound avenue for the creation of public art, including public art murals, by expanding the City's existing public art program to include murals. Public art murals are to be placed on public wall space. They are funded through the same funding mechanisms currently used by RACC for the rest of the City's public art collection. In sponsoring and

maintaining its public art collection, including future public art murals, the City acts as a patron of art, or in a proprietary capacity, not as a regulator.

RACC administers the City's public art program. The existing RACC public art review and selection process is adapted for public art murals. It is a flexible and interactive process that allows the mural artist and the Public Art Advisory Committee to have a dialogue about all aspects of a proposed public art mural project, including size/scale, artistic quality, materials, lighting (if any), location/context, community support, etc.

The streamlined review process involves an initial meeting with RACC, followed by a meeting with the Public Art Advisory Committee. The goal is to have a decision within those two meetings. Applicants whose proposal is not approved have the option to resubmit the proposal or ask for feedback for resubmission.

The proposal has the benefit of providing an alternative avenue to approve public art, including murals, outside the regulatory environment, while limiting costs by incorporating the process into the existing RACC framework.

C. Advancing Portland's Comprehensive Plan Goals

Encouraging the creation of additional avenues for public art helps secure Portland's role as the regional cultural center, which advances the City's Urban Development Goal, Goal 2. Public art murals strengthen neighborhood identity, which help foster the Neighborhood Goal 3 to reinforce the stability and diversity of the City's neighborhoods. The RACC review process allows the public to comment and influence the selection decision, which maintains the current citizen involvement required by Goal 9. The exclusion of public art from the Sign Code promotes good planning by avoiding overlapping reviews and balancing the benefits and costs of regulations, in conformance with Policy & Objective 10.10, Amendments to the Zoning and Subdivision Regulations. Lastly, and perhaps most importantly, the proposal furthers Goal 12, Urban Design by building on Portland's Character (12.1), Enhancing Variety (12.2), Promoting the Arts (12.5), Preserving Neighborhoods (12.6), and Community Planning (12.7). The RACC review process involves analysis of all of these items in consideration of public art funding, and creates public investments that enhance the Portland experience. Meanwhile, limiting the land use regulations for publicly owned art removes a regulatory barrier that is preventing the growth of this medium.

D. Stakeholder Outreach and Feedback

Between October 2003 and January 2004, the Mayor held six meetings with a working group of stakeholders, including mural artists, representatives of Metro Murals and representatives from the City Club research committee on billboard policy. The Mayor reconvened the murals workgroup in August 2004 and again in October 2004, to discuss and resolve remaining issues.

Between January 2004 and March 2004, meetings were held with the Citywide Land Use Group, the Alliance for Portland Neighborhood Business Associations (APNBA) and several local sign companies, including representatives of Clear

Channel. In March and June 2004, the project team met with a representative of Metro Murals, to share proposed changes and discuss best practices in other U.S. cities. In July, the Mayor's staff met with representatives from the newly formed Portland Mural Defense.

In June 2004, a meeting was convened with the chairs of the Portland Historic Landmarks Commission, Design Commission and Planning Commission. Meetings were also held between May 2004 and August 2004 with internal stakeholders, including the City Commissioners' Executives, and staff with code or policy expertise from the Bureau of Development Services, Bureau of Planning, Bureau of General Services, Office of Transportation, and the Office of Neighborhood Involvement.

Generally, stakeholder responses to the proposal were positive and supportive. Some stakeholders were confused by, or disagreed with existing interpretations of the Oregon constitution and prior rulings by Oregon courts on the protection of free speech. Some were concerned that the RACC review process would be overly cumbersome, subjective or time-consuming. Others wanted the proposal to include a statement making a clear distinction between advertising and art as it pertains to murals. Some mural artists and sign company representatives were concerned that the public art easement was overly restrictive, dampening property owner's willingness to donate an easement. Neighborhood activists were concerned about the possible proliferation of commercial mural images; a potential mural monopoly; and approval of undesirable or inappropriate murals, especially in residential areas.

Other alternative approaches that were considered during the development of the proposal included: increasing the maximum allowable size of all wall signs, and not requiring a RACC review for smaller murals.

Portions of the proposal changed in response to stakeholder input, such as streamlining the RACC's public art selection process, adding a mural artist to the Public Art Advisory Committee, adding provisions for the early termination of easements under certain circumstances, and ensuring that there is a mechanism for an artist to seek reconsideration of a RACC decision to deny a given mural proposal.

Throughout the summer, staff held several briefings with the RACC Board of Directors, the PAAC, the Design Commission and Historic Landmarks Commission. In general these groups were supportive of the project, with the one condition: that the Landmarks Commission have suitable input for any proposals on a Historic Landmark or within a Historic/Conservation District.

The Planning Commission held a public hearing of this proposal on September 28th. At the public hearing, testimony was provided on all aspects of the proposal. This testimony represented a number of divergent viewpoints and contained several suggestions, many similar to those brought up at the stakeholder groups. Additional suggestions included removing the easement requirement for property owners, allowing alternative financing proposals, and providing assurance that a diversity of cultural and minority interests are considered in the selection process.

Part B
Approved Code Amendments

At the Planning Commission work session on October 26th, staff provided additional information regarding the easement; flexible funding options for public art and public art murals; encouraging diversity in the RACC review process; allowing for reconsideration of proposals if not approved; and providing an annual evaluation of the proposed program. These changes have provided additional flexibility to the proposal to ensure it addresses a variety of situations.

The City Council held a hearing on December 1, 2004. The testimony received during this hearing indicated that the Public Art Mural proposal was the best existing compromise available to the various groups. The City Council voted to adopt the proposal on December 8, 2004.

E. Implementation and Enforcement

On behalf of the City, the Regional Arts & Culture Council (RACC) has incorporated public art murals into their existing Public Art program, to be administered by existing staff. In its FY 2004-2005 budget, the City provided $50,000 to support the creation of RACC-approved public art murals. It is hoped that a future increase in the Percent for Art program as well as increased private donations to the Public Art Trust Fund will provide ongoing funding for public art murals in the future.

The Bureau of General Services is responsible for maintaining a written and photographic record of each RACC-approved public art mural and accepted public art easement. Many options exist for the termination of an easement and/or removal of an approved mural. If a RACC-approved public art mural is altered by a building owner without permission, the City has the authority to bring an action for specific performance to require the building owner to restore the City-owned mural to its approved condition and to collect liquidated damages for the City's enforcement costs. In addition, existing enforcement options regarding graffiti and the defacing of public property are available. Outside of RACC, General Services and Graffiti Abatement, implementation of this measure has a negligible effect on City Bureaus.

In order to publicize the new public art murals review process and easement requirement, the project team will work with mural artists and business community to develop public information materials and an outreach strategy to property owners and mural artists.

F. Measuring Effectiveness

The public art murals program will be successful if it results in the creation of original, artistic public art murals that beautify the City's neighborhoods, and enhance opportunities for community artistic expression. Another measure of success might be increased donations to the Public Art Trust Fund, or support for expanding the Percent for Art program.

Since the Regional Arts & Culture Council already provides an annual report to the City Council, an update on the public art murals program can easily be added to the Annual Report. The Public Art Advisory Committee will also include an evaluation component to its semi-annual planning retreat.

II. Title 5, Revenue and Finance, Code Amendments

How changes are shown in this section
Language added to the City Code is underlined; language deleted is shown in ~~strikethrough~~.
The left-hand page provides staff commentary for the code language shown on the right-hand page.

In order to limit the size of this document and eliminate excessive printing, only those sections of the Code that are being amended are included in this document. This document is not intended to replace the entire code.

TITLE 5
REVENUE AND FINANCE

CHAPTER 5.74
ACQUISITION OF ART

5.74.020 Definitions

Subsection C, which provides the definition for Public Art, is amended to clarify that only artwork approved and funded through the Regional Arts and Culture Council (RACC) can be considered as "Public Art". The RACC operates on behalf of the City of Portland to approve and fund the public art installations, which can include wall murals.

TITLE 5
REVENUE AND FINANCE

CHAPTER 5.74
ACQUISITION OF ART

5.74.020 Definitions

A-B. [No change.]

C. Public Art means original visual creations which are sited in a manner accessible to the public and/or public employees, and which have been approved as public art by the Regional Arts and Culture Council, acting on behalf of the City of Portland.

D-G.[No change.]

Part B
Approved Code Amendments - Commentary

III. Title 32, Sign and Related Regulations, Code Amendments

How changes are shown in this section
Language added to the City Code is underlined; language deleted is shown in ~~strikethrough~~.
The left-hand page provides staff commentary for the code language shown on the right-hand page.

In order to limit the size of this document and eliminate excessive printing, only those sections of the Code that are being amended are included in this document. This document is not intended to replace the entire code.

TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.12
AUTHORITY AND SCOPE

32.12.020 Exemptions

This section is altered to provide an exemption from the Sign Code for Public Art projects that have received approval for siting and funding through the Regional Arts and Culture Council (RACC). With this provision, RACC-approved public art projects are not subject to the requirements of Title 32.

TITLE 32
SIGNS AND RELATED REGULATIONS

CHAPTER 32.12
AUTHORITY AND SCOPE

32.12.020 Exemptions
The following are exempt from the regulations of this Title, but may be subject to other portions of the City Code:

A-F. [No change.]

G. Painted wall highlights; ~~and~~

H. Illuminated wall highlights~~.~~; and

I. Public Art as defined in Chapter 5.74.

Part B
Approved Code Amendments - Commentary

IV. Title 33, Planning and Zoning, Code Amendments

How changes are shown in this section
Language added to the City Code is underlined; language deleted is shown in ~~strikethrough~~.
The left-hand page provides staff commentary for the code language shown on the right-hand page.

In order to limit the size of this document and eliminate excessive printing, only those sections of the Code that are being amended are included in this document. This document is not intended to replace the entire code.

CHAPTER 33.420
DESIGN OVERLAY ZONE

33.420.045 Exempt from Design Review

This section is altered to provide an exemption from Design Review for Public Art projects that have received approval for siting and funding through the Regional Arts and Culture Council (RACC). With this provision, RACC-approved public art projects are not subject to the requirements of the Design Overlay Zones. RACC's selection criteria include much of the design approval criteria relating to the architectural context of the building and site. Also, the RACC selection board includes a member from the Design Commission.

CHAPTER 33.420
DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review
The following items are exempt from design review:

A-Q.[No change.];

R. Awnings for each ground floor tenant, which meet the following requirements; ~~and~~

1-2. [No change.]

S. Within the St. Johns plan district, alterations to single-dwelling detached structures~~.~~; and

T. Public Art as defined in Chapter 5.74.

CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE

Historic Landmarks

33.445.140 Alterations to a Historic Landmark

33.445.140.B Exempt from Historic Design Review

This section is altered to provide an exemption from Historic Design Review for Public Art projects that have received approval for siting and funding through the Regional Arts and Culture Council (RACC) on a Historic Landmark. With this provision, RACC-approved public art projects are not subject to the requirements of the Historic Resource Protection Overlay Zones. RACC's selection criteria include much of the design approval criteria relating to the architectural and historic context of the site. RACC and the Historic Landmarks Commission have begun discussing methods to ensure this context is taken into account during the review process.

Conservation Landmarks

33.445.230 Alterations to a Conservation Landmark

33.445.230.B Exempt from Historic Design Review

This section is altered to provide an exemption from Historic Design Review for Public Art projects that have received approval for siting and funding through the Regional Arts and Culture Council (RACC) on a Conservation Landmark. With this provision, RACC-approved public art projects are not subject to the requirements of the Historic Resource Protection Overlay Zones. RACC's selection criteria include much of the design approval criteria relating to the architectural and historic context of the site. RACC and the Historic Landmarks Commission have begun discussing methods to ensure this context is taken into account during the review process.

CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE

Historic Landmarks

33.445.140 Alterations to a Historic Landmark
Alterations to a Historic Landmark require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

A. [No change.]

B. Exempt from historic design review.

1-4. [No change.]

5. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence; ~~and~~

6. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet~~.~~; and

7. Public Art as defined in Chapter 5.74.

Conservation Landmarks

33.445.230 Alterations to a Conservation Landmark
Alterations to Conservation Landmarks require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

A. [No change.]

B. Exempt from historic design review.

1-3. [No change.];

4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence; ~~and~~

5. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet~~.~~; and

6. Public Art as defined in Chapter 5.74.

CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE

Historic Districts

33.445.320 Development and Alterations in a Historic District

33.445.320.B Exempt from historic design review

This section is altered to provide an exemption from Historic Design Review for Public Art projects that have received approval for siting and funding through the Regional Arts and Culture Council (RACC) on buildings within Historic Districts. With this provision, RACC-approved public art projects are not subject to the requirements of the Historic Resource Protection Overlay Zones. RACC's selection criteria include much of the design approval criteria relating to the architectural and historic context of the site and surrounding district. RACC and the Historic Landmarks Commission have begun discussing methods to ensure this context is taken into account during the review process.

Conservation Districts

33.445.420 Development and Alterations in a Conservation District

33.445.420.B Exempt from historic design review

This section is altered to provide an exemption from Historic Design Review for Public Art projects that have received approval for siting and funding through the Regional Arts and Culture Council (RACC) on buildings within Conservation Districts. With this provision, RACC-approved public art projects are not subject to the requirements of the Historic Resource Protection Overlay Zones. RACC's selection criteria include much of the design approval criteria relating to the architectural and historic context of the site and surrounding district. RACC and the Historic Landmarks Commission have begun discussing methods to ensure this context is taken into account during the review process.

Historic Districts

33.445.320 Development and Alterations in a Historic District
Building a new structure or altering an existing structure in a Historic District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Historic District. [No change.]

B. Exempt from historic design review.

1-4. [No change.]

5. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards; ~~and~~

6. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet~~.~~; and

7. Public Art as defined in Chapter 5.74.

Conservation Districts

33.445.420 Development and Alterations in a Conservation District
Building a new structure or altering an existing structure in a Conservation District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Conservation District. [No change.]

B. Exempt from historic design review.

1-3. [No change.]

4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence; ~~and~~

5. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards; ~~and~~

6. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet~~.~~; and

7. Public Art as defined in Chapter 5.74.

Part B
Approved Code Amendments - Commentary

Part C: Appendices

I. **Appendix A:** Mayor Katz Letter of Support ..... Pg. 33

II. **Appendix B:** Approved Ordinance ..... Pg. 35

Office of Mayor Vera Katz
City of Portland

August 30, 2004

Dear Colleagues and Interested Citizens:

The City of Portland is blessed with a vibrant arts scene. We've earned an international reputation as an "incubator" for emerging artists and innovative arts events, such as the Modern Zoo, Time Based Art, Design Festival and Fashion Incubator, as well as a strong supporter of our vibrant established visual and performing arts. Community murals have been an integral part of Portland's growing creative economy, adding beauty to Portland's neighborhoods, providing an outlet for the expression of diverse community cultural values and aspirations, and creating a unique visual landscape that attracts visitors from across the country and the world.

The City had a long history of encouraging murals by exempting them from regulation, until a court decision forced the City to regulate murals as signs. Regulating murals as signs has effectively curtailed this unique, community-based art form in Portland. At the same time, murals have enjoyed a renaissance in Los Angeles, Chicago and other major U.S. and European cities.

This proposal sets forth a constitutional avenue for the City to again encourage mural arts by acting as a patron of public art murals in public places.

I encourage you to read the proposal, and look forward to hearing your comments.

With warm regards,

Vera Katz
Mayor

1221 SW Fourth Avenue, Suite 340 ♦ Portland, Oregon 97204-1995
(503) 823-4120 ♦ FAX (503) 823-3588 ♦ TDD (503) 823-6868 ♦ www.portlandonline.com/mayor/

ORDINANCE No. 178946

Authorize expansion of the City public art program to include the Public Art Murals program (Ordinance; amend Titles *5,* 32 and 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. In 1980, the City passed its first "percent for art" ordinance and for the last 25 years has sponsored the creation and placement of public art in the City of Portland.

2. The City's public art program provides significant benefits to the community. It contributes to the beauty of the city's aesthetic environment, exposes citizens to art in public places and encourages and supports the arts community by providing funding for artists' work and venues for the display of that work through their inclusion in the City's public art collection.

3. The City has long recognized that murals accessible to the public can also provide significant benefits to the community, including enhancing the aesthetic environment, providing an avenue to involve community members in the creation of art, increasing the opportunities for artistic expression by persons of different ages and diverse ethnic, social and cultural backgrounds, and discouraging the placement of graffiti on buildings and structures.

4. In order to encourage these benefits, the City in 1986 exempted "painted wall decorations" (murals) from its sign regulations.

5. In 1991, in order to provide a bright-line distinction between what was an exempt mural and what was a regulated sign, the City amended its sign regulations and defined a sign (in part) as something containing "text, numbers, registered trademarks and registered logos" and a painted wall decoration (in part) as something not containing "text, numbers, registered trademarks and registered logos." The purpose of this language was to avoid the need for the City to make potentially subjective, case-by-case determinations of whether something was a decoration or a sign and to provide a clear objective and test as to what was an exempt decoration or mural.

6. In 1998, a lawsuit was brought in Multnomah County Circuit Court, which alleged that the distinction between a mural (painted wall decoration) and a sign based upon the presence of absence of text, numbers, registered logos or registered trademarks was an unconstitutional, content-based regulation of speech. On November 17, 1998, the court issued a ruling that this allegation was correct and invalidated the definitions of sign and painted wall decoration to the extent they were based on this distinction.

7. In order to bring its sign code into conformance with the court's ruling, the City had to either remove the exemption for murals, or forgo all regulation of wall signs. Faced with this choice, on November 18, 1998, the City reluctantly amended its Sign Code to remove the exemption for painted wall decorations (murals). Since that time, all exterior murals in the City have been regulated as signs.

8. Under the City's sign regulations, the largest allowable sign (absent an adjustment) is 200 square feet. These regulations apply to murals.

9. Murals are frequently well over 200 square feet in size. The larger size of many murals is an integral part of the medium. Artists, community groups and building owners, as well as many citizens at large, have expressed dissatisfaction with the 200 square foot limitation, which has brought the creation of new mural art in Portland to a virtual standstill.

10. Other cities, such as Los Angeles and Philadelphia, do not regulate all murals through their sign codes. They have public art programs that support and encourage community murals. These programs and the public art murals they foster serve as a tourist draw, beautify the cities and provide an avenue for involving youth and others in positive artistic endeavors. These are among the objectives of this Public Art Murals program.

11. Through its public art program, the City sponsors art by providing funding for art and by maintaining and displaying the public art collection in public spaces and buildings. Through the Public Art Murals program, the City will expand its sponsorship of public art and its public art collection to include murals, which will be owned by the City and placed on public property (either owned by the City or dedicated to the City for that purpose through the conveyance of a public art easement to the City). Absent circumstances requiring or permitting early termination of the easement in favor of the City by the property owner, public art easements will generally be for five years or more, as this is the minimum expectation of artists for the lifespan of this medium of artistic expression.

12. The City's Sign Code, which provides clear and objective standards for the regulation of signs, without regard to their content, is not the appropriate vehicle for the City (through RACC) to evaluate, select or commission public art for its public art collection.

13. The selection of what art to fund, purchase or otherwise include in the City's public art collection requires an evaluation of numerous factors, such as artistic quality, originality, context and scale, among others.

14. The Regional Arts and Culture Council (RACC) has extensive experience and expertise in making evaluations such as this on behalf of the City.

15. The needs met by design review and historic landmarks review can in the case of public art be even better served through the RACC selection process, which is specifically tailored to ensure that public art is of high quality, is sited in appropriate locations and in the proper context and is in scale with its surroundings. The RACC selection process is conducted by the Public Art Advisory Committee, which includes a representative of the Design Commission. When historic properties are involved, RACC can draw as needed on the expertise of the Historic Landmarks Commission. It would be needlessly burdensome to require public art to go through both the RACC review process and design review or historic landmarks review.

16. This program will not limit in any way speech (whether murals or signs) currently allowable. In particular, any mural/sign allowable prior to the adoption of this program will not be limited by this program. This program will instead provide a vehicle for the City to sponsor public art murals and add murals to its public art collection. Those wishing to participate in the public arts program will be self-selecting, by submitting a proposal to RACC for a public art mural to be owned by the City on behalf of the public.

17. The Public Art Murals program is the result of a process that began in October 2003 when the Mayor convened a group that included mural artists, a representative of Metro Murals (a non-profit group dedicated to mural art), the Executive Director of RACC and representatives of the City Club. The group met six times between October 2003 and January 2004, and then again in August and October 2004 to discuss and resolve remaining issues.

18. Between January and March 2004, meetings were held with the Citywide Land Use Group, the Alliance for Portland Neighborhood Business Associations and several local sign companies.

19. During the summer of 2004, the proposal was presented to both the Design Commission and the Historic Landmarks Commission at public hearings, and both commissions supported the proposal. RACC agreed to work with the Historic Landmarks Commission to develop an approval procedure for murals on historic buildings or in historic districts that RACC and the Landmarks Commission agree protects and respects the special values of these structures/districts.

20. On August 11, 2004, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.

21. On September 28, 2004, the Planning Commission held a hearing on the proposal. Staff from the Mayor's Office, City Attorney's office and the Regional Arts and Culture Council (RACC) presented the proposal, and public testimony was received by 16 people.

22. On October 26, 2004, the Planning Commission held a work session to discuss the remaining items under the proposal and consider public testimony. The Commission voted unanimously to forward the Public Art Mural package to City Council.

23. On December 1, 2004, the City Council held a public hearing on the Planning Commission recommendation. Staff from the Mayor's Office, City Attorney's office and the Regional Arts and Culture Council (RACC) presented the proposal, and public testimony was received.

24. On December 8, 2004, City Council voted to adopt the changes for Public Art Murals, with an effective date of December 18, 2004.

Statewide Planning Goals Findings

25. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals. The following state goals and policies are relevant and applicable to the Public Art Mural Project.

26. **Goal 1, Citizen Involvement,** requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement:

    - In October of 2003, the Office of the Mayor established a task force of interested mural artists to investigate possible options to allow the city to encourage new public art murals to be commissioned through the city. This task force met eight times.

    - Initial citizen involvement was afforded through the hearings and meetings referenced in findings 17, 18 and 19, above.

    - On August 27, 2004, the Bureau of Planning, on behalf of the Office of the Mayor, sent notice to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as other interested persons to inform them of a Community Open House on September 15, 2004. The purpose of the open house was to allow the public the opportunity to review the proposed recommendations and ask questions of staff.

    - Also on August 27, 2004, the Bureau of Planning on behalf of the Office of the Mayor sent notices to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons, to inform them of a Planning Commission public hearing on the Public Art Mural project. The hearing was also published in the newspaper.

    - On September 1, 2004, the Bureau of Planning published a document titled *Public Art Murals: Proposed Draft.* The report was made available to the public and mailed to all those requesting a copy. An electronic copy was posted to both the Bureau of Planning and the Mayor's Web site.

    - On September 8, 2004, a special open house was held by the Mayor's office for representatives of the mural community. This open house allowed the community to ask questions directly of the mayor's staff, the city attorney, and a representative of the Regional Arts and Culture Committee. Twenty-four people from the mural arts community attended.

    - On September 15, 2004, a Community Open House was held at which staff from the mayor's office, city attorney's office, Planning, and the Regional Arts and Culture Commission were available to answer questions; copies of the Proposed Draft were available. Twenty-one members of the community, mostly representatives from the mural community, attended.

    - On September 28, 2004, the Planning Commission held a public hearing during which citizens and business representatives commented on the Public Art Mural project.

    - On December 1, 2004, the City Council held a public hearing on this proposal, during which citizens and business representatives provided oral and written testimony.

27. **Goal 2, Land Use Planning,** requires the development of a process and policy framework that acts as a basis for all land use decisions and ensures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because development of the recommendations followed established city procedures for legislative actions.

28. **Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources,** requires the conservation of open space and the protection of natural resources, scenic and historic areas. The amendment is supportive of this goal regarding historic landmarks, because the public art selection process will include criteria insuring the preservation of sites with historical significance and will require involvement of the Historic Design Commission.

Metro Urban Growth Management Functional Plan Findings

29. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the Public Art Mural project.

30. **Title 12—** Protection of Residential Neighborhoods is intended to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services. The Public Art Mural project supports the purpose and intent of this title by providing an avenue for neighborhoods to review and approve public art murals, which help in deterring graffiti on building walls and fostering increased community interaction.

Portland Comprehensive Plan Goals Findings

31. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program and reaffirmed the plan's compliance with statewide planning goals.

32. The following goals, policies and objectives of the Portland Comprehensive Plan are relevant and applicable to the Public Art Mural project.

33. **Goal 1, Metropolitan** Coordination, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.

34. **Goal 2, Urban Development**, calls for the maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendment supports this goal by expanding the public art program to apply to public art murals, thus strengthening Portland's role as the regional cultural center. Criteria for approving art installations will be partially based on neighborhood context, helping to retain the character of established residential neighborhoods.

35. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and ensure the City's residential quality andeconomic vitality. The amendments support this goal by providing an avenue for approving public art murals, which help strengthen neighborhood identity. The Public Art program will improve physical conditions of existing structures by providing a public easement (3.1), create an avenue to improve social conditions of neighborhoods by creating community murals that help reduce property crimes such as graffiti (3.2), and promote neighborhood diversity by allowing opportunities to commission art representing a diversity of interests (3.3). The public approval process created by the Regional Arts and Culture Council (RACC) will provide an avenue for active neighborhood and business involvement *(3.5)*.

36. **Goal 5, Economic Development,** calls for the promotion of a strong and diverse economy that provides **a** full range of employment and economic choices for individuals and families in all parts of the city. The amendment supports this goal by providing a legal avenue for mural artists to commission work through the City program *(5.2)*. Resulting murals may encourage investment in existing buildings for employment and housing opportunities *(5.1)*.

37. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the amendment process provided opportunities for public input and followed adopted procedures for notification and involvement of citizens in the planning process. These procedures are explained in detail for State Planning Goal 1. The resultant procedures for approving public art, including murals, while not a land use decision, will provide a mechanism for public participation in the decision process.

38. **Goal 10, Plan Review and Administration,** is broken down into several policies and objectives. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, directs that amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments are supportive of Policy 10.10, because the exclusion of Public Art installations from Land Use and Sign Code reviews prevents an overlapping of reviews with the RACC review of public art. The changes balance the benefits of regulation against the costs of implementation and compliance.

39. **Goal 12, Urban Design,** calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and pubic improvements for future generations. The amendments are consistent with this goal because they provide a new avenue for the creation of public art. The scale, theme, originality and diversity of the art will be review criteria used by RACC and community interests to judge for approval. As a result, these public art installations will enhance and extend Portland's attractive identity (12.1), promote areas of special identity within the city (12.2), humanize the city through promotion of the arts and excellence in design *(12.5),* preserve and support the qualities of individual neighborhoods (12.6), enhance Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment (12.7) and support community planning (12.8).

NOW, THEREFORE, the Council directs:

a. Exhibit A, *Public Art Murals Program: Recommended Draft,* dated November 8, 2004, is hereby adopted;

b. Title 33, Planning and Zoning, is hereby amended as shown in Exhibit A, *Public Art Murals Program: Recommended Draft,* dated November 8, 2004;

c. Title 32, Signs and Related Regulations, is hereby amended as shown in Exhibit A, *Public Art Mural Program: Recommended Draft,* dated November 8, 2004;

d. Title *5,* Finance and Administration, is hereby amended as shown in Exhibit A, *Public Art Murals Program: Recommended Draft,* dated November 8, 2004;

e. The commentary and discussion in Exhibit A, Public Art Murals Program: Recommended Draft, dated November 8, 2004, are hereby adopted as legislative intent and further findings;

f. If any section, subsection, sentence, clause or phrase of this Ordinance, or the code amendments it adopts, including but not limited to the exemption of public art from the City's sign regulations, is for any reason held to be invalid or unconstitutional, that shall not affect the validity of the remaining portions of the Portland City Code, including but not limited to the City's sign regulations. Council declares that it would have passed the Portland City Code, and each Section, Subsection, sentence, clause, and phrase thereof, including but not limited to the City's sign regulations, regardless of the fact that any one or more Sections, Subsections, sentences, clauses, or phrases of this Ordinance, including but not limited to the exemption of public art from the City's sign regulations, may be found to be invalid or unconstitutional;

g. The Regional Arts and Culture Council shall implement the Public Art Murals program on behalf of the City of Portland under the terms of its existing intergovernmental agreement with the City, shall reach consensus with the Historic Landmarks Commission on the RACC selection process for art on historic landmarks and in historic districts and shall refrain from approving art in such locations until consensus is reached;

h. The Regional Arts and Culture Council shall include progress information on the Public Arts Murals program in its annual report to Council; and City *staff* shall take all necessary steps to implement the Public Art Murals Program, including but not limited to evaluating and where appropriate accepting dedications of easements for the placement of public art; monitoring and protecting the City's property interests in the public art collection and working with mural artists and the business community to develop public information materials and an outreach strategy to property owners and mural artists.

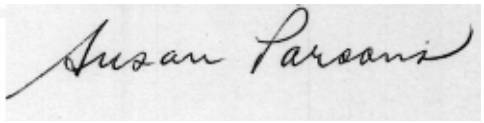
GARY BLACKMER
Auditor of the City of

Portland

Passed by the Council, DEC 08 2004

Mayor Vera Katz

Tracy Reeve, Office of City Attorney
Phil Nameny, Bureau of Planning
November 18, 2004

By 

Deputy

Office of the Mayor
1221 SW Fourth Avenue
Portland, OR 97204
Phone: 503-823-7589
Fax: 503-823-3588
TDD: 503-823-6868
EMail: mayorkatz@ci.portland.or.us
Internet: http://www.portlandonline.com/mayor/

City of Beaverton Sign Code, exempting murals, referral to Arts Commission code

60.40. SIGN REGULATIONS.

60.40.05. Purpose. The general purpose of this Chapter is to provide one of the principle means for the implementation of the Beaverton Comprehensive Plan, to ensure the continued aesthetic improvement to the City's environment, and to promote traffic safety, all by classifying and regulating the location, size, design, type and number of signs and related matters.

60.40.10. Signs Exempt from Permits and This Ordinance. The following signs are exempt from this ordinance and do not require permits:

1. Traffic or other governmental street signs, such as railroad crossing signs and notices, as may be authorized by the City.

2. Signs of public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of underground facilities or of public telephones.

3. Signs not visible from public right-of-ways. [ORD 3374; July 1984]

4. Public Art as defined in Section 2.03.239.A. of the Beaverton City Code. [ORD 4482; May 2008]

60.40.15. Signs Subject to Ordinance Regulation - No Permit Required. No permit is necessary before placing, constructing or erecting the following signs; however, such signs shall conform to the regulations as specified.

1. Construction Project Sign. One (1) sign may be erected after appropriate building permits have been obtained. No such sign shall exceed sixty-four (64) square feet total face area and thirty-two (32) square feet per face; nor shall it exceed eight (8) feet in height. The sign shall be removed at the time final occupancy is approved by the City building inspector.

2. Garage Sale Sign. Such signs are allowed in residential zones. They shall not exceed a size per face of four (4) square feet and shall not exceed four (4) feet in height. Such signs shall not be erected prior to one (1) week before this event and shall be removed no later than the day after the event. They shall not be placed in the public right-of-way or vision clearance areas.

Chapter 2.03
BOARDS, COMMISSIONS AND COMMITTEES

Sections:

I. GENERAL PROVISIONS

2.03.002 General Provisions Applicable to Boards and Commissions.

II. BEAVERTON CABLE COMMUNICATIONS COMMISSION

2.03.010 Continued.
2.03.012 Membership.
2.03.014 Powers and Duties.

III. BOARD OF CONSTRUCTION APPEALS

2.03.030 Continued.
2.03.032 Membership.
2.03.034 Qualifications.
2.03.036 Presiding Members.
2.03.038 Conflict of Interest.
2.03.040 Powers and Duties.
2.03.042 Composition; Quorum; Voting.

IV. COMMITTEE FOR COMMUNITY INVOLVEMENT

2.03.050 Beaverton Committee for Community Involvement Established.
2.03.052 Membership.
2.03.054 Powers and Duties.
2.03.056 Bylaws.

V. TRAFFIC CONTROL BOARD

2.03.070 Repealed.
2.03.072 Repealed.
2.03.074 Repealed.
2.03.076 Repealed.

VI. TRAFFIC COMMISSION

2.03.080 Traffic Commission Established.
2.03.082 Powers and Duties.

VII. PLANNING COMMISSION

2.03.090 Continued.
2.03.092 Repealed.
2.03.093 Repealed.
2.03.094 Repealed.

2.03.096 Repealed.
2.03.098 Repealed.

VIII. FACILITIES REVIEW COMMITTEE

2.03.110 Continued.
2.03.112 Repealed.
2.03.114 Repealed.
2.03.130 Repealed.
2.03.132 Repealed.
2.03.134 Repealed.
2.03.136 Repealed.
2.03.138 Repealed.
2.03.140 Repealed.

IX. HISTORIC RESOURCE REVIEW COMMITTEE

2.03.141 Repealed.
2.03.142 Repealed.
2.03.144 Repealed.
2.03.146 Repealed.
2.03.148 Repealed.

X. BUDGET COMMITTEE

2.03.150 Budget Committee Established.

XI. URBAN REDEVELOPMENT AGENCY

2.03.160 Need Declared.
2.03.161 Title.
2.03.162 Membership.
2.03.163 Powers.
2.03.164 Limitation on Action.

XII. AUDIT COMMITTEE

2.03.170 Audit Committee Established.
2.03.172 Membership.
2.03.174 Term of Office; Vacancy.
2.03.176 Meetings.
2.03.178 Powers and Duties.

XIII. CITY LIBRARY BOARD

2.03.190 Continued.
2.03.192 Membership.
2.03.194 Term of Office.
2.03.196 Powers and Duties.

XIV. LOCAL CONTRACT REVIEW BOARD

2.03.210 Continued.
2.03.212 Powers and Duties.
2.03.214 Conduct of Business.

XV. BEAVERTON ARTS COMMISSION

2.03.230 Creation.
2.03.232 Definition.
2.03.234 Board Membership.
2.03.235 City Funding.
2.03.236 General Members.
2.03.238 Powers and Duties.
2.03.239 Public Art.
2.03.240 Arts Commission Account.

XVI. DISABLED CITIZENS' ADVISORY COMMITTEE

2.03.250 Established.
2.03.251 Membership.
2.03.252 Term of Office.
2.03.253 Presiding Members.
2.03.254 Staff Liaison.
2.03.255 Voting, Meetings.
2.03.256 Powers and Duties.

XVII. HUMAN RIGHTS ADVISORY COMMISSION

2.03.260 Established.
2.03.265 Term of Office.
2.03.270 Organization.
2.03.275 General Powers and Duties.
2.03.280 Investigation.
2.03.285 Information Required for Complaint.
2.03.290 Final Disposition by the Commission.
2.03.295 Conflicts with State or Federal Agencies.

XVIII. SENIOR CITIZENS' ADVISORY COMMITTEE

2.03.300 Senior Citizens' Advisory Committee Established.
2.03.305 Term of Office.
2.03.310 Organization.
2.03.315 General Powers and Duties.

XIX. VISIONING ADVISORY COMMITTEE

2.03.330 Visioning Advisory Committee Established.
2.03.332 Term of Office.

may recommend to Council the sale or exchange of any property accepted as a gift, bequest or devise as it may from time to time determine. The income from such money, securities or other property shall be credited to the Arts Commission Account established by BC 2.03.240. [BC 2.03.038, added by Ordinance No. 3313, 3/22/83]

2.03.239 Public Art.

A. As used in this section:

1. “Public art” means original artwork placed on public property or on public right-of-way or on private property visible from public property and for which the City owns an easement allowing for such placement and that has been approved by the Beaverton Arts Commission.

2. “Selection panel” means a group responsible for reviewing proposed public art and making recommendations to the Beaverton Arts Commission on the selection of public art.

B. Public art that is displayed pursuant to this section may be sited in, on or about any project or other property owned, leased, or rented by, donated to, or otherwise made available to and accepted by the City of Beaverton under such additional terms and conditions as may be required by the Beaverton Arts Commission.

C. All interests in public art acquired pursuant to this section shall be acquired in the name of the City of Beaverton. Title to any easements for display of such art on private property shall be granted to and are subject to written acceptance by the City of Beaverton acting through its Mayor for the use and benefit of the public.

D. A decision by the Beaverton Arts Commission, upon a recommendation by the selection panel, as to the acquisition, fabrication, installation, deaccessioning, management, community education and registration of public art shall be the City’s final decision.

E. The Beaverton Arts Commission shall adopt rules and guidelines for the selection, acquisition and display of all public art in a form to be approved by the City Attorney. [BC 2.03.239, added by Ordinance No. 4481, 4/21/08]

2.03.240 Arts Commission Account.

There hereby is established in the general fund of the City an account to be known as the “Arts Commission Account.” All money received by the commission pursuant to BC 2.03.236 and BC 2.03.238 shall be paid into the City’s general fund and credited to the Arts Commission Account. All money in such account hereby is restricted for use in carrying out the commission’s purposes. [BC 2.03.240, added by Ordinance No. 3313, 3/22/83]

XVI. DISABLED CITIZENS’ ADVISORY COMMITTEE

2.03.250 Established.

There is hereby established a Disabled Citizens’ Advisory Committee; its powers and duties are described in the following sections. [BC 2.03.250, added by Ordinance No. 3783, 8/26/91]

2.03.251 Membership.

City of Salem sign code, exempting public art murals from sign code, referral to public art code

CHAPTER 900
SIGN CODE

900.001. Purpose
900.005. Definitions; Rules of Construction
900.010. General Rule
900.015. Exempt Signs
900.020. Prohibited Signs
900.025. Sign Permits
900.030. Exceptions from Permit Requirement
900.035. Sign Adjustments
900.040. Sign Variances
900.045. Electronic Display Sign Conditional Use Permits
900.050. Inspection; Re-inspection
900.055. Measurements
900.060. Materials
900.065. Sign Supports
900.070. Electronic Sign Construction
900.075. General Illumination Standards; Zone-Specific Standards
900.080. Flashing Light; Zone-Specific Standards
900.085. Effects
900.090. Electronic Display Signs
900.095. Rotating and Animated Signs; Zone-Specific Standards
900.100. Signs Installed Over or Within the Right-of-Way
900.105. Signs in Vision Clearance Areas
900.110. Signs in Special Setback Areas
900.115. Sign Location for Safety
900.120. Sign Maintenance
900.125. Land Divisions
900.130. Freestanding Signs
900.135. Hanging Signs
900.140. Projecting Signs
900.145. Roof Signs
900.150. Wall Signs
900.155. Outdoor Advertising Signs

TEMPORARY SIGNS
900.160. Temporary Signs, General Standards
900.165. Temporary Signs in Residential Zones
900.170. Temporary Signs in Commercial Zones
900.175. Temporary Signs in Industrial Zones
900.180. Temporary Signs in Public Zones

PERMANENT SIGNS
900.185. Permanent Signs in Residential Zones
900.190. Permanent Signs in the Neighborhood Commercial (CN), Neighborhood Center Mixed-Use (NCMU), and Fairview Mixed-Use (FMU) Zones
900.195. Permanent Signs in Commercial Office (CO) Zones
900.200. Permanent Signs in Central Business District (CB), Retail Commercial (CR), and General Commercial (CG) Zones

services are provided to a patron of a business, and that typically includes queuing lanes, service windows, or service islands.

(39) Vehicle buffer zone means an area that runs parallel to and abuts a roadway, and creates a pedestrian safety zone and unobstructed accessibility to parked vehicles. The vehicle buffer zone is depicted on Illustration No. 900-1.

(40) Vision clearance area means the area providing visibility for vehicular, bicycle, and pedestrian traffic, as determined by SRC 76.170.

(b) As used in this Chapter, words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory.

(c) Nothing in this Chapter is intended, and shall not be construed, to restrict speech on the basis of its speaker, content, or viewpoint, and, to the extent that any provision of this Chapter is ambiguous, the provision shall not be interpreted to regulate on the basis of speaker, content, or viewpoint. (Ord No. 4-12)

900.010. General Rule.

(a) No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law.

(b) Except as provided in SRC 900.030, no person shall erect, construct, enlarge, alter, repair, move, improve, convert, equip, use, or maintain any sign, or cause or permit the same to be done, in violation of any provision of this Chapter or a permit issued hereunder.

(c) Nothing in this Chapter is intended, nor shall be construed, to permit the erection, construction, enlargement, alteration, or maintenance of any sign at any place or in any manner unlawful under any other federal, state, or local law. When any part of this Chapter conflicts with another provision of federal, state, or local law, the provision that establishes the stricter standard shall control. (Ord No. 4-12)

900.015. Exempt Signs. The following signs are exempt from this Chapter:

(a) Official traffic control devices.

(b) Signs required to be erected by public officers pursuant to law or by order of the court.

(c) Temporary signs located in Wallace Marine Park's Sports Field Complex allowed and regulated pursuant to a park use permit issued by the City.

(d) Public murals, as defined by SRC 15.010, and regulated under the provisions of SRC Chapter 15, and any rules adopted thereunder. (Ord No. 4-12)

900.020. Prohibited Signs. The following signs are prohibited:

(a) Any sign which creates a public nuisance due to statements, words, or pictures of an obscene or pornographic character.

(b) Any sign which violates ORS Chapter 377.

(c) Any sign which is placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer and placed on public or private property with the primary purpose of providing a sign not otherwise permitted by this Chapter.

(d) Any sign located in a manner which could impede traffic on any street, alley, bikeway, or other vehicular way.

(e) Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building. No sign structure, or part thereof, shall cover, wholly or partially, any window or doorway in a manner that will substantially limit access to the building in case of fire.

(f) Any sign constructed or maintained which, by reason of its size, location, movement,

CHAPTER 15
PUBLIC ART

15.001. Purpose
15.010. Definitions
15.020. Salem Public Art Commission
15.030. Public Art Trust Fund
15.040. Dedication to Public Art Trust Fund
15.050. Title to Art Work
15.060. Siting
15.070. Public Mural Program Intent and Purpose
15.080. Public Murals; Creation; Approval by Salem Public Art Commission
15.090. Procedures, Mandatory Criteria for Public Murals
15.100. Public Mural Neighborhood Involvement

15.001. Purpose. The City Council recognizes that visual arts contribute to and provide experiences that enrich and better the social and physical environment of the community, and desires to foster an advancement of the visual arts within the City of Salem. It is the purpose of this Chapter, and the policy of the City to dedicate one-half of one percent of the total eligible costs of all improvement projects to the selection, acquisition, fabrication, installation, maintenance, management, deaccessioning, community education, documentation and registration of public art. (Ord No. 6-10)

15.010. Definitions. Unless the context otherwise specifically requires, for purposes of this Chapter, the following words and phrases mean:

(a) Alteration means any change to a public mural, including but not limited to any change to the image(s), materials, colors or size of the public mural. Alteration does not include naturally occurring changes to the public mural caused by exposure to the elements or the passage of time, or maintenance or repair of the public mural that includes slight and unintended deviations from the original image, colors or materials that occur when the public mural is repaired due to the passage of time, or after damage resulting from vandalism.

(b) Artist means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces works of art, and who is not a member of the improvement project's architectural firm or the Salem Public Art Commission. The term "artist" shall include an artist's agent and a representative of the estate of an artist.

(c) City building means any building owned or leased by the City, or area therein, which is open to the public; provided, however, "City building" does not include motor pools, surface parking lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump stations, treatment plants and utility facilities, or buildings that have the primary purpose of displaying historical artifacts, cultural items, or works of art.

(d) City Manager means the City Manager of the City of Salem, or the City Manager's designee.

(e) Deaccessioning means relinquishing title to a work of public art.

(f) Eligible costs means the costs for completion of an improvement project, including costs for capitalized tenant improvements, that are paid from eligible funds. Eligible costs does not include costs for: land acquisition, design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees.

(g) Eligible funds means any funds expended by the City, from whatever source, for an

improvement project and for which public art is not precluded as an object of expenditure in connection with the improvement project.

(h) Improvement project means any project paid for wholly or in part by the City where the amount of eligible funds equals $100,000 or more for the construction, rehabilitation, remodeling, improvement or purchase of a City building. An improvement project does not include maintenance and repair projects or remodeling or renovation projects in which more than seventy-five percent of the project cost represents improvements to mechanical systems.

(i) Oregon artist means an artist that makes Oregon his or her primary residence or principal place of business.

(j) Public art means original works of art owned or acquired by the City.

(k) Public mural means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed directly to an exterior wall of a building, which has been approved by the Salem Public Art Commission and accepted by the City into its public art collection pursuant to this Chapter. A public mural is not an original work of visual art if it is mechanically reproduced or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, limited images digitally printed on vinyl.

(l) Works of art means all forms of original creations of visual art, including and not limited to, painting, sculpture, prints, ceramics, drawings, stained glass, mosaics, photography, fiber and textiles, calligraphy, mixed media, and any combination of media, including collage. (Ord No. 6-10; Ord No. 10-10; Ord No. 13-11)

15.020. Salem Public Art Commission.

(a) There is hereby created a seven-member Salem Public Art Commission, who shall be appointed by the City Council, after receiving recommendations on the applicants from the Mayor. The City Manager shall serve as an ex officio non-voting secretary to the Commission. The appointed members of the Salem Public Art Commission shall consist of two members who have experience, training or expertise in the visual arts, art history, art criticism, or art education; two members who have experience, training or expertise in museum curation, art restoration, or art appraisal; and two members who have experience, training, or expertise in architecture or landscape architecture, commercial real estate or development, or experience with foundations and cultural development; and one at-large member.

(b) Members of the Salem Public Art Commission shall serve three-year terms, but the terms shall be staggered so that not more than three members' terms of office shall expire in any one year. Members may be reappointed, except that a member who has served two full three-year terms may not be reappointed until one full year after the date of expiration of his or her immediate previous term of office. In case of a vacancy, a successor to serve the remainder of the term shall be appointed by the City Council, after receiving recommendations on the applicants from the Mayor. The members of the Commission shall not receive any compensation for their services.

(c) Except for the first year, the Salem Public Art Commission shall elect a chair and a vice-chair from among its members who shall hold office at the pleasure of the Commission. The first chair and vice-chair will be appointed by the Mayor. The Salem Public Art Commission shall adopt rules of procedure and organization of the Commission, and rules for the conduct of meetings that are consistent with generally recognized principles for the orderly conduct of business by a deliberative body. All meetings of the Commission shall be open to the public.

(d) The Salem Public Art Commission shall have the authority to select, acquire, receive, borrow, commission the design or fabrication of, and maintain, deaccession, document and register all works of art within the City's public art collection with funds from the Public Art

Trust Fund. The Commission shall have the authority to advise the City Manager on the management, execution, installation, or placement of works of art, and administration of public art education activities.

(e) The Salem Public Art Commission shall recommend guidelines for adoption by the City Council for the selection, acquisition, commissioning and deaccessioning of public art that give preference to Oregon artists and that shall include consideration of the following:

(1) Whether the work of art is compatible with the design of the City building;

(2) Whether the work of art is of exceptional quality and enduring value;

(3) Whether the work of art promotes a broad range of artistic styles and media in order to maintain an overall balance within the City;

(4) Whether the work of art presents a safety hazard to the public; and

(5) Whether the work of art requires extraordinary maintenance, including, but not limited to, periodic adjustment, repainting, repair or replacement of moving parts.

(f) The Salem Public Art Commission shall establish procedures for the maintenance, management, documentation and registration of all works of art within the City's public art collection and such other procedures and guidelines consistent with this Chapter to facilitate the implementation of the Commission's responsibilities under this Chapter.

(g) Each year at a time specified by the City Manager, the Salem Public Art Commission shall prepare and submit to the City Manager a recommended budget for the Public Art Trust Fund for the ensuing fiscal year, which the City Manager shall forward to the Salem Budget Committee. The budget shall estimate income and expenditures for the Public Art Trust Fund for that year, conform to the requirements of SRC 15.030, and be in a form prescribed by the City Manager.

(h) Except as limited by other sections of this Chapter, the Salem Public Art Commission's decisions as to the acquisition, fabrication, deaccessioning, and registration of public art, including public murals, shall be final. (Ord No. 6-10; Ord No. 13-11)

15.030. Public Art Trust Fund.

(a) There is established a special fund designated as the Public Art Trust Fund from which expenditures may be made for the acquisition, fabrication, installation, maintenance, conservation, management, deaccessioning, community education, documentation and registration of public art. The Public Art Trust Fund shall consist of funds appropriated by SRC 15.040, other funds as the City Council may appropriate, and funds given to the City from public or private sources.

(b) Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is deemed appropriate by the City Manager, is required by law, or is a condition of any gift or donation. Prior to disbursing funds from a segregated account in the Public Art Trust Fund, the Salem Public Art Commission shall adopt written findings demonstrating that the proposed disbursement complies with any applicable conditions for the expenditure of those funds.

(c) Excluding funds from conditional gifts or donations, funds deposited into the Public Art Trust Fund, shall be allocated as follows:

(1) Seventy percent shall be used for costs associated with acquiring public art, including, but not limited to the acquisition, fabrication, and installation of public art.

(2) Twenty percent shall be used for costs associated with managing public art, including, but not limited to costs of selection, program management, community education and registration of public art.

(3) Ten percent shall be used for the maintenance, conservation and deaccessioning of public art.

(d) Disbursements shall be made according to the terms of this Chapter and any procedures

adopted by the Salem Public Art Commission. The Salem Public Art Commission will report annually to the City Council on the disbursement of funds from the Public Art Trust Fund. (Ord No. 6-10; Ord No. 13-11)

15.040. Dedication to Public Art Trust Fund. Any city official or employee who authorizes or appropriates expenditures for an improvement project shall include in the total construction budget, and cause to be deposited in the Public Art Trust Fund, a monetary contribution for public art equal to one-half of one percent of the total eligible costs. Where an improvement project will be constructed in phases, the one-half of one percent dedication shall be applied to the estimated total cost of each phase of the project at the time that funds for the phase are encumbered. Nothing in this section prevents the City Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase. (Ord No. 6-10)

15.050. Title to Art Work.

(a) Title to works of art acquired under this Chapter shall be acquired in the name of the City and vest in the City. Acquisition of a work of art shall be accompanied by an assignment of copyright to the work of art; provided, however, the artist may retain a non-exclusive right to make reproductions of the work of art for professional advertisement and promotional purposes.

(b) Except as otherwise agreed by the Public Art Commission, no artist, by virtue of the sale of a work of art to the City, shall be deemed to have acquired any right in the continued ownership of the work of art, or to the continued placement of the work of art in any location or venue, notwithstanding the fact that the work of art may have been created as a site-specific work of art. (Ord No. 6-10; Ord No. 13-11)

15.060. Siting. Subject to any applicable ordinances, public art obtained pursuant to this Chapter may be sited in, on or about any improvement project, public right of way, easement, or other property owned, leased, or otherwise under the control of or made available to the City. (Ord No. 6-10)

15.070. Public Mural Program Intent and Purpose. The intent and purpose of SRC 15.070-15.100 is to encourage the production of public murals for acquisition by the City. Public murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime. Public murals can increase community identity and foster a sense of place if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood involvement process. (Ord No. 10-10)

15.080. 15.080. Public Murals; Creation; Approval by Salem Public Art Commission. No person shall commence creation of any public mural without first obtaining approval from the Salem Public Art Commission, and agreeing to donate the public mural to the City's public art collection, as provided in SRC 15.090. Murals that are created without approval from the Salem Public Art Commission or are inconsistent with the conditions of approval from the Salem Public Art Commission are not public murals and are subject to SRC Chapter 900. Approval of a public mural does not require historic design review. (Ord No. 10-10; Ord No. 13-11; Ord No. 4-12)

15.090. Procedures, Mandatory Criteria for Public Murals. The Salem Public Art Commission shall adopt procedures and standards setting forth the requirements for creation, approval, donation, and acceptance of public murals into the City's public art collection. At a minimum, the standards shall include the following:

(a) Public murals shall remain in place, without alterations, for a period of not less than seven years, except as may be specified by the Salem Public Art Commission in the conditions of approval.

(b) In historic districts, public murals may only be allowed on buildings that are non-historic non-contributing buildings or structures. Murals in historic districts shall not be allowed on a building façade. For purposes of this paragraph, the building façade is defined as the wall that contains the main entrance onto the premises.

(c) No public murals shall be allowed on single family dwellings, duplexes, or multi-family dwellings. As used in this subsection, single family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain a single family dwelling, duplex, or multi-family dwellings.

(d) No public mural may contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance of the public mural or changes the mural image or message.

(e) Public murals shall be located in a manner that is accessible to the public.

(f) The approval and acceptance of each public mural shall be contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney. The terms of the easement shall grant the right to create the public mural on the wall of the building and provide that the person granting the easement will maintain and restore the public mural in its original condition for the period of the easement, and state that upon termination of the easement, the mural shall be removed and the building restored to its prior condition. (Ord No. 10-10; Ord No. 13-11)

15.100. Public Mural Neighborhood Involvement. Prior to approving a public mural for the City's public art collection, the Salem Public Art Commission shall hold a public hearing at which interested members of the public may review and comment upon the proposed public mural. Written notice of the hearing shall be provided to the neighborhood association in which the public mural is proposed to be located, and public notice shall be given no later than thirty days before the hearing. (Ord No. 10-10; Ord No. 13-11)

BEAVERTON COMMISSION Arts

Background

The public art mural program is a Beaverton, city-wide program administered by the Beaverton Arts Commission (BAC) as part of its Public Art Program. The Beaverton City Council voted in April 2008 to exempt all public art from the City's sign code and create a public art program for display of art on public rights of way and on private building facades and other private property under the terms of easements to be granted to the City for that purpose. New murals are reviewed by the Public Art Selection Committee, a standing committee that is responsible for overseeing the City's Public Art Mural Program. Committee members include a representative from the City and the Arts Commission, as well as artists, arts patrons, a City resident and an experienced muralist. The program has a matching grant fund opportunity available.

Eligibility

Any individual or organization interested in creating an outdoor mural in the City of Beaverton must apply for approval through the Public Art Mural Program, regardless of whether funding is being requested. To be eligible for approval and/or funding from the Public Art Mural Program, the mural must be located in the City of Beaverton. Murals approved through this program must remain on the approved site for no less than five years.

Applicants may be:

1. An individual artist or a group of individual artists.
2. A building owner.
3. A not- for-profit organization. This includes registered neighborhood associations, citizen-based groups and organizations with IRS 501(c)3 status. However, IRS 501(c)3 is not required.

Funding Criteria + Restrictions

Applicants must have a plan to match the Public Art Mural Grant request with a one-to-one match that may be all cash or a combination of cash and in-kind contributions. This one-to-one match must be reflected on the application budget page.

1. Funds will be awarded based on need as evidenced in the application.
2. Applicants are expected to provide a one-to-one match for funds requested through the Public Art Mural Program.
3. Purchases of food or equipment will not be funded through the Public Art Mural Program. (Rental of painting equipment or the purchase of painting supplies are fundable expenses.)
4. Public Art Mural funds may not be used to pay for a staff position. (Paying an artist(s) to design and paint a mural are fundable expenses.)

SelectionCriteria:

Murals will be approved based on the following criteria.

Accessibility: is viewable by the public, meets City accessibility codes;

Artist Quality: strength of the artist's concept and demonstrated craftsmanship;

Contemporary Relevance: appropriateness for our time;

Context: architectural, geographical, socio-cultural and historical;

Feasibility: budget, timeline, experience, etc.;

Originality: uniqueness;

Permanence: will last a minimum of five years, resistance to vandalism and weather;

Scale: appropriateness of scale to the surrounding neighborhoods;

Suitability: appropriateness to surrounding neighborhood;

Technical proficiency: technical skills and artistic experience;

The Commission encourages artists of all ages and races to apply. All artistic styles are welcome.

Mural Requirements

Every applicant must demonstrate that they will:

a. Use media that ensures mural longevity and durability.

b. Paint on a surface and structure that is stable and ready (or will be stable and ready) for painting.

c. Use acceptable graffiti/UV coating on the finished mural that provides resistance to vandalism and weather.

d. Create a mural that is accessible to the public.

Every applicant must provide a signed easement from the building owner. The building owner must commit to keep the mural unchanged for a minimum of 5 years and to maintain the mural during that time.

Mural Approval Process

1. **Meet with Beaverton Arts Commission staff** for initial review of imagery, location, funding and building owner's approval.

2. **Submit Public Art Mural Application.** Include 15 copies of color rendering of proposed mural, photographs of site and physical surroundings, project timeline, project budget, written description of proposed mural, site, wall preparation, materials and processes, protective coating, individuals/groups involved, evidence of community support (e.g., letter from building owner, neighborhood association, adjacent neighborhoods/businesses, etc.)

3. **Request mural proposal presentation at a Public Art Selection Committee meeting**. Meeting notice is sent to applicable neighborhood association by the Beaverton Arts Commission.

4. **Present mural to Public Art Selection Committee.** Following the presentation, a decision is made based upon adopted selection criteria for public art murals (see mural criteria and requirements).

5. **Building owner provides a notarized signed Art Easement agreement.** The agreement is then signed by the Mayor and filed with the City Attorney's office.

6. **Artist signs form agreeing to terms of Art Easement agreement and waiver of rights under the federal Visual Artist Rights Act** that would interfere with the performance of any rights under the Art Easement agreement.

7. **Applicant signs agreement with BAC to receive payments** *if receiving public funding*.

8. **Arts Commission sends official notification of approval to proceed** *if not receiving public funding.*

9. **Artist begins painting mural.**

10. **Applicant contacts Beaverton Arts Commission** Executive Director, Jayne Scott, at 503-526-2288, notifying her of completion of mural.

11. **Applicant provides digital images** of completed mural for Arts Commission's online gallery of public art murals.

Funding Availability

The number of public art murals awarded funding is dependent on the funds available and the number of applicants submitting each year.

Special Acknowledgement

The Beaverton Arts Commission would like to recognize and thank the **Regional Arts and Culture Council** (RACC) for their guidance in setting up this mural program. RACC's Public Art Mural Program was used as a model for the Beaverton program.

CHAPTER 15
PUBLIC ART

15.001. Purpose
15.010. Definitions
15.020. Salem Public Art Commission
15.030. Public Art Trust Fund
15.040. Dedication to Public Art Trust Fund
15.050. Title to Art Work
15.060. Siting
15.070. Public Mural Program Intent and Purpose
15.080. Public Murals; Creation; Approval by Salem Public Art Commission
15.090. Procedures, Mandatory Criteria for Public Murals
15.100. Public Mural Neighborhood Involvement

15.001. Purpose. The City Council recognizes that visual arts contribute to and provide experiences that enrich and better the social and physical environment of the community, and desires to foster an advancement of the visual arts within the City of Salem. It is the purpose of this Chapter, and the policy of the City to dedicate one-half of one percent of the total eligible costs of all improvement projects to the selection, acquisition, fabrication, installation, maintenance, management, deaccessioning, community education, documentation and registration of public art. (Ord No. 6-10)

15.010. Definitions. Unless the context otherwise specifically requires, for purposes of this Chapter, the following words and phrases mean:

(a) Alteration means any change to a public mural, including but not limited to any change to the image(s), materials, colors or size of the public mural. Alteration does not include naturally occurring changes to the public mural caused by exposure to the elements or the passage of time, or maintenance or repair of the public mural that includes slight and unintended deviations from the original image, colors or materials that occur when the public mural is repaired due to the passage of time, or after damage resulting from vandalism.

(b) Artist means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces works of art, and who is not a member of the improvement project's architectural firm or the Salem Public Art Commission. The term "artist" shall include an artist's agent and a representative of the estate of an artist.

(c) City building means any building owned or leased by the City, or area therein, which is open to the public; provided, however, "City building" does not include motor pools, surface parking lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump stations, treatment plants and utility facilities, or buildings that have the primary purpose of displaying historical artifacts, cultural items, or works of art.

(d) City Manager means the City Manager of the City of Salem, or the City Manager's designee.

(e) Deaccessioning means relinquishing title to a work of public art.

(f) Eligible costs means the costs for completion of an improvement project, including costs for capitalized tenant improvements, that are paid from eligible funds. Eligible costs does not include costs for: land acquisition, design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees.

(g) Eligible funds means any funds expended by the City, from whatever source, for an

improvement project and for which public art is not precluded as an object of expenditure in connection with the improvement project.

(h) Improvement project means any project paid for wholly or in part by the City where the amount of eligible funds equals $100,000 or more for the construction, rehabilitation, remodeling, improvement or purchase of a City building. An improvement project does not include maintenance and repair projects or remodeling or renovation projects in which more than seventy-five percent of the project cost represents improvements to mechanical systems.

(i) Oregon artist means an artist that makes Oregon his or her primary residence or principal place of business.

(j) Public art means original works of art owned or acquired by the City.

(k) Public mural means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed directly to an exterior wall of a building, which has been approved by the Salem Public Art Commission and accepted by the City into its public art collection pursuant to this Chapter. A public mural is not an original work of visual art if it is mechanically reproduced or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, limited images digitally printed on vinyl.

(l) Works of art means all forms of original creations of visual art, including and not limited to, painting, sculpture, prints, ceramics, drawings, stained glass, mosaics, photography, fiber and textiles, calligraphy, mixed media, and any combination of media, including collage. (Ord No. 6-10; Ord No. 10-10; Ord No. 13-11)

15.020. Salem Public Art Commission.

(a) There is hereby created a seven-member Salem Public Art Commission, who shall be appointed by the City Council, after receiving recommendations on the applicants from the Mayor. The City Manager shall serve as an ex officio non-voting secretary to the Commission. The appointed members of the Salem Public Art Commission shall consist of two members who have experience, training or expertise in the visual arts, art history, art criticism, or art education; two members who have experience, training or expertise in museum curation, art restoration, or art appraisal; and two members who have experience, training, or expertise in architecture or landscape architecture, commercial real estate or development, or experience with foundations and cultural development; and one at-large member.

(b) Members of the Salem Public Art Commission shall serve three-year terms, but the terms shall be staggered so that not more than three members' terms of office shall expire in any one year. Members may be reappointed, except that a member who has served two full three-year terms may not be reappointed until one full year after the date of expiration of his or her immediate previous term of office. In case of a vacancy, a successor to serve the remainder of the term shall be appointed by the City Council, after receiving recommendations on the applicants from the Mayor. The members of the Commission shall not receive any compensation for their services.

(c) Except for the first year, the Salem Public Art Commission shall elect a chair and a vice-chair from among its members who shall hold office at the pleasure of the Commission. The first chair and vice-chair will be appointed by the Mayor. The Salem Public Art Commission shall adopt rules of procedure and organization of the Commission, and rules for the conduct of meetings that are consistent with generally recognized principles for the orderly conduct of business by a deliberative body. All meetings of the Commission shall be open to the public.

(d) The Salem Public Art Commission shall have the authority to select, acquire, receive, borrow, commission the design or fabrication of, and maintain, deaccession, document and register all works of art within the City's public art collection with funds from the Public Art

Trust Fund. The Commission shall have the authority to advise the City Manager on the management, execution, installation, or placement of works of art, and administration of public art education activities.

(e) The Salem Public Art Commission shall recommend guidelines for adoption by the City Council for the selection, acquisition, commissioning and deaccessioning of public art that give preference to Oregon artists and that shall include consideration of the following:

(1) Whether the work of art is compatible with the design of the City building;

(2) Whether the work of art is of exceptional quality and enduring value;

(3) Whether the work of art promotes a broad range of artistic styles and media in order to maintain an overall balance within the City;

(4) Whether the work of art presents a safety hazard to the public; and

(5) Whether the work of art requires extraordinary maintenance, including, but not limited to, periodic adjustment, repainting, repair or replacement of moving parts.

(f) The Salem Public Art Commission shall establish procedures for the maintenance, management, documentation and registration of all works of art within the City's public art collection and such other procedures and guidelines consistent with this Chapter to facilitate the implementation of the Commission's responsibilities under this Chapter.

(g) Each year at a time specified by the City Manager, the Salem Public Art Commission shall prepare and submit to the City Manager a recommended budget for the Public Art Trust Fund for the ensuing fiscal year, which the City Manager shall forward to the Salem Budget Committee. The budget shall estimate income and expenditures for the Public Art Trust Fund for that year, conform to the requirements of SRC 15.030, and be in a form prescribed by the City Manager.

(h) Except as limited by other sections of this Chapter, the Salem Public Art Commission's decisions as to the acquisition, fabrication, deaccessioning, and registration of public art, including public murals, shall be final. (Ord No. 6-10; Ord No. 13-11)

15.030. Public Art Trust Fund.

(a) There is established a special fund designated as the Public Art Trust Fund from which expenditures may be made for the acquisition, fabrication, installation, maintenance, conservation, management, deaccessioning, community education, documentation and registration of public art. The Public Art Trust Fund shall consist of funds appropriated by SRC 15.040, other funds as the City Council may appropriate, and funds given to the City from public or private sources.

(b) Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is deemed appropriate by the City Manager, is required by law, or is a condition of any gift or donation. Prior to disbursing funds from a segregated account in the Public Art Trust Fund, the Salem Public Art Commission shall adopt written findings demonstrating that the proposed disbursement complies with any applicable conditions for the expenditure of those funds.

(c) Excluding funds from conditional gifts or donations, funds deposited into the Public Art Trust Fund, shall be allocated as follows:

(1) Seventy percent shall be used for costs associated with acquiring public art, including, but not limited to the acquisition, fabrication, and installation of public art.

(2) Twenty percent shall be used for costs associated with managing public art, including, but not limited to costs of selection, program management, community education and registration of public art.

(3) Ten percent shall be used for the maintenance, conservation and deaccessioning of public art.

(d) Disbursements shall be made according to the terms of this Chapter and any procedures

adopted by the Salem Public Art Commission. The Salem Public Art Commission will report annually to the City Council on the disbursement of funds from the Public Art Trust Fund. (Ord No. 6-10; Ord No. 13-11)

15.040. Dedication to Public Art Trust Fund. Any city official or employee who authorizes or appropriates expenditures for an improvement project shall include in the total construction budget, and cause to be deposited in the Public Art Trust Fund, a monetary contribution for public art equal to one-half of one percent of the total eligible costs. Where an improvement project will be constructed in phases, the one-half of one percent dedication shall be applied to the estimated total cost of each phase of the project at the time that funds for the phase are encumbered. Nothing in this section prevents the City Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase. (Ord No. 6-10)

15.050. Title to Art Work.

(a) Title to works of art acquired under this Chapter shall be acquired in the name of the City and vest in the City. Acquisition of a work of art shall be accompanied by an assignment of copyright to the work of art; provided, however, the artist may retain a non-exclusive right to make reproductions of the work of art for professional advertisement and promotional purposes.

(b) Except as otherwise agreed by the Public Art Commission, no artist, by virtue of the sale of a work of art to the City, shall be deemed to have acquired any right in the continued ownership of the work of art, or to the continued placement of the work of art in any location or venue, notwithstanding the fact that the work of art may have been created as a site-specific work of art. (Ord No. 6-10; Ord No. 13-11)

15.060. Siting. Subject to any applicable ordinances, public art obtained pursuant to this Chapter may be sited in, on or about any improvement project, public right of way, easement, or other property owned, leased, or otherwise under the control of or made available to the City. (Ord No. 6-10)

15.070. Public Mural Program Intent and Purpose. The intent and purpose of SRC 15.070-15.100 is to encourage the production of public murals for acquisition by the City. Public murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime. Public murals can increase community identity and foster a sense of place if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood involvement process. (Ord No. 10-10)

15.080. 15.080. Public Murals; Creation; Approval by Salem Public Art Commission. No person shall commence creation of any public mural without first obtaining approval from the Salem Public Art Commission, and agreeing to donate the public mural to the City's public art collection, as provided in SRC 15.090. Murals that are created without approval from the Salem Public Art Commission or are inconsistent with the conditions of approval from the Salem Public Art Commission are not public murals and are subject to SRC Chapter 900. Approval of a public mural does not require historic design review. (Ord No. 10-10; Ord No. 13-11; Ord No. 4-12)

15.090. Procedures, Mandatory Criteria for Public Murals. The Salem Public Art Commission shall adopt procedures and standards setting forth the requirements for creation, approval, donation, and acceptance of public murals into the City's public art collection. At a minimum, the standards shall include the following:

(a) Public murals shall remain in place, without alterations, for a period of not less than seven years, except as may be specified by the Salem Public Art Commission in the conditions of approval.
(b) In historic districts, public murals may only be allowed on buildings that are non-historic non-contributing buildings or structures. Murals in historic districts shall not be allowed on a building façade. For purposes of this paragraph, the building façade is defined as the wall that contains the main entrance onto the premises.
(c) No public murals shall be allowed on single family dwellings, duplexes, or multi-family dwellings. As used in this subsection, single family dwellings, duplexes, or multi-family dwellings do not include mixed-use buildings which contain a single family dwelling, duplex, or multi-family dwellings.
(d) No public mural may contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance of the public mural or changes the mural image or message.
(e) Public murals shall be located in a manner that is accessible to the public.
(f) The approval and acceptance of each public mural shall be contingent upon the conveyance of a public mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney. The terms of the easement shall grant the right to create the public mural on the wall of the building and provide that the person granting the easement will maintain and restore the public mural in its original condition for the period of the easement, and state that upon termination of the easement, the mural shall be removed and the building restored to its prior condition. (Ord No. 10-10; Ord No. 13-11)

15.100. Public Mural Neighborhood Involvement. Prior to approving a public mural for the City's public art collection, the Salem Public Art Commission shall hold a public hearing at which interested members of the public may review and comment upon the proposed public mural. Written notice of the hearing shall be provided to the neighborhood association in which the public mural is proposed to be located, and public notice shall be given no later than thirty days before the hearing. (Ord No. 10-10; Ord No. 13-11)

AGENDA

MILWAUKIE PLANNING COMMISSION
Tuesday, October 22, 2013, 6:30 PM
Continued from October 8, 2013

MILWAUKIE CITY HALL
10722 SE MAIN STREET

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

2.1 May 14, 2013

2.2 May 28, 2013 Joint Session with Design & Landmarks Committee

3.0 Information Items

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

5.1 Summary: Parking Determination Appeal
Applicant/Owner: Western Planning/Pendleton Woolen Mills
Address: 2516 SE Mailwell Dr
File: AP-13-01
Staff: Ryan Marquardt

6.0 Worksession Items

6.1 Summary: Mural Code Project
Staff: Ryan Marquardt

6.2 Summary: Land Use Development Review Training
Staff: Ryan Marquardt

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

November 12, 2013	1. Public Hearing: DR-13-05 10400 SE Main St Veterinarian Clinic Design Review 2. Worksession: Moving Forward Milwaukie project briefing *tentative*
November 26, 2013	1. TBD

MILWAUKIE
Dogwood City of the West

To: **Planning Commission**

Through: **Steve Butler, Planning Director**

From: **Beth Ragel, Program Coordinator**
Ryan Marquardt, Senior Planner

Date: **October 2, 2013, for October 8, 2013, Worksession**

Subject: **Code Changes and Review Process for Public Murals**

ACTION REQUESTED

None. This is a briefing for discussion only. This briefing is in anticipation of future amendments to the sign code related to murals. Staff does request direction from the Planning Commission on proposed amendments to Title 14, Sign Ordinance presented in this report.

BACKGROUND INFORMATION

A. History of prior actions and discussions

- **September 2012:** Planning Commission forwarded a recommendation to City Council on a limited amount of amendments to exempt public murals from the sign ordinance.
- **May 2012:** Beth Ragel, Community Services Program Coordinator, briefed the Planning Commission on the proposed permit process for public murals at a work session.
- **April 2012:** Staff briefed City Council on community outreach and reported the results from the mural survey. Council directed staff to continue work on the project, including developing the code language to take to the Planning Commission for review.
- **September 2011:** City Council gave staff the approval to start public outreach and to begin drafting the needed code language.
- **2006:** When the Planning Commission updated the Sign Code in 2006, the difficulty of permitting public murals as signs was acknowledged as a problem yet to solve. At that time, no model was in place that adequately addressed Oregon's free speech laws. As such, public murals fell under sign regulations by default. Since then, Portland has finalized two review and permit processes—one in 2005 and one in

2008. These have not been challenged and have paved the path for other jurisdictions to adopt a similar approach.

B. Prior recommendation on a public mural review process

In September 2012, the Planning Commission held a public hearing and made a recommendation on amendments to Title 14, Sign Ordinance, that were part of a larger set of amendments to the Milwaukie Municipal Code. The purpose of the set of amendments was to establish the code language needed to allow murals as public art, separate from the regulations of the sign ordinance.

The Planning Commission made a recommendation that City Council approve of the code changes to Title 14. Prior to taking the code amendments to City Council, however, it was suggested by the City Attorney's office that the program could be made more legally defensible. The rationale for this is discussed further on in the report. As a result, staff did not take the code amendments to City Council, and has been revising the proposed approach. Staff is preparing to bring the revised code changes back before the Planning Commission later in 2013 in hopes of City Council adoption in 2014.

C. Structure of proposed 2012 public mural permit process

The 2012 version of the code changes proposed one discretionary review process and permitting path for murals. An ad hoc mural review committee was proposed to review the mural on set criteria and make a recommendation to the Milwaukie Arts Committee, who would make the final decision. The process would allow approved murals to be placed in commercial and industrial zones and on community service use properties. Broadly, the review criteria suggested at that time included artistic merit, feasibility, context and demonstrated community support.

Since staff was aware that reviewing content is generally problematic—and specifically, that reviewing the content of signs was deemed a violation of Article I, Section 8 of the Oregon constitution—staff also proposed to require a public art easement signed by the property owner. This approach is used by the City of Portland and was suggested by the City of Portland attorney and the Public Art Manager at the Regional Arts and Culture Council (RACC). This easement was determined to be a key feature of the proposed program, as the public art easement would mean the review of the mural would be for the purpose of selecting public art rather than regulating sign content on private property.

D. Structure of currently proposed public mural permit processes

After further evaluation, staff and the City attorney decided to make modifications to the public mural permitting process. Accordingly, one significant modification is the creation of two mural review and permitting options. One review process would be similar to the 2012 program and would include some public grant funding for the mural as well as a discretionary review process through the Milwaukie Arts Committee. The other review process would be for painted wall sign that would be reviewed by the Planning Department against objective standards.

These two review and permitting options are based on the model pioneered in Portland resulting from legal challenges to the Portland sign code (which had not exempted murals from sign regulations prior). Staff has not discovered any other models in Oregon for permitting murals in a manner that complies, or attempts to comply, with constitutional requirements for content neutrality.

Key Features of Portland's Two Mural Permitting Programs

RACC Program—Discretionary Review/Grant Program	BDS Program—Objective Review
• Grant funding provided and City acts as patron not just regulator. • Content of mural is reviewed by committee; standards are somewhat subjective. • Public art easement form must be signed by building/property owner. • Compensation to building/property owner is prohibited.	• Grant funding is not provided and a permit fee is assessed (about $200.) • Content of mural is not reviewed and standards are objective. • No public art easement form is required. • Compensation to building/property owner is prohibited.

As done in Portland, if the discretionary review process included a matching grant program. A grant program has the benefits of:

- Making the city a patron of the arts, which helps to justify the discretionary review of the mural;
- Providing more control over large-scale murals that go up in the public realm; and,
- Leveraging public funds to obtain high-quality murals, since there is a requirement for matching funds equal to or exceeding the city's contribution.

See Attachment 1 for example of mural funding programs implemented in other cities.

Implementing only objective review of murals limits the potential legal challenge but would not provide the same level of discretion over what is allowed. Since the objective review would only look at and regulate physical features and not content, this may mean that murals that are objectionable to the community could be are permitted and placed in Milwaukie. Artists and/or property owners may prefer this path if they have funding readily available for their project or if a property owner does not want to sign a public art easement for the placement of the mural. They may also prefer this path if they are willing to do a smaller mural than is allowed through the discretionary process and limit the project to paint and no other medium.

E. Original Art Mural / Objective Review process

The basic structure of the discretionary review process has not changed from the 2012 version (see Background Information, Section B). The original art mural process (also referred to as the objective review process) is new and would affect more sections of Title 14. The Planning Commission will be asked to review and make a recommendation on a larger set of amendments to Title 14 than were presented last year.

The basic elements of the proposed objective review process are as follows:

A. Creates a new category of signs called "painted wall signs". Key attributes of painted wall signs are:
    - Paint must be applied directly to building wall surface or Pelon material (a common substrate for murals); no vinyl, wood, or other material between the building wall and paint is allowed
    - There cannot be compensation given or received for placement of the sign. An affidavit by the building owner is required.

B. Eligible properties – properties in commercial, industrial, downtown zones or mixed use commercial zones, and properties with uses containing a community service use. Properties designated as a significant or contributing historic resource are ineligible.

C. Size/placement regulations – A painted wall sign can comprise 40% of the surface area of a building wall. Non-painted wall signs (cabinet signs, banner signs, signs on wood panel, etc) are a separate type of sign that have their own distinct size regulations (typically 20% of a wall).

Staff requests that the Planning Commission consider these proposed rules for painted wall signs and provide direction to staff about changes to the rules. The proposed rules are an initial draft and can be further refined in preparation for adoption hearings later this year.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E-Packet
1. Report on Mural Funding / Arts Programming in Other Cities, and Associated Benefits	☒	☒	☒

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at link to specific PC meeting date.

Report on Mural Funding / Arts Programming in Other Cities, and Associated Benefits

Mural Funding in Other Cities

City of Beaverton:

In Beaverton, the City has allocated between $7,000 and $10,000 annually for their mural program. Individual murals have ranged from $3,000 to $10,000 to create. The City requires a match by the applicant in cash or in-kind donations. Three murals have been installed since 2008. The City has also funded other initiatives such as a sculpture program.

Here are photos of the three murals installed in Beaverton:







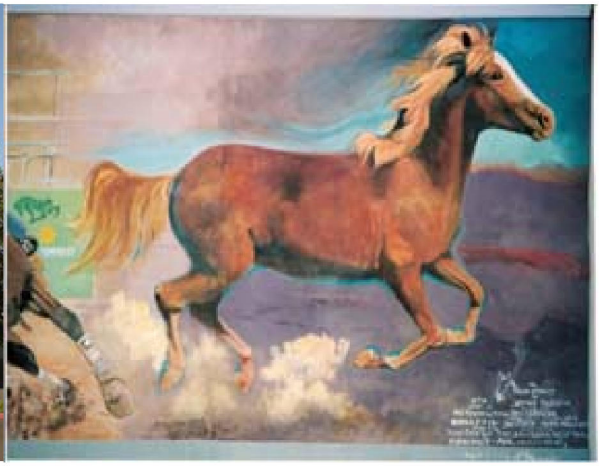
City of Portland:

In Portland, the Public Art Mural Program managed through the Regional Arts and Culture Council (RACC) provides matching funds up to $10,000 per approved project. Large scale murals can cost upwards of $30,000 or more, depending on their complexity, size, location, donations and volunteers, and other factors.

While large scale and complex murals may cost $30,000 or more, experienced mural artists have been able to install large scale murals in the region for less. Below is a mural that Larry Kangas finished at Parkrose High School. Painted on pelon in his studio and then affixed, the mural wraps around the building. At over 200 feet long, it is the largest mural in the Portland region. The entire out-of-pocket cost came to $15,000 which was covered by RACC through a "Communities and Schools" grant. (Larry Kangas is the artist that painted the historic mural that was on the side of Chopstick's Express in downtown. He also painted the mural that is behind Bernard's garage. He worked with Milwaukie High School Students to plan and install both. He is interested in working in Milwaukie in the future.)

Here are photos of the Parkrose Horse Mural:



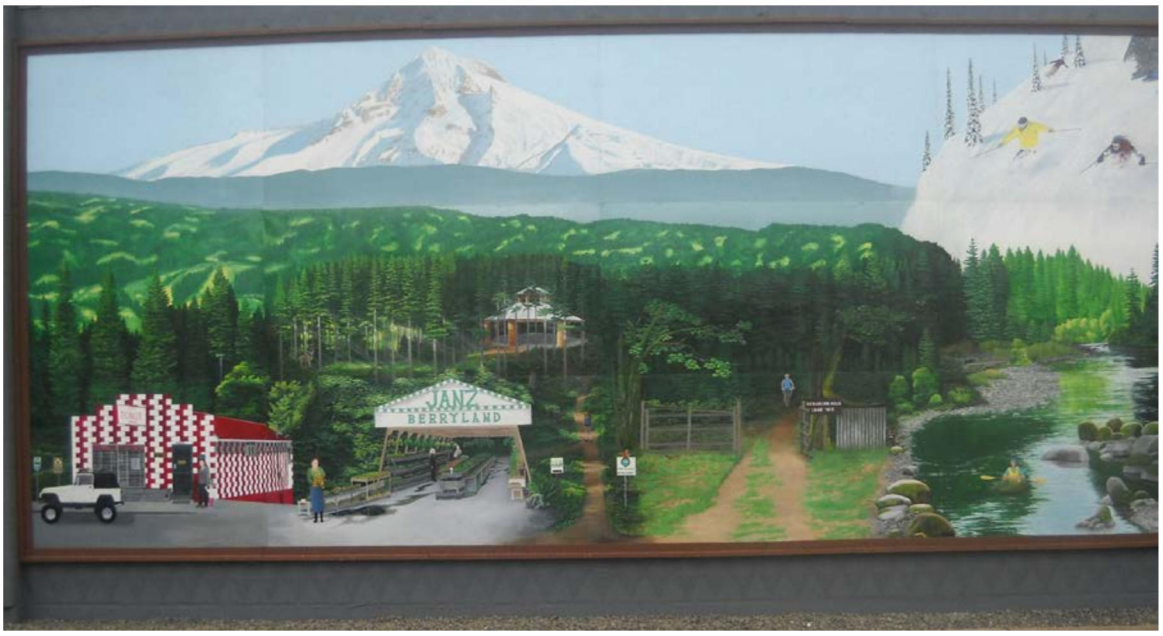




City of Sandy:

In 2011 the City of Sandy funded a mural to celebrate its centennial. It is sixty feet long and painted on panels (which includes 24 pieces of composite steel for hanging the work). Painting the mural on panels increased the cost but made the mural moveable should it be necessary to relocate it in the future. The cost was around $30,000.

Below are photos of the left section and right sections of the mural:





Typical Mural Budget

Larry Kangas, one of the region's most prolific and well-known mural artists, has provided the following mural budget examples.



To do this 25' x 35' mural today on a local building would cost: Design fee.....$ 1500

Primer and masking....$ 325

80 hours to paint .....$ 8000

UV coating (applied) $ 450

Lift .....$ 1200

Total $ 11,475

This is assuming that there was no wall prep like scraping and sealing, and that the artist not get involved with the fundraising


INSTITUTE
Sam Bates
Rose 2004
$ 850 to paint
$250 for lift
$1100
14 x 6 = 84 s/f ($13/s-f)

MILWAUKIE
Dogwood City of the West

To: **Planning Commission**

Through: **Steve Butler, Community Development Director & Interim Planning Director**

From: **Ryan Marquardt, Senior Planner**

Date: **October 2, 2013, for October 8, 2013, Worksession**

Subject: **Planning Commission Land Use Training – Development Review**

ACTION REQUESTED

None. This is training for the Planning Commission.

BACKGROUND INFORMATION

The Planning Commission has several new members within the last year. This training will ensure that all Commissioners have a basic understanding of Milwaukie's development review process. This will aid the Commission in making decisions on applications, recommending code changes, and being effective liaisons to the broader community about development in Milwaukie. Several trainings have been held in the past years on the Planning Commission's role in public hearings (ex parte contact, conflict of interest, hearing procedures, etc.). This training will mention the public hearing process, but will not directly address these topics.

Staff will present a brief overview of Milwaukie's development review process at the October 8th Planning Commission meeting. The goal of the training is to provide Planning Commission with a broader understanding of the review processes for all types of development within the city. Staff will make a 10 minute presentation and will leave as much time as desired by the Commission for questions and discussion.

The topics to be covered are:

- Zoning overview – zones; types of uses; overlays; common terms
- Milwaukie's Land Use applications – overview, frequently seen applications
- Review types – Type I, II, III and IV – public notifications, review process
- Building permit review – components of permit review; city departments involved; impact fees; public improvement requirements

There are no attachments to this staff report.

CITY OF MILWAUKIE
"Dogwood City of the West"

Ordinance No. 2079

An ordinance of the City Council of the City of Milwaukie, Oregon, to establish Milwaukie Municipal Code Title 20 Public Art, Chapter 20.04 Art Murals, with Sections 20.04.050 Public Art Murals and 20.04.060 Original Art Murals, containing rules and procedures for allowing public art murals and original art murals within the City.

WHEREAS, the City of Milwaukie finds that murals are a unique form of public art that add visual interest to buildings and spaces, build community identity, and celebrate the history, culture, and values of the city; and

WHEREAS, the City of Milwaukie desires to allow murals as a form of public art in order to realize the beneficial aspects of murals; and

WHEREAS, the City does not regulate signage on the basis of sign content, and currently regulates murals in the same manner as other signage; and

WHEREAS, the City of Milwaukie has worked with mural artists, art professionals, and community stakeholders in devising a program for public art murals; and

WHEREAS, the City Council held a duly advertised public hearing on the establishment of Title 20, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes;

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Amendments. Title 20 Public Art is enacted, as described in Exhibit A.

Read the first time on 6/3/14, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 6/3/14.

(See Page 2 for Signatures)

Signed by the Mayor on 6/3/14.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

FOR Pat DuVal, City Recorder

City Attorney

Amendments

TITLE 20 PUBLIC ART

CHAPTER 20.04 ART MURALS

20.04.010 PURPOSE

The purpose of this title, and the policy of the City of Milwaukie, is to permit and encourage art murals under certain terms and conditions. Art murals comprise a unique medium of expression that serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of, and identification with, original works of art; and a reduction in the incidence of graffiti and other crime. Art murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians and are retained for periods of 5 years or more.

20.04.020 DEFINITIONS

Words used in this title have their normal dictionary meaning unless they are listed in this chapter or unless this title specifically refers to another title. Words listed in this chapter have the specific meaning stated or referenced unless the context clearly indicates another meaning.

"Applicant" means the party that is primarily responsible for the design and installation of an art mural.

"Original art mural" means a hand-painted image on the exterior wall of a building that may comprise up to 40% of the surface area of a building wall.

"Public art mural" means a hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building where the wall or surface is either on City-owned property or has a public art easement and is viewable from another property or right-of-way.

"Mural easement" means an easement granted to the City of Milwaukie by a property owner for purposes of installing and maintaining a public art mural on the surface of a structure or building.

"Compensation" means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and where the building owner or leaseholder fully controls the content of the art mural.

"Owner" means the entity(ies) that own(s) the real property that contains the building or structure upon which a public art mural is installed. In the case where a public art mural is installed in the right-of-way, the owner means the entity(ies) with jurisdiction over that right-of-way.

"Right-of-way" means an area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-

of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned.

"Ad Hoc Mural Committee" means the committee assembled on an ad hoc basis to review and make a recommendation to the Milwaukie Arts Committee regarding a mural application, based on criteria established in the Milwaukie Mural Arts Program administrative rules and procedures.

20.04.030 PROHIBITION OF COMPENSATION

No compensation will be given or received for the display of art murals or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

20.04.040 VIOLATIONS AND ENFORCEMENT

It is unlawful to violate any provision of this title; any administrative rules adopted by the City of Milwaukie pursuant to this title; or any representations made, or conditions or criteria agreed to, in an art mural permit application. This applies to any applicant for an art mural permit, the proprietor of a use or development on which a permitted art mural is located, or the owner of the land on which the permitted art mural is located.

A. Notice of Violations

The City Manager, or designee, must give written notice of any violation to the property owner. Failure of the property owner to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

B. Responsibility for Enforcement

The regulations of this title, and the conditions of art mural permit approvals, shall be enforced by the City Manager, or designee.

20.04.050 PUBLIC ART MURALS

A. Standards for Public Art Murals

1. Allowed Locations

Public art murals are only allowed on buildings or structures as described below, unless a public art mural is specifically prohibited by Subsection 20.04.050.A.2. Zoning designations refer to the base zones established in Title 19.

a. Downtown Zones

Public art murals are allowed in areas zoned Downtown Commercial, Downtown Office, Downtown Storefront, Downtown Residential, or Downtown Open Space.

b. Commercial Zones

Public art murals are allowed in areas zoned General Commercial or Community Shopping Commercial.

c. Industrial Zones

Public art murals are allowed in areas zoned Manufacturing or Business Industrial.

d. Community Service Uses

Public art murals are allowed on uses that have received approval as a community service use, per Section 19.904.

2. Specifically Prohibited Locations

Public art murals are specifically prohibited on buildings or structures that are designated as a Contributing or Significant Historic resource per Section 19.403.

B. Public Ownership, Duration and Alteration

1. Public Ownership

The mural must be on the surface of a building or structure that is either on property owned by the City of Milwaukie or for which a mural easement to the City has been granted.

2. Duration and Alteration

The public art mural shall remain in place, without alteration, for a minimum period of 5 years. "Alterations" includes any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

Public art murals may be removed within the first 5 years of the date of registration, per the terms of the public art easement and under any of the following circumstances:

a. The property on which the mural is located is sold.

b. The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural.

c. The property undergoes a change of use authorized by the Planning Department.

C. Physical Standards

1. Dimensions

A public art mural may wrap around a wall edge or corner and/or may extend above the wall height.

2. Materials

Public art mural materials may include the following: paint, painted wood or plastic surfaces affixed to a building or structure, mosaics of ceramic tile and/or glass, vinyl or pellon, or similar materials. The Ad Hoc Mural Committee and Milwaukie Arts Committee may consider other materials in their review of a proposed public art mural.

3. Placement

No new public art mural shall obstruct the functioning of any building opening, including, but not limited to, windows, doors, and vents.

D. Structural Permit

Public art murals that are affixed to a building, or contain elements that extend above or around a wall, shall require structural permit approval as deemed necessary by the Milwaukie Building Official.

E. Lighting

No new or existing public art mural may consist of, or contain, electrical or mechanical components or changing images; i.e., moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message. Static illumination, which is turned off and back on not more than once every 24 hours, is permitted.

Lighting may be required for safety or crime deterrent purposes with consideration to impacts to surrounding on properties, as determined by the City Building Official.

F. Application

An applicant shall initiate a proposal to place a public art mural by filing an application with the City. The application shall be made on forms provided by the City, include the application fee for review of a public art mural, and include any accompanying materials deemed necessary by the City for review of the public art mural proposal (such as proposed designs, site photos, and building or structure elevation drawings).

Any fees shall be in accordance with the City's fee schedule.

G. Administrative Review

1. Upon submission of a complete application for a public art mural, the City Manager, or designee, shall review the proposal for conformance with the standards in Subsection 20.04.050.A.
2. Upon finding that the proposed public art mural conforms with the standards in Subsection 20.04.050.A, the City Manager, or designee, shall inform the applicant in writing that the proposed public art mural meets the standards in Subsection 20.04.050.A. The City Manager, or designee, shall then provide the applicant with the materials necessary to complete the public notice requirements in Subsection 20.04.050.H.2.
3. Prior to the Ad Hoc Mural Committee review, the applicant shall provide documentation to the City Manager, or designee, that they complied with the public notice requirements of Subsection 20.04.050.H.2.

H. Public Notice

1. Mailed Notice

   Mailed notice is intended as a courtesy and to provide the Neighborhood District Associations (NDAs) a chance to invite the applicant to discuss the proposal.

   a. The City Manager, or designee, shall mail a notice to the chairperson of the NDA(s) containing, or whose boundary is within 300 feet of, the site of the proposed mural.
   b. The notice shall be mailed at least 14 days prior to the Ad Hoc Mural Committee's review of the proposed mural.
   c. The notice shall include instructions for submitting comments; the name and contact information for the applicant and owner; contact information for the City

Manager, or designee; and a legibly-sized color representation of the proposed public art mural.

2. Posted Notice

   A notice shall be posted at the site of the proposed public art mural and shall conform to the following standards.

   a. The notice shall be posted at least 14 days prior to the Ad Hoc Mural Committee's meeting to review the proposed mural. The City Manager, or designee, shall provide the applicant with materials to be posted. The applicant shall be responsible for ensuring that the notice is posted and remains posted. If the notice is damaged or removed, the applicant shall replace the notice as soon as practicable.

   b. The notice shall be durable and waterproof.

   c. The notice shall be clearly visible from the public right-of-way and be at least 11 x 17 in. The City Manager, or designee, may require more than 1 sign to be posted, depending on specific site characteristics.

   d. The notice shall include the name and contact information for the applicant and owner; contact information for the City Manager, or designee; and a legibly-sized color representation of the proposed public art mural.

I. Ad Hoc Mural Committee Review

The Ad Hoc Mural Committee shall review the proposed public art mural. The intent of this review is to explore the feasibility of the mural, evaluate the community support for the proposed mural, assess the mural given its context and its placement on either a City building or building with a public art easement, and to make a recommendation to the Milwaukie Arts Committee for approval, approval with conditions, or denial of the public art mural application.

1. Committee Composition

   The Ad Hoc Mural Committee shall be selected by the City Manager, or designee, and will be comprised of a minimum of 3 members and maximum of 5 members. A majority of the members shall be professional mural artists and/or professional public art administrators. At least 1 member shall also reside, own property, or own a business within the neighborhood where the mural is proposed.

   Further selection criteria may be set forth in the Milwaukie Mural Arts Program administrative rules and procedures.

2. Review Process

   The Ad Hoc Mural Committee shall be convened by the City Manager, or designee, and shall meet within 30 business days of the submitted mural application being deemed complete.

3. Review Criteria

   a. Scale

      Appropriateness of scale to the wall upon which the mural will be painted/attached and to the surrounding physical features.

b. Context

Architectural, geographical, sociocultural, and/or historical relevance to the site.

c. Community Support

General support/advocacy from the building owner/user, surrounding neighborhood, adjacent businesses, and/or arts community.

d. Feasibility

Demonstrated ability to complete the proposed mural on time and within budget.

e. Media

Appropriate media proposed to ensure the mural's longevity and durability.

f. Structural and Surface Stability

Commitment to repair the mural surface as necessary before painting and a plan for mitigating graffiti through design and/or graffiti coating.

g. Signed Easement Form from Building Owner

Commitment to keep the mural in place as approved for a minimum of 5 years and to maintain the mural during that time.

h. Public Accessibility, Safety and Lighting

Compliance with City codes for safety, accessibility, and lighting.

J. Milwaukie Arts Committee Review

1. Authority

The Milwaukie Arts Committee shall have the authority to determine if an application for a public art mural substantially meets all of the applicable requirements and to issue a final approval, approval with conditions, or denial of the public art mural application.

2. Notice of Decision

The City Manager, or designee, shall issue the notice of decision in writing. The decision shall include the following information:

a. A brief summary of the proposal.

b. A description of the subject property reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number, and zoning designation.

c. A statement of the facts that the review authority relied upon to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.

d. The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.

e. The date upon which the decision rendered shall become final, unless appealed. The decision shall state the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal of the decision.

f. A statement that the complete public art mural application file is available for review, including findings, conclusions, and any conditions of approval. The decision shall list when and where the case file is available and the name and

telephone number of the City representative to contact about reviewing the case file.

K. Appeals

A decision on the approval, approval with conditions, or denial of the public art mural application may be appealed by filing a written request to the City Manager within 15 days of the date on the notice of decision. If the 15th day falls upon a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

L. Mural Maintenance

Public art murals shall be maintained by the property owner for 5 years and per the terms outlined in the public art easement.

20.04.060 ORIGINAL ART MURALS

A. Standards for Original Art Murals

1. Original art murals are allowed on properties described in this subsection.
    a. Properties in the sign districts 14.16.020 Residential-Office-Commercial Zone, 14.16.030 Neighborhood Commercial Zone, 14.16.040 Commercial Zone, 14.16.050 Manufacturing Zone, and 14.16.060 Downtown Zones.
    b. Community service use properties, as defined in Subsection 19.904.2, regardless of the sign district in which the property is located.
    c. Irrespective of Subsections 20.04.060.A.1.a and b, properties designated as significant or contributing historic resources, per Section 19.403, are not eligible for original art murals as allowed in this subsection. This does not prohibit any signage otherwise allowed by the sign district in which the historic resource is located or under Section 14.12.010.
2. An original art mural may comprise up to 40% of the surface area of a building wall. The area allowed for an original art mural is considered in conjunction with the size regulations for other wall signs, as allowed by the sign districts in Chapter 14.16, so that the combination of the wall sign and original art mural shall not exceed 40% of the wall face.
3. An original art mural may wrap around the corner of a building, but the area of the mural on each wall shall be calculated separately.
4. The area of an original art mural includes the area within a rectangular-shaped perimeter enclosing the limits of any lettering, writing, representation, emblem, symbol, figure, drawing, character, or large-scale pattern. If the mural consists of more than 1 section without a painted background, each section area will be calculated and all areas will be totaled. If the mural consists of more than 1 section with a painted image background, the area is calculated within a perimeter enclosing the entire limits of the mural. To simplify area calculation, the smallest dimension of any rectangular-shaped perimeter enclosing a section of the mural shall measure two feet.
5. No compensation may be given or received for placement of an original art mural. Prior to issuance of a sign permit for an original art mural, the building owner shall provide an affidavit that no compensation was or will be received for placement of the original art mural.

6. Where compensation is involved, nothing in Subsections 20.04.060.A.1 or 5 shall prohibit an original art mural from being permitted as a wall sign, as allowed per the sign district in which the property is located.

B. Review and Permitting of Original Art Murals

1. Authority

   The Milwaukie Planning Director, or designee, shall have the authority to determine if an application for an original art mural meets all of the applicable requirements and to issue a final approval, approval with conditions, or denial of the original art mural application.

2. Notice of Decision

   The Planning Director, or designee, shall issue the original art mural permit in writing.

ORDINANCE NO. 182706

An ordinance amending Sections 14.4.2, 14.4.3 and 14.4.20 of the Los Angeles Municipal Code; and amending Sections 5.111.2 and 22.116 of, and adding Section 22.119 to, the Los Angeles Administrative Code to allow for the creation of new Original Art Murals and the preservation of Vintage Original Art Murals on private property.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. The definition of "Mural Sign" is deleted from Section 14.4.2 of the Los Angeles Municipal Code.

Sec. 2. The following definitions are added to Section 14.4.2 of the Los Angeles Municipal Code in proper alphabetical order:

Original Art Mural. A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

Public Art Installation. A facility, amenity or project that does not contain any commercial message and which is either an "approved public arts project" as defined by Section 19.85.4 of the Los Angeles Administrative Code or approved pursuant to Section 91.107.4.6 of the Los Angeles Municipal Code. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

Vintage Original Art Mural. An Original Art Mural that existed prior to the operative date of this definition.

Sec. 3. Subsection E of Section 14.4.3 of the Los Angeles Municipal Code is deleted.

Sec. 4. Subdivision 10 of Subsection B of Section 14.4.4 of the Los Angeles Municipal Code is deleted.

Sec. 5. Section 14.4.20 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 14.4.20. ORIGINAL ART MURALS, VINTAGE ORIGINAL ART MURALS, AND PUBLIC ART INSTALLATIONS.

An Original Art Mural that conforms to the requirements of Section 22.119 of the Los Angeles Administrative Code is not considered a sign and therefore is not subject to the provisions of this Article or any other ordinance that regulates signs. Any supposed "mural" that does not conform to the requirements of Section 22.119 of the Los Angeles Administrative Code shall be considered a sign and subject to the provisions of this Article or any other ordinance that regulates signs and digital displays. A Public Art Installation registered pursuant to the requirements of Section 19.85.4 of the Los Angeles Administrative Code or the requirements of Section 91.107.4.6 of the Los Angeles Municipal Code is not a sign, but is subject to Section 14.4.4-E of this Article and any other applicable zoning and land use regulations set forth in the Los Angeles Municipal Code. A building permit from the Department of Building and Safety is required for a new hand-tiled or digitally printed Original Art Mural or any Public Art Installation.

Severability. If any part, sentence, phrase, clause, term or word in Section 14.4.2 or Section 14.4.20 of this Code relating to Original Art Murals is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this Code, the Los Angeles Administrative Code or any other City regulation regulating signage, billboards or Original Art Murals.

Sec. 6. Section 5.111.2 of the Los Angeles Administrative Code is amended to add a new Subsection (h) to read as follows:

(h) Fees charged for the registration of Original Art Murals, pursuant to Section 22.116(b) of the Los Angeles Administrative Code, shall be placed in the Fund and allocated for mural registration program implementation.

Sec. 7. Section 22.116 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 22.116. Fees.

(a) **Schedule of Fees for Application for Architectural Approval.** As required by Section 22.109 of this Code, each application for approval of the design or location of any arch, bridge, structure, or approach belonging to any private individual or corporation by the Board of Cultural Affairs Commissioners shall be accompanied by the payment of a fee in accordance with the following schedule:

Total Valuation of Project		Fee
From	To	
$0.00	$1,500.00	$60.00
1,500.01	10,000.00	80.00
Sss10,000.01	25,000.00	100.00
25,000.01	50,000.00	120.00
50,000.01	150,000.00	140.00
150,000.01	250,000.00	160.00
250,000.01	500,000.00	200.00
500,000.01	1,000,000.00	300.00
1,000,000.01	Over	400.00

(b) **Fee For New Mural Registration.** As required by Section 22.119 of this Code, each application for registration with the Department of Cultural Affairs of an Original Art Mural on private property shall be accompanied by the payment of a $60.00 fee. Monies collected from each application for mural registration shall be deposited into the Cultural Affairs Department Trust Fund, as established by Section 5.111.2 of the Los Angeles Administrative Code, for mural registration program implementation.

Sec. 8. A new Section 22.119 of the Los Angeles Administrative Code is added to read as follows:

Sec. 22.119. Original Art Murals on Private Property.

(a) **Purposes.**

(1) These regulations relating to Original Art Murals in the City of Los Angeles further the following purposes: (1) encouraging artistic expression; (2) fostering a sense of pride; (3) preventing vandalism at mural sites through the installation of murals that vandals are reluctant to disturb; and (4) preserving existing murals that are a valued part of the history of the City of Los Angeles.

(2) The City wishes to encourage the installation of murals and, at the same time, prevent the proliferation of off-site commercial signs. Therefore, the City's mural regulations exclude commercial advertising on murals to prevent the installation of the equivalent of an off-site commercial sign on a mural. This restriction on commercial advertising is intended to work in tandem with and help preserve the citywide ban on off-site commercial signs set forth in Section 14.4.4

of the Los Angeles Municipal Code. Both the ban and the exclusion of commercial advertising on murals are supported by the United States Supreme Court's ruling in *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981). In *Metromedia*, the Supreme Court ruled that the only reasonable way that cities can stop the proliferation of off-site commercial signs is to ban them. The Supreme Court also ruled that cities can carve out exemptions to such a ban for noncommercial signs and on-site commercial signs.

(3) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:

(i) That the design, construction, installation, repair and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.

(ii) That the regulations will provide reasonable protection to the visual environment by controlling the size, height, spacing and location of such displays.

(iii) That the public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated without having to endure visual blight and traffic safety impacts that would be caused by such displays that are not reasonably and appropriately regulated.

(iv) That consideration will be given to equalizing the opportunity for messages to be displayed.

(v) That adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.

(vi) That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.

(vii) To provide registration requirements and regulations for Original Art Murals as defined in Section 14.4.2 of the Los Angeles Municipal Code.

(b) **Original Art Mural Registration.**

(1) **Authority.** The Department of Cultural Affairs shall have the authority to determine that an application for an Original Art Mural or Vintage Original Art Mural meets all of the applicable registration requirements as established in the Mural Ordinance Administrative Rules.

(2) **Administrative Rules.** The Department of Cultural Affairs is authorized and directed to adopt Mural Ordinance Administrative Rules implementing this section.

(3) **Neighborhood Involvement Requirement.** The Mural Ordinance Administrative Rules to be adopted by the Department of Cultural Affairs shall include a neighborhood involvement requirement. Specifically, the rules shall include a requirement that an applicant for mural approval send notice of that application to the Neighborhood Council which has jurisdiction over the area of the City in which the proposed mural will be installed at least 45 days prior to the Department registering the mural. No mural shall be registered until the applicant certifies that he or she has completed this neighborhood involvement requirement. This is a procedural requirement only, and the General Manager shall at all times retain sole authority to approve or deny an application for a mural based on the criteria in Section 22.119 of the Los Angeles Administrative Code and any Mural Ordinance Administrative Rules promulgated by the Department of Cultural Affairs. Further, in no event will registration of a mural be granted or denied based upon the content of the mural.

(4) **Covenant.** In connection with the installation of a new Original Art Mural, the applicant shall be required to record a covenant with the Office of the County Recorder and the Department of Cultural Affairs. The covenant shall require that the mural comply at all times with all provisions of the Original Art Mural Regulations specified in Subsection (b) of this Section 22.119. In addition, the covenant shall remain in force for as long as the mural exists.

(5) **Change of Ownership.** Upon a change of ownership of the property to which an Original Art Mural is affixed, a new owner may, at the owner's election and without the need for permission from the Department of Cultural Affairs, de-register the mural with that department and terminate the covenant.

(c) **Grandfathering of Vintage Original Art Murals.** Any Vintage Original Art Mural installed prior to the effective date of this section, shall have legal nonconforming status and, notwithstanding any provision of this Section 22.119 to the contrary, not require registration under this Section 22.119. But a Vintage Original Art Mural which has not gained legal nonconforming status through law other than this Section 22.119 cannot qualify for legal nonconforming status under this Section 22.119 if it consists or contains any of the following: electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).

(d) **Original Art Mural Regulations.** An Original Art Mural that meets all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:

(1) The mural shall remain in place, without alteration, for a minimum period of two-years. "Alterations" include any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute an "alteration." Such minor changes may include slight an unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism. A mural may be removed within the first two years of the date of registration under the following circumstances:

(i) the property on which the mural is located is sold; or

(ii) the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or

(iii) the property undergoes a change of use authorized by the Department of Building and Safety.

(iv) the owner of a mural may request permission from the Department of Cultural Affairs to remove a mural prior to the expiration of the two year period, which the Department may grant upon making a finding that the continued maintenance of the mural is not feasible and that the early removal of the mural is not in furtherance of off-site commercial advertising.

(2) No part of a mural shall exceed the height of the structure to which it is tiled, painted or affixed.

(3) No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted or affixed.

(4) No part of a mural shall exceed a height of 100 feet above grade.

(5) No mural may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).

(6) No mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.

(7) No mural shall be placed on a lot that is improved with only one single-family residential structure and accessory structures.

(8) No mural shall be arranged and illuminated in a manner that will produce a light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.

(9) Digitally printed image murals shall receive approval of both the Los Angeles Fire Department and the Department of Building and Safety.

(e) **Severability.** If any part, sentence, phrase, clause, term, or word of this Section 22.119 is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such invalidity or unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this Administrative Code, the Los Angeles Municipal Code, or any other City regulation regulating signage, billboards, or Original Art Murals.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles AUG 28 2013, and was passed at its meeting of SEP 4 2013.

HOLLY L. WOLCOTT, Interim City Clerk

By _____
Deputy

Approved SEP 06 2013

_____
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
KENNETH T. FONG
Deputy City Attorney

Date August 19, 2013

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it not be adopted . . . . .

August 19, 2013

See attached report.

_____
Michael LoGrande
Director of Planning

File No(s). CF Nos. 08-0515, 08-0530, 08-1233 and 11-0923

M:\Real Prop_Env_Land Use\Land Use\Kenneth Fong\Mural Sign Ordinance\City Atty Rpt and Final Ordinance\Mural Ordinance City Attorney FINAL VERSION B (7 30 2013).docx

CITY OF LOS ANGELES

CALIFORNIA

HOLLY L. WOLCOTT
Interim City Clerk

When making inquiries relative to this matter, please refer to the Council File No.

ERIC GARCETTI
MAYOR

Office of the CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

SHANNON HOPPES
Council and Public Services Division

www.cityclerk.lacity.org

December 20, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 11-0923-S2, at its meeting held December 10, 2013.

City Clerk
kw

TIME LIMIT FILES
ORDINANCES

Mayor's Time Stamp

2013 DEC 11 PM 3:37

CITY OF LOS ANGELES

City Clerk's Time Stamp

CITY CLERK'S OFFICE

2013 DEC 11 PM 3:30

CITY CLERK

BY _____ DEPUTY

COUNCIL FILE NUMBER 11-0923-S2 COUNCIL DISTRICT 1, 9 & 14

COUNCIL APPROVAL DATE DECEMBER 10, 2013 LAST DAY FOR MAYOR TO ACT DEC 23 2013

ORDINANCE TYPE: ___ Ord of Intent ___ Zoning ___ Personnel ___ General

___ Improvement ___ LAMC _X_ LAAC ___ CU or Var Appeals - CPC No. _____

SUBJECT MATTER: AMENDING THE LOS ANGELES ADMINISTRATIVE CODE TO ALLOW MURALS ON SINGLE-FAMILY RESIDENCES IN COUNCIL DISTRICTS 1, 9, AND 14 AND ON EXTERIOR BUILDING OPENINGS

	APPROVED	DISAPPROVED
PLANNING COMMISSION	___	___
DIRECTOR OF PLANNING	___	___
CITY ATTORNEY	X	___
CITY ADMINISTRATIVE OFFICER	___	___
OTHER	___	___

RECEIVED CITY CLERK'S OFFICE 2013 DEC 17 PM 1:51 CITY CLERK BY _____ DEPUTY

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO DEC 17 2013

(*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c)

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR DEC 17 2013 ORDINANCE NO. 182825

DATE PUBLISHED _____ DATE POSTED DEC 18 2013 EFFECTIVE DATE JAN 27 2014

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: YES ___ NO ___

IO

5

12/3/13

File No. 11-0923-S2

CATEGORICAL EXEMPTION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Administrative Code to allow murals on single-family residences in Council Districts 1, 9, and 14 and on exterior building openings.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is categorically exempt from California Environmental Quality Act pursuant to Article III, Class 3 of the City's Environmental Guidelines. [ENV-2013-3392-CE and ENV-2008-2143-CE]

2. ADOPT the FINDINGS of the Director of Planning, attached to Council file 11-0923-S2, as the FINDINGS of the Council.

3. PRESENT and ADOPT the accompanying ORDINANCE to amend LAAC Section 22.119:

    a. Subdivision (7), Subsection (d) to allow original art murals on lots that are developed with only one single-family residential structure and that are located within Council Districts 1, 9, and 14.

    b. Subdivision (6), Subsection (d) to allow murals on exterior building openings.

Fiscal Impact Statement: None submitted by the City Attorney and the Department of City Planning. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

(10 VOTES REQUIRED ON SECOND READING)

Summary

At a regular meeting held on November 19, 2013, the Planning and Land Use Management Committee considered reports from the City Attorney and the Department of City Planning (DCP) and Ordinance relative to amending the Los Angeles Administrative Code to allow murals on single-family residences in Council Districts 1, 9, and 14 and on exterior building openings. Staff from the DCP gave the Committee background information on the matter.

After an opportunity for public comment, the Committee recommended that Council approve the recommendations contained in the City Attorney report and adopt the Ordinance amending the Los Angeles Administrative Code to allow murals on single-family residences in Council Districts 1, 9, and 14 and on exterior building openings. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

MEMBER	VOTE
HUIZAR:	YES
CEDILLO:	YES
ENGLANDER:	YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-

ADOPTED
As Amended
DEC 03 2013
See Attached Motion
LOS ANGELES CITY COUNCIL

DEC 03 2013 ORDINANCE OVER TO Dec. 10, 2013

Ord
ADOPTED
DEC 10 2013
LOS ANGELES CITY COUNCIL

GENERAL ORDINANCE NO. 07-1283

COPY

AN ORDINANCE AMENDING CHAPTER 13 OF GENERAL ORDINANCE NO. 98-1222 ADOPTING NEW PROVISIONS FOR REGULATIONS OF SIGNS, AND REPEALING GENERAL ORDINANCE NO. 92-1153

WHEREAS, concerns have recently arisen concerning the potential impact of certain provisions in the City's sign ordinance, number 92-1153, upon development in the City, particularly the provisions concerning enforcement; and

WHEREAS, City staff members consulted local stakeholders, including business owners and citizens, and after reviewing the feedback received from the stakeholders, City staff prepared proposed amendments to the City's sign ordinance; and

WHEREAS, on June 28, 2007, the City Planning Commission conducted a public hearing upon the proposed amendments to the City's sign ordinance, and voted to recommend the Council approve the proposed changes; and

WHEREAS, on July 23, 2007, the City Council held a public hearing on the proposed amendments to the City's sign ordinance; and following the public hearing, the Council voted to direct staff to prepare an ordinance adopting a revised sign ordinance, as recommended by the Planning Commission, based upon appropriate findings of fact and conclusions of law;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Findings and Conclusions. The City Council finds that all procedural requirements for adoption of this legislative amendment required by the Land Use and Development Ordinance have been satisfied. Public hearings upon the proposed amendments were conducted before the Planning Commission and City Council, and notices of the hearings were published in the newspaper as required. The Council finds that the requirement for notice of the hearings under ORS

Chapter 13

Sign Regulations

Section		Page
13.010	Introductory Provisions	13-3
13.020	General Provisions and Provisions	13-11
13.030	Exempt, Temporary, Prohibited Signs	13-15
13.040	Signs Permitted by Zone, District, Use	13-21
13.050	Regulations by Sign Type	13-27
13.060	Maintenance, Construction, Safeguards	13-39
13.070	Inspection, Enforcement, Variances	13-41
13.080	Special Provisions	13-49
13.090	Exhibits	

Section 13.010

Introductory Provisions

Subsection		Page
13.010.010	Purpose	13-5
13.010.020	Scope	13-5
13.010.030	Definitions	13-5

13.010.010 Purpose

The purpose of this section is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

A. Promote free and meaningful exchange of ideas and information.

B. Protect the health, safety, property, and welfare of the public.

C. Improve the neat, clean, orderly, and attractive appearance of the City.

D. Improve the effectiveness of signs in identifying and advertising businesses and facilities.

E. Provide for the reasonable, orderly, and effective display of outdoor advertising.

F. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City and its citizens.

G. Provide effective signing to meet the anticipated differing needs of various areas in the City.

13.010.020 Scope

The provisions of this ordinance apply to all lands within the City Limits of the City of The Dalles. The provisions of this ordinance apply to all lands outside the City Limits but within the Urban Growth Boundary of the City of The Dalles, from the date of adoption of this ordinance by the Wasco County Court in accordance with the City/County Joint Management Agreement.

13.010.030 Definitions

Words used in the present tense include the future, the singular number includes the plural, and word "shall" is mandatory and not directory, and the word "building" includes "structure" other than "sign structure". Types of signs are described under the term "sign" unless the context otherwise requires:

Animation means any form of movement by electric, mechanical, or kinetic means including, but not limited to rotation, revolving, or wind activation of all or a portion of a sign incorporating flashing or intermittent light for sign illumination or for changing the message on a message sign.

Approved Plastic means a plastic approved by Underwriters Laboratory for use in construction of electric signs.

Area means the total area of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration, or any other attention-getting device, exclusive of essential structural supports.

Awning means a roof-like structure that extends from a building face, generally frame constructed with a cloth or metal cover. An awning contains a sign when a message is incorporated by design or attached to the awning surface.

Building Front means the primary front of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

Business means all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to charitable, fraternal, benevolent, educational, and social organizations.

Canopy means a permanent-roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to pedestrians or patrons in automobiles but shall not mean a completely closed structure.

City means the City of The Dalles, Oregon.

Cutout means a display in the form of letters, figures, characters, representations, or others in cutout or irregular form attached to or super-imposed upon an advertising sign.

Director means the Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this ordinance.

Display Surface means the area made available by the sign structure for the purpose of displaying a message thereon.

Erect means to construct, paint, place, affix, or otherwise bring into being.

Electronic Reader Board means a sign designed to display electronic messages that move, flash, or scroll, the content of which may be changed.

Incombustible Material means a material that will not ignite at or below a temperature of 1200 degrees F. during an exposure of five minutes and which will not continue to burn or glow at that temperature when tested in accordance with the UBC.

Low profile building means a building with a roof less than twelve feet above the sidewalk.

Maintain means to allow to exist or continue.

Marquee means a permanent roofed structure attached to or supported by a building but does not mean a "canopy" as defined herein.

Nonstructural Trim means a molding, batten, caps, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

Person means an individual, corporation, partnership, association, joint venture, or other legal entity.

Projection means the distance which a projecting sign extends from a building face or the distance by which any other type of sign extends over public property.

Roof Line means the line which marks the highest point of the vertical front of a building in the case of a false front or the line where the roof is joined to the vertical front wall of the building in other cases.

Shopping Center means a building or group of buildings planned and developed as a center on land with two or more retail business occupancies existing or planned. A "shopping center" shall not include a business which fronts on an arterial or collector street and which has a marked segregated parking or use area separate from the shopping center parking. Two or more businesses not otherwise qualified may voluntarily join to form a "shopping center" by executing a form provided by the Director including written consent of the owner or owners of the premises, including a provision for removal of nonconforming signs if the "shopping center" is discontinued.

Sign means any sign, display, message, light (other than lighting designed primarily for the illumination of premises), emblem, device, figure, mannequin, painting, drawing, placard, poster, or other thing that is designed, used, or intended for an advertising purpose and includes, where applicable, the sign structure, display surface and all components of the sign. "Sign" includes, but is not limited to:

1. "Abandoned Signs" means where a sign for an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not considered to be abandoned sign:

    a) An advertising sign where a person has merely leased or contracted advertising space thereon.

    b) A sign to which the successor to a person's business location or business agrees to maintain as provided in this section by the filing of a letter of intent with the Director within 30 days after notification of a violation of this provision.

2. "Advertising sign" means a sign which advertises goods, products, business or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

3. "Building directory" means a sign giving the name and room number or location of the occupants of a building.

4. "Directional sign" means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exits, motor vehicle route, telephone, or similar place, service or route.

5. "Electric sign" means a sign containing electrical wiring.

6. "Flush sign" means a sign erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches there from. A "flush sign" also includes a sign erected against supporting or ornamental columns supporting an overhanging roof in a place generally parallel to the nearest building face. An "attached flush sign" is a flush sign which does not extend beyond the corners of a building and is located under the eaves.

7. "Free-standing sign" means an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure.

8. "Message sign" means a sign providing information by means of sequential illumination of lights contained in or upon the sign.

9. "Motor vehicle directional sign" means a sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.

10. "Nonconforming sign" means a sign which does not conform to the provisions of this ordinance.

11. "On-premise sign" means a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located or the sale, rent, or lease of the premises.

12. "Principal sign" means the primary permanent on-premise sign designed to identify or advertise a business or facility to motorists or pedestrians approaching the business or facility.

13. "Projecting sign" means a sign other than a flush sign which projects beyond the building face to which it is attached.

14. "Roof sign" means a sign erected upon the roof of a building, roof structure, or a flat canopy or marquee roof.

15. "Secondary sign" means a free-standing sign on the premises where the building is set back from the front property line, as hereinafter specified.

16. "Secondary marquee sign" means a marquee sign located only on an alley and under a canopy or flush to the building.

17. "Secondary wall sign" means an incidental, permanent, on-premise flush sign.

18. "Temporary sign" means a sign, banner, balloon, pennant, valance, or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or similar light weight materials with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard, temporary signs shall be limited to signs displayed five feet or less above ground level.

19. "Under marquee sign" means a sign erected under and supported by a marquee or canopy.

20. "Unsafe sign" means any sign deemed to be unsafe by the Director.

Street Frontage means a lot line fronting on a street or highway. The width along such lot line must be at least 50 feet to qualify as a "street frontage", unless the premises has only one such frontage. Access to a street or highway is not required to establish a "street frontage" on a lot line fronting on a limited-access highway.

Uniform Building Code means the Uniform Building Code as adopted by the State of Oregon.

Urban Growth Boundary means the boundary established as the outer limit for urban growth, as acknowledged by the Oregon Land Conservation and Development Commission.

Zone means a zone established pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

Section 13.020

General Provisions and Procedures

Subsection		Page
13.020.010	Sign Permit	13-13
13.020.020	Permit Fee	13-13
13.020.030	Permit Exceptions	13-13
13.020.040	Permit Procedure	13-13
13.020.050	Measurement	13-14

13.020.010 Sign Permit

No sign shall hereafter be erected, re-erected, constructed, altered or maintained until a sign permit has been issued, unless no permit is required under Section 13.020.020. Where a group of signs is to be erected on the same building at the same time, each sign requires a separate permit. The application procedure is set forth in Section 13.020.040.

13.020.020 Permit Fee

Before a sign permit is issued, a permit fee therefore shall be paid to the City. The City Council may, at any time, adopt a resolution to set or adjust sign permit fees.

13.020.030 Permit Exceptions

A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 13.030.010. However, a permit is required for a change of business name or any structural alteration to an existing sign.

13.020.040 Permit Procedure

A. Installer shall consult with the Director and where appropriate will be provided with a sign permit application.

B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.

C. Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Director.

D. The Director may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this section.

E. The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor's Board.

F. The Director will determine when the application is complete. The permit will be approved or denied within fifteen (15) days from the submittal date, unless

referred to a City Commission as herein provided. Variances and appeals will be processed as set forth in Section 13.070.100.

G. When approved, a permit shall be issued by the Director with the name of the sign installer thereon. The sign installer shall retain the permit for inspection during construction.

H. Sign applications shall expire sixty (60) days after approval unless a sign permit has been issued. If signs are not installed within sixty (60) days after issuance, the sign permit shall expire.

13.020.050 Measurement

All signs shall be measured to include the entire sign area as follows. The area of a sign composed of individual block letters and/or individual decorative devices, displays, illustration, etc. or other attention-getting device, shall be the area included between two sets of horizontal and vertical lines as follows:

A. The horizontal line shall be contiguous to the top and bottom edges of the farthest projecting elements; and

B. The vertical line shall be contiguous to the furthermost projecting lateral elements.

C. Single signs with display faces on two sides shall be measured on one face only.

Section 13.030

Exempt, Temporary, Prohibited Signs

Subsection		Page
13.030.010	Exempt	13-17
13.030.020	Temporary Signs	13-19
13.030.020	Prohibited Signs	13-19

13.030.010 Exempt Signs

Unless determined by the Director to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Section 13.060, and with all specified standards of this Section.

A. Benches with advertising thereon if approved by the Planning Commission.

B. Building Directory Signs. Building directory signs are permitted in shopping centers and multi-tenant buildings.

C. Christmas or seasonal decorations as customarily used.

D. Community Interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.

E. Directional sign erected by public authority.

F. Flags of United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.

G. Garage Sale Signs. These signs are allowed, one per calendar month to a premise, with a maximum of three square feet in area. Signs not exceed 72 hours in duration.

H. Historic Landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.

I. House or building numbers limited to six inches in height for dwellings of four or less families and one foot in height for other buildings.

J. Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.

K. Name sign denoting the name of the owner or occupant, limited to two square feet in sign area.

L. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of four (4) feet and a sign area of eight (8) square feet, and prohibited in residential zones.

M. Official sign, traffic sign, or traffic signal including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.

N. Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.

O. Permanent Political, Ideological, Religious Signs which convey a message but which do not advertise a product or service for sale, provided such signs shall be subject to all sections and regulations concerning size, placement, materials, and the type and soundness of supporting structure.

P. Signs located inside a building unless such sign is prohibited under Section 13.030.020.

Q. Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach including, but not limited to, insurance and bonding.

R. For Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet, may be erected upon private property, provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size.

S. Political campaign signs shall be erected only on private property, and (1) be limited to a sign area of 16 square feet and a maximum horizontal dimension of 8 feet; (2) placed 10 feet inside property lines when located within 10 feet of intersecting street or alley property lines; and (3) maintained in a neat, clean, and attractive condition. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Such temporary signs shall be removed not later than the fifth day following the election.

T. Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such signs are only allowed for up-to five years after approval of subdivision. Such signs shall not exceed 42 square feet in area. The sign shall be reduced in size by 6 square feet for each lot less than 7 lots in the subdivision.

U. Warning sign erected to warn the public of a danger on, or limiting access to public and private property, limited to a maximum width dimension of two feet, a maximum sign area of four square feet, and maximum height of six feet.

13.030.020 Temporary Signs

A. Nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes, except no permit is required.

B. Commercial and promotional signs may be used only on private property and subject to the following:

1. A permit is required for all temporary signs.

2. Temporary signs may be erected for a period not to exceed two weeks before the event advertised.

3. No more than one "sandwich board" or "A frame" a maximum of 5 feet above ground level shall be allowed for each premise.

4. A balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard will be permitted for a period of seven (7) consecutive days in any month and then removed for a minimum of twenty-two (22) days or the remainder of the month.

13.030.030 Prohibited Signs

No sign shall be erected or maintained which:

A. Bears or contains statements, words or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency.

B. Extends or is erected, (such as a roof sign) above the roof line of the building to which it is attached, except as provided in Section 13.050.060.

C. The Director determines to be creating confusion with or interfering with the effectiveness of traffic signs or signals.

D. Is placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.

E. Is a private sign placed on, painted on, or affixed to any utility pole, tree, or rock.

F. Is located in an area of the City zoned residential, except for those signs designated in Sections 13.030.010, 13.040.010 and 13.040.040.

G. By use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. No exposed reflective-type bulb, spot, or incandescent lamp shall exceed 30 watt capacity.

H. Is otherwise in violation of any provision of this ordinance.

Section 13.040

Signs Permitted by Zone, District, Use

Subsection		Page
13.040.010	Residential	13-23
13.040.020	Neighborhood Commercial	13-23
13.040.030	Recreational Commercial	13-23
13.040.040	Community Facility Overlay	13-24
13.040.050	Central Business	13-24
13.040.060	General Commercial	13-24
13.040.070	Industrial	13-24
13.040.080	Highway District	13-25
13.040.090	Shopping Centers	13-25

13.040.010 Signs in Residential Zones

These areas are not zoned for commercial use, but are permitted the following non-animated, non-illuminated signs.

A. One four (4) square foot flush sign for homes with approved home occupation permits.

B. Community Facility signs permitted by Section 13.040.040.

C. Multi-family housing complexes with at least four dwellings are allowed a flush or a free-standing sign no more than eight feet above grade, as follows.

Number of dwelling units	Sign area
4 to 8	12 square feet
9 to 15	24 square feet
16 to 24	32 square feet
25 or more	48 square feet

13.040.020 Signs in Neighborhood Commercial Zones

These areas are zoned for limited commercial use and are surrounded by residential neighborhoods, and are permitted the following signs.

A. Flush signs only, equal to twenty-five percent of the building front.

B. A secondary sign if the building is set back at least 20 feet from the property line, a maximum 32 square feet of sign area not to exceed 8 feet in height above street grade.

13.040.030 Signs in Recreational Commercial Zones

These areas are zoned for limited recreational and commercial uses, and are permitted the following signs.

A. The same signs as allowed in the Neighborhood Commercial Zone, Section13.040.020; and

B. A free-standing principal sign for non-advertising community use, such as a park sign, with a 48 square foot limit, not to exceed 8 feet above grade.

13.040.040 Signs in Community Facilities Overlay Zones

These areas are zoned for community facility uses as an overlay to the primary (residential, commercial, etc.) underlying zone. Signs for the purpose of identification of a public or private facility which serves a substantial public purpose, including, but not limited to, churches, schools, hospitals, medical offices, clinics, radio/television stations and utility substations are permitted as follows.

One flush or free-standing sign not to exceed 48 square feet in area. The top of a free-standing sign shall not to exceed 8 feet above grade.

13.040.050 Signs in Central Business Zones

These areas are zoned for a variety of retail and service business uses, and are allowed the following signs.

A. One principal sign, either flush, projecting, or free-standing. If projecting or free-standing, limited to one square foot for each linear front foot of the major street frontage of the property with a maximum of 100 square feet, and subject to the requirements of Section 13.050.030.

B. A secondary sign if the building is setback over 20 feet from the property line, a maximum of 35 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.060 Signs in General Commercial Zones

These areas are zoned for a variety of retail, wholesale, and service business uses, and are allowed the following signs.

A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.

B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.070 Signs in Light and Heavy Industrial and Manufacturing Zones

These areas are zoned for a variety of industrial, manufacturing, and limited commercial and residential uses. The following signs are allowed.

A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.

B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.080 Signs in the Highway District

This district was formed to allow greater visibility of signs proximate to primary and secondary highways. For the purposes of this section the Highway District is described as follows:

All land within 100 feet of each right of way line of U.S. Highway I-84N from the West Urban Growth Boundary (UGB) to the East UGB, and Oregon State Highway No. 292 (West Second Street) from its intersection with Webber Street, westerly to the UGB.

The following signs are allowed in the Highway District.

A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050, except that a free-standing sign may have a maximum area of 250 square feet, given one (1) square foot of sign area per linear foot of major street frontage.

B. A secondary sign if the building is set back at least 50 feet from the property line, a maximum of 50 square feet of sign area with a maximum height of 20 feet above grade.

13.040.090 Signs for Shopping Centers in Appropriate Zones

Retail shopping centers are generally located in the Central Business and General Commercial Zones, and are allowed the following signs:

Each tenant is allowed flush signs at a maximum of twenty-five percent of the building front. Only one free-standing sign permitted for the center, with the same area and height allowances provided for in the Highway District (250 square foot area and 40 foot height maximum).

Section 13.050

Regulations by Sign Type

Subsection		Page
13.050.010	Principal Sign	13-29
13.050.020	Secondary Sign	13-29
13.050.030	Free Standing and Projecting	13-29
13.050.040	Flush	13-30
13.050.050	Message	13-31
13.050.060	Roof	13-31
13.050.070	Secondary Marquee	13-31
13.050.080	Home Occupation	13-30
13.050.090	Service Station	13-30
13.050.100	Menu Board	13-30
13.050.110	On-Premise	13-30
13.050.120	Secondary Frontage	13-30
13.050.130	Electric	13-31
13.050.140	Animated	13-31
13.050.150	Off-Premise	13-31
13.050.160	Sidewalk Signboards	13-32

13.050.010 Principal Sign

A principal sign is limited to a combination, free-standing, flush, or projecting sign.

13.050.020 Secondary Sign

A secondary sign is a free-standing sign on the premises where the building is setback from the front property line.

13.050.030 Free-Standing and Projecting Signs

Such signs shall be located in conformity to the Zoning Ordinance of the City of The Dalles.

A. A free-standing sign shall not exceed a maximum height of forty feet above the street grade.

B. Signs may project twelve inches over an alley with a minimum clearance of fourteen feet above grade and may project an additional twelve inches for each twenty-four inches of additional clearance above grade, to a maximum projection of thirty-six inches.

C. Except in alleys or other areas of vehicular traffic, a minimum of eight feet clearance shall be maintained from the bottom of a projecting or free-standing sign, and the level of the sidewalk or grade immediately below at the building line with a maximum projection of 12 inches. For each additional projection of 6 inches the sign shall have 12 inches of vertical clearance above the eight foot minimum requirement (see diagram on last page). In no case shall the maximum projection exceed five feet nor shall any sign extend closer to the street or alley than two feet from the outer curb face or two feet from the traveled surface where no curb is present.

D. Unless approved by the Director for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-frame" or other visible frame located on a building roof.

E. To insure traffic safety, signs shall be located in accordance with the "Clear Vision Area" provisions of the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

13.050.040 Flush Signs

Flush signs shall comply with the following standards and specifications:

A. Maximum Area

1. Residential Zones. Two square feet in area. Multi-family complexes are allowed larger signs in accordance with Section 13.040.010 (3).

2. Shopping Centers. Twenty-five percent of building front maximum.

3. Neighborhood Commercial Zones. Twenty-five percent of building front maximum.

4. Central Business Zones. Fifty percent of building front maximum.

5. General Commercial and Industrial Zones. Fifty percent of building front maximum.

6. Highway District. Fifty percent of building front maximum.

7. Recreational Commercial Zone. Twenty-five percent of building front maximum.

8. Community Facilities Overlay Zone. 48 square foot maximum.

B. Placement and Projection

1. The total sign area of all exterior walls shall not exceed the maximum allowed under Section 13.050.040 (A).

2. Flush signs may be erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches there from, except that:

   a. A flush sign may be erected against supporting or ornamental columns located under an overhanging roof in a place generally parallel to the nearest building face.

   b. A flush sign may be attached to the surface of an awning without further projection there from.

13.050.050 Message Signs

Message signs are limited to stationary time, date, temperature signs, or rotating signs with a maximum speed of seven revolutions per minute.

13.050.060 Roof Signs

Roof signs are permitted only on low profile buildings and the top of roof signs shall not extend more than twelve (12) feet from sidewalk grade.

13.050.070 Secondary Marquee Signs

Secondary marquee signs shall not be over eight (8) square feet in area, shall be located under a canopy or flush in an alley with a minimum of 7 1/2 feet clearance.

13.050.080 Home Occupation Signs

Home occupation signs are permitted in the residential district, not to exceed ~~two~~ four square feet in area and flush mounted.

13.050.090 Service Station Island Signs

Signs in addition to principal and secondary signs to designate the type of fuel, or a promotional sign for fuel only, and signs indicating fuel price are allowed at the rate of four (4) square feet maximum per pump island. In addition, one sign designating fuel prices may be attached to a pole with the top of the sign not to exceed twelve (12) feet above ground level, with a maximum area of thirty-two (32) square feet.

13.050.100 Restaurant Menu Board

Signs in addition to principal and secondary signs for a restaurant with a drive through window are allowed; no more than two (2) menu boards not to exceed 32 square feet each, with a maximum height of 8 feet.

13.050.110 On-Premise Signs

All on-premise signs must utilize at least fifty percent (50%) of the sign area for advertising the main business on the premises. Signs that contain more than 50% off-premise advertising shall be regulated under Section 13.050.150.

13.050.120 Secondary Street Frontage Signs

Secondary frontage signs shall be of a flush type only. Size limits for secondary frontage flush signs are those given in Section 13.050.040.

13.050.130 Electric Signs

Electric signs shall bear the Underwriters Laboratories, Inc. seal of approval. All electrical signs shall be installed in accordance with the National Electric Safety Code as regards distances from electrical line. Electrical equipment used in connection with display signs shall be installed in accordance with the City ordinances regulating electrical installations.

13.050.140 Animated Signs

Except for message signs of the type giving time and temperature information, or signs rotating at a speed not to exceed 7 rpm's, no sign which has any mechanical moving, revolving, rotating, or animated parts are allowed.

13.050.150 Off-Premise Advertising Signs

Advertising signs shall be located only in General Commercial and Industrial Zones, as designated by the City Zoning Ordinance.

A. The maximum height above grade shall be 24 feet, but shall be increased to 40 feet in the Highway District.

B. Outdoor advertising signs shall have metal primary structural members.

C. Size

1. Primary and Secondary Highways. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 500 feet apart when measured at right angles to the street or highway centerline to which the sign is oriented. Sign area shall not exceed 672 square feet, with maximum dimensions of 14 feet vertical and 48 feet horizontal.

2. City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to

which the sign is oriented. Sign area shall not exceed 288 square feet, with maximum dimensions of 12 feet vertical and 24 feet horizontal.

13.050.160 Sidewalk Signboards

Sidewalk signboards are allowed for any business in the Central Business Commercial zone, whenever there is a minimum of six feet (6') of clear, concrete sidewalk passage, excluding pavers.

A. Size

Sidewalk signboards shall not exceed the following dimensions (see diagram):

a) Width = twenty-five inches (25");

b) Height = forty-five inches (45");

c) Base spread = twenty-six inches (26").

B. Number

One (1) sidewalk signboard per business is allowed. More than one (1) business can be listed on a sidewalk signboard.

C. Placement

1. Sidewalk signboards shall be located adjacent to the property occupied by the business; no offsite sidewalk signboards are allowed.

2. Sidewalk signboards shall not be placed closer than three feet (3') from the entrance to the business or storefront, measured from the nearest door edge to the near edge of the sign (see diagram).

3. Sidewalk signboards shall not be placed closer than three feet (3') from the edge of the property line, measured from the nearest property corner to the near edge of the sign (see diagram).

4. Sidewalk signboards shall be placed at least six feet (6') apart, measured from the near edge of one sign to the near edge of the other sign.

5. Sidewalk signboards shall not be placed in front of murals, except where the bottom of the mural is above the top of the sidewalk sign.

6. Sidewalk signboards shall not be allowed in alleys.

D. Hours of Display

Sidewalk signboards shall only be displayed during business hours. The signs shall be moved indoors when the business is closed. In the case where multiple businesses are displayed on a single sidewalk signboard, only one (1) of the businesses needs to be open for the sidewalk signboard to be displayed.

E. Attachments

No extraneous fixed or moving attachments shall be placed on any sidewalk signboard.

F. Materials

1. The following materials are acceptable for use in the construction of sidewalk signboards:

   a) Medium-density overlay (MDO) plywood or material of similar quality;

   b) Lusterboard or material of similar quality;

   c) Marlite or material of similar quality;

   d) Exterior-grade plywood with a veneer grade of not less than A;

   e) Whiteboards, blackboards, and grease-pen boards.

2. Exposure 1 and Interior grade plywood shall not be allowed. Veneer grades B, C-Plugged, C or D shall not be allowed.

3. No sandbags, concrete blocks, scrap metal, or other similar materials shall be used to stabilize any sidewalk signboard.

4. Staples, zip ties, thumbtacks, and other similar materials shall not be allowed in the assembly of the sidewalk signboard, nor to affix materials to said sign.

G. Design

1. Signboards shall not be lighted in any manner, other than incidentally by other lighting.

2. No neon or fluorescent colors shall be allowed.

3. Sidewalk signboards shall be secured against the wind, in order to keep the

signs from falling over and to keep applied materials from blowing away.

4. Any and all lettering and/or other display information shall be applied in a professional manner, that is, be of a quality that would be provided if the sidewalk signboard was created by a professional sign-making company.

5. For base & frame-type signs, the height of the base pad cannot exceed one-quarter inch (1/4") for the first ten inches (10") from either leading edge (see diagram).

6. Sidewalk signboards in The Dalles Commercial Historic District and Trevitt's Addition shall adhere to design standards set forth in the document entitled "Design Guidelines for The Dalles Commercial Historic District and Trevitt's Addition".

H. Maintenance

Signs must be kept in a state of good repair and condition, and free from the following conditions:

a) Rust;

b) Chipped or peeling paint;

c) Delaminating or peeling materials;

d) Scratched materials;

e) Faded, smudged, smeared, or streaked images or lettering;

f) Missing hardware;

g) Poor craftsmanship or construction that would cause the sign to be structurally unsound and thereby pose a health or safety hazard;

h) Any other condition that the Director of the Community Development Department deems to be contrary to the purposes of promoting visually-appealing and structurally-sound signage.

I. Fees

There is a one-time fee for a sidewalk signboard permit. The fee and permit are not transferable to other sidewalk signboards.

J. Enforcement

The following notice and enforcement standards shall apply to the placement and display of sidewalk signboards.

1. For purposes of administering the provisions of section 13.050.160(10), the City Manager shall appoint appropriate staff persons.

2. An unsafe sidewalk signboard shall be defined as a sidewalk signboard that violates any of the following provisions

   a) Any size standard set forth in section 13.050.160 (A);

   b) Any placement standard set forth in section 13.050.160 (C) (1) through (6);

   c) The design standards set forth in section 13.050.160 (G) (3) or (5); or

   d) Any maintenance standard set forth in section 13.050.160 (H) (a) through (h), such that the condition of the sign poses a danger to the health or safety of the public.

3. In the case of a sidewalk signboard which has been determined to be unsafe, the authorized staff person shall immediately attempt to give verbal notice of the violation to the owner or owners of the business(es) that the sidewalk signboard advertises, or to an on-site employee of the business(es). In the event the responsible person(s) who is provided notice under this section refuses to correct the violation immediately, the authorized staff person shall remove or cause others to remove and impound the sign.

4. In the case of a sidewalk signboard which is displayed during non-business hours, the authorized staff person shall issue a written notice of the violation. The notice shall be given to the owner or owners of the business(es) that the sidewalk signboard advertises, and shall be either delivered personally or by certified mail, return receipt requested, sent to the owner's last known address of record. The notice shall require correction of the violation within five (5) days from either the date of personal delivery of the notice, or the date of mailing of the notice.

   a) If the violation is not corrected within the five (5) day period, the authorized staff person shall send a second written notice of violation, by certified mail, return receipt requested, to the owner or owners of the business(es) that the sidewalk signboard advertises, indicating that the sidewalk signboard may be

impounded if the violation is not corrected within five (5) days from the date of mailing of the notice.

b) If the violation remains after issuance of the second notice, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.

5. For other sidewalk signboards which have been determined not to conform to the provisions of this section, the authorized staff person shall issue a written notice of non-compliance. The notice shall be given to the owner or owners of the business(es) which the sidewalk signboard advertises. The notice shall either be delivered personally to the business owner(s), or sent by certified mail, return receipt requested, to the business owner(s) at the owner's last known address of record. The notice shall set forth the nature of the violation, and shall require the violation be corrected within fifteen (15) days from either the date of personal delivery or the date of mailing of the notice, unless the time for compliance is extended for good cause shown. If the non-conforming sign is not brought into compliance within the required time period, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.

6. Upon impoundment of a sidewalk signboard under the provisions of subsections (3), (4), or (5) of this section, the authorized staff person shall post a notice of impoundment in a visible location upon the premises of the business which the sign advertises. The authorized staff person shall immediately provide a copy of the impoundment notice to the business owner(s) by either personal delivery or by certified mail, return receipt requested, sent to the owner's last known address of record.

a) The notice of impoundment shall specify the sections of the section which have been violated, the place and time when the impounded sign can be recovered, the cost of any fee which must be paid to recover the sign, and the length of time until the impounded sign is discarded if the sign is not reclaimed.

b) The notice shall also provide the owner(s) of the sign which has been impounded with notice that they may request a hearing to contest the validity of the impoundment. A request for a hearing must be made, to the Director of the Community Development Department, within five (5) calendar days after either the date of personal delivery of the impoundment notice, or the date that notice of impoundment was mailed, as evidenced by the postmark, not including Saturdays, Sundays or holidays. When a timely request for a hearing is made, a hearing shall be set in the Municipal Court for four (4) calendar days after the request is

received, excluding Saturdays, Sundays, and holidays, but may be postponed at the request of the person asking for the hearing. The Municipal Court Judge shall determine whether impoundment of the sidewalk signboard was proper.

7. In order to retrieve an impounded sidewalk signboard, the owner of the sidewalk signboard shall present a copy of the impound notice to the Community Development Department, at the time and place indicated on the notice of impoundment.

   a) The fee to retrieve an impounded sidewalk signboard for a first violation of this section shall be ten dollars ($10.00). The fee to retrieve an impounded sidewalk signboard for a second violation of this section shall be fifty dollars ($50.00). The fee to retrieve an impounded sidewalk signboard for a third violation of this section shall be one hundred dollars ($100.00). For each subsequent violation of this section, the fee to retrieve an impounded sidewalk signboard shall be one hundred dollars ($100.00). For purposes of this section, the number of offenses shall be calculated based upon the number of violations attributable to the business owner(s) of the sidewalk signboard, who has violated the provisions of this section.

   b) Any sidewalk signboard which has been impounded and is not reclaimed within ninety (90) days from the date of impoundment, may be disposed of by the authorized staff person.

Section 13.060

Maintenance, Construction, Safeguards

Subsection		Page
13.060.010	Maintenance and Appearance	13-41
13.060.020	Design and Construction	13-41
13.060.030	Clearance and Safeguards	13-41

13.060.010 Maintenance and Appearance

All signs shall be maintained in a safe, neat, clean, and attractive condition.

A. Signs shall be kept from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces, trims, frames, and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.

B. On-premise ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-frames", "A-frames", "trusses", or similar bracing systems shall be used in constructing a ground sign or free-standing sign.

C. Except for temporary signs, all signs shall be rigid and firmly attached to its supporting structure.

13.060.020 Design and Construction

Except as specified in this section, design, loading, construction, and materials shall be those specified in the Uniform Building Code, as amended by the State of Oregon.

13.060.030 Clearance and Safeguard

To insure public safety, the installation and maintenance of all signs shall be subject to the following provisions.

A. The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the National Electric Safety Code.

B. All free-standing sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to insure clearance from underground utilities.

C. All signs together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition.

Section 13.070

Inspection, Enforcement, Variances

Subsection		Page
13.070.010	Non-conforming Signs	13-45
13.070.020	Removal of Non-conforming Signs	13-45
13.070.030	Signs for Non-conforming Uses	13-45
13.070.040	Administration	13-45
13.070.050	Enforcement	13-46
13.070.060	Variances and Appeals	13-47

13.070.010 Non-conforming Signs

Signs and advertising structures which do not conform to the provisions of this section but which lawfully existed and were maintained on the effective date of Ordinance 92-1153 shall remain lawful except as provided in this section.

A. A non-conforming sign which has been determined by the Director to be improperly maintained shall be removed within 30 days after notice as provided in Section 13.070.020.

B. Non-conforming signs which violate the provisions of Section 13.030.020, Prohibited Signs, shall be removed within 30 days after notice.

C. Non-conforming signs which are structurally altered, relocated or replaced shall immediately comply with all provisions of this section.

D. Non-conforming signs which have been abandoned or those advertising a business that is no longer conducted in or upon the premises and has not been so conducted for a period of 60 days shall comply with this section or shall be removed within 30 days after notice.

13.070.020 Removal of Non-conforming Signs

The Director shall give written notice of a non-conforming sign. The notice shall be given to the owner of the building, structure or premises on which the sign is located. Notices shall be sent by certified mail or be delivered personally to the building owner at his last known address, or address of record. The notice shall specify the violations of the section and the time allowed for compliance.

13.070.030 Signs for Non-conforming Uses

A use which has been determined to be non-conforming pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222, but which would ordinarily require a sign, if such use were located in an appropriate zoning district, shall be permitted a sign, subject to the requirements of the zone which best fits the non-conforming use, as determined by the Director.

13.070.040 Administration

A. Inspection. The Director under the supervision and control of the City Manager is hereby authorized and directed to enforce this section. Upon the presentation of proper credentials, he may enter at reasonable times into or upon any building or

premises in the City to inspect signs or carry out the duties and responsibilities imposed on him by this section. The Director may inspect or re-inspect any sign to determine if it complies with this ordinance.

B. Removal of unsafe signs. Upon documentation that despite reasonable attempts to provide notice as set forth herein, that notice could not be delivered to the sign owner or the owner of the building, structure or premises upon which the sign is located, or that notification was received and the notified person(s) has or have refused to comply with the ordinance in the time specified by the Director, the Director may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard. The owner shall reimburse the city for any costs incurred in the removal of the sign or when making the minimum necessary repairs when removing the danger or hazard.

C. Release from liability. Neither the Director nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this section.

13.070.050 Enforcement

A. Violation. It shall be a violation of this code for any person to erect, maintain, display, or use an illegal sign. An illegal sign includes nonconforming signs not brought into compliance within the time period allotted, signs erected or maintained without a permit, abandoned signs, unsafe signs, prohibited signs, and any sign not in compliance with the provisions of this section.

B. Persons Responsible. Property owners, persons in control of the property, business owners, and any other person who has violated this code are subject to the penalty provisions of this section.

C. Notice. It is the policy of the City of The Dalles to attempt to gain voluntary compliance with the provisions of this Section. The Director shall provide the type of notice that will inform responsible persons of the violation and the steps needed to bring the violation into compliance. Prior to initiating any penalties the Director shall provide written notice and allow the following times from the date of the written notice to bring the violation into compliance:

1. For the first offense at least seven calendar days.

2. For a second similar offense within a year no time is required, the Director may initiate the penalty proceedings from the date the written notice is sent to the responsible party.

D. Penalties.

1. For installation of a sign without a permit, the permit fee shall be doubled. This penalty is in addition to any other penalty provided in this section.

2. For illegal signs not brought into compliance within the time period allowed in subsection C, the responsible party shall be subject to the citation process set out below.

3. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.

E. Citation.

1. For those persons who have not brought their illegal sign into compliance within the time period allowed in subsection 3, the Director may issue a Citation. The Citation shall provide a fine amount and a date and time for the responsible part to either pay the fine or appear in municipal court and request a hearing. Failure to either pay the fine or request a hearing by the date and time specified shall constitute a waiver of the right to object and the fine as set in the citation shall be final.

2. The fine for violations of this section shall be $50 for the first offense, $100 for the second offense within a year, and $250 for each subsequent offense within a year. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.

13.070.060 Variances and Appeals

A. The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.

B. The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this ordinance.

C. Except in the case of unsafe signs, no action shall be taken by the Director under this section pending an appeal or variance request to the Planning Commission and during any further appeal to the City Council.

D. Appeals. Any person aggrieved by a determination of the Director may appeal to the Planning Commission. Upon appeal, the Commission may affirm, reverse, or modify the Director's determination, which modification could include a determination of the suitability of alternative materials or methods of construction

E. In exercising its appeal or variance authority, the Commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 13.010.010 of this ordinance.

Section 13.080

Special Provisions

Subsection		Page
13.080.010	Districts of Special Control	13-51
13.080.020	Severability	13-51
13.080.030	Repeal	13-51

13.080.010 Districts of Special Control

The Planning Commission shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of sign sizes, types, heights, etc. when:

A. the area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or

B. a group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. After approval by the Planning Commission is received, the plan will be forwarded to the City Council to either: (1) by section designate the district as one of the special control; (2) return the petition to the Planning Commission for correction or further study; or (3) reject the plan.

C. Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this section, including but not limited to, permitting, safety, inspection, and enforcement, shall have full force and effect.

13.080.020 Severability

If any part, section, sub-section, sentence, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

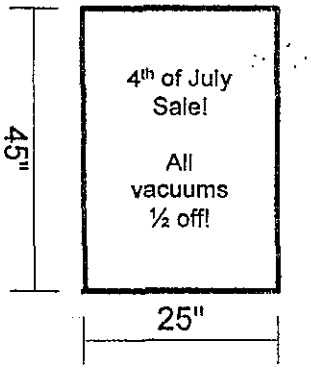
13.080.030 Repeal

General Ordinance No. 92-1153, as amended by the General Ordinance No. 03-1248, is hereby repealed.

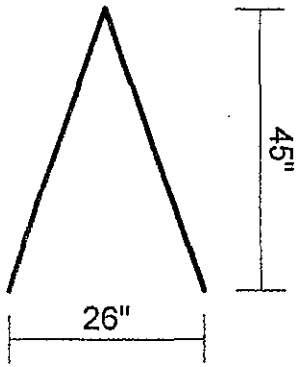
SIDEWALK SIGNBOARDS
Exhibit #1

Sign Dimensions: A-Frame

Front View

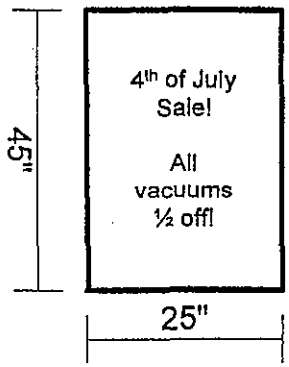


Side View

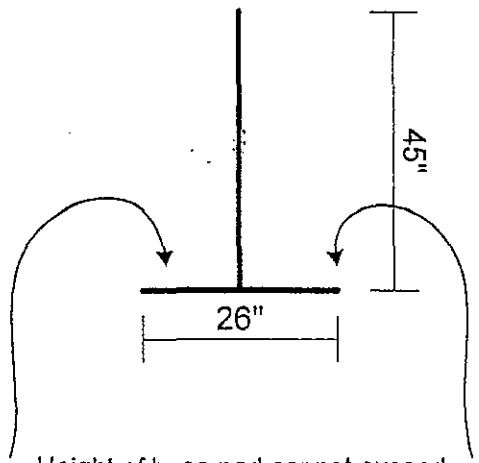


Sign Dimensions: Base & Frame

Front View



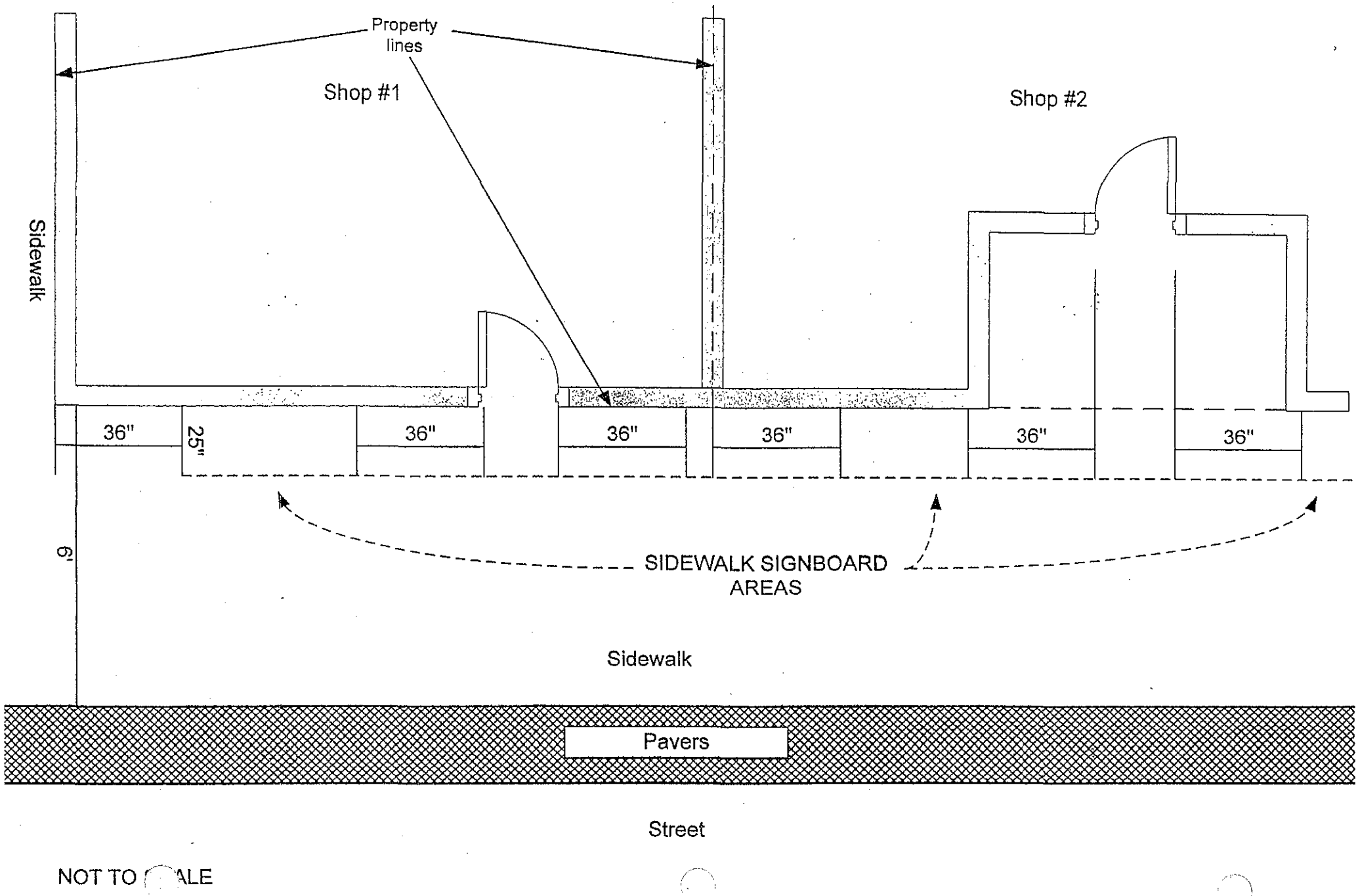
Side View



Height of base pad cannot exceed ¼" for first 10" from leading edge

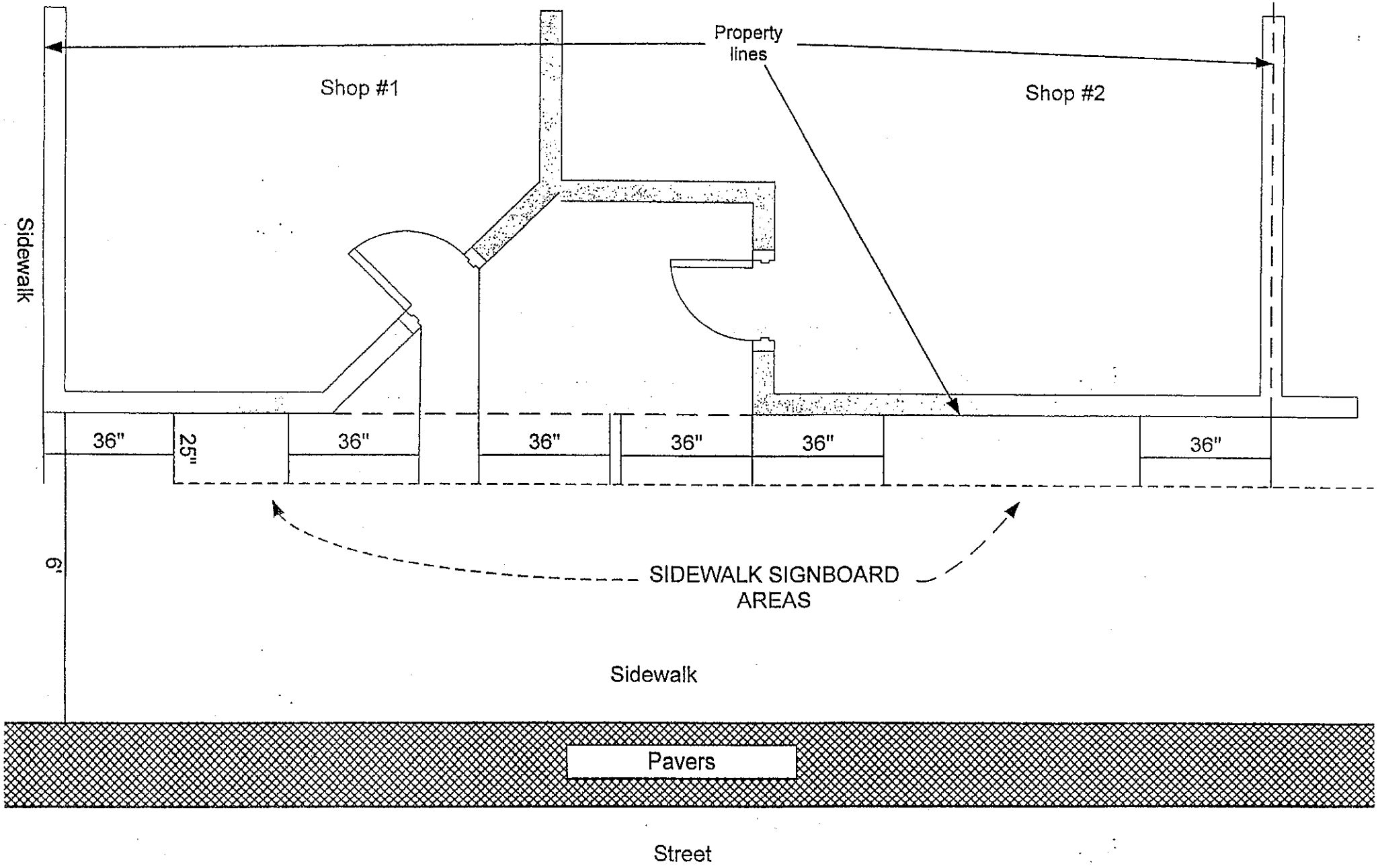
NOT TO SCALE

SIDEWALK SIGNBOARDS
Exhibit #2



NOT TO SCALE

SIDEWALK SIGNBOARDS
Exhibit #3



NOT TO SCALE

CLEARANCES FOR PROJECTING SIGNS

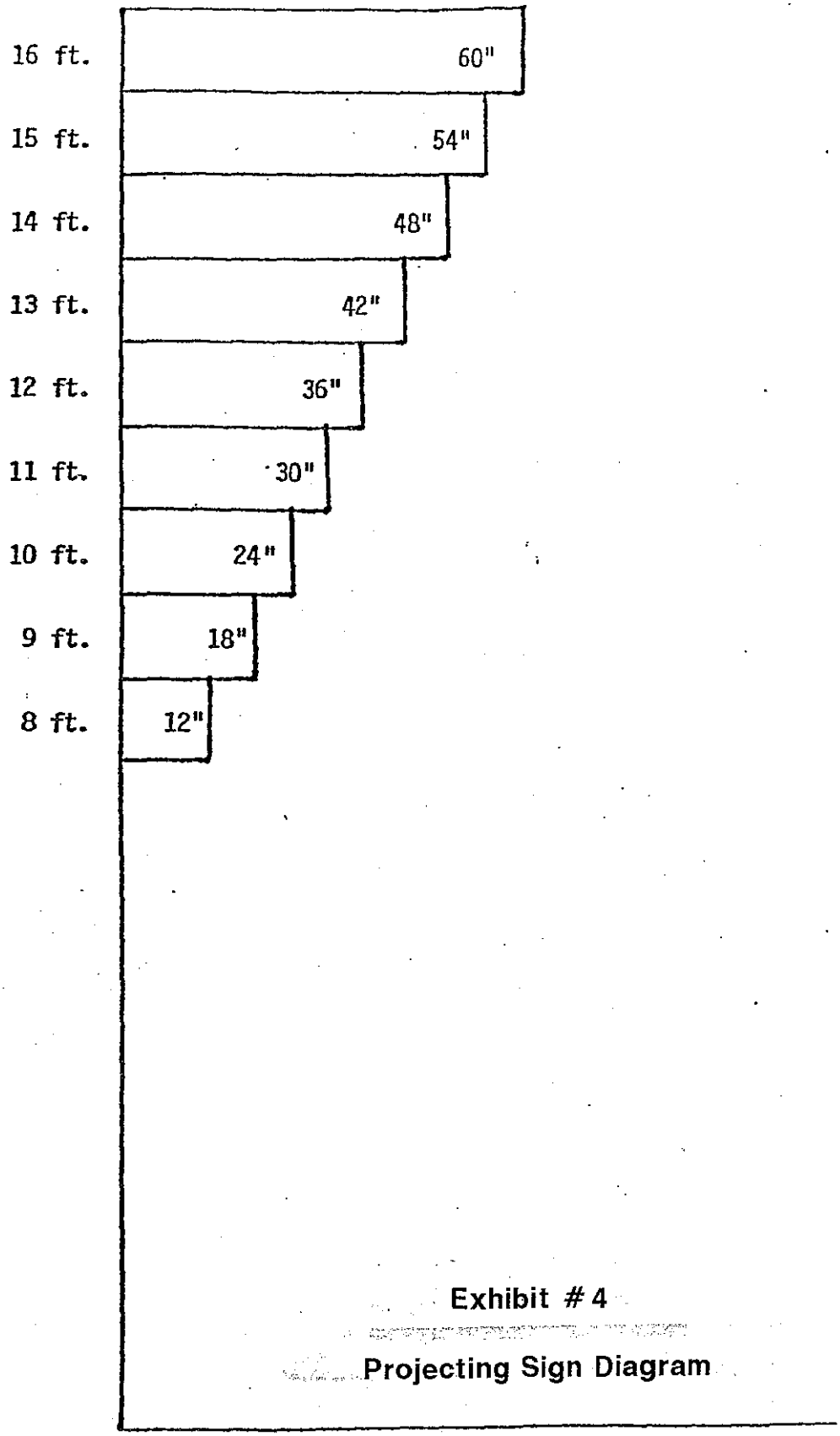
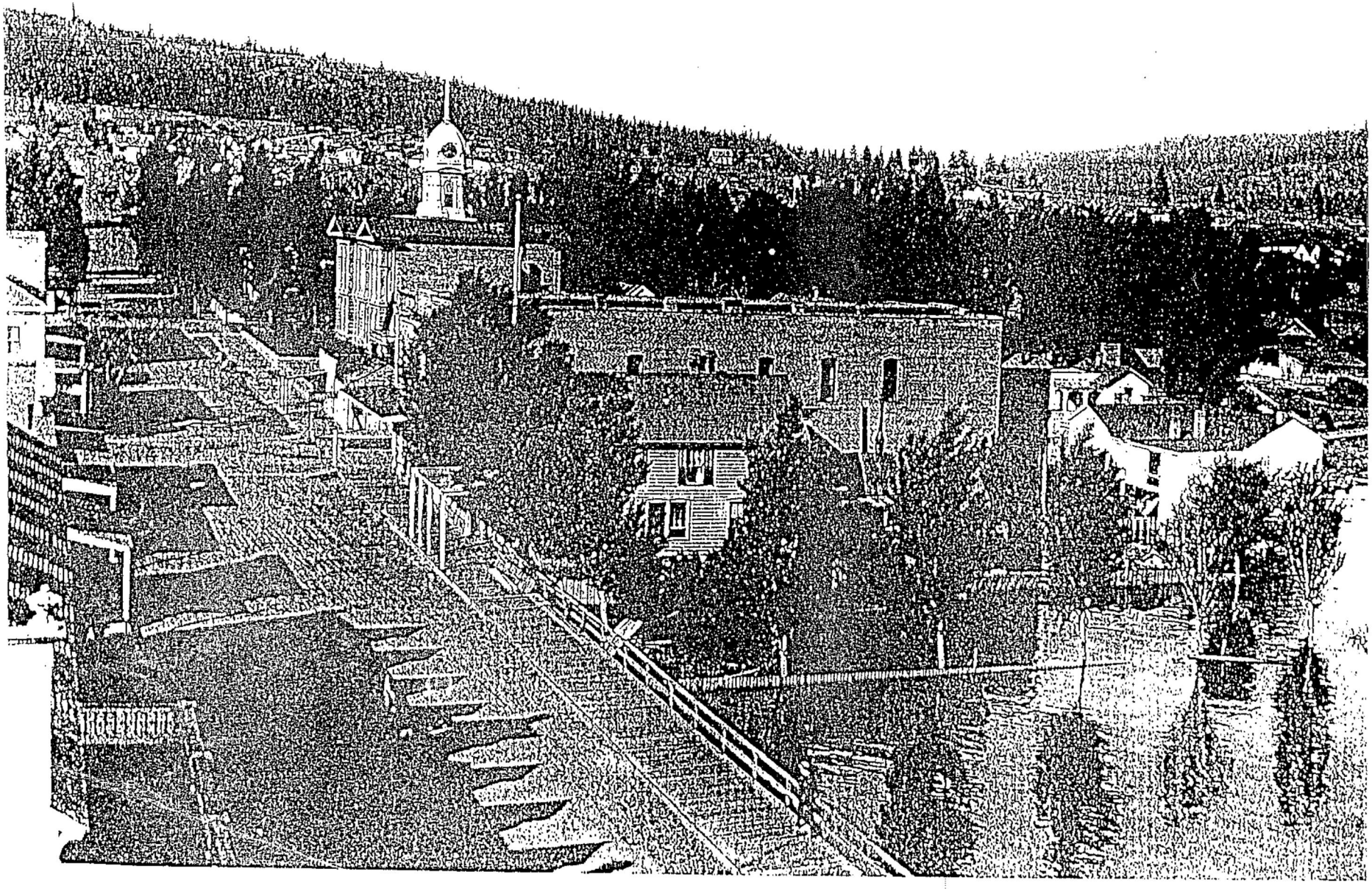


Exhibit # 4

Projecting Sign Diagram

DESIGN GUIDELINES for THE DALLES COMMERCIAL HISTORIC DISTRICT and TREVITT'S ADDITION



GENERAL ORDINANCE NO. 96-1207
AN ORDINANCE AMENDING SECTION 10(A) OF GENERAL ORDINANCE 94-1194, ESTABLISHING DESIGN GUIDELINES FOR HISTORIC RESOURCES

WHEREAS, the City adopted General Ordinance No. 94-1194, relating to historic resources within the City of The Dalles; and

WHEREAS, the Historic Landmarks Commission concluded a public hearing on October 25, 1995, concerning proposed design guidelines to be incorporated in General Ordinance No. 94-1194, and following the hearing, forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on May 20, 1996, and after hearing public testimony, the Council voted to approve the design guidelines as set forth in Exhibit "A", attached hereto,

NOW, THEREFORE,

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Section 10(A) of General Ordinance shall be amended to read as follows:

A. Design Guidelines.

The design guidelines for this ordinance shall be as set forth in Exhibit "A", attached to this ordinance and incorporated herein by this reference.

PASSED AND ADOPTED THIS 14TH DAY OF OCTOBER, 1996.

Voting Yes, Councilmembers: Davis, Van Cleave, Hill, Koch
Voting No, Councilmembers: None
Absent, Councilmembers: Briggs
Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 14TH DAY OF OCTOBER, 1996.

SIGNED: Raymond R. Koch
Raymond Koch, Mayor pro-tem

ATTEST: Julie Krueger
Julie Krueger, CMC, City Clerk

TABLE OF CONTENTS

INTRODUCTION: THE DESIGN GUIDELINES page 1

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION page 2

COMMERCIAL DISTRICT GUIDELINES

- HISTORY OF THE DALLES page 3
- DISTRICT MAP page 4
- NEW CONSTRUCTION & REHABILITATION page 5
- STREETSCAPE page 6
- BUILDING SETBACK page 7
- BUILDING HEIGHT page 8
- BUILDING WIDTH page 9
- MATERIALS page 10
- ROOF FORM page 11
- COMMERCIAL FRONT page 12
- AWNINGS page 13
- SIGNS page 14

TREVITT'S ADDITION GUIDELINES

- HISTORY OF TREVITT'S ADDITION page 15
- DISTRICT MAP page 16
- BUILDING STYLE DESCRIPTIONS page 17
- LANDSCAPE page 22
- PORCHES page 23
- ROOFING page 24
- SIDING page 25
- WINDOWS/DOORS page 26
- COLOR page 27

APPENDIX A: Resources page 28

APPENDIX B: Bibliography page 29

APPENDIX C: Glossary page 30

APPENDIX D: Ordinances page 32

INTRODUCTION: THE DESIGN GUIDELINES

The Dalles is a Certified Local Government (CLG) and as such there are certain requirements that the city must fulfill. One requirement is that there must be a historic review board. The Dalles has the Historic Landmarks Commission (HLC), an historic review board which reviews applications for work on locally landmarked properties and districts. Its six members, appointed by the mayor, include representatives from the citizens at large and one non-voting member from The Dalles/Wasco County Museum Commission. Design review is administered according to a set of design guidelines. These are criteria and standards which were developed by the HLC as a part of the district designation process. The guidelines are used in determining the appropriateness and architectural compatibility of proposed projects. The guidelines also provide direction for project applicants, and ensure that the decisions of the HLC are not arbitrary or based on anyone's personal taste.

The HLC is responsible for conducting hearings dealing with design issues on historic properties and the Design Guidelines will serve as a tool to help them make these decisions. The purpose of the HLC, the Historic Ordinance and the Design Guidelines are to:

protect historic and cultural resources from destruction, inappropriate alteration, and incompatible adjacent development;

stabilize and *improve* property values in historic districts and citywide;

enhance the city's attractiveness to visitors and residents, and *stimulate* business, industry, and tourism;

educate The Dalles' citizens and visitors concerning the city's heritage;

preserve the historic housing stock of The Dalles;

comply with *The Dalles Comprehensive Plan* regarding historic resources under *Statewide Planning Goal 5.*

The Design Guidelines for The Dalles Commercial Historic District and Trevitt's Addition serve as a reference for preserving the historic character and as a guide for new construction and rehabilitation. By state and local law, guidelines for historic districts must be in accordance with the Secretary of the Interior's Standards for Rehabilitation. These standards were developed by the National Park Service and are used by private and public preservation organizations throughout the country.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The Standards that follow were originally published in 1977 and revised in 1990 as part of Department of Interior regulations. They pertain to historic buildings of all materials, construction types, sizes and occupancy and encompass related landscape features and the building's site and environment as well as attached, adjacent or related new construction.

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristic of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

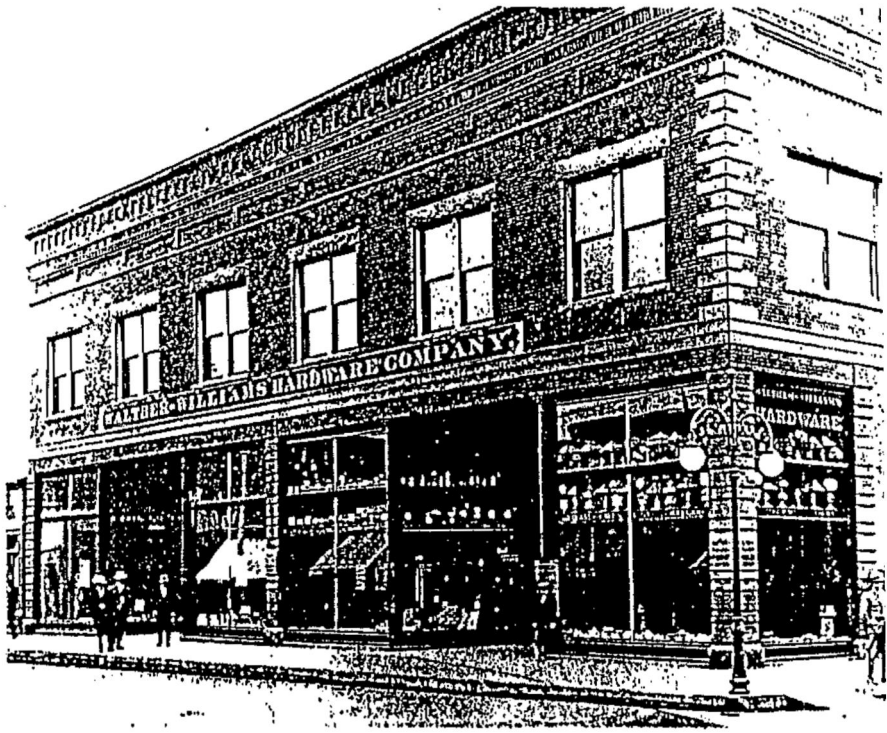
COMMERCIAL HISTORIC DISTRICT

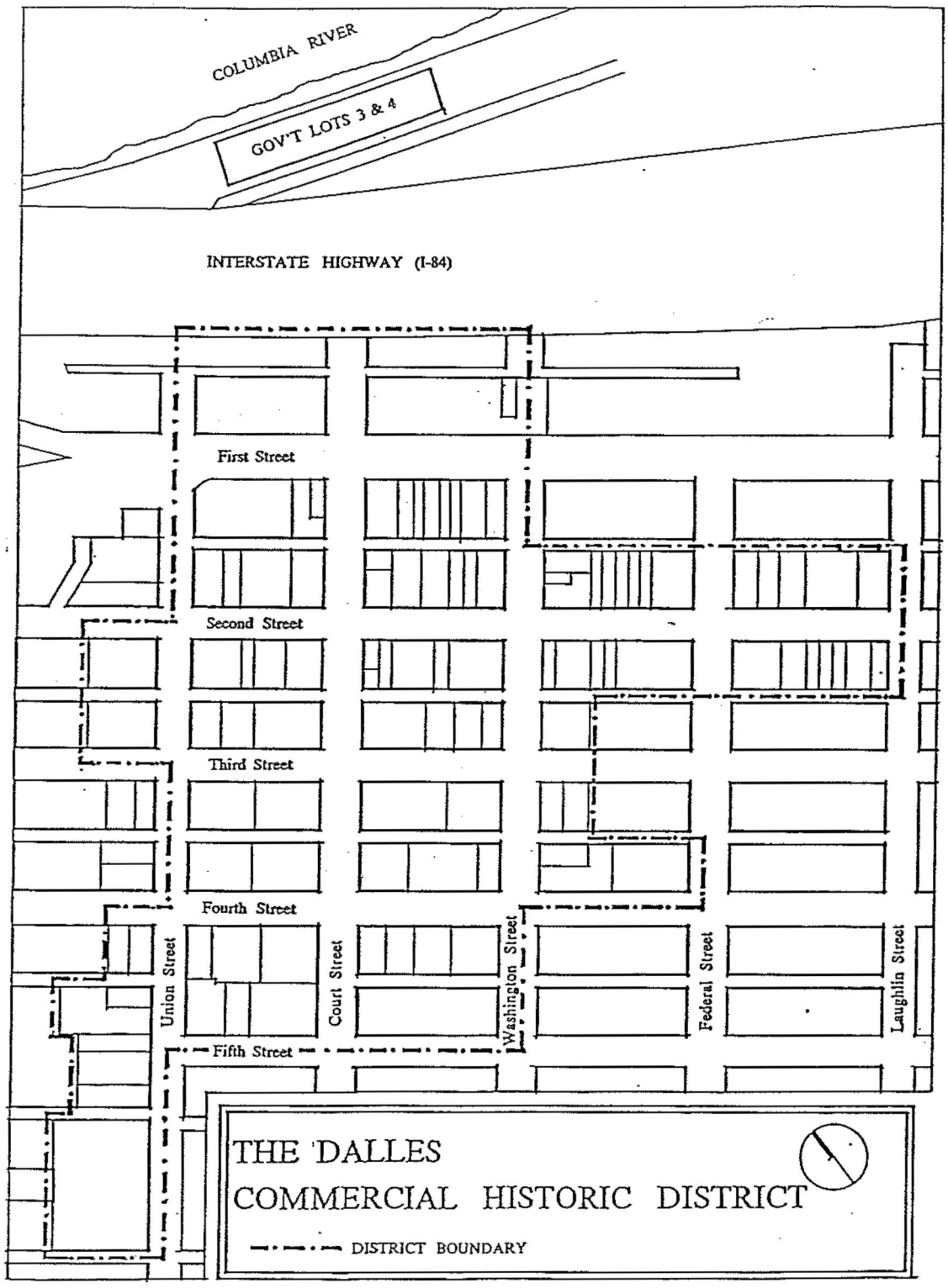
HISTORY OF THE DALLES

The Dalles has a population of 11,021 people (1990 census). It is located east of the Cascade Range along the south bank of the Columbia River. "Dalles City" was platted in 1855, encompassing the commercial core. The Dalles was settled as a result of exploration, influx of pioneers, and trade relating to the Columbia River and its tributaries. The term "The Dalles" came from a french term for the long and short narrows between Celilo falls and Big Eddy (these no longer exist as a result of The Dalles Dam). When the town was settled the lots and streets were aligned toward the river. The town was incorporated in 1857 and by 1860 it had a population of 804. The Dalles is rich in history and has gone through several periods of boom and bust which were the result of economic as well as natural factors.

The first boom came in the 1860's with the discovery of gold in Idaho, Washington, and Oregon. It was during this boom that Robert Pentland built the first flour mill in the downtown area in 1866. This boom lasted until the 1870's when the interior goldmines had been exhausted which led to economic hardship. In addition The Dalles also suffered from several fires in 1871, 1878, and 1891 in which nearly all the original frame settlement structures were destroyed. However, as the town was rebuilt in brick and stone the population increased to about 2,232 in 1880. The city also underwent a period of prosperity as a result of the railroad, wheat ranchers, stockmen, and the fishwheels and salmon canneries. This period was followed by another fire in 1891 and the "big flood" of 1894 which inundated the entire business area up to 3rd Street.

As The Dalles entered the 1890's it became a center of trade and shipping, aided by the establishment of The Dalles Fruit Shipping Company. This period of prosperity continued and in 1903 The Dalles was considered the commercial center of Eastern Oregon. By 1910 The Dalles had reached a peak and continued to thrive with the fruit, wheat, and fish industries, until the Depression in 1929. Today, The Dalles is a community with a rich history that is well supported by its built environment and people.




COLUMBIA RIVER
GOV'T LOTS 3 & 4
INTERSTATE HIGHWAY (I-84)
First Street
Second Street
Third Street
Fourth Street
Fifth Street
Union Street
Court Street
Washington Street
Federal Street
Laughlin Street
THE DALLES
COMMERCIAL HISTORIC DISTRICT
DISTRICT BOUNDARY

NEW CONSTRUCTION & REHABILITATION

New construction is necessary to accommodate expanding and new needs of a healthy downtown. There are existing gaps in the downtown that should be filled. New construction should maintain the character of The Dalles by not hiding building additions but in making them sympathetic to the historic buildings and town form without imitating past architectural styles.

GUIDELINES:

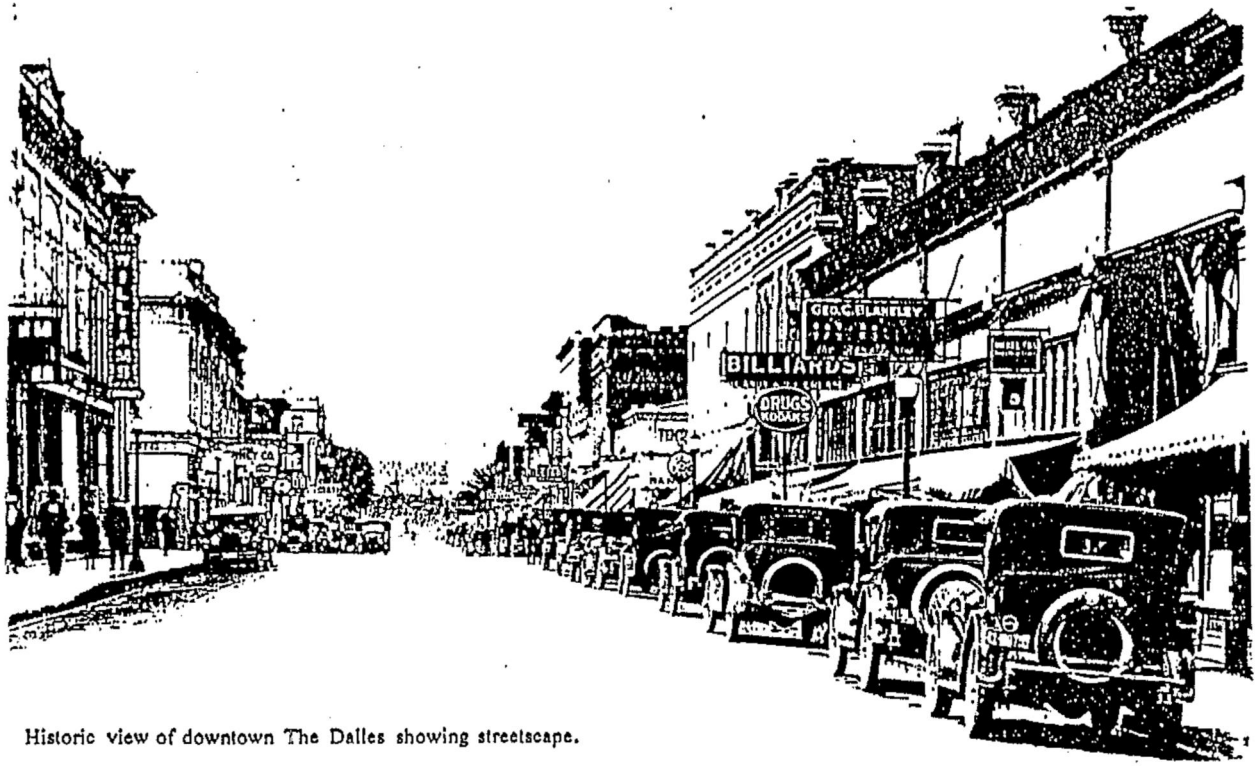
a. New construction fronting streets should be in keeping with th original architectural character, color, mass, scale and materials the neighboring buildings (see page 2, Secretary of the Interior Standards for Rehabilitation).
b. Additions to existing buildings should be in keeping with th original architectural character, color, mass, scale and materials (se page 2, Secretary of the Interior's Standards for Rehabilitation).
c. New construction should fill in gaps in the urban fabric; tight to th sidewalk or vertical edge, reinforcing the enclosure of the street.
d. Existing additions to historic buildings should be evaluated for thei sympathy with the historic building and their contribution to th downtown character.

STREETSCAPE

The Dalles' downtown is a pedestrian friendly environment resulting from the storefronts, width of sidewalks, and features such as street lights. New construction and rehabilitation should contribute in making downtown The Dalles an inhabitable place that is pleasant for walking, providing a buffer zone of parked cars between automobile traffic and pedestrians, while also reinforcing the rhythm of the street.

GUIDELINES:

a. Landscaping is not recommended because historically there was none.
b. Historically appropriate street lights should be installed.
c. Streetlights and other sidewalk elements should be placed so as not to obscure line of vision of automobiles.
d. Garbage cans are unattractive and should not be part of the streetscape.
e. A downtown maintenance program should be implemented to keep streets and sidewalks clean.



Historic view of downtown The Dalles showing streetscape.

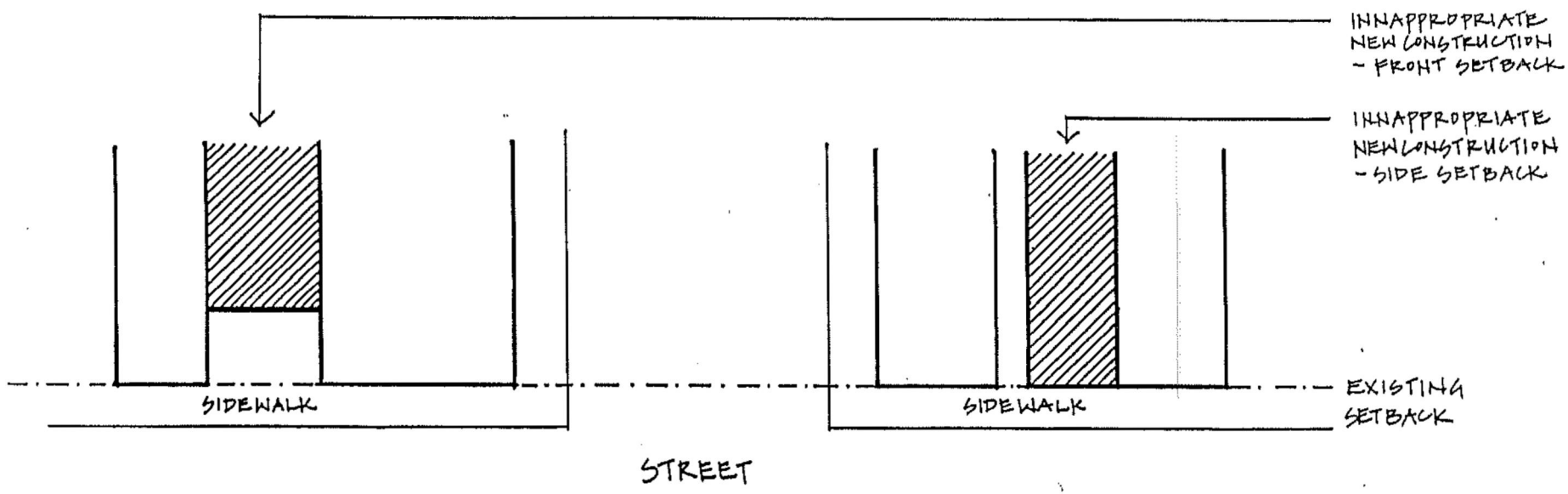
COMMERCIAL HISTORIC DISTRICT

BUILDING SETBACK

The Dalles' buildings historically were aligned along the sidewalk, giving a sense of enclosure to the street and providing for a more pleasant pedestrian environment. New construction and rehabilitation should maintain the alignment of buildings along the sidewalk edge.

GUIDELINES:

a. New construction should face the street and maintain the sidewalk edge.
b. The "Street Cafe" permit allows for restaurants to put tables on the sidewalk with a 5' clearance, creating a more pedestrian friendly environment.



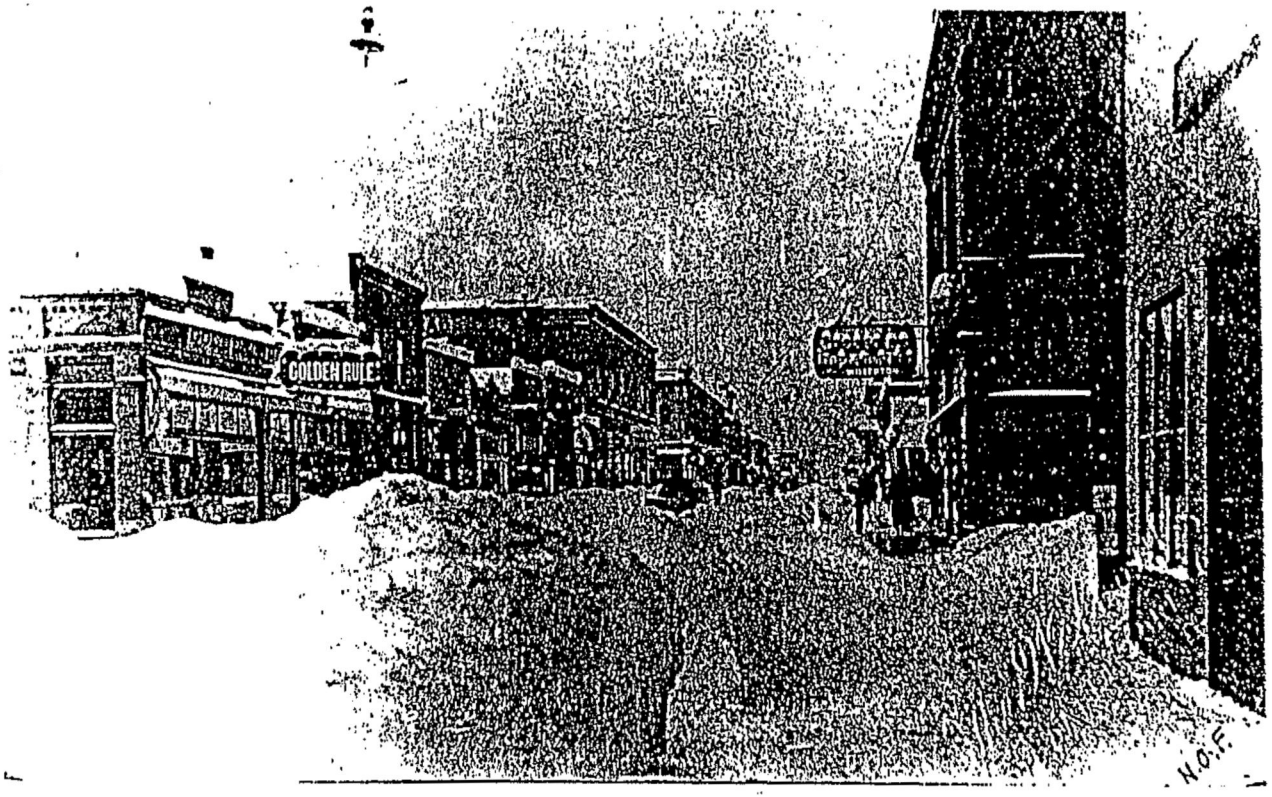
COMMERCIAL HISTORIC DISTRICT

BUILDING HEIGHT

The Dalles' historic building heights are varied, within a range of one story to four stories (Commadore Apartments). New construction should maintain this range of building heights through a minimum and maximum height limit which will allow for flexibility and contribute to the street environment in the rise and fall of cornice lines.

GUIDELINES:

a. A maximum building height of 55', measured from the sidewalk to the highest portion of roof or cornice, is recommended.
b. A minimum building height of 20' is recommended.



Historic view of downtown showing variation in building heights.

COMMERCIAL HISTORIC DISTRICT

BUILDING WIDTH

The interest and variety of The Dalles' commercial streets is derived in part from the historic lot size which helped in creating a pedestrian friendly environment through the rhythm of windows, entrances, and structure. New construction and rehabilitation should maintain the commercial nature and lot width that dominates in The Dalles' in order to retain the definition and rhythm of the street front.

GUIDELINES:

a. New construction should build from side lot line to side lot line especially when next to an alley.
b. If new construction is to take up more than one lot, some sense of division should be evident in the facade detailing through the use of adequate window frontage and rhythm of entrances.



Historic view of downtown showing the rhythm that results from the lot widths, windows, entrances, and structure.

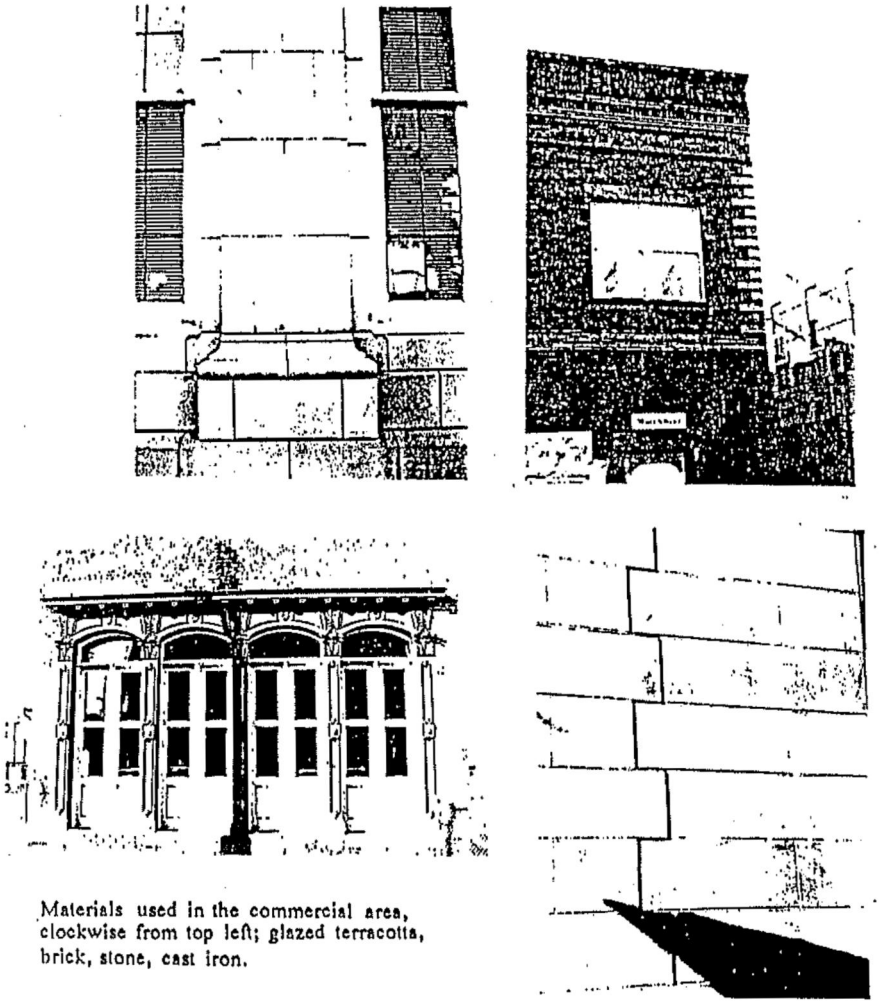
COMMERCIAL HISTORIC DISTRICT

MATERIALS

The sense of cohesiveness and continuity of The Dalles' commercial area derives in part from the consistent use of building materials in building facades. New construction and rehabilitation should use appropriate materials that provide scale making a more pedestrian friendly environment.

GUIDELINES:

a. For building renovations, original materials should be restored wherever possible.
b. When materials need to be replaced for restoration they should be compatible in quality, color, texture, finish and dimension to the original materials (see page 2, Secretary of the Interior's Standards for Rehabilitation).
c. New construction should use materials compatible with the historic buildings in quality, color, texture, finish and dimension. Predominant materials of the commercial historic district are:
    - brick
    - stone
    - cast iron
    - glazed terra cotta
    - cement plaster (stucco)
d. The use of wood for windows is recommended.
e. The use of reflective and smoked glass is prohibited.
f. Whenever possible, the natural color of the materials should be retained.
g. An ordinance prohibiting the painting of brick, unless it is damaged or has already been sandblasted, should be adopted.
h. Sandblasting of brick is prohibited as it severely damages the brick.
i. When painting a building the following color scheme is recommended:
    - darkest-window sash
    - medium-building
    - lightest-trim, detail



Materials used in the commercial area, clockwise from top left; glazed terracotta, brick, stone, cast iron.

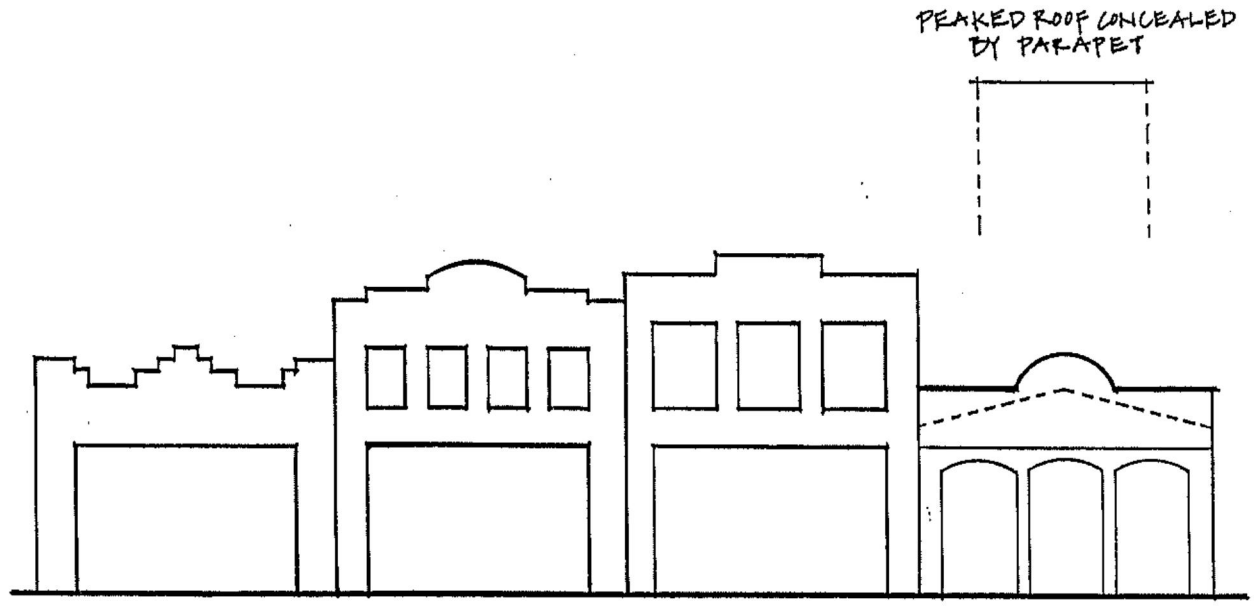
COMMERCIAL HISTORIC DISTRICT

ROOF FORM

Roof forms contribute to the identity of The Dalles commercial district because historically they were flat with parapets, false fronts, or gables concealed by a parapet or false front, in contrast to the pitched roofs in the residential neighborhoods. New construction and rehabilitation should maintain the commercial nature of the downtown in the articulation of its roof forms along the street edge.

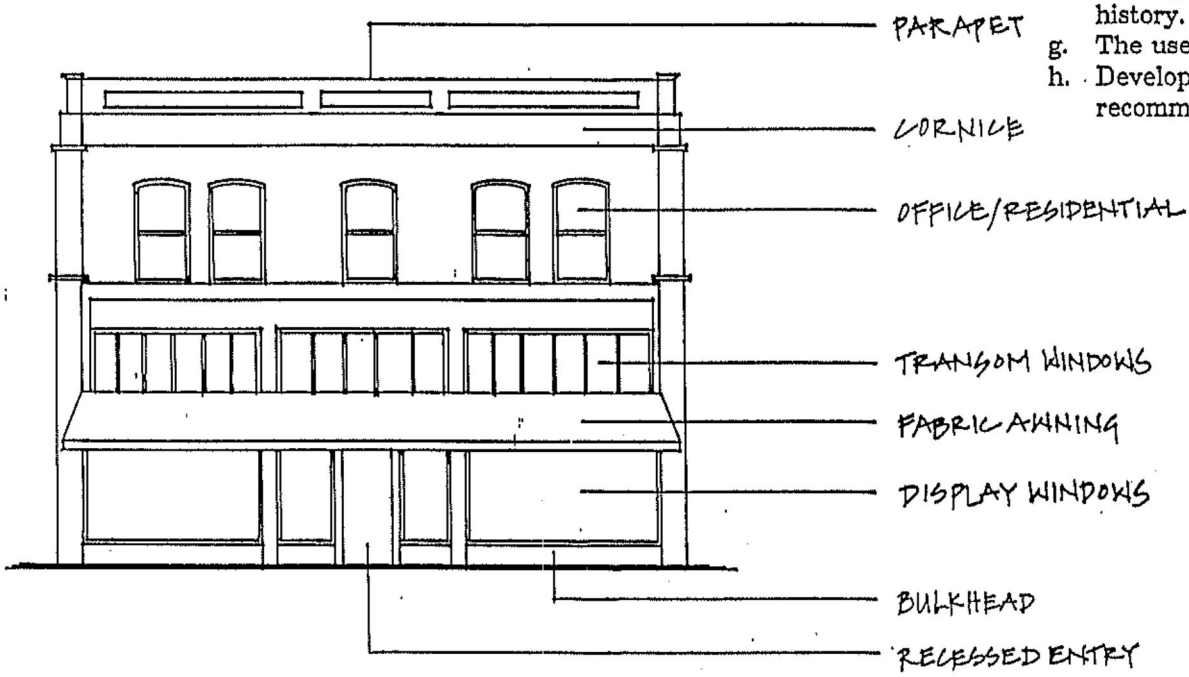
GUIDELINES:

a. Roof forms should be consistent with those commercial buildings o the historic period of downtown.
b. Parapet and flat roof forms are recommended.
c. Pitched roof forms associated with residential structures are no recommended, unless concealed by a parapet.
d. Detailing of the parapets with patterned or relief cornices an stepping is highly recommended.



COMMERCIAL FRONT

The continuous commercial fronts of downtown The Dalles make a consistent, pedestrian friendly backdrop for a wide variety of businesses. The storefront is predominantly made up of glazing with only structure and decoration revealed. The upper stories consist mostly of wall with discreet window openings. New construction and rehabilitation should maintain the continuity of the multi-story buildings and the clear distinction between storefront and upper floor office or residences through facade treatment and articulation.



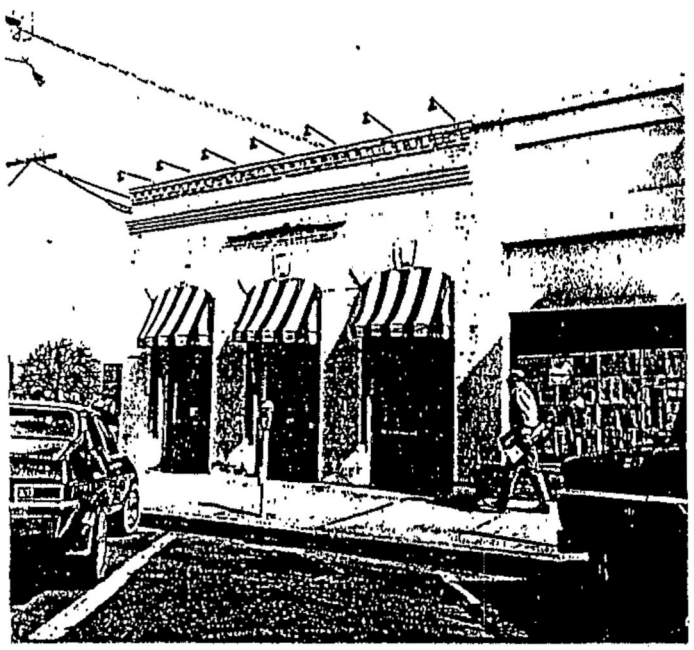
GUIDELINES:

a. Primary entrances should be recessed, glazed and oriented to the street rather than to a rear or interior alley.
b. Tiled floors are highly effective in marking the recessed entrance.
c. The use of large, clear plate glass for display windows incorporated with transom windows is recommended.
d. The use of vertical, double-hung windows; either singly or in groups is recommended on the upper levels.
e. Window bulkheads of the historic type are recommended.
f. Identify and retain fragments such as earlier window systems and no longer used door locations which evoke a sense of the building's history.
g. The use of historic photographs for reference is recommended.
h. Development and adoption of a Facade Improvement Plan is recommended.

COMMERCIAL HISTORIC DISTRICT

AWNINGS

Awnings provide a "ceiling" for pedestrian traffic which helps to give a sense of enclosure to the street and protection from the elements. New construction and rehabilitation should maintain the horizontal datum line along the street, resulting from awnings which enliven the street, making it pedestrian friendly.



Photograph showing the appropriate use of fabric awnings; awnings fit within the window bay.

GUIDELINES:

a. The use of historic photographs is recommended for reference replacement of awnings and canopies.
b. Awnings and canopies should fit within window bays so as not detract from architectural features of the building.
c. Awnings and canopies should not obscure transom windows abo display windows.
d. Retractable fabric awnings were used historically and a recommended, as they add variety to the streetscape because th can be adjusted to varying conditions, such as light and weather
e. Awnings should have a slope of no more than 45 degrees.
f. The color of the awning should be compatible with the building.
g. Flat, horizontal metal canopies suspended by chains or rods, original, should be used as they provide cover for pedestrians a shade within the store.
h. The use of internally illuminated, plastic, barrel awnings a prohibited as they detract from architectural features wi incompatible materials that are out of scale.

COMMERCIAL HISTORIC DISTRICT

SIGNS

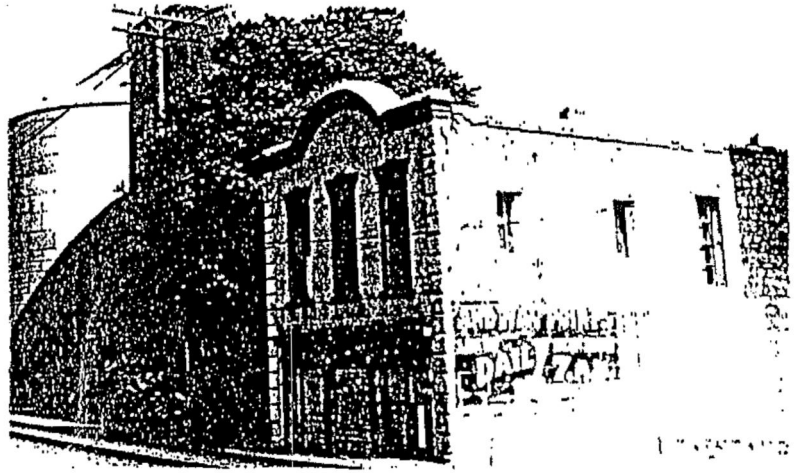
Signs should not be the dominant feature of a building or site, yet they are a key component in identifying businesses and contributing to the livelihood of the street with their individuality. New construction and rehabilitation should maintain a system in which signs identifying businesses are visible to both pedestrian and automobile traffic without detracting from the architecture or overpowering the streetscape.



Example of product sign that gives character and history to the building.

GUIDELINES:

a. Wall signs, window signs, canopy and projecting signs attached to buildings should be compatible in scale, without obscuring the architectural features.
b. Window signs should be at eye level to entice the pedestrian.
c. The window background should be treated as if it is a black surface in order for a painted sign to be readable.
d. The use of gold leaf window signs at an appropriate scale is recommended.
e. Hanging signs using front lighting are recommended.
f. Historic product signs painted on building sides should be preserved when possible, as they contribute to the character of the commercial area.
g. The use of historic photographs for reference is recommended.
h. Murals are not recommended on primary, secondary, and historic buildings as they lessen the integrity of the architecture and damage the building surface.
i. Free standing sign faces are not recommended.
j. Plastic sign faces are not recommended.
k. Can signs are not recommended.



Historic photograph showing the use of hanging and window signs.

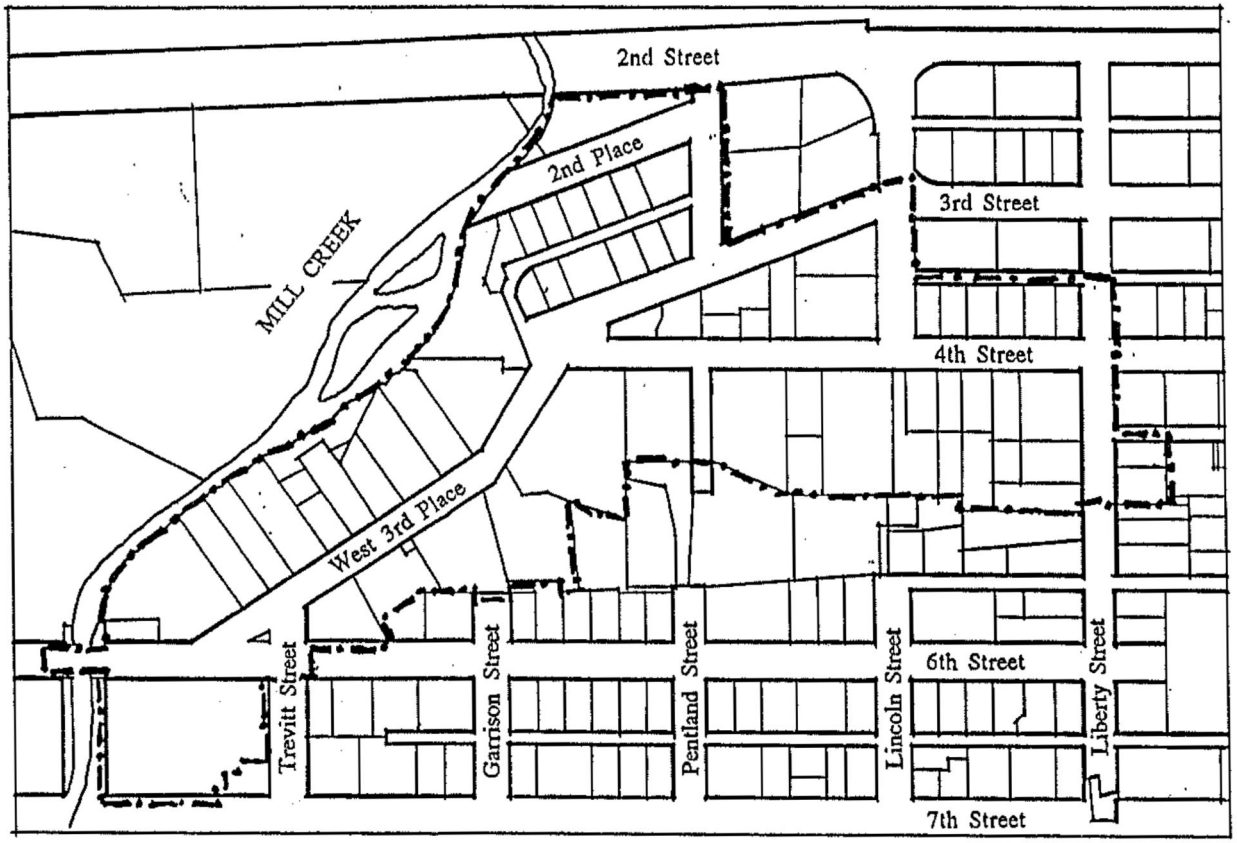
HISTORY OF TREVITT'S ADDITION

Trevitt's Addition was one of the first areas platted in The Dalles in 1860 by Victor Trevitt who had purchased the Donation Land Claim in 1855. Victor Trevitt was born in 1827 in New Hampshire. In his late teens he ran away from home to live with an uncle in Ohio where he learned the printer's trade at the *Ohio Statesman*. In 1846 Trevitt enlisted in the U.S. Army and was discharged a year later. He slowly moved to the west ending up in Oregon City where he worked for a local newspaper until he came to The Dalles in 1854. Trevitt was involved in various businesses and activities over the years. He owned several saloons in the 1860's, the Trevitt and Crown Saloon and the Mt. Hood Saloon. He also fought in the Yakima Indian Wars from 1855 until 1856. He was known for his "gentleman" like quality, gift of gab, and well-groomed appearance.

In 1858 he was appointed to The Dalles City Council and in 1859 he was elected as a state representative. From 1868 to 1872 he served as a state senator for Wasco County. Trevitt was known for being responsible for passing a bill that renounced the 14th Amendment, which gave rights to African Americans. However, he was a supporter of equal rights for Native Americans.

After serving his term he returned to The Dalles. The worsening financial times of the 1870's affected both Victor Trevitt and The Dalles. After marrying Mary Wortley Hunt Miller in 1882 Trevitt moved to San Francisco because of health problems. However, within a year he had died at the age of 56 and his body was returned to The Dalles and buried on Memaloose Island. Memaloose means "dead" in Chinook, the island was the burial place for the Native Americans. Trevitt wished to be buried there because he respected the Native Americans for their honesty, however, the Native Americans removed their burial grounds from the island after Trevitt's burial. Trevitt died before the completion of the railroad and never saw the economic gains in The Dalles that resulted.





TREVITT'S ADDITION
HISTORIC DISTRICT

DISTRICT BOUNDARY

BUILDING DESCRIPTIONS

The primary period of significance for Trevitt's Addition is 1864-1902. This marks the earliest settlement and development of the residential areas and the commercial core. The secondary period of significance is 1903-1937 which is due to changes resulting from the motor age, electricity and telephone systems.

This section is written to help owners identify the style of their home (see also Trevitt's Addition District Nomination) and enable them to better understand the unique features that contribute to the overall building shape and detailing. A description of the predominant styles from Trevitt's Addition is given, along with examples from the district which are listed by their historic names.

The historic homes in the Trevitt's Addition fall into a broad range of styles. Not every home will fit within a specific style, some buildings may combine features of several styles, as well as being in a vernacular form. The following definitions are taken from A Field Guide to American Houses by Virginia and Lee McAlester (see Appendix B, Bibliography).

GOTHIC REVIVAL (1840-1880) - steeply pitched roof, usually with steep cross gables (roof normally side-gabled, less commonly front-gabled or hipped; rarely flat with castellated parapet); gables commonly have decorated vergeboards; wall surface extending into gable without break (eave or trim normally lacking beneath gable); windows commonly extend into gables, frequently having pointed-arch (Gothic) shape; one-story porch (either entry or full-width) usually present, commonly supported by flattened Gothic arches.
EXAMPLE: Schmidt House, c. 1878



TREVITT'S ADDITION

ITALIANATE (1840-1885) - two or three stories (rarely one story); low-pitched roof with widely overhanging eaves having decorative brackets beneath; tall, narrow windows, commonly arched or curved above; windows frequently with elaborated crowns, usually of inverted U shape; many examples with a square cupola or tower.
EXAMPLE: Thornbury House, c. 1880



QUEEN ANNE (1880-1910) - steeply pitched roof of irregular shape, usually with a dominant front-facing gable; patterned shingles, cutaway bay windows, and other devices used to avoid a smooth walled appearance; asymmetrical facade with partial or full-width porch which is usually one story high and extended along one or both side walls.
EXAMPLE: Bennett House, c. 1899



TREVITT'S ADDITION

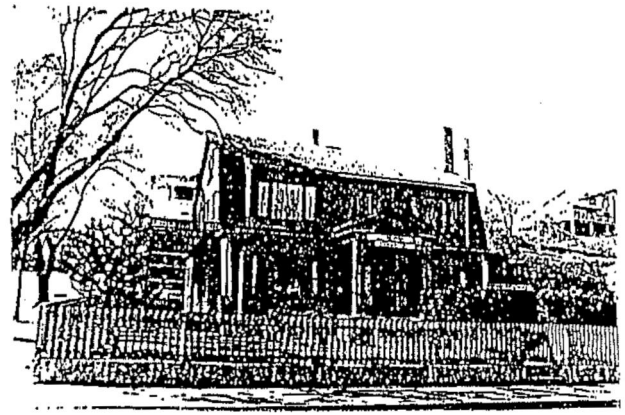
MISSION (1890-1920) - mission-shaped dormer or roof parapet (these may be on either main roof or porch roof); commonly with red tile roof covering; widely overhanging eaves, usually open; porch roofs supported by large, square piers, commonly arched above; wall surface usually smooth stucco.
EXAMPLE: Vogt Hall, 1921



FALSE THATCHED ROOF (1890-1940) - this rare but very distinctive subtype of the Tudor attempt to mimic with modern materials the picturesque thatched roofs of rural England. Typically, composition roofing materials are rolled around eaves and rakes to suggest a thick layering of thatch. The original composition materials frequently had irregular surface textures, also suggesting thatch, but these have usually been replaced by later coverings with regular shingled patterns. Such roofs were occasionally used on Tudor houses of all types, from modest cottages to grand landmarks.
EXAMPLE: Stadelman House, 1925



DUTCH COLONIAL REVIVAL (1895-1915) - About 10 percent of Colonial Revival houses have gambrel roofs. Most are one story with steeply pitched gambrels containing almost a full second story of floor space; these have either separate dormer windows or a continuous shed dormer with several windows. A full-width proch may be included under the main roof line or added with a separate roof. This subtype is known as Dutch Colonial, but very few examples closely follow early Dutch precedent. From about 1895 to 1915 the most common form has a front-facing gambrel roof, occasionally with a cross gambrel at the rear. These are influenced by the typical gambrels of the earlier Shingle style. Side gambrels, usually with long shed dormers, became the predominant form in the 1920's and 30's.
EXAMPLE: Bonn House, c.1920



CRAFTSMAN (1905-1930) - low-pitched, gabled roof (occasionally hipped) with wide, unenclosed eave overhang; roof rafters usually exposed; decorative (false) beams or braces commonly added under gables; porches, either full- or partial-width, with roof supported by tapered square columns; columns or pedestals frequently extend to ground level (without a break at level of porch floor).
EXAMPLE: Schanno House I, 1918



TREVITT'S ADDITION

NORMAN FARMHOUSE (1915-45) - a subtype of the "french eclectic" which is characterized by tall, steeply pitched hipped roof (occasionally gabled in towered subtype) without dominant front-facing cross gable; eaves commonly flared upward at roof-wall junction; brick, stone, or stucco wall cladding sometimes with decorative half-timbering.
EXAMPLE: Hudson House, 1937



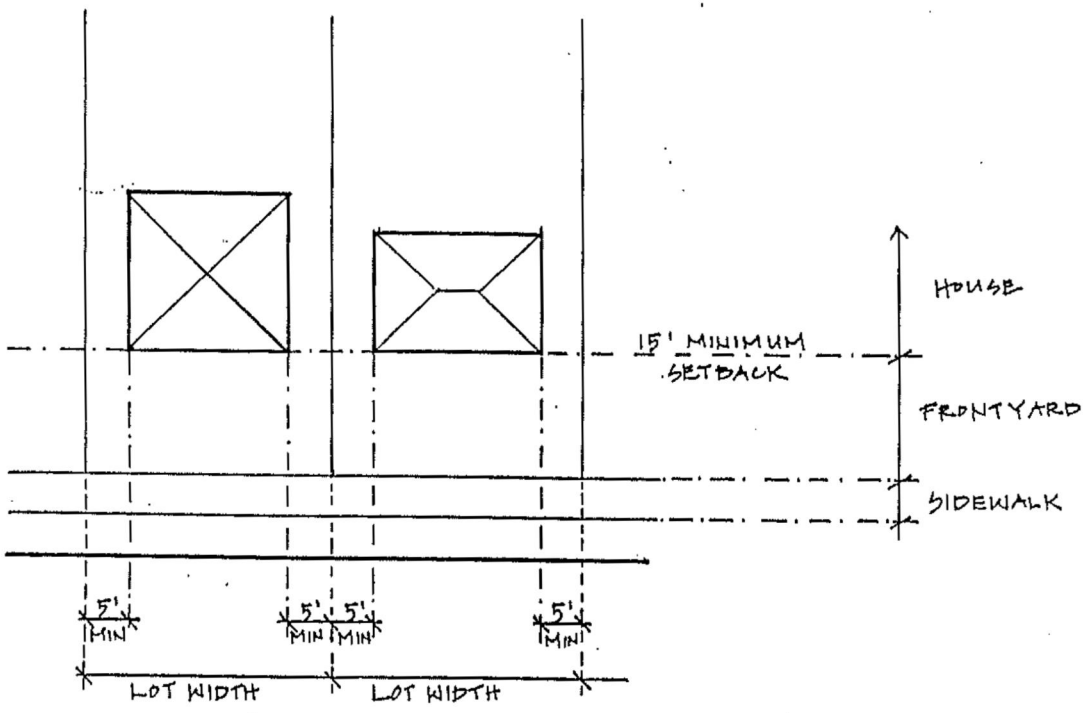
SPANISH ECLECTIC (1915-1940) - one story (less commonly two stories) with low-pitched or flat roof; thick masonry walls of adobe brick or rubble stone (usually covered with protective stucco); originally with multiple external doorways and few small window openings, which were closed from the interior by solid wooden shutters; except in reconstructions, most such early windows have been altered to accommodate double-hung, glazed sashes and trim.
EXAMPLE: Coberth House, c. 1927-28



TREVITT'S ADDITION

LANDSCAPING

Yards in the Trevitt's Addition vary as a result of the topography and in general the houses are setback from the sidewalk in contrast with the commercial district. They have three zones; sidewalk, front yard and house. New construction and rehabilitation should maintain the alignment of houses in the district and the historic character of the yards.

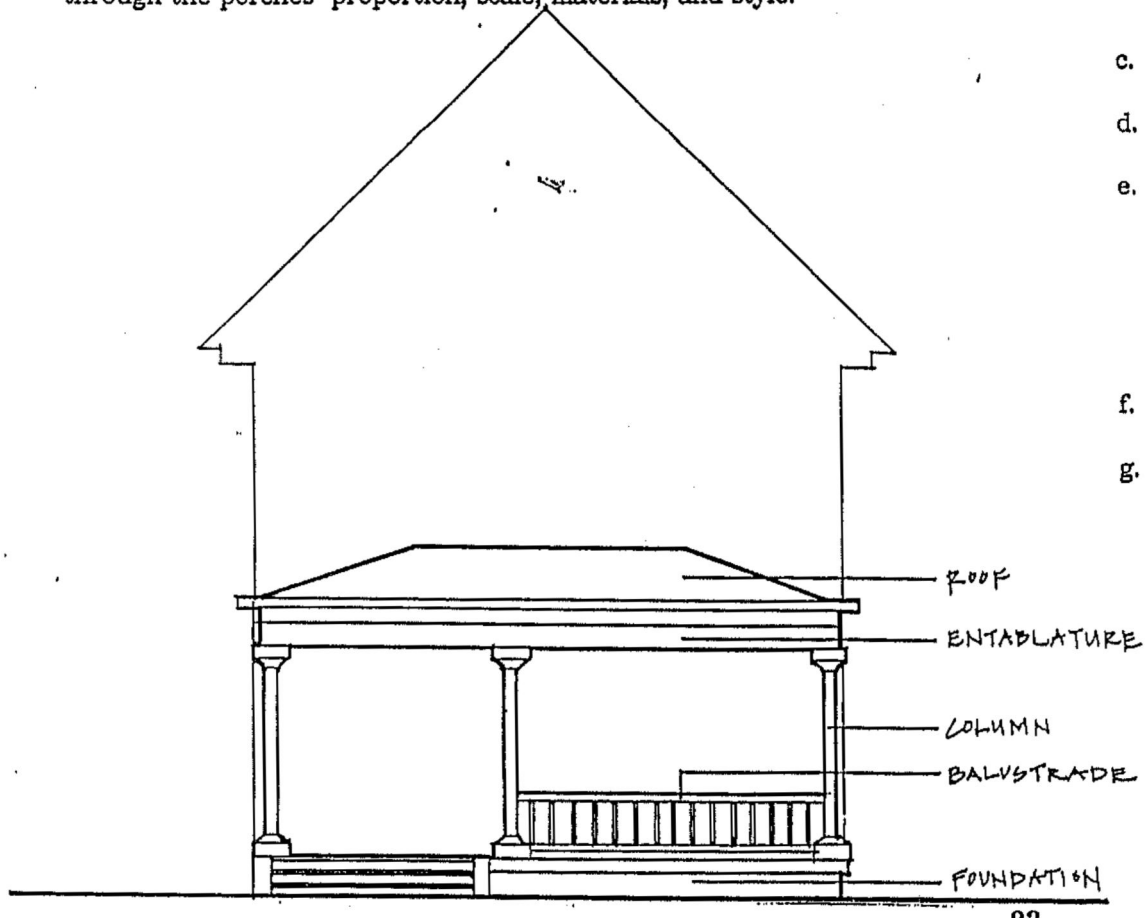


GUIDELINES:

a. New construction should be set back from the street property line a minimum of 15 feet.
b. Street facing portions of the property should be preserved so that the public's visual access is not obstructed.
c. Shrubs, trees, and foundation plantings should not dominate the appearance of the house; rather, they should be complimentary and highlight important features of the building.
d. Preserve and maintain all mature landscaping, remove only if diseased or presenting a life safety hazard.
e. New construction should keep landscaping low near the building using flowers and low shrubs with larger plants and trees further away from the building.
f. In choosing landscaping elements the following should be considered:
   style of house
   climate appropriate plantings
g. Use of fences is recommended provided they are in keeping with the style of the house and the scale of the neighborhood.
h. The use of historic photographs for reference is recommended.

PORCHES

Porches are a prevalent aspect in Trevitt's Addition and they vary from small stoops to grand verandas. The porch is an integral part of the home in that it serves as both a functional and decorative element. It provides the transition from outdoor to indoor, public to private. New construction and rehabilitation should retain the neighborhood's historic character through the porches' proportion, scale, materials, and style.

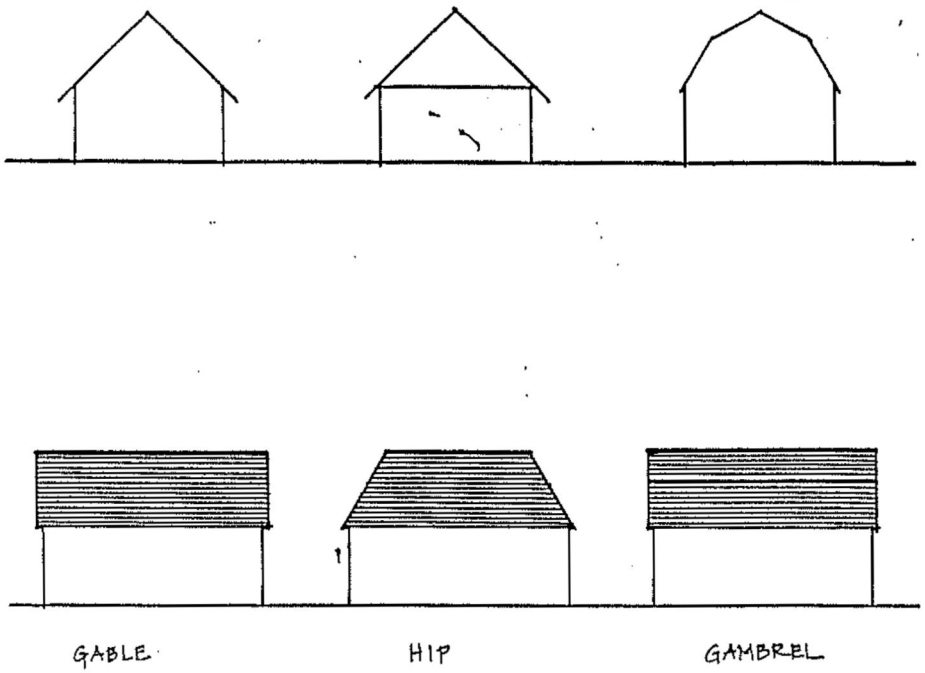


GUIDELINES:

a. Preservation of defining features such as columns, entablature railings and other details is important to maintaining the overal character of the house.
b. When original elements are too damaged to restore or rehabilitate, the materials and craftsmanship used to repair the porch should replicate the original construction (see page 2, Secretary of the Interior's Standards for Rehabilitation).
c. When adding or remodeling a porch on a historic home the use o photographs for reference is recommended.
d. Retain all representative distinctive damaged material as a future record.
e. Preventive maintenance can help avoid costly repairs. Annual inspection should include checking:
   - proper roof drainage
   - integrity of roofing material
   - blistering paint (water leakage)
   - damp areas
   - substructure for water and insect damage
f. New construction should use a simple design with hip or shed roo with simple posts and handrails.
g. The following materials are prohibited:
   - corrugated fiberglass
   - metal siding
   - wrought iron porch supports
   - prefabricated trellis
   - plywood
   - exposed concrete block

ROOFING

Roof forms contribute to the character of Trevitt's Addition in their form. They are predominantly gables with an assortment of gambrels and hips. New construction and rehabilitation should maintain the residential nature of the roof forms of the historic neighborhood.



GUIDELINES:

a. Wherever possible preserve, repair and protect existing materials and forms (see page 2, Secretary of the Interior's Standards for Rehabilitation).
b. New construction should use roof forms that are consistent with the residential buildings in the neighborhood.
c. Gable, hip, and gambrel roof forms are recommended.
d. Flat roof forms for new construction are not recommended and are usually associated with commercial buildings.
e. Both new construction and rehabilitation should use wood or asphalt shingles.
f. Metal roofing and wood shakes are not recommended, unless original (St. Peter's Catholic Church).
g. If replacement or repair is necessary, retain a portion of original roofing for future information.
h. The use of historic photographs for reference is recommended.

TREVITT'S ADDITION

SIDING

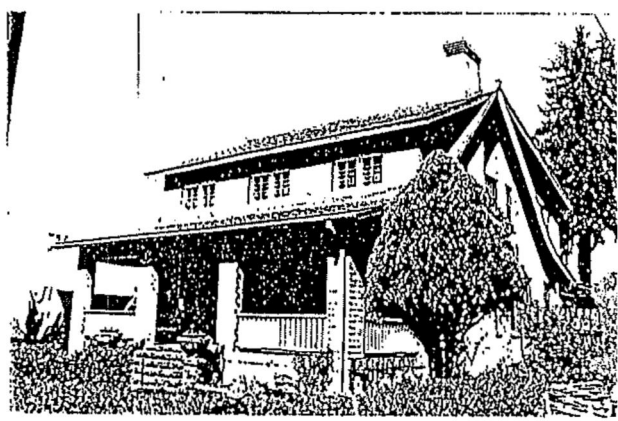
The sense of cohesiveness and continuity of Trevitt's Addition derives in part from the consistent use of building materials in building facades: horizontal wood siding, brick, and stucco. New construction and rehabilitation should use materials that provide scale and relate to the historic residential character.

GUIDELINES:

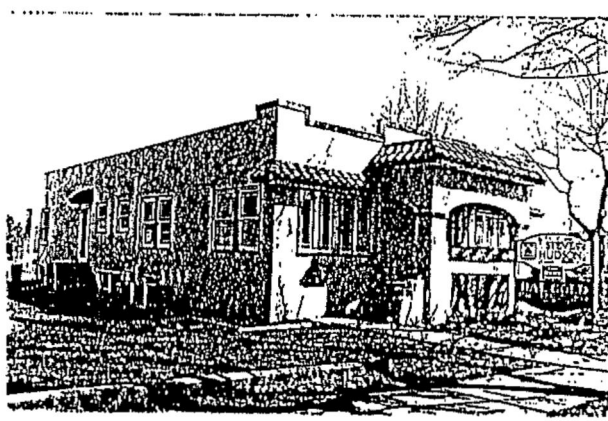
a. Wherever possible preserve, repair and protect existing materials (see page 2, Secretary of the Interior's Standards for Rehabilitation).
b. If necessary, siding should be replaced with in-kind materials (see page 2, Secretary of the Interior's Standards for Rehabilitation).
c. The use of materials appropriate to the building style is recommended.
d. Be consistent with the original siding in terms of style and exposure.
e. When replacing shingle siding it is recommended to use shingles with the same texture, exposure, pattern and to install with the same construction technique.
f. In general all buildings should have wood siding that is painted.
g. For new construction the use of stucco, brick and wood siding is recommended.
h. The use of aluminum, vinyl and plywood siding is prohibited.



Example of horizontal wood siding.



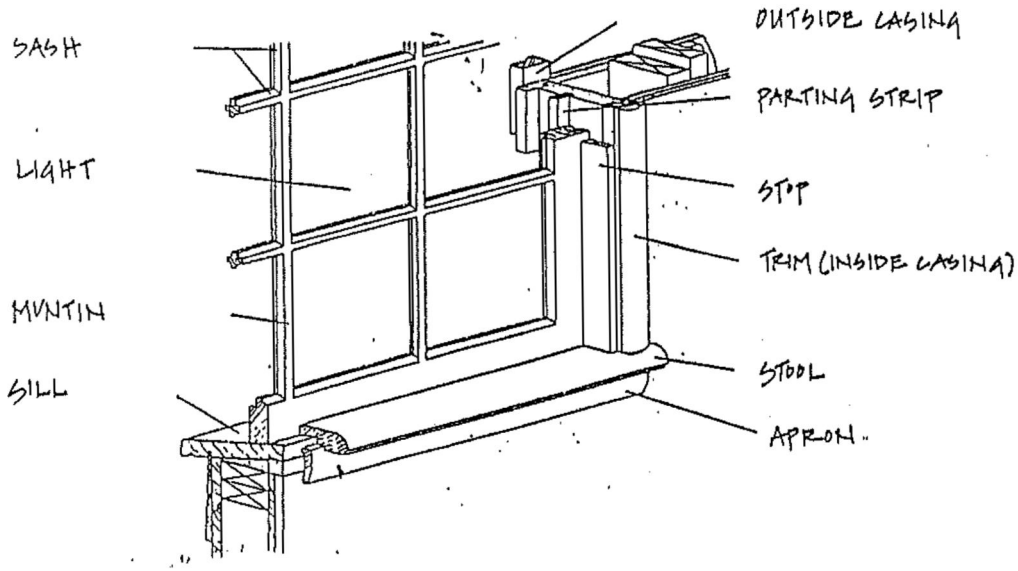
Example of brick.



Example of stucco.

WINDOWS & DOORS

Windows and doors serve in giving character to the American house. They provide proportion and scale to the elevation. In Trevitt's Addition windows are predominantly double-hung sash. Door styles vary throughout the neighborhood. New construction and rehabilitation should try and preserve the historic character of the windows and doors through proportion, scale, and rhythm.



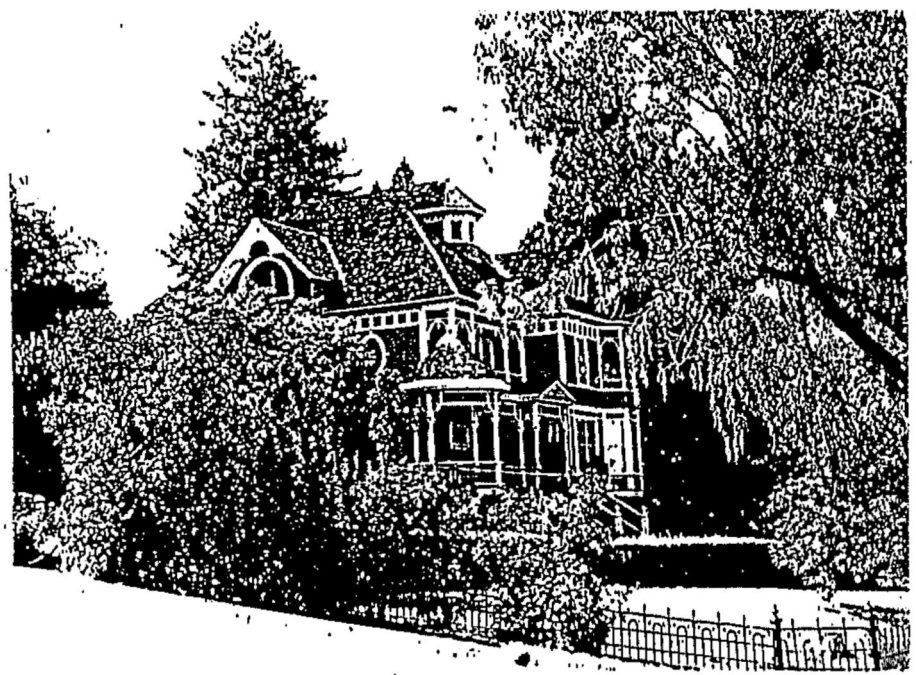
PARTS of a WINDOW

GUIDELINES:

a. When dealing with historic windows and doors it is best to repair before replacing (see page 2, Secretary of the Interior's Standards for Rehabilitation).
b. Replacement of the original windows and doors is not recommended. However, when replacement is necessary the material, size, proportion, scale, and detail of the original should be matched in order to preserve the historic integrity.
c. Original muntin configuration should be kept as it gives scale and proportion to the overall reading of the window.
d. If no original material exists the use of historic photographs is recommended.
e. The use of thermal shutters and shades is recommended for weatherization as it does not effect the original windows, providing a non-impacting solution.
f. Interior storm windows are recommended.
g. Weatherstripping and caulking should be checked regularly to ensure good weatherization.
h. New construction should use double-hung, one over one, or two over two windows with simple flat trim.
i. The use of vinyl windows is not recommended.
j. Reflective glass is prohibited.

COLOR

Trevitt's Addition has a varied range of building colors which contributes to the liveliness of the neighborhood. New paint should maintain an overall image of variety, without providing a strict palette, allowing for flexibility and freedom, which created the current appearance of the neighborhood.



GUIDELINES:

a. Research and replication of original paint colors is recommended.
b. As a rule it is recommended that three colors be used:
   darkest-window sash
   medium-building
   lightest-trim, detail
c. In choosing a color scheme for a house, consult the local hardware stores which have historic paint palettes for suggested styles.
d. In general earth tones are recommended.
e. Lighter colors used for smaller homes help to give them more presence.
f. Houses should use varying color palettes in an effort to retain the sense of variety in the neighborhood.



Two examples of residential homes using the three color palette.

APPENDIX A

RESOURCES

Wasco County Historical Society
300 W. 13th Street
The Dalles, OR 97058
(503) 296-1867

Wasco County Historical Museum
203 W 4th Street
The Dalles, OR 97058
(503) 296-6686

National Mainstreet Center
National Trust for Historic Preservation
1785 Massachusetts Ave, NW
Washington, DC 20036
(202) 673-4271

Western Regional Office
National Trust for Historic Preservation
One Sutter Street, Suite 707
San Francisco, CA 94104
(415) 956-0610

State Historic Preservation Office (SHPO)
1115 Commercial Street, NE
Salem, OR 97310-1001
(503) 378-5001

Historic Preservation League of Oregon (HPLO)
P.O. Box 40053
Portland, OR 97240
(503) 243-1923

Oregon Economic Development Department
775 Summer, NE
Salem, OR 97310
(503) 986-0066

Bosco Milligan Foundation
P.O. Box 14157
Portland, OR 97214
(503) 231-7264

Oregon Historical Society
1200 SW Park Avenue
Portland, OR 97205
(503) 222-1741

APPENDIX B

BIBLIOGRAPHY

Bowsher, Alice Meriwether. Design Review in Historic Districts, A Handbook for Virginia Review Boards, 1978.

Dodds, Linda and Ted Schneider. "The Dalles Commercial Historic District," National Register of Historic Places Nomination, 1985.

Donovan, Sally. "Trevitt's Addition Historic District National Register Nomination, 1994.

Keeping Up Appearances. *Storefront Guidelines*. National Trust for Historic Preservation, 1983.

McAlester, Virginia & Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, 1991.

National Park Service. The Secretary of the Interior's Standards for Rehabilitation (Revised), 1989.

Phillips, Steven J. Old-House Dictionary, An Illustrated Guide to American Domestic Architecture (1600-1940). Lakewood, CO: American Source Books, 1989.

Pregliasco, Janice. Developing Downtown Design Guidelines. California Main Street Program, 1988.

APPENDIX C

GLOSSARY

addition/removal- The addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a historic resource designated pursuant to this ordinance.

alteration- See addition/removal, new construction, relocation.

architectural significance- Means a resource (1) embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or (2) is a representative of the notable work of a builder, designer, or architect.

building- Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or article. Examples of buildings include houses, barns, stables, sheds, garages, courthouses, city halls, social halls, schools, stores, churches, etc.

cornice- The projection at the top of a wall; the top course or molding of a wall when it serves as a crowning member.

demolition- To raze, destroy, dismantle, deface, or in any other manner, cause partial or total ruin of a designated historic resource, including the destruction of any non-historic resource within a designated historic district.

district- A geographic area possessing a significant concentration, linkage, continuity or design relationship of historically significant sites, structures, landscape features, or objects unified by past events or physical development. Examples of districts include college campuses, central business districts, residential areas, commercial areas, industrial complexes, civic centers, etc.

facade- The principal face or front elevation of a building.

historic landmark- A historic resource that has been so designated by The Dalles Historic Landmarks Commission (HLC) due to findings of significance.

historic resource- See building, district, landscape, object, site, and structure.

historical significance- Means a resource (1) exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; (2) is identified with persons or events significant in local, state, or national history; or (3) is prehistoric.

landscape- The natural and/or built environment, setting, or composition. Examples of landscapes include trees, vines, gardens, fountains, reflective pools, art work, walls, etc., and often the combination of several such elements.

new construction- The construction of a new building within a designated historic district.

object- A significant physical element within the environment that can be seen and recorded. Examples of objects include sculpture, monuments, boundary markers, statuary, and fountains.

parapet- A low wall or protective railing; often used around a balcony or balconet, or along the edge of a roof.

preservation- Is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

rhythm- An ordered recurrent alternation of strong and weak elements.

relocation- The process of removing and relocating a designated historic resource, including the removing and relocating of any non-historic resource within a designated historic district.

reconstruction- Is the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

rehabilitation- Is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

restoration- Is the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

scale - Created by the size of units of construction and architectural detail which relate to the size of man.

site- A physical place of significance. Sites can include rock shelters, village sites, hunting and fishing sites, petroglyphs, rock carvings, ruins, campsites, sites of treaty signings, cemeteries, designed landscapes, natural features, and land areas having cultural significance.

structure- Anything constructed or erected which requires location on, within or above the land. Examples of structures include bridges, tunnels, canals, dams, power plants, silos, roadways, grain elevators, mounds, boats and ships, railroad locomotives and cars, aircraft, etc.

transom windows- A small window or series of panes above a door, or above a casement or double-hung window.

APPENDIX D

ORDINANCES

A. Historic Ordinance
B. Sign Ordinance

Copies of these ordinances can be reviewed at the Community Development Department at City Hall, 313 Court Street.



Oregon City Sign Code Update: Amendments to Existing Policies

L 14-01: Legislative Planning File

Introduction

Oregon City's sign code is located in Chapter 15.28 of the Oregon City Municipal Code (OCMC). The code regulates the location, number and size of signs in Oregon City. The sign code governs when a sign permit is required, specifies prohibited signs, and exempts various types of signs from review. A majority of Oregon City's current sign code was adopted in 1994 (Ord. 94-1027). A minor amendment in 2005 added OCMC 15.28.075 – *Signs for listed conditional uses in residential zones* (Ord. 05-1002).

Goal 3 of the 2013-2015 Goals and Priorities of the Oregon City, City Commission includes "Enhance the Livability of the Community". Under this goal, the City Commission identified a need to initiate an aggressive public involvement campaign to update the Oregon City Sign Code. More specifically the goal included the following tasks:

- Complete RFP for public outreach facilitator
- Review, revise, and adopt associated code amendments

After nearly 20 years without a significant change, the City has partnered with the community and proposed a comprehensive rewrite of the City's sign code to create new sign standards that are safe, clear, fair and protect and enhance public health, safety, welfare and property. In order to properly implement the draft sign code, two existing policies will be amended by resolution of the City Commission and the Arts Commission will have to be reconvened.

Policies:

Adoption of a Revised Policy for Cross Street Banners and Signs on Street Light Posts

Currently, the existing sign code does not provide standards for signage within the public right-of-way. The proposed amendments include standards and processes in OCMC 15.28.100 to allow A-frame signage, cross-street banners and banners on street light poles within the right-of-way. The Public Works Department currently utilizes existing policy (Exhibit 1) to provide guidance for cross street banners and banners on light poles within the right-of-way. The policy has been updated to align with the proposed code amendments to provide clear guidance for signs in the right-of-way (Exhibit 2).

Adoption of New Historic Review Board Policies

The Historic Review Board (HRB) currently has in place policies that specify the criteria for construction within a historic district or at an individually designated historic landmark (Exhibit 3). The proposed sign code would allow public murals under OCMC 15.28.090. As murals are currently not allowed, additional Historic Review Board Policies are needed to clarify the standards for murals subject to the Historic Overlay District (Exhibit 4). The following new policies are proposed:

HRB Policy #11- Maintenance

Painting previously painted surfaces is considered maintenance and does not require approval.
Rationale for Policy: The policy is currently unwritten but is utilized by City staff.

HRB Policy #12- Public Murals

Public murals are allowed under chapter 15.28 of the Oregon City Municipal Code and the standards identified below.

- Painting or repainting public murals are not considered maintenance. Public murals shall be approved by the Historic Review Board as required by OCMC 17.40.060.

- The public mural shall be consistent with the adopted design guidelines for exterior alterations and the Secretary of Interior standards for rehabilitation.
- Public murals cannot compete with the architecture of the building. Public murals must be placed on a secondary building façade and may not be placed on the front elevation of the structure.
- Removal of the public mural will not adversely affect the historic structure.

Rationale for Policy: The policy clarifies the criteria that the Historic Review Board will apply to determine compliance for new murals subject to the Historic Overlay District.

The policies will be reviewed and adopted by the Historic Review Board once the proposed sign code is adopted by the City Commission.

Reestablishment of the Arts Commission

The proposed sign code relies on the formation of an Arts Commission to review public murals based upon the standards in OCMC 15.28.090. The Arts Commission is established in Chapter 2.26 of the Oregon City Municipal Code (Exhibit 5) but is currently not actively meeting. City staff is currently working to reconvene the Arts Commission. Planning staff recommends the City Commission appoint the Planning Commission as the Arts Commission in order to process public mural applications if needed until the Arts Commission reconvenes. The Arts Commission is expected to reconvene in 2015.

As identified in proposed 15.28.030.H, public murals identified on the Oregon City Existing Mural List are exempt from the code. The list of exempted murals is identified in Exhibit 6.

Conclusion

The following items are being provided to the Planning Commission as background on items associated with the sign code. The City Commission will review the funding associated with the education and enforcement of the sign code as well as all of the associated Resolutions.

Exhibits

1. Current Policy for Signs in the Right-of-Way
2. Proposed Signs in the Right-of-Way Policy
3. Current Historic Review Board Policies
4. Proposed Historic Review Board Policies
5. OCMC Chapter 2.26 Arts Commission
6. Oregon City Existing Mural List

OREGON CITY

Public Works - Operations

122 South Center Street | Oregon City OR 97045
Ph (503) 657-8241 | fax (503) 650-9590

OREGON CITY BANNER POLICY
REVISED 2013

PURPOSE

Currently, the City Code allows the installation of temporary banner(s) only upon the approval of the City Manager or his designee. This policy establishes universal guidelines for all City staff to follow when considering requests to display banner(s) within Oregon City's public right-of-way.

APPLICABILITY

This policy applies to all banner(s) installed in the public right-of-way within the city limits of Oregon City. Traffic control devices are exempt from this policy.

IN GENERAL

A. **Banner(s) Definition.** Any banner, cross street banner, pennant, light pole banners, valance, flag, and/or seasonal decoration display constructed of cloth, canvas, light fabric, or other materials with or without frames intended to be attached to City street light poles, Portland General Electric (PGE) power poles, and/or Oregon Department of Transportation (ODOT) bridges, and intended to be displayed for a limited period of time.

B. **Applicant.** Banner applications shall be accepted from local organizations that promote activities for neighborhood beautification, cultural and historical events, community fundraiser, youth events and public involvement. Banner applications will generally be processed and approved on a "first come, first serve" basis, however approval priority may be given to City events or events that have received sponsorship through the Metro Enhancement and/or Oregon City Civic Improvement grant process. Banner applications shall comply with the following criteria:
   a) **A minimum of two weeks prior to the desired banner(s) installation date**, the applicant shall submit a completed City Banner Application/Permit Form.
   b) Applicant shall apply, obtain, submit, and comply with the approved Portland General Electric (PGE) permit when applicable.
   c) Applicant shall apply, obtain, submit, and comply with the approved "ODOT Banner Requirements" when applicable.
   d) Applicant shall pay the City's banner application administrative fee.
   e) For light pole banners(s) the applicant shall provide the City with a marked up location map showing the applicant's preference for banner locations. Note: Street light banner locations cannot be guaranteed.
   f) Cleaning and structural repairs to banner(s) are the responsibility of applicant. All banners must be clean and in good condition when delivered for installation each season.

C. **Banner Permit.** The City reserves the right to deny the issuance of Banner Permits for any reason. Banner Permits shall be issued by the City Manager or his designee for the installation of the banner(s) when the following criteria are met:
   a) Applicant has complied with all banner policy requirements.
   b) Applicant's signed City Banner Application/Permit Form has been reviewed and approved by City Manager or his designee.
   c) Applicant has provided a Certificate of Insurance as specified in the permit.
   d) Applicant has paid all fees including the Banner(s) Installation/Removal Fee(s).

D. **City Responsibility**. Banner(s) shall be installed, re-secured, and removed by the City. The City reserves the right to change, withdraw, or remove the approved banner(s) at any time after the installation.

E. **Banner Requirements**. Banner(s) within the public right-of-way and/or ODOT right-of-way for which a permit has been issued under this policy, may be installed with the following applicable requirements met:

1. The following requirements shall apply to all banner(s):
   a) Banner(s) display periods shall typically not exceed 21 consecutive days in duration and no more than three times in any 12-month period. The City Manager or his designee may extend or shorten the duration of the banner display period and the frequency based on the demand for banner needs by applicants of other events. Exceptions may also be made for banners owned by public agencies for banners of a decorative intent.
   b) Demand for banner locations is high. The City will work to accommodate event schedules to the extent reasonable and will strive to meet the standards established in this policy. However, if the banner demand exceeds the time available for installation and take down, or the availability of hanging locations is limited, the City may be required to find a compromise that may not be completely consistent with the applicants approved permit or preference.
   c) Applicant shall provide a description and date of event, sketch of banner layout, content of banner, desired banner location, banner material, support/attachment material, and desired dates for banner installation and removal.
   d) Banner(s) may contain the name, date and time, and general location of the event.
   e) Banner(s) **may not include** any advertising, commercial message, brand, logo and/or product name, or other information that can be construed as an advertisement for a private business. Public agencies are exempt from this restriction.
   f) Banner(s) shall be located within a five-mile radius of the event or as approved by the banner permit.
   g) Applicant shall provide a description of special provisions for the banner(s) where applicable.
   h) Applicant shall provide banner(s) and all support/attachment material for each banner as required.
   i) Banner(s) shall not materially impair the purposes of the City's Sign Code. Seasonal decorations installed within the public right-of-way shall be considered to be such banner(s). The impact to the surrounding area at the banner location from lighting such banner(s) shall be reviewed during the application process.
   j) City staff shall remove banner(s) within five (5) business days of the permit removal date.
   k) Applicant shall provide a certificate of insurance for general liability naming the City of Oregon City, its officers, agents, and employees, as additional insured's for the project and include any other facility owners if applicable [i.e., State of Oregon (ODOT) and PGE].
   l) Applicant shall sign banner permit, which includes the indemnification and hold harmless agreement and the insurance requirements.
   m) All banner(s) shall be two (2) sided with the exception of the ODOT location at Highway 99E/Pedestrian Bridge.
   n) Banner construction shall be in accordance with the banner construction standard listed herein (Section G) and the details shown on Exhibit 1.

2. The following additional requirements shall apply to all banner(s) located on City street light poles:
   a) If the applicant has specific location preferences, the applicant shall include a street light location map indicating the areas of preference.
   b) Applicant shall provide support/attachment material for the installation of each banner and as specified on the approved banner permit. Typically, plastic ties of suitable size shall be designated on the application for attachment of banner(s) to street light poles.

3. The following additional requirements shall apply to all cross street banner(s) locations; one located on ODOT facilities at Highway 99E/Pedestrian Bridge, and one located on PGE power poles #412 and #413 on Molalla Avenue at Beverly Drive:
   a) Banner(s) shall not be installed or will be removed prior to removal date if the banner(s):

(i) Interfere with, imitate, or resemble any official traffic control device or appear to attempt to direct the movement of traffic;
(ii) Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices and approaching or merging traffic;
(iii) Have any lighting, unless such lighting is shielded to prevent light from being directed at the roads/highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle; or
(iv) Are otherwise traffic hazards.

4. The following additional requirements shall apply to cross street banner(s) located on PGE power poles #412 and #413 on Molalla Avenue at Beverly Drive:
   a) PGE permit must be obtained and submitted with City Banner Application/Permit Form.
   b) All PGE policies and requirements shall be met.
   c) All requirements within this policy and including cross street banner(s) requirements shall be met.

F. **Banner Locations, Application/Permit Administrative Fee, and Installation/Removal Fee**.

Banner Type / Location	Application/Permit Administrative Fee $ / Application	Installation and Removal Fee $ / Banner
City Street Light Pole Banner(s) / Various Designated Locations	$40	$25 / banner
PGE Power Poles Cross Street Banner / Molalla Avenue at Beverly Drive	$40	$210
ODOT Bridge Cross Street Banner / Highway 99E/Pedestrian Bridge	$40	$ 60

G. **Banner Construction Standards**.
   a) Banners shall be constructed in accordance with these standards and as shown on attached as Exhibit A.
   b) Banner(s) shall be made of a durable material constructed to withstand wind pressure of 20 pounds per square foot of exposed surface.
   c) For street light banners we recommend that banner material be made of two ply 12-ounce vinyl banner sheeting sewn together with a 1-1/2 inch border hem, or a commercial heat sealed hem.
   d) For cross street two sided banners we recommend two ply 22-ounce vinyl banner sheeting sewn together with a 1 ½ inch border hem, or a commercial heat sealed hem. Wind slits are recommended.
   e) Cross Street Banner support/attachment material shall be 40 feet of cord rope 1/4" diameter or, ½ inch wide flat fiber ribbon rope. Applicant provides all support/attachment material for the installation of each banner and as specified on the approved banner permit.
   f) Banner(s) shall have 20 feet minimum clearance between the bottom of banner and the roadway surface and clearance shall be maintained at all times.

SUMMARY OF BANNER APPLICATIO/PERMIT AND INSTALLATION PROCESS

To receive a permit for installation of banner(s) within Oregon City's public right-of-way and/or at the designated ODOT location, the Applicant shall follow the steps below.

BANNER APPLICATION PROCESS

1. Become familiar with the locations where banner(s) are allowed:
   - Various designated City street light poles on 7th Street, Molalla Avenue, Main Street, and Washington Street (pennant signs)
   - PGE power poles #412 and #413 on Molalla Avenue at Beverly Drive (cross street banner)
   - ODOT Highway 99E/Pedestrian Bridge (cross street banner attached to bridge)

2. If applying for a banner installation on PGE power poles #412 and #413, obtain appropriate permit from PGE and submit PGE permit with City's banner application. All PGE and cross street banner policies, requirements, and permit conditions must be met, including banner(s) size, material construction, support/attachment material, and content. The ODOT banner location shall be permitted through the City with all ODOT and cross street banner requirements met.

3. Complete City Banner Application/Permit Form **a minimum of two weeks prior to desired banner(s) installation date,** Applicant submits City Banner Application/Permit Form with payment of Administrative Fee and include the approved PGE permit when applicable. Banner Applications are processed and approved on a "first come, first serve" basis. The application must be signed by the applicant, which includes the insurance requirements and the indemnification and hold harmless agreement.

4. City reviews Banner Application/Permit Form and notifies Applicant of the approval or denial of the application.

BANNER PERMIT PROCESS

1. After the applicant is notified of their Banner Application approval, the Applicant pays Banner Installation/Removal Fee to the City and provides a Certificate of Insurance naming the City as additional insured. PGE and/or ODOT must also be named additional insured when applicable.
2. City schedules the installation of banner(s) per the Banner Permit dates.

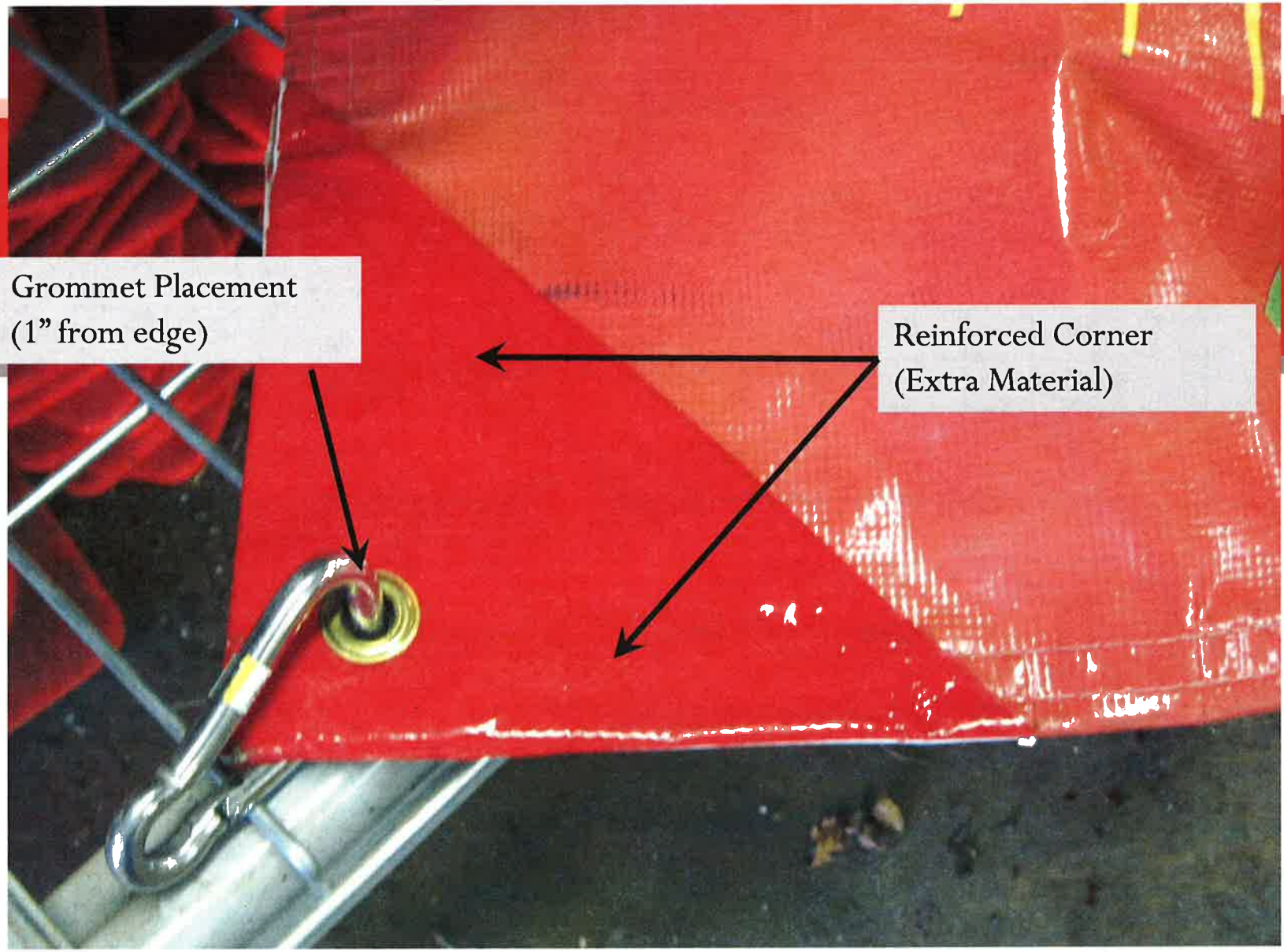
BANNER INSTALLATION/REMOVAL PROCESS

1. Provide City with banner(s) and support/attachment material as specified within banner permit.

2. City installs banner(s) per installation date specified in the Banner Permit and removes banner(s) within five (5) business days from the removal date specified in the Banner Permit.

3. Applicant shall retrieve banner(s) from the City after banner removal.

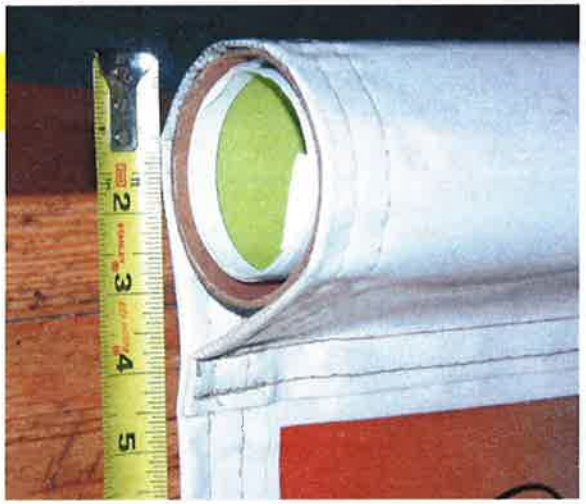
Cross Street Banner Example



Decorative Street Banner Double Arm



23" WIDE





5" Pockets to create a 4" opening

48" LONG (center of pocket to center of pocket)

52" LONG (overall)

Decorative Street Banner Single Arm



Banner Pocket 4”



OREGON CITY SIGNS IN THE RIGHT-OF-WAY POLICY
REVISED 2015

PURPOSE.
Chapter 15.28 of the Oregon City Municipal Code identifies the requirements for cross street banners. This policy establishes universal guidelines for all City staff to follow when considering requests to display banner(s) within Oregon City's public right-of-way.

APPLICABILITY.
This policy applies to all banner(s) installed in the public right-of-way within the city limits of Oregon City. Traffic control devices and government owned signs are exempt from this policy.

FEES.

Banner Type / Location	Application/Permit Administrative Fee $ / Application (one-time fee)	Installation and Removal Fee $ / Banner / Contract Period
City Street Light Pole Banner(s) / Various Designated Locations	$171.00	$20.00
PGE Power Poles Cross Street Banner / Molalla Avenue at Beverly Drive	$171.00	$20.00
ODOT Bridge Cross Street Banner / Highway 99E/Pedestrian Bridge	$171.00	$65.00

CITY RESPONSIBILITY.
Banner(s) shall be installed, re-secured, and removed by the City. The City reserves the right to change or remove the approved banner(s) at any time after the installation based on operational and/or safety conditions.

APPROVAL PROCESS.
Banners are approved on a first come first served basis. Banner applications shall comply with the following criteria:

A. A minimum of two (2) weeks prior to the desired banner(s) contract period, but no earlier than two (2) months prior to the contract period the applicant shall submit a completed City Banner Application/Permit Form and associated fee to Oregon City Public Works Department. The applicant shall demonstrate that the banner complies with all approval criteria in Chapter 15.28 of the Oregon City Municipal Code as well as the Oregon City Cross Street Banner Policy. The application shall include:
   1. A completed City Banner Application/Permit Form
   2. The sign permit application fee and installation and removal fee.
   3. Documentation demonstrating the banner complies with the standards in chapter 15.28 of the Oregon City Municipal Code and the Oregon City Banner Policy.
   4. A Certificate of Insurance as specified in the permit.
   5. Written approval from Portland General Electric (PGE) and/or the Oregon Department of Transportation (ODOT) when applicable.

DRAFT

Banner applications will be reviewed for approval when all required materials outlined within this policy are submitted. Once an application is approved, the applicant's preferred contract period may be reserved, if available. Applications are processed on a first-come, first-served basis.

B. If approved, the applicant shall provide the sign(s) to the Public Works Department for installation at least one (1) week prior to installation. The City will install the sign(s) per the approved permit.

C. The City will remove the sign(s) and make the sign(s) available for retrieval by the applicant within two weeks of removing the sign.

PERMIT.

A permit is required each time a light pole or cross street banner is installed. Permits shall be issued by the City's Sign Official or their designee for the installation of the banner(s) when the following criteria are met:

A. Applicant's signed City Banner Application/Permit Form has been reviewed and approved by the City's Sign Official or their designee.
B. Applicant has demonstrated compliance with chapter 15.28 of the Oregon City Municipal code and the Oregon City Banner Policy.
C. Applicant has provided a Certificate of Insurance for general liability for a minimum of $1 million naming the City of Oregon City, its officers, agents, and employees, as additional insured's for the sign placement.
D. If the sign is owned by a business, the business shall have a valid business license, if applicable as determined under the criteria set forth in Oregon City Municipal Code Chapter 5.04.
E. Applicant has obtained and provided copies of approval from any other applicable entity such as Portland General Electric (PGE) and/or the Oregon Department of Transportation (ODOT) as needed.
F. Applicant has paid all fees.

REQUIREMENTS.

Signs within the public right-of-way and/or ODOT right-of-way for which a permit has been issued under this policy, may be installed with the following applicable requirements met:

A. General. The following requirements shall apply to all banner(s):
    1. All banners must be constructed to comply with the standards set forth within this policy as well as the City's adopted sign code.
    2. A minimum of two weeks prior to the desired banner(s) contract period, but no earlier than two (2) months prior to the contract period the applicant shall submit a completed City Banner Application/Permit Form and associated fee to Oregon City Public Works Department.
    3. Maintenance and structural repairs to the signs are the responsibility of applicant. When delivered to the City, all banners must be well maintained and kept in a good state of repair. Without limiting the foregoing, the following maintenance shall be required for all signs and supporting structures:
        a. Signs shall be kept free from rust, dirt, debris, chipped, cracked or peeling paint.
        b. Hanging, dangling, cracked, removed or frayed parts shall be repaired.
        c. Graffiti and unauthorized stickers shall be removed.
    4. Applicant shall provide a certificate of insurance for a minimum of $1 million for general liability naming the City of Oregon City, its officers, agents, and employees, as additional insured's for the project and include any other facility owners if applicable [i.e., State of Oregon (ODOT) and PGE].
    5. Applicant shall provide banner(s) and all support/attachment material for each banner as required.
    6. Banner(s) shall not be installed or will be removed prior to the permitted removal date if the banner(s):

a. Interfere with any official traffic control device or appear to attempt to direct the movement of traffic;
b. Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices and approaching or merging traffic;
c. Have any lighting; or
d. Are otherwise traffic hazards.

No refunds of any kind will be provided should the sign be removed due to safety or construction related issues.

7. Banner construction shall be in accordance with the banner construction standards listed herein and the details shown on Exhibit A.
8. Display of banner(s).
   a. The City will accept permits on a first come first served basis.
   b. Banner(s) shall be displayed for a contract period of up to 30 consecutive days. Banners may not be displayed in the same location or zone for more than one consecutive contract period, or greater than a total of three (3) times in any twelve (12) month period. If at the end of a contract period, no new applications have been received for the existing zone in which a banner is deployed, the applicant may request to allow their banner to remain in place until a new banner application has been received for the same said location.
   c. During a banner deployment, should the banner become damaged or impaired to a point that the City's Sign Official or his/her designee determines that the sign poses a hazard to the commuting public or will interfere with operational or safety conditions, the banner shall be removed and returned to the applicant. If there is remaining time within the contract period, the applicant will be allowed to provide a replacement sign for the remainder of the contract period. No additional fee will be incurred for the removal or redeployment of the replacement sign.
   d. The Sign Official may require signs to be modified, moved or removed if streets are widened or other improvements are made in the right-of-way that result in conditions where the sign placement will not comply with the above standards. The modification, moving or removing will be at the owner's expense.
9. Applicant will provide a prioritized list of their preferred location(s) and dates for their sign deployment.

B. Banners on Street Light Poles. The following additional requirements shall apply to all banner(s) located on City street light poles:
   1. The City has identified four zones to allow placement of banners on street light poles. These zones are:
      a. 7th Street from Center Street to Polk Street;
      b. Downtown Corridor; Main from 99E to 14th;
      c. Molalla Avenue from Holmes Lane to Willamette Street; and
      d. Washington Street from 14th Street to Cascade Hwy.
   2. Only one applicant will be allowed to occupy a zone at any given time. If the applicant has specific location preferences within the assigned zone, the applicant shall include a street light location map indicating the areas of preference within the assigned zones.
   3. Construction Standards.
      a. Banners shall be constructed in accordance with these standards and as shown on attached as Exhibit A.
      b. Banners located on street light poles shall be two (2) sided.
      c. Banner material shall be two-ply 12-ounce vinyl banner sheeting sewn together with a 1-1/2 inch border hem, or a commercial heat sealed hem. Banners shall be 23 inches wide by 48 inches long (center of mounting pocket to center of mounting pocket) with an overall length of 52 inches. Banners shall have a 5 inch (4" opening) mounting pockets or sleeve on <u>both</u>

the top and bottom of the banner. Banner(s) shall be made of a durable material constructed to withstand wind pressure of 20 pounds per square foot of exposed surface. The Sign Official may approve a stronger material. Request for any alterations from this standard must be submitted and approved prior to permitting.

C. Cross Street Banners. The following additional requirements shall apply to all cross street banner(s):
   1. The City has identified two locations to allow cross street banners. The locations include:
      a. One (1) located on ODOT facilities at the Highway 99E/Pedestrian Bridge
      b. One (1) located on PGE power poles #412 and #413 on Molalla Avenue at Beverly Drive:
   2. Approval from the following entities shall be obtained prior to submittal of an application to Oregon City.
      a. Portland General Electric (PGE) approval is required for use of power poles #412 and #413 on Molalla Avenue at Beverly Drive
      b. Oregon Department of Transportation (ODOT) approval is required for use of the Highway 99E/Pedestrian Bridge
   3. Construction Standards.
      a. Banners shall be constructed in accordance with these standards and as shown on attached Exhibit A.
      b. All banner(s) located on PGE power poles #412 and #413 on Molalla Avenue at Beverly Drive shall be two (2) sided.
      c. All banner(s) located on the ODOT facility at the Highway 99E/Pedestrian Bridge shall be one (1) sided.
      d. Banners shall be two ply 22-ounce vinyl banner sheeting sewn together with a 1 ½ inch border hem, or a commercial heat sealed hem and wind slits. Banner(s) shall be made of a durable material constructed to withstand wind pressure of 20 pounds per square foot of exposed surface. A stronger material may be approved by the Sign Official.
      e. Banner support/attachment material shall be 40 feet of cord rope 1/4 inch diameter or, ½ inch wide flat fiber ribbon rope.
      f. Banner(s) shall have 20 feet minimum clearance between the bottom of the banner and the roadway surface and clearance shall be maintained at all times. Banners shall not:
         i. Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices and approaching or merging traffic;
         ii. Have any lighting

City of Oregon City
Historic Review Board Policies

Each and every historic building plays a significant part of the on-going preservation of Oregon City's local heritage. Historic buildings reflect the lives and aspiration of past generations and their preservation defines the community in many ways. Most of all, thoughtful stewardship of our buildings and surrounding -environment can ensure that our sense of identity is passed along to future generations.

These guidelines are authorized by Section 17.40 60 of the Oregon City Municipal Code. Owners of properties that do not fall under the Historic Review Process are encouraged to follow the Policies set forth by the Historic Review Board by making exterior alterations that maintain the structure's integrity and are compatible with the neighborhood.

HRB Policy #1 (First Adopted 1986) – Construction and Repair of Foundations
The finished floor elevation of the structure shall not be raised or lowered in relation to the ground level as a result of foundation construction or repair. Any new foundation must be covered with skirting that matches the original skirting on the structure.

HRB Policy #2 (First Adopted 1986) – Storm Windows and Doors
Storm window frames and members shall be made of wood, baked enamel, or anodized aluminum. If wooden or enameled, the frames and members shall be painted to match or complement the color of the existing window trim. Mill finish aluminum storm windows are not permitted. Interior storm windows are encouraged.

HRB Policy #3 (First Adopted 1986) – Repair or Replacement of Siding
New siding shall match original siding both in material and style. A sample must be submitted for review.

HRB Policy #4 (First Adopted 1986)– Gutters and Downspouts
Replacement wooden gutters and downspouts are permitted. Galvanized or enameled aluminum gutters and downspouts shall be painted to match the house. All support straps shall be painted to match the house. New downspouts shall be located to avoid visual interference with architectural features of the street façade. Plastic gutters and downspouts are not permitted. If the downspout empties onto the ground, splashblocks shall be placed at the outflow to disperse the water away from the foundation.

HRB Policy #5 (First Adopted 1986) – Roofs
Structures must be re-roofed with wood shingles, 3-tab composition shingles, or "architectural style" composition shingles. If the roof slope is less than 4/12, rolled composition roofing may be used. Red, dark green, black, dark brown or green and white composition material is encouraged. Slate, tile or tar and gravel roofs may be re-

roofed with like materials. The following roof materials are not permitted without Board approval: metal, fiberglass, plastic, corrugated roofing, or shake shingles. Any alteration to the overhang, soffit, or rake board requires Board approval.

HRB Policy #6 (First Adopted 9/88; Revised 6/91) – Policy on Construction of Fences and Walls

The following policy is hereby adopted by the Oregon City Historic Review Board regarding the construction or alteration of fences and walls within Historic Districts, on designated sites in Conservation Districts, or on individual sites designated as landmarks.

Fences and Walls in Front Yards and Corner Side Yards

ACCEPTABLE	*NOT ACCEPTABLE*
Iron Picket	Chain-link
Ornamental Cast Iron	Post and Rail / Split Rail
Brick	Concrete Block
Combinations of Iron and Masonry	Stockade
Wood Picket – flat boards or square vertical	Plywood / Hardboard or Asbestos Panel
Woven Wire if installed according to height Available from manufacturer and with wood posts and rails	Hollow, Twisted Wrought Iron
	Mixed Material Diagonal Board (e.g. brick / wood/vinyl)

Fences in Interior Side Yards, Alleyways and Rear Yards

ACCEPTABLE	*NOT ACCEPTABLE*
All that are acceptable above	All that are not acceptable above
Concrete Block	
Horizontal Board	
Staggered Vertical Board (good neighbor)	
Solid Wood – flat-topped, clipped top or capped vertical	

Fence or Wall Height

Front yard fences or walls and corner side yard fences or walls should be no more than 42 inches in height and shall not create a traffic site obstruction (as defined in Chapter 10.32 of the Oregon City Municipal Code). Along rear yards and interior side yards (beyond the front yard setback), fences or walls may be up to six (6) feet in height.

Fences or walls that are listed in the "ACCEPTABLE" category may be reviewed and a decision made by staff. The primary criterion to be used by staff shall be compatibility of the proposed fence or wall with the style and period of the designated structure. If the proposal is not on a designated, the primary criterion shall be compatibility with surrounding historic structures. Either staff or applicant shall have the option of referring the plans to the Historic Review Board for resolution of doubtful or contested application of standards. Fences or walls that are not listed, or that are specifically listed under the "NOT ACCEPTABLE" category must be submitted for review and decision by the Historic Review Board.

HRB Policy #7 (First Adopted 8/96) – Construction of Accessory Structures

Accessory structures which are 120 square feet or smaller may be reviewed and decision made by staff. The primary criteria to be used by staff in making the decision shall be as follows:

- The building/structure materials shall match the primary resource structure;
- The roofing materials shall match the material on the historic/primary resource structure; if the roofing material on the historic/primary structure is not compatible, Historic Review Board Policy #5 shall apply;
- The accessory structure shall be painted to match the historic/primary resource;
- The structure shall be placed a minimum of three (3) feet from any interior lot line as per Section 17.54 - Accessory Structure Standards.

Any structure that does not meet this standard shall be referred or submitted to the Historic Review Board for review and decision.

HRB Policy #8 – Exterior Alterations to Buildings in National Historic Districts, or Structures in Conservation Districts or Landmark Structures

Additions shall be reviewed by the Historic Review Board. Other alterations are subject to administrative review. Alterations are permitted if they duplicate existing building materials and styles. Wood siding is encouraged if the siding is replaced. Aluminum and vinyl siding and vinyl and aluminum mill finish windows are not permitted, unless the building was originally constructed of such materials and they are the predominant materials on the building. Wood sash doors are encouraged. Roof alterations shall conform to Historic Review Board Policy #5.

HRB Policy #9 – Screen Doors

Screen doors shall be compatible with the material, style and period of the designated structure.

Policies 1-9 were reviewed and revised by the HRB at worksessions on October 12, November 9, 2000, and December 14, 2000, and were formally adopted on December 14, 2000 at the HRB's duely noticed public meeting.

HRB Policy #10- Window Repair and Replacement

Original wood windows are important architectural features in any historic building. They are the "eyes" of the structure and they convey a sense of handcraftsmanship and detail that cannot be achieved with substitute materials. The Historic Review Board maintains that original windows should be retained and repaired whenever possible and replacement of windows should be with in kind materials. For all exterior alterations, involving windows, to: all structures in the Canemah National Register District, designated structures in the McLoughlin Conservation District and other local Landmarks, the applicant will provide a determination of the window's architectural significance and condition to assist the Historic Review Board to determine the repair and replacement options for the property. Owners of non-designated structures are also encouraged to follow this policy for window repair and replacement. (*Adopted October 25, 2001)*

Authority for these HRB Administrative Review policies can be found in Section 17.40.060 of the Oregon City Municipal Code. Pertinent sections are excerpted below:

A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall any new structure be constructed in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the HRB. A building addition that is thirty percent or more in size of the original building shall be considered new construction in a district. Further, no major public improvements shall be made in a district unless approved by the Board and given a certificate of appropriateness.

B. Application for such a certificate shall be made to the planning staff and shall be referred to the Board. The application shall be in such form and detail as the Board prescribes.

C. 1. The HRB, after notice and public hearing held pursuant to OCMC Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.

2. The following exterior alterations to historic sites may be subject to administrative approval:

a. Construction of foundations for structures on historic sites, subject to HRB Policy-1 established by the Board;
b. Addition of storm windows to structures on historic sites, subject to HRB Policy-2 established by the Board;
c. Repair of siding, subject to HRB Policy-3 established by the Board.

Additional regulations regarding historic resources may be found in Chapters 17.14 and 17.26 of the Oregon City Municipal Code.

In addition, Section E of Oregon City's 1982 Comprehensive Plan outlines City Historic Preservation Goals and Policies.

Proposed Historic Review Board Policies

The proposed policies would be added to the existing HRB Policies which are authorized by Section 17.40 60 of the Oregon City Municipal Code.

HRB Policy #11- Maintenance

Painting previously painted surfaces is considered maintenance and does not require approval.

HRB Policy #12- Public Murals

Public murals are allowed under chapter 15.28 of the Oregon City Municipal Code and the standards identified below.

- Painting or repainting public murals are not considered maintenance. Public murals shall be approved by the Historic Review Board as required by OCMC 17.40.060.
- The public mural shall be consistent with the adopted design guidelines for exterior alterations and the Secretary of Interior standards for rehabilitation.
- Public murals cannot compete with the architecture of the building. Public murals must be placed on a secondary building façade and may not be placed on the front elevation of the structure.
- Removal of the public mural will not adversely affect the historic structure.

DRAFT

Chapter 2.26 ARTS COMMISSION

Sections:

2.26.010 Created.

2.26.020 Members—Terms.

2.26.030 Officers.

2.26.040 Secretary—Meetings-Quorum.

2.26.050 Meetings—Voting.

2.26.060 Rules and regulations.

2.26.070 Powers and duties.

2.26.080 Policies.

2.26.010 Created.

There is created an arts commission for Oregon City having the powers and duties provided in this chapter.

(Ord. 00-1041 §1(part), 2000)

2.26.020 Members—Terms.

The arts commission shall consist of nine members appointed by the mayor. Such members may include a representative of the following entities: (1) Carnegie Center, (2) the Clackamas Community College, (3) Oregon City schools and (4) the arts action alliance of Clackamas County. The arts commission shall also contain at least five members from a broad spectrum of citizens representing the performing arts, music, drama, the visual arts, literary arts, and the fields of structural and landscape architecture, and shall also include, in addition to these five members from the arts community, at least two citizens at large. At least five members of the commission shall reside inside the city limits. The appointees shall have three-year terms. The original appointees shall be appointed: three for one year, three for two years and three for three years; thereafter, all terms will be for three years. All members may vote on any matter coming before the arts commission, except as the Ethics Laws of the state of Oregon may provide. After a member has three consecutive absences without adequate reason, the commission may remove that member. Should a member be removed, the mayor will make a new appointment.

(Ord. 00-1041 §1(part), 2000)

2.26.030 Officers.

At its first meeting the arts commission shall elect a chair and a vice-chair who shall hold office for one year, except that the first chair and vice-chair shall serve until the end of the calendar year. At the first meeting of each calendar year, the chair or vice-chair from the previous year shall preside over the elections for chair and vice-chair. Neither the chair nor the vice-chair shall serve as an officer for more than two consecutive terms.

(Ord. 00-1041 §1(part), 2000)

2.26.040 Secretary—Meetings-Quorum.

A quorum of five members shall be necessary for action by the arts commission. The members of the arts commission shall also elect annually a secretary who need not be a member of the commission. The secretary shall keep an accurate record of the proceedings of the commission, and the arts commission shall make and file with the city commission a report of all transactions of the commission on the first city commission meeting in February of each year.

(Ord. 00-1041 §1(part), 2000)

2.26.050 Meetings—Voting.

The commission shall hold an official meeting at least bimonthly and may hold special meetings as set by the commission. A majority of the members constitutes a quorum for meetings. Provided a quorum is present, any item must be approved by a simple majority of the voting members present at a meeting to pass, unless otherwise provided.

(Ord. 00-1041 §1(part), 2000)

2.26.060 Rules and regulations.

The arts commission shall establish such rules and regulations for its government and procedures consistent with the laws of the state and the ordinances of the city.

(Ord. 00-1041 §1(part), 2000)

2.26.070 Powers and duties.

A. The commission shall be specifically responsible for, but not limited to, the following:

1. The mission of the commission shall be to ensure the arts (as described herein) continue to be of value as an integral part of Oregon City.
2. The commission shall promote the arts in Oregon City to enrich the lives of its citizens through education and demonstration.
3. The commission shall assist the city commission and the planning commission in using public art to enhance continuing development, including public structures.
4. The commission's duties may include planning and executing public displays of visual and performing arts, providing connections with other local, regional and national organizations working for the benefit of art and preservation of artistic values, and other similar activities.
5. The commission shall identify groups and organizations that enrich Oregon City life by bringing cultural and artistic values and artifacts to the city.

B. The commission shall have the authority and power to solicit funds or grants from individuals, corporations and other government agencies. Such funds shall be deposited in the Oregon City civic improvement trust, to be dispensed by the arts commission in pursuit of its assigned mission. Any disbursal of funds may occur only with the concurrence of the city manager. Should the commission and the city manager disagree regarding the dispensation of funds, the dispute shall be submitted to the city commission for final resolution. In all cases commission expenditures shall be subject to all provisions of law, including the local budget law.

(Ord. 00-1041 §1(part), 2000)

2.26.080 Policies.

A. The commission shall operate as a nonprofit, nonpolitical organization devoted exclusively to its mission.

B. The commission shall operate in the general public interest serving the community as a whole. It shall serve no special interests.

C. The commission shall not endorse any commercial product or enterprise.

(Ord. 00-1041 §1(part), 2000)

Oregon City Existing Mural List

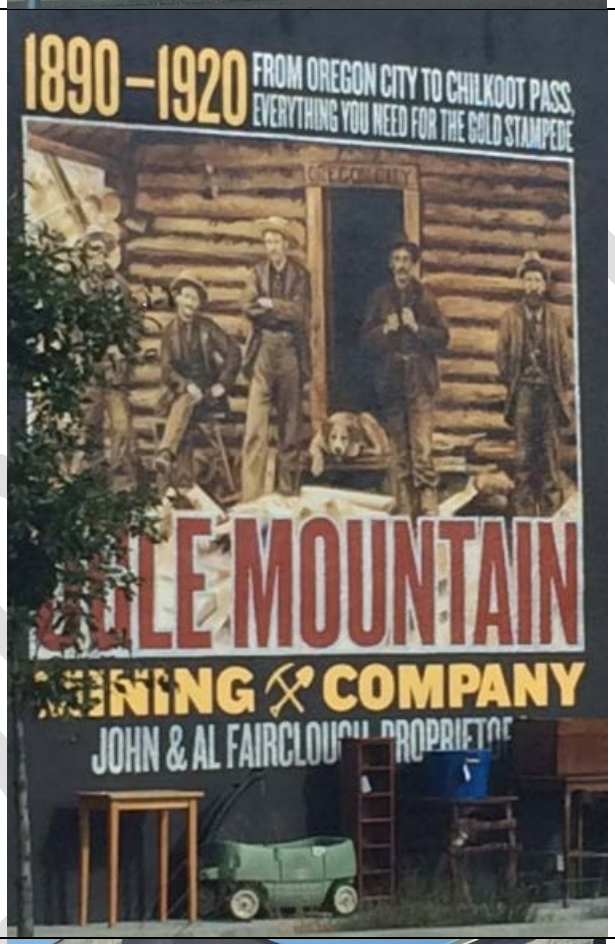
October, 2014

The following list of murals are exempt from the draft Oregon City sign code per OCMC 15.28.030.H. The list is comprised of painted wall signs or murals which were in place on September 22, 2014 and may exceed the allowable wall sign dimensions.

Location	Painted Wall Signs/Murals
922 Main Street Oregon City, Oregon 97045	
922 Main Street Oregon City, Oregon 97045	
709 Main Street Oregon City, Oregon 97045	

683 Center Street Oregon City, Oregon 97045	
1200 Main Street Oregon City, Oregon 97045	
719 Main Street Oregon City, Oregon 97045	

502 Washington Street Oregon City, Oregon 97045	
607 Washington Street Oregon City, Oregon 97045	
1221 Main Street Oregon City, Oregon 97045	
503 Main Street Oregon City, Oregon 97045	

610 Main Street Oregon City, Oregon 97045	
1001 Main Street Oregon City, Oregon 97045	
705 Main Street Oregon City, Oregon 97045	

1715 Beavercreek Road Oregon City, Oregon 97045	

DRAFT

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Sidewalk Inventory Map

Map printed October 20, 2014

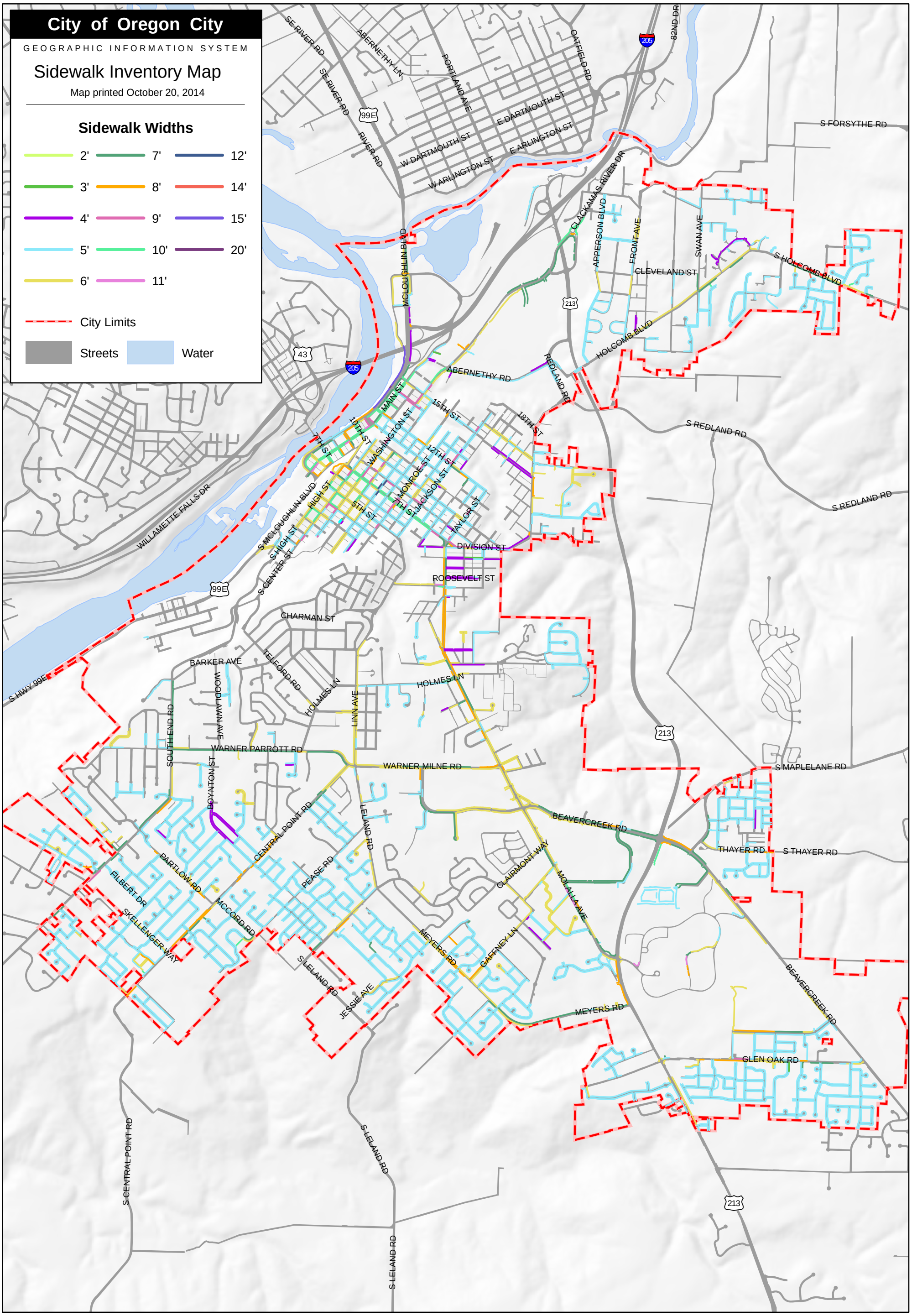
Sidewalk Widths

2'	7'	12'
3'	8'	14'
4'	9'	15'
5'	10'	20'
6'	11'	

City Limits

Streets

Water



N

W E

S

0 0.5 1 2 Miles

0 5,000 10,000 Feet

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.orcity.org

OREGON CITY

Plot date: October 20th, 2014
Map name: SidewalkWidths - 11x17P.mxd
Plot name: SidewalkWidths - 11x17P_20141020.pdf