

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, September 12, 2017
3:30 PM**

1. Call to Order
2. Approval of Minutes: August 8, 2017 regular meeting
3. Comments From the Public
4. Hearing
None
5. Planning Matters
 - Sign Code, Chapter 15.16
 - Discussion of Marijuana Ordinance

Other Business

- A. Announcements and Communications:
 - Planning Commission Comments
6. Public Considerations
7. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING

Tuesday, August 8, 2017 3:30 PM
Regular Meeting and Public Hearing and Workshop
Port Orford City Hall, Gable Council Chambers
555 W. 20th Street
Port Orford, Oregon

Date Draft: September 8, 2017

Date Corrected:

Date Final:

1. Call to Order

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission at 3:30 pm.

Those members present were: Comm. McHugh, Comm. LaRoche and Comm. Ames

City staff present: City Attorney Kudlac and Planning Assistant Clark

2. Approval of Minutes:

Comm. Ames made the motion to approve the minutes of July 11, 2017 and Comm. LaRoche seconded the motion. Motion passed.

3. Comments from the Public

None

4. Hearing

None

5. Planning Matters

Sign Code, Chapter 15.16

There was discussion on updating the current Port Orford Sign Code, Chapter 15.16.

Comm. McHugh stated that he would like to address the digital signs. There was discussion on the way the signs display the messages.

It was brought up that the section on the political signage in our code needed to be updated to match with state law.

There was talk about the Scenic Hwy Law and Attorney Kudlac looked these up and Planning Assistant Clark will have them printed out for the next meeting. OAR 734-032, OAR 734-060 and OAR 734-063.

There was discussion on the Dark Sky Ordinance and possibly updating the wording.

Comm. McHugh stated that he would ask City Administrator Richards if she would let the Rogue Credit Union know that we are considering acting on the message board and McHugh state that he would ask Chief Hobart if he would like to weigh in on the dark sky ordinance and on what dangers he sees.

Comm. Ames is going to look at the latest study on the reader boards.

6. Planning Commission Comments

Comm. Ames brought up changing the time of the meetings.

7. Adjourn 4:30 pm

15.16.

Chapter 15.16

SIGN CODE

- 15.16.230 *Reserved for Future Expansion*
- 15.16.240 **Permit application.**
- 15.16.250 **Fees.**
- 15.16.260 **Violations–Penalties.**

Sections:

Article I. General Provisions

- 15.16.010 **Short Title.**
- 15.16.020 **Purpose.**
- 15.16.030 **Applicability.**
- 15.16.040 **Conformance Required.**
- 15.16.050 **Definitions.**

Article II. General Regulations

- 15.16.060 **Exempt Signs.**
- 15.16.070 **Prohibited signs.**
- 15.16.080 **Determination of frontages.**
- 15.16.090 **Nonconforming signs.**

**Article III. Basic Sign Regulations
by Zone**

- 15.16.100 **Introduction.**
- 15.16.110 **Signs in Commercial,
Industrial, and Marine Activity
Zones**
- 15.16.120 **Signs in controlled
development and public
facilities and park zones**
- 15.16.130 **Signs in Residential Zones**

**Article IV. Specific Sign
Development Regulations**

- 15.16.140 **Applicability of article.**
- 15.16.150 **Sign placement.**
- 15.16.160 **Fascia signs.**
- 15.16.170 **Projecting signs.**
- 15.16.180 **Flush pitched roof signs.**
- 15.16.190 **Marquees and awnings.**
- 15.16.200 **Directional signs.**
- 15.16.210 **Temporary signs.**

**Article V. Permits, Fees and
Penalties**

- 15.16.220 **Permit required.**

Article VI. Dark Sky

15.16.270 Outdoor Lighting

Article I. General Provisions

- 15.16.010 **Short title.**

This chapter shall be known and may be cited as the “Port Orford Sign Ordinance.”
(Ord. 367-87 § 1.1, 1987)

- 15.16.020 **Purpose.**

A. This chapter regulates signs which are viable from the right-of-way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:

1. To insure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;

2. To allow and promote positive conditions for meeting sign users’ needs while at the same time avoiding nuisances to nearby properties;

3. To reflect and support the desired character and development patterns of signs in the various zones;

4. To allow for a variety in number and type of signs in commercial, industrial and marine activity zones while preventing signs from dominating the visual appearance of the area; and

15.16.

5. To ensure that the constitutionally guaranteed right of free speech is protected.

B. the regulations allow for a variety in number and type of signs for a site. The provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs. (*Ord. 367-87 § 1.2, 1987*)

15.16.030 Applicability.

This chapter regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to, and do not restrict, limit or control the content or message of signs. The regulations of this chapter apply to all zones. The regulations of this chapter are in addition to all other regulations in the city of Port Orford ordinances and state building code applicable to signs. (*Ord. 367-87- § 1.3, 1987*)

15.16.040 Conformance required.

No sign may be erected unless any required permits have been obtained, and the sign conforms to the requirements of this chapter. (*Ord. 2001-02 § 1, 2001*)

15.16.050 Definitions.

As used in this chapter:

"Abandoned sign" means a sign structure not containing a sign for one hundred (120) continuous days or a sign not in use for one hundred twenty (120) continuous days.

"Awning sign" means a sign incorporated into or attached to an awning.

"Balloon sign" means an inflatable temporary sign anchored by some means to a structure or developed parcel.

"Banner" means a temporary sign made of fabric or other nonrigid material with no enclosing framework.

"Bench advertising sign" means an outdoor advertising sign that is placed on a stationary object that is used primarily for sitting.

Building Frontage, Primary.

"Primary building frontages" are exterior building walls facing a right-of-way or private roadway, and any other exterior building wall facing a parking lot which contains a public entry to the occupant's premises.

Building Frontage, Secondary.

"Secondary building frontages" are exterior building walls which are not classified as primary frontages.

"Cutout" means every type of display in the form of letters, figures, characters or other representations in cutout or irregular form attached to or superimposed upon a sign.

"Direction sign" means a permanent sign which is designated and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

"Electronic message center" means a sign whose message or display is presented with patterns of lights that may be changed at intermittent intervals by an electronic process.

"Fascia sign" means a single-faced sign attached flush to building.

"Freestanding sign" means a sign on a frame, pole or other support structure which is not attached to any building.

"Lawn sign" means a temporary sign placed in the lawn or ground of a site usually facing a right-of-way.

15.16.

Lighting Method

1. "Direct lighting" means exposed lighting or neon tubes on the sign face.

2. "Flashing lighting" means lights which blink on and off randomly or in sequence.

3. "Indirect lighting" means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

4. "Internal lighting" means the light source is concealed within the sign.

"Maintenance" means normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

"Marquee sign" means a sign incorporated into or attached to a marquee or permanent canopy.

"Moving parts" means features or parts of a sign structure which through mechanical means are intended to move, swing or have some motion.

"Nonconforming parts" means a sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

Painted Wall Decorations. Painted wall decorations are displays painted directly on a wall and are designed and intended as a decorative or ornamental feature.

"Painted wall sign" means a sign applied to a building wall with paint and which has no sign structure.

"Permanent sign" means a sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short-term use.

"Pitched roof sign" means a sign attached to a roof with a pitch of one to four or greater and placed parallel to the building wall.

"Political sign" means any sign erected or displayed for the purpose of supporting a political candidate, political party or position on a ballot measure for a particular election.

"Projecting sign" means a sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way or fully on private property.

"Repair" means fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

"Right-of-way" means any way, street, alley or road dedicated to the use of the public.

"Rigid sign" means a temporary sign, other than a lawn sign, made of rigid materials such as wood, plywood or plastic.

"Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

"Roofstop sign" means a sign on a roof with a pitch of less than one to four.

"Rotating sign" means sign face or portions of a sign face which revolve around a central axis.

15.16.

“Sandwich board sign” means usually two hinged boards attached together in an A-shape with signs on each board which may be a portable temporary sign.

“Secondary building wall” means exterior building walls or faeas which are oriented toward another lot, not a right-of-way or private roadway.

“Sign” means material 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.

Sign Face Area.

1. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see *Figure 15.16.050A*, set out at the end of this section). Sign area does not include foundations, supports, and other essential structures which are not serving as a backdrop or border to the sign. Only one side of a double-faced sign is counted.

2. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.

3. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greatest height multiplied by the greatest width) around all the pieces (see *Figure 15.16.050B*, set out at the end of this section).

4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see *Figure 16.16.050C*, set out at the end of this section).

5. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign, related display or decoration.

“Sign height” means the vertical distance from the natural ground elevation at the mid point of the sign to the highest point of the sign display surface, including cutouts.

“Sign structure” means a structure specifically intended for supporting or containing a sign.

“Site” means a plot, parcel or area of land owned by or under the lawful control and in lawful possession of one distinct ownership.

“Site frontage” means that portion of a lot on one side of a street between two intersecting streets, access ways, or other rights-of-way (crossing or terminating) measured along the line of the street or for a dead-end street or access way, all the property between an intersecting street or other right-of-way and the dead-end of the street or access way (see *Figure 15.16.050D*, set out at the end of this section).

“Structural alteration” means modification of the size, shapes, or height of a sign structure. Also includes replacement of sign structure material with other than comparable materials, for example metal parts replacing wood parts.

“Temporary sign” means a sign not permanently attached to a building, structure or the ground.

“Vision clearance area” means those areas near intersections of roadways and ingress and egress points where a clear field of vision is necessary for public safety.

“Zone” means an area of the city created for a particular purpose as defined in *Title 17* of this code. (*Ord 367-87 § 1.6, 1987*)

Figure 15.16.050A

SIGN FACE MEASUREMENTS

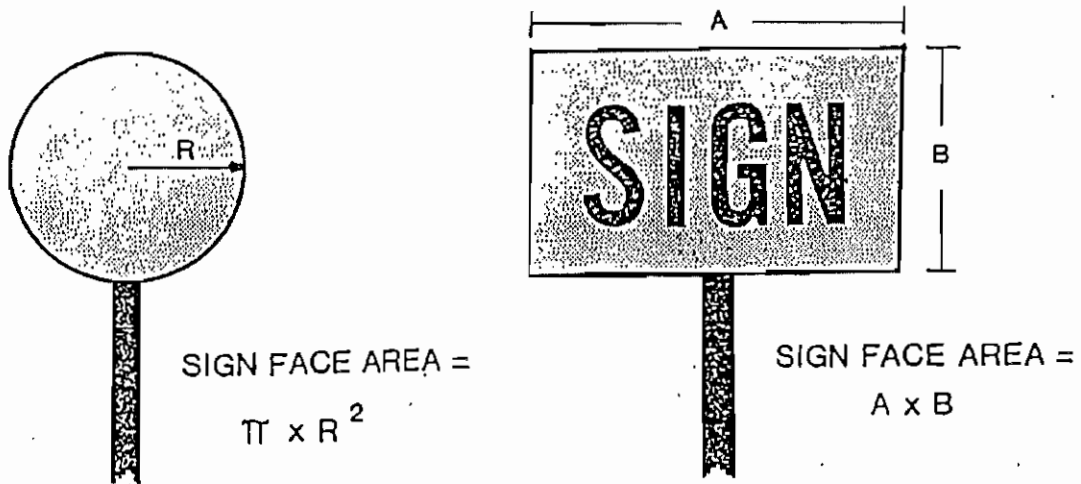
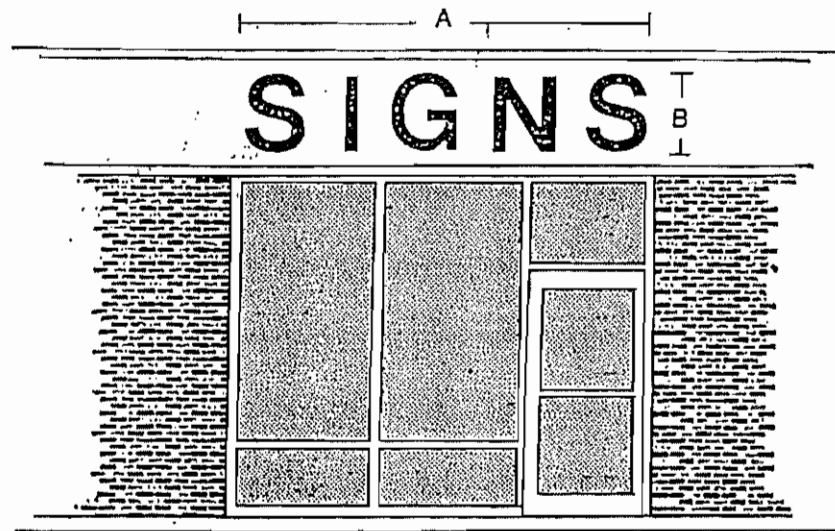
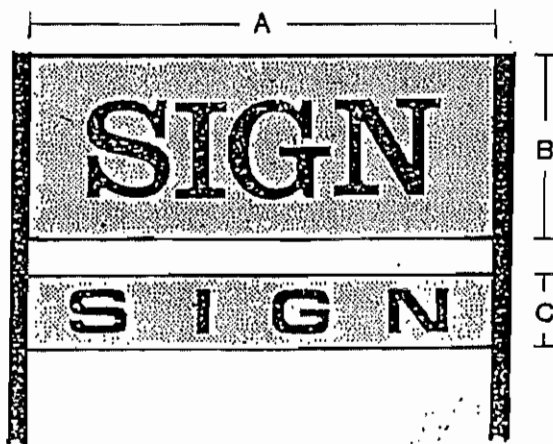


Figure 15.16.050B



$$\text{SIGN FACE AREA} = A \times B$$

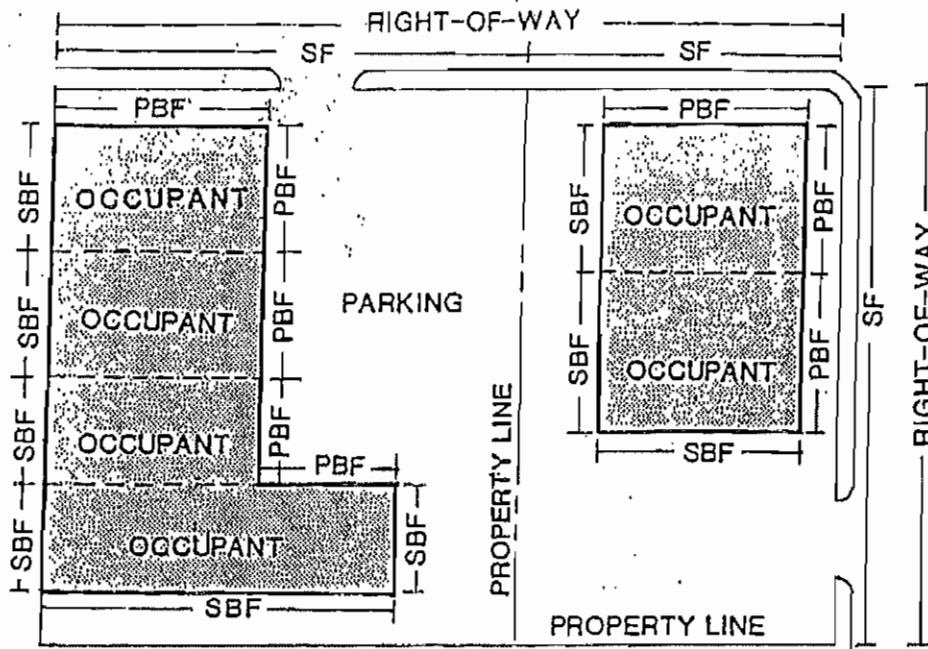
Figure 15.16.050C



$$\text{SIGN FACE AREA} = (A \times B) + (A \times C)$$

Figure 15.16.050D

BUILDING FRONTAGE MEASUREMENT



SF - SITE FRONTAGE
 PBF - PRIMARY BUILDING FRONTAGE
 SBF - SECONDARY BUILDING FRONTAGE

Article II. General Regulations

15.16.060 Exempt signs.

The following signs are exempt from the provisions of this chapter, but may be subject to other city of Port Orford ordinances.

A. Signs not oriented or intended to be legible from a right-of-way, private road or other private property;

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

C. Signs legally erected in the right-of-way;

D. Building address numbers;

E. Signs carved into or part of materials which are an integral part of the building;

F. Flags on permanent flagpoles which are designed to allow raising and lowering of the flags;

G. Banners on permanent poles which are designed and intended as a decorative or ornamental feature;

H. Painted wall decorations and painted wall highlights; and

I. Bench advertising signs which have been lawfully erected. (Ord. 367-87 § 2.1, 1987)

15.16.070 Prohibited signs.

The following signs are prohibited and shall be removed:

A. Strobe lights and signs containing strobe lights which are visible beyond the property lines;

B. Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for in this chapter;

C. Abandoned signs; and

D. Signs in the right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency, or otherwise permitted under this code. (*Ord. 367-87 § 2.2, 1987*)

15.16.080 Determination of frontages.

A. Primary Building Frontage. Primary building frontages are derived from each ground floor occupant's qualifying exterior walls (see *Figure 15.16.050D*, set out at the end of *Section 15.16.050*.)

B. Corner Signs. Corner signs facing more than one street shall be assigned to a frontage by the applicant. The sign must meet all provisions for the frontage to which it is assigned. (*Ord. 367-87 § 2.3, 1987*)

15.16.090 Nonconforming signs.

Signs not conforming to the regulations of this chapter are subject to the following provisions:

A. Permanent Signs in all Zones. In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations.

1. Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

2. Signs and sign structures which are moved, replaced or structurally altered shall be brought into

15.16

conformance with the current sign regulations.

3. All nonconforming signs allowed by this section must comply with all other provisions of this chapter including having a valid sign permit as required by *Article V* of this chapter.

B. Temporary Signs. Nonconforming temporary signs shall be removed. (*Ord 367-87 § 2.4, 1987*)

Article III. Basic Sign Regulations by Zone

15.16.100 Introduction.

Signs are allowed in the *City of Port Orford* depending on the zoning district in which a property is situated as described in *Title 17* of this code. (*Ord. 367-87 § 3.1, 1987*)

15.16.110 Signs in Commercial, Industrial, and Marine Activity Zones.

For all uses and sites in area zoned Commercial (4-C), Industrial (5-I) and Marine Activity (7-MA), the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also be in conformance with the development regulations of *Article IV* of this chapter.

A. Freestanding Signs.

1. Allowable Area. Freestanding signs are allowed up to a maximum of one hundred (100) square feet of sign face area per site frontage.

2. Number. One or more freestanding signs is allowed for each site frontage, provided that the sum of the area of all signs shall be equal to, or less than, one hundred (100) square feet of sign face area per site frontage.

3. Height. The maximum height of a free standing sign is forty-five (45) feet.

4. Extension into Right-of-Way. Freestanding signs may not extend into the right-of-way without written permission of the agency having jurisdiction over the right of way.

15.16

temporary rigid signs. (*Ord 910-90 § 1, 1990; Ord. 367-87 § 3.2, 1987; Ord. 2001-02 § 3, 2001*)

15.16.120 Signs in Controlled Development (6-CD), Public Facilities and Park Zones (8-PF), and Battle Rock Mixed Use Zone (10-MU).

For all uses and sites in areas zoned Controlled Development (6-CD), Public Facilities and Parks (8PF), and Battle Rock Mixed Use Zone (10-MU), the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also be in conformance with the development regulation of Article IV of this chapter.

A. Freestanding Signs.

1. Allowable Area. Freestanding signs are allowed up to a maximum of seventy-five (75) square feet.

2. Number. One or more freestanding signs are allowed per frontage provided that the sum of the area of all signs shall be equal to, or less than, seventy-five (75) square feet of sign face area per site frontage.

3. Height. The maximum height of a free-standing sign is fifteen (15) feet.

4. Extension into the Right-of-Way. Freestanding signs may not extend into the right-of-way, without written permission of the agency having jurisdiction over the right of way.

B. Sign Attached to Buildings.

1. Total Allowable Area. The total allowable area for all permanent signs attached to the building is seventy-five (75) square feet of sign face area.

2. Individual Sign Face Area. The maximum size of an individual sign within the total allowable area limit is seventy-five (75) square feet.

B. Signs Attached to Buildings

1. Allowable Area. The total allowable area for all permanent signs attached to the building is a maximum of one hundred eighty (180) square feet of sign area per site frontage.

2. Individual Sign Face Area. The maximum size of an individual sign within the total allowable area limits is one hundred eighty (180) square feet.

3. Types of Signs. Fascia, projecting, marquee, awning, rooftop and pitched roof signs are allowed.

4. Number of Signs. There is no limit on the number of signs if within the total allowable area limit.

5. Extension into the Right-of-Way. Signs attached to buildings may not extend into the right-of-way, without written permission of the agency having jurisdiction over the right of way.

C. Sign Features. Permanent signs may have the following features:

1. Signs may be indirectly, internally or directly illuminated.

2. Electronic message centers are allowed.

3. Fifteen (15) percent of the face of all sign types may be flashing.

4. Rotating signs are allowed.

5. Moving parts are allowed.

D. Additional Signs Allowed. In addition to the sign amounts allowed on site frontages, the following are allowed in these zoning districts for all usages:

1. Vehicular direction signs;

2. Temporary lawn, temporary banner and

15.16

3. Types of Signs. Fascia, marquee, awning, painted wall signs, projecting, rooftop and flush pitched roof signs are allowed

4. Number of Signs. There is no limit on the number of signs if within the total allowable area limit.

5. Extension into the Right-of-Way. Signs attached to buildings may not extend into the right-of-way, without written permission of the agency having jurisdiction over the right of way.

C. Sign Features. Permanent signs may have the following features:

1. Signs may be indirectly or internally illuminated.

2. Electronic message centers are not allowed.

3. Fifteen (15) percent of the face of all sign types may be flashing.

4. Rotating signs are allowed.

5. Moving parts are allowed.

D. Additional Signs Allowed. In addition to the sign amounts allowed based on site frontages. The following signs are allowed in these zoning districts for all usages:

1. Vehicular direction signs;

2. Temporary lawn, temporary banner and temporary rigid signs. (*Ord. 367-87 § 3.3, 1987; Ord. 2001-02 § 3, 2001*)(*Ord 2007-04 § 120, 2007*)

15.16.130 Signs in Residential Zones

For all uses and sites in area zoned Residential 1 (1-R) and Residential 2 (2-R), the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also be in conformance with the development regulations of Article IV of this chapter.

A. Freestanding Signs:

1. Allowable Area. Freestanding signs are allowed up to a maximum of five square feet.

2. Number. Two freestanding signs are allowed per site frontage.

3. Height. The maximum height of a freestanding sign is eight feet above grade level.

4. Extension into the Right-of-Way. Free standing signs may not extend into the right-of-way, without written permission of the agency having jurisdiction over the right of way.

B. Signs Attached to Buildings.

1. Total Allowable Area. The total allowable area for all permanent signs attached to the building is twenty-five (25) square feet of sign face area.

2. Individual Sign Face Area. The maximum size of an individual sign within the total allowable area limit is twenty-five (25) square feet.

3. Types of Signs. Only painted wall signs are allowed. Fascia, marquee, awning, projecting, rooftop, and flush pitched roof signs are not allowed.

4. Number of Signs. Two building signs are allowed per site frontage.

5. Extension into the Right-of-Way. Signs attached to buildings may not extend into the right-of-way, without written permission of the agency having jurisdiction over the right of way.

C. Signs features. Permanent signs may have the following features:

1. Signs may be indirectly or internally illuminated.

2. Electronic message centers are not allowed.

3. Flashing signs are not allowed
4. Rotating signs are not allowed.
5. Moving parts are not allowed.

D. **Additional Signs Allowed.** In addition to the sign allowed based on site frontages, the following signs are allowed in these zoning districts for all usages:

1. Vehicular direction signs;
2. Temporary lawn, temporary banner and temporary rigid signs. (Ord. 367-87 § 3.4, 1987; Ord. 2001-2002 § 3, 2001)

Article IV. Specific Sign Development Regulations

15.16.140 Applicability of article.

Applicability of article. All signs allowed under Article III must comply with the development regulations of this article. (Ord. 367-87 § 4.1, 1987)

15.16.150 Sign Placement

A. **Placement.** All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

B. **Frontages.** Signs allowed based on one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.

C. Vision Clearance Areas.

1. No sign may be located within a vision clearance area as defined in subsection (C) (2) of this section. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is twelve (12) inches or less and the combined total depth is twelve (12) inches or less.

15.16

2. Location of vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveway. The sides of the triangle extend forty-five (45) feet from the intersection of the vehicle travel area along the most heavily travelled road, and 10 feet from the intersection of the vehicle travel area along the less travelled road, right of way, private road, alley, or driveway.

D. **Vehicle Area Clearance.** When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

E. **Pedestrian Area clearances.** When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least eight and one-half feet above the ground.

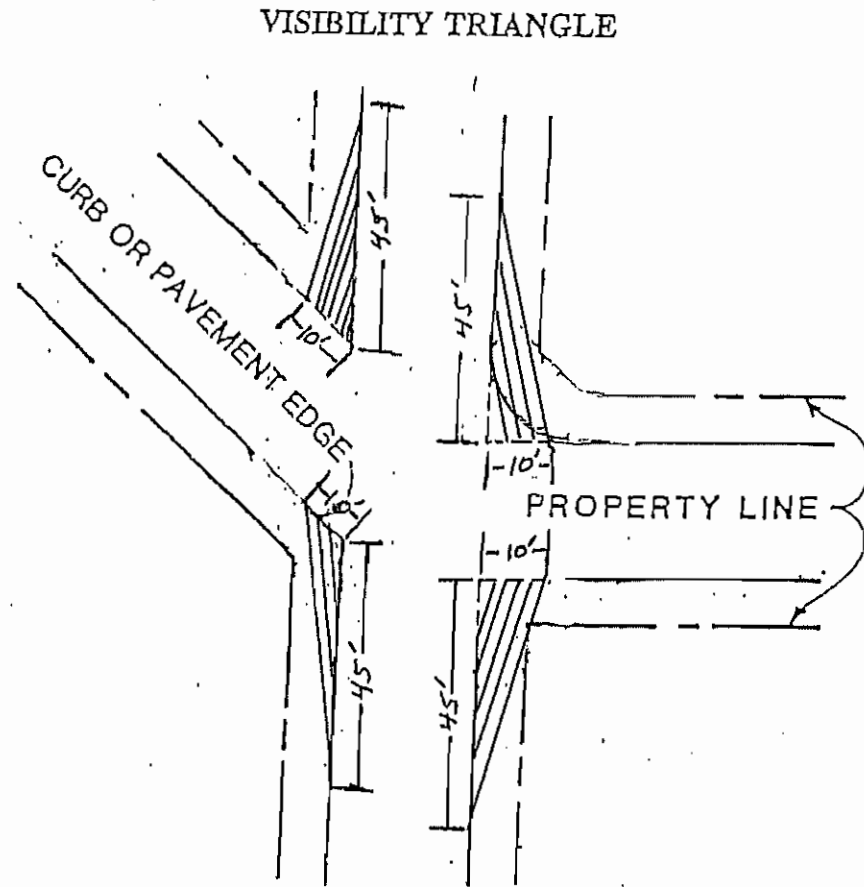
F. **Required Yards and Setbacks.** Signs may be erected in required yards and setbacks.

G. Parking Areas.

1. Unless otherwise provided by law, accessory signs shall be permitted on parking area in accordance with the provisions specified in each district, and signs designating entrances, exits, or conditions of use may be maintained on a parking or loading area.

2. Any such sign shall not exceed six square feet in area on one side. There shall not be more than one such sign for each entrance or exit to a parking or loading area. (Ord. 367-87 § 4.2, 1987)

Figure 15.16.150



15.16.160 Fascia signs.

A. Height. Fascia signs may not extend more than two feet above the roof line.

B. Extensions. No point on the face of a fascia sign may extend more than eighteen (18) inches from the wall to which it is attached, except for electronic message signs which may be up to twenty-four (24) inches in thickness. (Ord. 367-87 § 4.3, 1987)

B. Placement Projecting signs are not allowed on rooftops or on pitched roofs.

C. Support Structures. Support structures shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than one foot of support structure between the building wall and the sign. (Ord. 367-87 § 4.4, 1987)

15.16.170 Projecting signs.

A. Height. The face of projecting signs may not extend more than two feet above the roof line.

15.16.180 Flush Pitched roof signs.

A. Height. The face of flush pitched roof signs may not extend more than six inches above the roof line.

B. Placement. Flush pitched roof signs shall be parallel to the building face. They may not extend beyond the building wall.

C. Visual Backing. When viewed straight on, flush pitched roof signs shall have a visual backing formed by the roof.

D. Support Structures. Support structures shall be designed so that there is no visible support structure above the sign. (Ord. 367-87 § 4.5, 1987)

15.16.200 Directional signs.

Directional signs shall comply with the following provisions:

A. Maximum Sign Face Area. Nine square feet;

B. Types of Signs Allowed. Freestanding, fascia, projecting and painted wall;

C. Maximum Height. Freestanding; six feet; fascia and projecting; eight feet;

D. Extension into Right-of Way. Not allowed without written permission of the agency having jurisdiction over the right of way;

E. Lighting. Indirect or internal;

F. Flashing Lights; Not allowed;

G. Electronic Message Centers. Not allowed;

H. Moving or Rotating Parts. Not allowed. (Ord. 367-87 § 4.7, 1987)

15.16.210 Temporary signs.

A. Time Limit. All temporary signs, temporary banners, temporary rigid signs and support structure thereof, erected or placed for the purposes of advertising a specific event or activities related to a specific event, shall be removed within seven days

15.16

after the event has occurred.

1. Political Signs. Political signs and support structures, if any, must be removed within seven days after the date of the election for which the sign was erected.

2. All Other Temporary Signs. With the exception for real estate "for sale" signs, all other temporary signs and support structures, if any, must be removed within six months of the date of erection.

B. Attachment. Temporary signs may not be permanently attached to the ground, buildings, or other structures.

C. Lawn Signs. Lawn signs may not be greater than five square feet in area and may not be over six feet in height.

D. Banners. One banner is allowed per primary building frontage and may not exceed sixty (60) square feet. Additional temporary flags and pennant are allowed, but may not extend into the right-of-way.

E. Temporary Rigid Signs.

1. Type. Rigid signs may be freestanding or placed on building sides.

2. Size.

a. Residential Zones 1-R and 1-2. The maximum size of a rigid sign is five square feet.

b. All Other Zones. The maximum size of a rigid sign is thirty-two (32) square feet.

3. Number. One rigid sign is allowed per site frontage.

4. Height.

a. Rigid signs on buildings may not be placed above roof lines.

b. The maximum height freestanding is six feet in residential zones one, two and three.

c. The maximum height freestanding in all other zones is eight feet.

5. Extension into the Rights-of-Way. Rigid signs may not extend into the right-of-way, without written permission of the agency having jurisdiction over the right of way.

Temporary rigid signs for political purposes shall have the permission of the adjoining property owner, and shall not exceed 3 4 square feet in area (per side). They shall be placed no sooner than 60 days before the election to which they pertain, and shall be removed within seven days of the conclusion of the election to which they pertain.

Real estate "for sale" signs may be placed into City rights of way with the permission of the adjoining property owner, and shall be removed within five (5) days of the sale of the property to which they pertain. They shall be no larger than 4 square feet (per side).

6. Lighting and Movement. Rigid signs may not be illuminated or have moving or rotating parts. (Ord. 367-87 § 4.8, 1987; Ord. 2001-02 § 3, 2001)

Article V. Permits, Fees and Penalties

15.16.220 Permit, Fees and Penalties

Unless exempted by Section 15.16.230, it is unlawful for any person to erect, alter, relocate, reconstruct or maintain or cause to be erected, altered, relocated, reconstructed or maintained on public or private property within the corporate limits of the City of Port Orford any sign or signs without first having obtained and paid for and having in force and in effect a current permit thereof from the City of Port Orford. (Ord. 367-87 § 5.1, 1987)

15.16.230 Reserved for Future Expansion
(Ord. 2001-02 § 3, 2001)

15.16.240 Permit application

A. Application for Existing Sign. If a sign exists on the effective date of the ordinance codified in

15.16

this chapter, then on or before January 1, 1988, the owner or lessee of such sign shall file a permit application with the city of Port Orford. This permit application shall contain an accurate description of the location and character of each sign it is desired to maintain; the name and address of the applicant and of the person by whom such sign is to be maintained; and such other information as the city may require to locate the sign and to show compliance with the provisions of this chapter and applicable building codes.

B. Application for the Erections, Alteration, Relocation or Reconstruction of a Sign or Signs.

Any person desiring to procure a permit for the erection, alteration, relocation or reconstruction of a sign or signs shall file with the city a written application upon forms furnished by the city and accompanied by the appropriate application fee as required by Section 15.16.250. Such application shall be accompanied by the written consent of the owner or the lessee of the property upon which such sign(s) is/are to be erected, altered, relocated and reconstructed. If said sign is to be erected, altered, relocated or reconstructed over or on a public sidewalk, then the application shall be accompanied by the written consent of the owner or lessee of the properties adjacent to the place where said sign is to be located. Such application shall contain an accurate description of the location or proposed location and character of each sign it is desired to erect, alter, relocate or reconstruct; the name and address of the applicant and of the person by whom such sign is to be erected, altered, relocated or reconstructed; and such other information as the City may require to locate the sign and to show compliance with the provisions of this chapter and applicable building codes. The city may require that the application be accompanied by a plan or design of the sign or proposed sign, showing its weight, dimensions, electrical equipment, details of its attachment and hangings and its position relative to the building or site. (Ord. 367-87 § 5.3, 1987)

15.16.250 Fees.

A. Application fee for the Erection, Alteration, Relocation or Reconstruction of a Sign. Every application for a permit to erect, alter, relocate or

construct a sign with a total sign face area of twenty-five (25) square feet or larger shall be twenty-five dollars (\$25.00).

B. Annual Permit Fee. Each sign is required to have a permit shall be subject to an annual permit fee of five dollars (\$5.00) on which shall be due and payable on the first of July of each fiscal year. (Ord. 2001-02 § 3,2001)

15.16.260 Violations - Penalties.

A. The conviction of any person for violation of any of the provision of this chapter shall not operate to relive such person from paying any fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such fee be a bar to or prevent any prosecution in any court of competent jurisdiction of any complaint for the violation of any of the provisions of this chapter.

B. Any person violating any of the provisions of this chapter shall upon conviction thereof in any court of competent jurisdiction, be punished by a fine of not to exceed five hundred dollars (\$500.00).

C. Nuisance and Injunction, Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

D. Removal if Unsafe or Illegal Signs by City. If the City's building inspector shall find that any sign or sign structure regulated herein is unsafe or insecure or has been constructed or erected or is being maintained in violation of the provisions of this chapter or of the building code of this City, he shall give written notice to the sign permit holder or, if there is no sign permit holder, to owner of the site. If the sign permit holder or the owner of the site fails to remove or alter the sign or sign structure so as to comply with the provision of this chapter or the building code within thirty (30) days after such notice, such sign or sign structure is declared a nuisance and may be removed or altered to comply by the City at the expense of the sign permit holder

15.16

or the site owner. (Ord. 367-87 § 505, 1987)

ARTICLE VI DARK SKY

15.16.270 Outdoor Lighting

A. Purpose. The purpose of this provision is to make outdoor lighting used for residential, commercial and public areas appropriate to the need, and to minimize light from shining skyward or offsite onto adjacent public rights of way or private properties. Nothing in this ordinance should be interpreted to restrict the amount of lighting necessary for safe and efficient operations. Further, it is to encourage through regulation of type, kinds, construction and uses of outdoor illumination devices, lighting practices and systems to conserve energy without decreasing safety, utility, security and productivity while enhancing nighttime (dark skies) enjoyment of property within the city of Port Orford.

B. Definitions. The "IES" (Illuminating Engineering Society of North America) Lighting Handbook, most recent edition and the City of Port Orford Development Code and Building Code shall be used for the definition of terms used in this Ordinance but not defined herein. In the case where a definition of a term is found to be in conflict with a definition or term in any other ordinance, "IES" Handbook or regulation, the more restrictive definition will apply.

Capped. "Capped" applies to residential porch lights of 60 watts or less or the incandescent equivalent and means the fixture has a cover over the top but doesn't mean the entire horizontal portion of the lamp or bulb must be covered.

Full Cutoff. "Full Cutoff" means a light fixture designed and constructed so that light is directed down and no light is

15.16

projected above the horizontal plane.

Fixture. "Fixture" means the assembly that holds the lamp or bulb in a lighting system.

Glare. "Glare" means stray unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; (d) reduction of visual performance.

Installed. "Installed" means initial installation of outdoor lighting fixtures, poles, electrical wiring and related mounting equipment following the effective date of this Ordinance. Projects with approved construction plans prior to the effective date of this Ordinance are excluded from compliance with the ordinance in the initial installation only.

Lamp or bulb. "Lamp or bulb" means the light producing source installed in the socket portion of a fixture.

Recessed. "Recessed" means When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the lamp or bulb extends or protrudes beyond the underside of a structure or portion of a structure.

Replacement. "Replacement" means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket, wall, tree or other structure. Replacement does NOT mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.

Safety / security. "Safety / Security" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cutoff light fixtures above doors, loading areas, building access points and safety areas.

Shielding. "Shielding" means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination skyward or onto adjacent or nearby property.

Unshielded. "Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare skyward or onto adjacent or nearby property.

Uplighted. "Uplighted" means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an adjacent or nearby building element, sign, shrub, tree or other landscaping.

- C. Submittals. All applications for building permits or land use planning review which include installation of outdoor lighting fixtures shall comply with the provisions of this Ordinance. The Planning Director and/or the City Administrator shall have the authority to request additional information in order to achieve the purposes of this Ordinance. The applicant shall, by signing the permit application, agree to comply with the provisions of this Ordinance, a copy of which shall be provided with the application packet.
- D. Requirements for Installation. Except as exempted by provision of this Ordinance, as of the effective date of this Ordinance, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance.
- E. Shielding. All nonexempt lighting fixtures subject to this Ordinance shall be designed

15.16

as a full cutoff fixture or have a shielding or recessed method to direct light emissions down onto the site and minimize illumination or glare onto adjacent properties or skyward.

1. Any and all franchised or leased mercury vapor style security lights serviced by Coos Curry Electric Cooperative Inc., or privately operated in the public, private, or commercial sectors, inside the city limits of Port Orford must be retro-fitted with skycaps or replaced with a full cutoff fixture, or decommissioned within 18 months after the effective date of this Ordinance.
2. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination or glare onto adjacent properties or skyward is minimized.
3. All outdoor fixtures, except porch lights, using lights of more than 60 watts, (or the incandescent equivalent of 60 watts) such as but not limited to, entrance lights, walkway lights and driveway lights must be shielded, recessed, capped or under a canopy.
4. Porch lights installed adjacent to entry doors are encouraged to use as low wattage as possible to accomplish the purpose of the light.

F. Commercial Business Lighting. Nothing in this ordinance should be interpreted to restrict lighting necessary to conduct business in a safe and efficient manner. Businesses are encouraged to turn off parking lot lights, building lights, signs, landscaping lights and other similar exterior lighting features, except for lights necessary

for personal and building safety during the hours that the business is closed.

G. Prohibitions.

1. Laser Light Source. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
2. Searchlights. The use of searchlights for purposes other than public safety or emergencies is prohibited.
3. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, public safety or emergencies are prohibited.

H. EXEMPTIONS.

1. Nonconformance.

- a. Outdoor light fixtures, except Mercury Vapor lights, lawfully installed prior to and operable on the effective date of the requirements codified in this Ordinance are exempt from such requirements **except as follows:**
- b. Strings of decorative lights less than 15 watts (or the incandescent equivalent of 15 watts) per individual bulb are exempt from the requirements of this Ordinance.
- c. Carnivals, fairs and temporary events that require the use of outdoor lighting require a city permit. Permanent installations at dedicated sites must conform to the requirements of this Ordinance.
- d. Lighting for a properly displayed U.S. flag is exempt.
- e. Temporary exemptions as granted by the City of Port Orford.

f. Construction lighting necessary for an allowed use is exempt except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.

I. Enforcement, Abatement & Penalties. Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged. As a last resort, non conformance with this Ordinance will be enforced according to the Port Orford Municipal Code Chapter 8.04, Nuisance. (Ord.2010-01 Amend. Ord. 367-87 § VI, 2010)

► The Oregon Administrative Rules contain OARs filed through August 15, 2017 ◄

QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?
CLICK HERE TO ACCESS RULES COORDINATOR CONTACT INFORMATION

**DEPARTMENT OF TRANSPORTATION,
HIGHWAY DIVISION**

DIVISION 32

OREGON SCENIC BYWAYS PROGRAM

734-032-0000

Purpose of and Need for the Scenic Byway Program

Administrative rules OAR 734-032-0000 through OAR 734-032-0070 establish the Scenic Byway Program as authorized by ORS 184.617 and 184.619. The program consists of a multistep process starting with an idea (citizen, special interest group, local, state or federal agency) to designate transportation corridor as an Oregon Scenic Byway and progressively move that idea through a series of reviews culminating, if warranted, in a designation of an Oregon Scenic Byway by the Oregon Transportation Commission and the Oregon Tourism Commission. The program is intended to recognize scenic byways across jurisdictional boundaries, to orient and focus on the tourist or motorist and to show off the best in the way of scenic byways. The stimulus for this program has come from the Intermodal Surface Transportation Efficiency Act of 1991.

Stat. Auth.: ORS 184.617 & ORS 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

734-032-0010

Goals and Objectives of the Scenic Byway Program

(1) The goals of the Scenic Byway Program are to:

(a) Create a comprehensive statewide multi-agency program to identify and manage Oregon's most outstanding scenic transportation corridors;

(b) Preserve and/or enhance Oregon's most outstanding scenic transportation corridors; and

(c) Provide meaningful tourism opportunities for the traveling public.

(2) The following objectives are intended to accomplish these goals:

(a) Develop a process and criteria for evaluating and designating scenic transportation corridors;

(b) Develop guidelines for producing management strategies to preserve and/or enhance designated scenic transportation corridors; and

(c) Develop a guide and/or map of scenic transportation corridors for public information.

Stat. Auth.: ORS 184.617 & ORS 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

734-032-0020

Terminology

The following terminology shall be used when applying the criteria in this division:

(1) Agriculture/Forestry - Crops, wineries, vineyards, ranches, fisheries, old-growth and reforested lands.

(2) Color - Overall color(s) of the basic components of the landscape (e.g., soil, rock, vegetation, etc.) as they appear during the seasons or periods of high use. Key factors are variety, contrast and harmony.

(3) Driveability - Driving safety, ease and pleasure as related to road standards (e.g., lane and shoulder width, traffic character, etc.)

- (4) Landform - Topography becomes more interesting as it gets steeper or more massive, or more severely sculptured. Outstanding landforms may be monumental or exceedingly artistic and subtle.
- (5) Modifications - Modifications in the landform, water, vegetation or addition of structures that detract from or complement the scenic quality.
- (6) Natural - This includes natural features such as geologic formations, wildlife sites, waterfalls, lake basins, old-growth stands, mountain meadows, etc.
- (7) Paved - Hard surfaces such as concrete or bituminous.
- (8) Uniqueness/Scarcity - The relative scarcity or abundance of a particular unique scenic resource or combination of features within the geographic region.
- (9) Vegetation - Forest, prairies, orchards, active farm cropland and tree farms. Consider variety of patterns, form and textures created by plant life. Consider smaller scale vegetational features which add striking and intriguing detail elements to the landscape.
- (10) Water - Ocean, rivers, lakes, waterfalls, rapids, marshes, canals and harbors. That ingredient which adds movement or serenity to a scene. The degree to which water dominates the scene.

Stat. Auth.: ORS 184.617 & ORS 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

734-032-0030

Categories of Routes

There are two categories of routes in the Scenic Byways system. Scenic Byways include the most scenic routes with road standards that would accommodate most travelers. These routes encompass scenic, historic, recreational and cultural values of not only the roadway right-of-way, but also the adjacent visual resources. Tour Routes include all the other purely scenic routes with limited driveability as well as routes with special features. Further definition of these routes are:

- (1) Scenic Byways encompass national or statewide known scenic values of the roadway and adjacent visual resources. In general, scenic routes are paved, passable by passenger car and meet certain road and safety standards. This classification contains examples of truly spectacular routes with national or statewide recognition and the best scenic drives in Oregon. The Scenic Byways shall include the many varieties of the Oregon landscape and shall be distributed throughout the state. The number of routes shall be limited so the state is not saturated with scenic drives. The pattern of routes shall not be confusing to the public. Crisscrossing or overlap of designated routes shall be avoided.
- (2) Tour Routes encompass regionally or locally known scenic, cultural or historic values which also have features or points of interest that tend to draw people out of their cars. These could include wine tours, covered bridge tours or resource management tours. Tour routes may also be more primitive routes requiring high-clearance vehicles, with scenery ranging from national to local. Tour Routes may be paved, but some are not, and a few require four-wheel drive vehicles, while others are driveable by normal passenger car. The routes shall be safe for the prescribed season and required type of vehicle.

Stat. Auth.: ORS 184.617 & ORS 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

734-032-0040

Oregon Scenic Byway Designation Process - Initial Screening of Scenic Byway Proposal

- (1) To be considered as a scenic byway the proponent must submit the following:
- (a) Written narrative statement of the route identifying items of significance or interest in relation to the established criteria;
 - (b) Documentation of conceptual support by jurisdictional agencies in the corridor;
 - (c) Map of route, showing beginning and ending points, length and width of corridor; and
 - (d) Definition of the location of points of interest or significance.
- (2) The Oregon Scenic Byway Committee shall review the proposal against the criteria and determine whether it shall proceed through the designation process. The committee shall also review the proposed route against currently designated routes and other pending proposals to assure that the pattern of designated routes shall not be confusing and are not becoming

saturated. If the committee recommends not to proceed it shall provide comments to the applicant on weaknesses of the proposal and possible improvements where applicable.

Stat. Auth.: ORS 184.617 & ORS 184.619
Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991
Hist.: HWY 6-1994, f. & ef. 12-29-94

734-032-0050

Oregon Scenic Byway Designation Process - Formal Proposal

(1) If the proposal is recommended to proceed, the proponent must make a formal presentation to the committee presenting the following information in addition to providing additional detail of the requirements in OAR 734-032-0040(1):

(a) Detail the management strategy which shall be employed for the route. This should include the following:

- (A) How the Scenic or Tour Route Criteria values shall be protected;
- (B) How the Scenic or Tour Route Criteria values shall be interpreted for the public;
- (C) How the road and parking shall be maintained to enhance value and for public safety; and
- (D) How values shall be enhanced.

(b) Discussion of the funding commitment including a letter stating the amount committed and when available;

(c) A statement demonstrating that designation of the route shall be consistent with applicable land use plans including a letter from the local governments having jurisdiction over the route;

(d) A letter from the road agencies having jurisdiction over the route showing that the proposed designation has been coordinated with these agencies;

(e) Demonstrate how new or relocated billboards shall be prohibited in the scenic byway corridor; and

(f) A marketing plan which is coordinated with local/regional convention and visitors bureau and/or chambers of commerce.

(2) Based on the information presented the committee may determine that the route does not qualify as a Scenic Byway or Tour Route category.

(3) The committee shall review driveability of a route to determine if it is satisfactory for the Scenic Byway Category. If the route does not meet the driveability requirement it may be considered in the Tour Route category.

(4) Representatives of the Oregon Scenic Byway Committee shall conduct a field review of the proposed route and rate the route against the Scenic and Tour Route Criteria. These criteria are in **Tables 1 and 2**, Scenic Byway Criteria and Tour Route Criteria, respectively.

(5) In order to be recommended for designation as a Scenic Byway, the route must achieve a threshold score in the evaluation against the Scenic Byway Criteria.

(6) In order to be recommended for designation as a Tour Route, the route must receive a minimum score in the evaluation against the Scenic Byway Criteria. The route must also receive enough additional points in the evaluation against the Tour Route Criteria to reach the threshold score.

(7) Prior to accepting applications for scenic byways or tour routes, the Scenic Byway Committee shall assign points to the Scenic Byway and Tour Route Criteria in **Tables 1 and 2**, and shall establish threshold scores and minimum scores for Scenic Byways and Tour Route designation. This information shall be made available to all proponents.

(8) If the full committee agrees to recommend a route to be designated either as a Scenic Byway or Tour Route, the recommendations of the committee shall be forwarded to the Transportation Commission and the Oregon Tourism Commission for final action. Both the commission and council must adopt the recommendation for the route by at least a two-thirds majority for the route to receive the designation.

(9) If the proposed route is not recommended for designation by the committee, comments shall be provided to the proponent. This information shall state the reasons why this route was not designated and possible improvements along the route that would help it meet the required standards if the proponent opts to reapply. The route may be resubmitted for consideration of designation 90 days after comments are provided to the proponent.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 184.617 & ORS 184.619
Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991
Hist.: HWY 6-1994, f. & ef. 12-29-94

734-032-0060

Monitoring Designated Oregon Scenic Byways and Tour Routes

The Oregon Scenic Byway Committee shall review field inventories against current conditions at least once every five years. The committee may recommend the removal of routes that no longer meet the criteria due to changed conditions at the completion of the five year review or at any time there is a significant change in the conditions of the route.

Stat. Auth.: ORS 184.617 & ORS 184.619
Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991
Hist.: HWY 6-1994, f. & ef. 12-29-94

734-032-0070

Scenic Byway Committee

The Oregon Scenic Byway Committee shall consist of a representative from each of the entities listed below with the Oregon Department of Transportation representative chairing the committee:

- (1) Oregon Department of Transportation;
- (2) Oregon Economic and Community Development Department;
- (3) Oregon Parks and Recreation Department;
- (4) U.S. Forest Service;
- (5) Bureau of Land Management;
- (6) Association of Oregon Counties;
- (7) Oregon Association of Convention and Visitors Bureaus; and
- (8) League of Oregon Cities.

Stat. Auth.: ORS 184.617 & ORS 184.619
Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991
Hist.: HWY 6-1994, f. & ef. 12-29-94

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. Terms and Conditions of Use

[State Agency Directory](#) [System Requirements](#) [Privacy Policy](#) [Accessibility Policy](#) [Oregon Veterans](#) [Oregon.gov](#)

Select Language | ▼

State Archives • 800 Summer St. NE • Salem, OR 97310

► The Oregon Administrative Rules contain OARs filed through August 15, 2017 ◄

QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?
CLICK HERE TO ACCESS RULES COORDINATOR CONTACT INFORMATION

DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION

DIVISION 60

SIGNS

734-060-0000

Outdoor Advertising Sign Application Process

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program. There are three different Outdoor Advertising Sign application forms: "Standard Outdoor Advertising Sign Permit Application" for new permits for outdoor advertising signs that preexisted the law change on May 30, 2007, relocations and reconstructions of such permitted signs; "Digital Billboard Outdoor Advertising Sign Application" for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs and "Application for Transit Bench or Shelter Sign" for signs on bus/transit benches and bus/transit shelters. The Department may deny a permit application if the applicant does not use the correct form.

(2) Copies of sign laws. The Department will make available copies of all state sign statutes, administrative rules, federal statutes, federal regulations, and federal-state agreements in effect. The Department may charge for the copies at the rate established by law for public records requests, and may require prepayment. The Department may also provide these documents by e-mail, web site, or in other forms for the convenience of the public and the Department.

(3) Summary of regulations. To assist potential permit applicants and the general public, the Department will make available a summary of sign permit regulations. The summary does not bind the Department to the items listed or waive its right and duty to enforce all requirements under the law.

(4) Contents of applications for Standard Outdoor Advertising Signs and Digital Billboard Outdoor Advertising Signs. To be complete the application must include the following.

(a) Application form Part 1: Applicant Information, Sign Specifications. Information must be complete and accurate for applicant, sign builder, purpose of application, description, township/range/section/tax lot, highway route number or name and side of highway, how site is marked, name and address of property owner, and why the sign will be an "outdoor advertising sign." The location boxes should be completed to the best of applicant's ability to enable the Department to find the site.

(b) Application form Part 2: Certification of Applicant. The application form must be signed and dated by the applicant, certifying the information provided by applicant is accurate and has not been changed after the local government certification (see section (c) below). If the applicant is a corporate or other business entity the individual signing must include their title so as to indicate the authority to sign for the applicant.

(c) Application form Part 3: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application to the local jurisdiction for zoning and local compliance information. The local official must complete Part 3 and, if relevant, attach a letter of explanation of local code compliance. The local official must sign and date Part 3.

(d) Fee. The fee is based on square footage as described in OAR 734-059-0100. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash, debit or credit cards; checks must be made out to Oregon Department of Transportation.

(e) Written proof of landowner consent. All applications must include written proof that the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant's election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are the land lease, land lease plus applicant's certification as described

above, land lease plus owner's written confirmation that an extension is being exercised, or a current memo signed and dated by land owner stating that applicant has permission to put the sign at the specified location. Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign.

(f) Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730. It is the responsibility of the Business License holder who erects or maintains an outdoor advertising sign to ensure that the outdoor advertising sign, visible to a state highway, is in compliance with the OMA. Compliance includes ensuring signs have an active state sign permit prior to placing or maintaining any message on the sign, and ensuring that the sign stays in compliance during the time that the licensee operates or maintains the sign. Violations may result in suspension or revocation of the licensee's business license as allowed under ORS 377.730.

(g) Relocation permit application. For a relocation application, if the zoning was first commercial or industrial after 1/1/1973, or if the local jurisdiction cannot determine the date, the applicant must submit a sketch or other document showing the site is within 750 feet of a commercial or industrial area to comply with ORS 377.767(3).

(h) Pre-existing sign permit application. For an application for a new pre-existing sign under ORS 377.712 the following additional items are required:

(A) Complete the application form "Supplement for Pre-existing Sign Permit" and sign it before a notary public;

(B) Submit documents demonstrating each of your claims, such as a lease showing the sign was posted for compensation; and

(C) Pursuant to ORS 377.712(1), include documentation demonstrating how applicant was ignorant of the permit requirement for outdoor advertising signs as of May 30, 2007.

(5) Digital Billboard applications must also include the following information:

(a) When being reconstructed or relocated for the first time as a digital billboard the applicant must provide the eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.840 and OAR 734-060-0007.

(b) Whether the proposed sign is a "Poster," "Bulletin," or other sign as described in OAR 734-060-0007(2).

(c) Emergency malfunction contact information including name, phone number along with proposed response procedure to possible malfunction.

(d) Whether or not a renewable energy resource is available and being utilized. If none, then the applicant must complete the affidavit attesting that no renewable resource is available.

(6) Transit Bench or Shelter Application. A transit shelter or bus bench application must provide documentation demonstrating that the site is at an official bus or transit stop on a city or urban transit system route.

(7) Complete Applications.

(a) The Outdoor Advertising Sign Program's mailing address is: Oregon Department of Transportation, Right of Way Section — Sign Program, 4040 Fairview Industrial Drive SE, MS #2, Salem OR 97302. The Sign Program receives hand deliveries at 4040 Fairview Industrial Drive SE, Salem Oregon. The Sign Program receives facsimiles at 503-986-3625. The Sign Program receives electronic mail at OutdoorAdvertising@odot.state.or.us.

(b) The Department requires original signatures and original initials to any changes on the application form. Therefore the Department will not accept the application form by electronic transmission (including facsimile). The Department may accept other documents by electronic transmission. The Department will not accept any changes made verbally; all changes must be in writing.

(c) The Department will indicate on each application document the date and time received. Application materials received by mail will be treated as received at the time a representative of the sign program physically receives the program's mail for that day. Application materials received in person, by fax, or by electronic transmission will be treated as received when a representative of the sign program physically receives those materials.

(d) The Department will only process applications that are complete. An application is complete when the Outdoor Advertising Sign program receives the signed application form including all necessary information, all documents necessary for issuance of a permit, and the correct application fee.

(A) Within 15 calendar days of receiving an application the Department will provide to the applicant written notice whether the application is complete. If the Department determines the

application is complete, the notice will state the application's priority among all pending, complete applications.

(B) If the Department determines any information provided is incorrect, the application is not complete. The Department may rescind a notice of completeness and priority date if it later determines that information provided by applicant is not correct.

(e) If an application is not complete, within 15 calendar days of receiving the application the Department will return a copy of the entire application with written instructions on what is needed to complete it. The applicant must initial any subsequent changes and, if the changes are substantive to the local jurisdiction, must obtain a new certification from the local jurisdiction. The Department will retain the application for 60 days. If the application is still incomplete after 60 days, it will be deemed withdrawn by the applicant. The Department may retain the original application as a record.

(A) If an application form is complete but the application is considered incomplete due to insufficient supporting documents or failure to submit the fee, the Department may return a copy of any relevant portion of the application with written instructions on how to complete it or the Department may hold the application and notify the applicant in writing of what is needed and when it must be provided.

(B) Within 15 days of receiving the corrected form or additional materials the Department will provide the applicant written notification whether the application is complete and, if complete, the priority among all pending, complete applications.

(C) If the applicant makes any change to the application after it is deemed complete, the Department will change the priority date to the date of that change.

(D) If the Department has held an incomplete application for 60 days from the date of initial receipt, the application is deemed withdrawn by the applicant. The Department will return a copy of the application and may refund any eligible deposited fee. The Department may retain the original application as a record.

(8) Processing of complete permit application.

(a) The Department will approve or deny a permit within 60 days of the complete application's priority date as determined under section (7)(d) or (e) of this rule if the application clearly does not conflict with another complete application.

(b) An application for a permit that conflicts with the location of an expired or canceled permit will not be processed until the time for any hearing or appeal on the latter permit has passed, unless the permit is being canceled as a condition for issuance of the new permit.

(c) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the earliest priority date and time takes precedence over later applications. Subject to all other requirements of the OMIA, the Department will issue the permit to the earlier applicant.

(d) If multiple complete applications have the same priority date and time, and are determined by the Department to compete for the same spot, the Department shall notify the applicants of the circumstances within seven days of the Department's determination. If an affected applicant requests a contested case hearing, the matter will be determined by a single contested case hearing under Oregon's Administrative Procedures Act. The Department shall refer the matter to the Office of Administrative Hearings within seven days of an applicant's written hearing request.

(e) If the Department does not approve or deny a permit application within the time allowed under section (8)(a) of this rule, such actions do not require the Department to issue a permit or require any remedy except as provided otherwise in law.

(9) Field checks; applicant requirements and Department method.

(a) When the Department determines an application is complete, the Department will perform a field check to determine the milepoint and all other information necessary to process the application.

(b) The applicant must place a marking at the site to show the proposed location for the sign permit. The applicant may use a stake, ribbon, paint, or any method or material that will allow the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).

(c) If the Department cannot locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.

(d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area. Once a field check has been conducted the application fee is non-refundable.

(e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.

(10) Denied Permit Applications. If the Department denies an application, it will consider that site as conflicting with other applications:

(a) Until the time to request a hearing elapses without a hearing request from the applicant; or

(b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.

(c) The Department will keep the original application and any accompanying documents and return a copy after an application is denied.

(11) Issued Permits.

(a) The permit will specify the 180th day by which the sign must be constructed.

(b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the notification within 180 days the Department will alert the permittee about the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.

(c) "Constructed" means that the structure and all sign faces are permanently in place and the permit plate is attached. "Removed" means the taking down, removing, or eliminating all sign structure elements that are visible from the state right of way.

(12) Sign Removal Notification A written relocation credit request and the accompanying relocation credit banking fee must be provided to the Department by the permit holder within 60 days of the removal of any permitted sign for that sign to be eligible to receive a relocation credit.

(13) Notification of Ownership Change It is the responsibility of a Business Licensee and a Permit Owner to notify the Department of ownership changes, in writing, within 60 days if a sign permit or relocation credit has been transferred to a new owner or licensee. Failure to provide written notification and required transfer fees within 60 days may be considered a violation under ORS 377.725(2) and may result in the suspension of associated Business License(s).

Stat. Auth.: ORS 184.616, 184.619, 377.715, 377.725

Stats. Implemented: ORS 377.715, 377.725

Hist.: HWD 2-2009, f. 3-20-09, cert. ef. 3-23-09; HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 11-2014, f. & cert. ef. 12-19-14; HWD 4-2016, f. & cert. ef. 11-28-16

734-060-0007

Digital Billboard Procedures

(1) This rule describes the process for applying for a permit for a digital billboard.

(2) Definitions for the purposes of this rule:

(a) "Sign" means the sign structure, the display surfaces of the sign, and all other component parts of the sign.

(b) "Retire" means to use a relocation credit such that it no longer exists or to remove an existing sign to become a relocation permit or credit for use.

(c) "Bulletin" means an outdoor advertising sign with a display surface that is 14 feet by 48 feet.

(d) "Poster" means an outdoor advertising sign with a display surface that is 12 feet by 25 feet.

(e) "Digital Billboard" means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

(3) Qualifications for receiving a digital billboard state sign permit:

(a) The proposed site and digital billboard must meet all requirements of the OMIA including, but not limited to, the following:

(A) The digital billboard is not illuminated by a flashing or varying intensity light.

(B) The display surface of the digital billboard does not create the appearance of movement.

(C) The digital billboard must operate at an intensity level of not more than 0.3 foot-candles over ambient light as measured by the distance to the sign depending upon its size.

(D) The distance measurement for ambient light is: 150 feet if the display surface of the sign is 12 feet by 25 feet, 200 feet if the display surface is 10.5 by 36 feet, and 250 feet if the display surface is 14 by 48 feet.

(b) Applicant must submit a completed application for a digital billboard state sign permit using the approved form that may be obtained by one of the following methods:

(A) Requesting from Sign Program Staff by phone at 503-986-3650;

(B) Email: OutdoorAdvertising@odot.state.or.us;

(C) Website: <http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx>.

(c) The Department shall confirm that any existing permitted Outdoor Advertising Sign or relocation credit being retired for the purpose of receiving a new digital billboard state sign permit has been removed within the 180 days allowed to construct the new permitted sign. The Department will not charge a Banking Permit Fee for the cancellation of state sign permits retired for the purpose of receiving a new digital billboard permit.

(4) This section sets forth the criteria for determining the required relocation credits or existing permitted signs that an applicant shall retire to receive one new digital billboard state sign permit:

(a) Applicants who own 10% or less of all active relocation credits at the time the application is submitted shall either remove one existing state permitted outdoor advertising sign with a display area of at least 250 square feet or provide one active relocation credit of at least 250 square feet and retire that permit. Applicants meeting these criteria are not limited to either "Bulletin" or "Poster" billboards.

(b) Applicants who own more than 10% of all active relocations credits shall apply for a new digital billboard state sign permit as follows:

(A) For a digital billboard that is intended to be a bulletin, the applicant has three options:

(i) Remove two existing bulletins, retire the permits for those signs, and retire three relocation credits; or

(ii) Remove one existing bulletin and two existing posters, retire those permits and retire three active relocation credits; or

(iii) Remove four existing posters, retire the permits for those signs, and retire three relocation credits.

(B) For a digital billboard that is intended to be a poster, the applicant has two options:

(i) Remove two existing posters, retire the permits for those signs, and retire three relocation credits;

(ii) Remove one existing bulletin, retire the permit for that sign, and retire three relocation credits.

(c) For an active relocation credit to be eligible it must be at least 250 square feet. All permits and relocation credits submitted under these procedures will be permanently cancelled and are not eligible for renewal.

(d) Any state sign permits submitted for retirement must include the written statement notifying the Department that the "lease has been lost or cancelled."

(5) The Department will determine the percentage of relocation credits owned by an applicant by dividing the total number of unused relocation credits by the total number of unused relocation credits owned by the applicant on the day the application is received.

(6) Two digital billboard state sign permits are required for any back to back or V-type digital sign. A separate application is required for each digital sign face.

(7) The first time a digital billboard is permitted it is not subject to the 100-mile rule in ORS 377.767(4). The site of the newly permitted billboard will become the established location for future reference.

(8) Relocation of permitted digital billboards. The Department will issue one digital relocation credit for each permitted digital sign that is removed. The digital relocation credit issued will be for the same square footage as the permitted digital sign that was removed. A digital relocation credit can only be used to relocate a digital billboard. A permitted digital sign can only be reconstructed as a digital billboard.

(9) Use of renewable energy resource. The applicant must provide a statement with the application that clarifies what, if any, renewable energy resources are available at the site and are being utilized. If none, then a notarized statement to that effect must be included with the application.

(10) All permitted digital billboards must have the capacity to either freeze in a static position or display a black screen in the event of a malfunction.

(a) The applicant must provide emergency contact information that has the ability and authority to make modifications to the display and lighting levels in the event of emergencies or a malfunction.

(b) The Department will notify the sign owner of a malfunction that has been confirmed by ODOT in the following instances:

(A) The light impairs the vision of a driver of any motor vehicle; or

(B) The message is in violation of ORS 377.710(6) or 377.720(3)(d).

(11) All digital billboard signs must comply with the light intensity and sensor requirements of ORS 377.720(3)(d).

(a) The Department will take measurements of the permitted digital billboard when notified that the sign has been constructed and the permit plate has been installed.

(b) The Department will use an approved luminance meter designed for use in measuring the amount of light emitted from digital billboards using the industry standard for size and distance as follows:

(A) 150 feet for 12'x 25'.

(B) 200 feet for 10.5'x 36'.

(C) 250 feet for 14'x 48'.

Stat. Auth.: ORS 184.616, 184.619, 377.710, 377.729, 377.753

Stats. Implemented: ORS 377.710, 377.720, 377.750, 377.767

Hist.: HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 11-2014, f. & cert. ef. 12-19-14

Portable Signs on Right of Way

734-060-0060

Portable Signs and Repeated Violations of ORS 377.650

Any sign as defined by ORS 377.710, which is portable in nature and which has been deposited, left or displayed on a state highway in violation of 377.650 may be removed and disposed of in the following manner:

(1) Five days after written notice of the violation of ORS 377.650 is mailed or 24 hours after notice is delivered in person to the person owning or controlling the portable sign, the District Manager (DM) or Assistant District Manager (Asst. DM) may have the sign removed and may charge the owner for the cost of removal and storage. The sign shall be stored for 30 days and if the sign is not claimed within 30 days, it may be sold, destroyed or otherwise disposed of.

(2) If the portable sign is determined by the DM or Asst. DM to create a traffic hazard, (e.g., signs on the paved portion of a highway or gravel shoulder, or signs placed upon state highway signs or appurtenances), the five day advance written notice need not be made but notice is to be made within 24 hours after removal.

(3) If the owner of the portable sign or person in control of the sign is not readily identified, by the sign itself or by contacting adjacent property owners, the sign may be removed immediately without notice. However, notice should be made upon subsequent identification of the sign owner.

Stat. Auth.: ORS 184 & ORS 377
 Stats. Implemented: ORS 377.650
 Hist.: 2HD 4-1985, f. & ef. 11-22-85

734-060-0065

Notice to a Portable Sign Owner

Notice to a portable sign owner shall include at least the following:

- (1) Statement that the sign is in violation of ORS 377.650.
- (2) The approximate location of the sign and a description of the sign.
- (3) Date the sign will be removed, or date on which the sign was removed.
- (4) Statement that the removal and storage costs are the responsibility of the owner.
- (5) Statement that sign shall be disposed of after 30 days of storage.
- (6) The cost of removal and storage.
- (7) A location of where the sign will be stored, or a person to contact concerning the storage.
- (8) A statement that the owner may remove the sign at the owner's expense prior to date of removal by the Department.
- (9) A statement that further violation will result in immediate removal without prior notification.

Stat. Auth.: ORS 184 & ORS 377
 Stats. Implemented: ORS 377.650
 Hist.: 2HD 4-1985, f. & ef. 11-22-85

734-060-0070

Previous Notice

If a previous notice has been given that a portable sign or other personal property violates ORS 377.650, and that sign, (a change of legend or message does not constitute a different sign), or property is again placed on a state highway, such items may be removed without further notice and stored for 30 days before further disposal. In such event notice shall be given subsequent to removal and the owner shall be given an opportunity for a hearing before the DM or Asst. DM to contest the violation and removal. The request for a hearing must be made within three working days after removal and the hearing must be held within five working days after such removal. The scope of this hearing shall be limited to whether proper prior notice was given, whether there was a subsequent violation and whether the sign or property was placed on a state highway. A written decision shall be made concerning the violation and removal procedure.

Stat. Auth.: ORS 184 & ORS 377
 Stats. Implemented: ORS 377.650
 Hist.: 2HD 4-1985, f. & ef. 11-22-85

734-060-0075

Removal Provisions

Signs subject to OAR 734-027-0005 through 734-027-0050 are subject to the removal provisions of those rules and ORS 377.775.

Stat. Auth.: ORS 184 & ORS 377
 Stats. Implemented: ORS 377.650
 Hist.: 2HD 4-1985, f. & ef. 11-22-85

Exempt Sign Rules

734-060-0105

Signs of a Governmental Unit

(1) In order to qualify for a permit exemption under ORS 377.735(1)(a) as a sign of a governmental unit the following criteria must be satisfied:

- (a) The sign must be within the territorial or zoning jurisdiction of the governmental unit;
- (b) The governmental unit must have the authority to declare, expound, administer, or apply the law within the area;
- (c) The governmental unit may only erect the sign, or allow it to be erected, for the purpose of

carrying out an official duty or responsibility directed or authorized by law.

(2) Location. Signs permitted by this rule are prohibited on state highway right of way.

(3) Size. Maximum area allowed is 200 square feet; maximum height or length allowed is 20 feet.

(4) Number. A governmental unit may have two such permit exemptions. If the limitation on number of signs will cause undue hardship, a waiver for additional signing may be granted by the Director, or authorized representative, upon application by the sign owner.

(5) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(6) Signs erected under this rule are subject to the provisions of ORS 377.720 and to applicable federal requirements. Nothing in this rule is intended to permit a sign that is otherwise prohibited by a local government.

(7) No person may receive compensation for displaying the sign.

(8) This rule is not intended to regulate official traffic control signs or devices.

(9) To apply for the permit exemption an official of the governmental unit must submit a completed certification form, and an image of the proposed sign showing dimensions and copy, to the Outdoor Advertising Sign Program office.

Stat. Auth.: ORS 184.616, 184.619 & 377.735

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89; TO 7-2001, f. & cert. ef. 12-13-01; HWD 1-2009, f. & cert. ef. 2-20-09

734-060-0175

Temporary Signs

(1) This rule is enacted pursuant to ORS 377.735 regarding the permit exemption for temporary signs and in furtherance of the Oregon Motorist Information Act (OMIA, 377.700 through 377.840 and 377.992).

(2) Location generally. A temporary sign may be erected outside of state highway right of way, within view of a state highway, subject to the requirements of the local jurisdiction and the OMIA. A sign that complies with all the provisions of ORS 377.735(1)(b) may be erected without prior approval of the Department. A sign that requires a variance to comply must obtain that variance before erecting the sign. The Department may, at its discretion, retroactively grant a variance.

(3) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(4) Changes in copy or location. For the sake of the time limits described in ORS 377.735(1)(b), the following will be considered one sign:

(a) The same sign structure, regardless of copy, moved less than 600 feet from a former site; or

(b) A different sign structure, regardless of copy, in approximately the same location as another sign that was removed.

(5) Variance Procedure.

(a) A variance request must be in writing on a form provided by the Department. The request must be sent to the Outdoor Advertising Sign Program. There is no fee for a variance.

(b) A variance request must describe the specific location including:

(A) Name or number of highway;

(B) Side of highway; and

(C) Approximate milepoint, distance from a known highway feature (e.g. an intersection), or physical address.

(c) A variance request must describe the reason that constitutes good cause to grant the variance. If a reason is the amount of copy itself, requester must include the proposed copy. The Department may consider the amount, not the substance, of the copy.

(d) The request must include the name and mailing address of the requester. If the requester wants the Department to be able to make contact in any other way, such as to obtain supplemental information to process the request, requester may also include that contact

information. The requester will be considered a sign owner for the sake of violation of sign laws.

(e) The request must include the date the sign will be posted and the date it will be removed so as to comply with the time limits to qualify for the exemption.

(f) Requester must certify that he or she:

(A) Has permission from the person in control of the property to post the sign;

(B) Will comply with all requirements of the local jurisdiction;

(C) Will not pay or receive any form of compensation for posting the sign; and

(D) Will comply with all requirements of the OMIA.

(g) The Department must grant or deny the request within 14 days after the Outdoor Advertising Sign Program receives it. The Department may deny applicant's variance request due to lack of required information; the applicant may re-submit the request. If the Department denies a request, fails to make a decision within 14 days, or grants and later revokes a variance, the requester may request a contested case hearing. Failure of the Department to meet the time limits required by this rule does not require that the variance be granted.

(h) If the Department determines a requester provided false information, including a false certification under (3)(f), it may deny the request and revoke any variance already granted to that person or the organization the applicant represents.

(i) Variances for both size and time may be granted at the discretion of the Department based on motorist safety considerations and statutory requirements. The Department will not grant more than 10 variances to one requester or organization for the same period of time.

(6) Specific Variance Criteria.

(a) Variance for size. The Department may grant a variance for size up to 32 square feet per side of a back-to-back sign. Good cause to grant a size variance may include, but is not limited to the following:

(A) Due to highway speed, width of right of way, topography, or other similar reasons beyond the applicant's control, the sign copy will not be legible to motorists if the sign is 12 square feet or less;

(B) Due to the amount of copy on the sign, the copy will not be legible to motorists if the sign is 12 square feet or less; or

(C) The sign was manufactured before the 12/13/2001 change in administrative rules regarding exempt signs, and the sign continues to comply with those former rules.

(b) Variance for time. The Department may grant a variance for time up to a total of 120 continuous days in a calendar year. The Department may grant the variance for good cause shown. Good cause may include, but is not limited to, a showing that:

(A) The applicant is attempting to obtain an outdoor advertising sign permit for the sign but will be unable to complete the application process within 60 days;

(B) Due to conditions of the land, weather, or similar reasons beyond requester's control, requester will be unable to remove the sign within 60 days.

(7) Prohibitions and penalties.

(a) Other than official traffic control devices, signs are prohibited in state highway right of way. Accessing a sign or sign site by crossing access-controlled right of way is prohibited. Violations of this rule are subject to ORS 377.725(9) and any other removal or penalty provision under law. Signs in or overhanging state highway right of way may be removed pursuant to ORS 377.650 and OAR 734-060-0060 to 734-060-0070.

(b) Signs outside of right of way are subject to the removal procedures of ORS 377.775, and the penalty provisions of ORS 377.992 as well as any other penalty provision under law.

(c) If the sign or site has been accessed from access-controlled right of way, or the sign has been placed in or overhanging right of way, the Department may revoke any variance for that sign, by that requester, or by the represented organization. The Department may deny any subsequent variance request for that sign, by that requester, or by that organization at any location. If the Department discovers multiple violations of (a) above, it may file for an injunction under ORS 374.415.

(8) Signs erected under this rule are subject to the provisions of ORS 377.720 and to all applicable state and federal requirements.

Stat. Auth.: ORS 184.616, 184.619 & 377.735

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89; TO 7-2001, f. & cert. ef. 12-13-01; HWD 1-2009, f. & cert. ef. 2-20-09; HWD 11-2014, f. & cert. ef. 12-19-14; HWD 4-2016, f. & cert. ef. 11-28-16

734-060-0180

Restricted Sign Permits

(1) This rule is enacted under the authority of ORS 377.725(14).

(2) A Restricted Permit may be issued for non-conforming signs that were legally located prior to May 31, 2007, where no compensation has been exchanged for the sign's placement or the message(s) displayed, including signs that were permitted, prior to 2007 as a Business Identification or Directional (BID) signs.

(3) Restricted Permits have no relocation or reconstruction benefits. Signs permitted under a Restricted Permit may be maintained, but may not be reconstructed or relocated,

Stat. Auth.: ORS 184.616, 184.619, 377.735

Stats. Implemented: ORS 377.725

Hist.: HWD 4-2016, f. & cert. ef. 11-28-16

734-060-0185

Public Convenience and Safety Signs

(1) Location. Public convenience or safety signs are allowed on private property visible to a state highway, under the exemption in ORS 377.735, except as prohibited by these rules. Public convenience or safety signs are prohibited on state highway right of way unless approved in writing by the Deputy Director of the Department of Transportation. Public convenience signs must be within one mile of the convenience covered by the sign.

(2) Size. The maximum permissible size for public convenience or safety signs is six square feet.

(3) Spacing and Form. Minimum spacing between two public convenience or safety signs on the same side of the highway is 100 feet. The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(4) Qualification. Public safety signs are those necessary for the safety of the public such as, but not limited to, signs with legal notices or warnings, or signs warning of danger to the public. Public convenience signs are those necessary for guiding the public in the use of the state transportation system such as, but not limited to, signs identifying transit stops, freight entrances, train stations, ports, airports, or signs identifying public rest rooms.

(5) Signs erected under this rule are subject to ORS 377.720 and to applicable federal requirements.

(6) Removal. Signs erected under this rule are subject to the removal procedures as provided in ORS 377.775.

(7) No person or organization may receive compensation for the act of displaying a public convenience or safety sign.

(8) This rule is not intended to regulate, prohibit or limit official highway traffic control signs or devices.

Stat. Auth.: ORS 184.616, 184.619 & 377.735

Stats. Implemented: ORS 377.735

Hist.: TO 7-2001, f. & cert. ef. 12-13-01; HWD 1-2009, f. & cert. ef. 2-20-09

734-060-0190

Digital or LED Variable Message Signs Other than Outdoor Advertising Signs

This rule is enacted pursuant to ORS 377.720(3) and (4) regarding signs other than Outdoor Advertising Signs that utilize digital or LED electronic message or variable message technology and are visible to a state highway.

(1) By statute, all signs visible to state highways are subject to state sign prohibited sign and safety regulations. No signs visible to a state highway, other than official traffic control signals or devices, may include moving or rotating parts or lights. Signs may not be made to resemble an official traffic signal or device and they may not have lights that project onto the roadway or impede the sight of traveling motorist.

(2) In interpreting ORS 377.715 and 377.720, signs visible to a state highway, other than official traffic control signals or devices, may not:

- (a) Be illuminated by flashing lights or a light that varies in intensity;
 - (b) Have a display surface that creates the appearance of movement;
 - (c) May not operate at a brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension: [Table not included. See ED. NOTE.]
- (3) Newly constructed signs visible to a state highway, other than official traffic control signals or devices, must be:
- (a) Equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light, and;
 - (b) Designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]


Stat. Auth.: ORS 184.616, 184.619, 377.710 & 377.720

Stats. Implemented: ORS 377.720

Hist.: HWD 11-2014, f. & cert. ef. 12-19-14; HWD 4-2016, f. & cert. ef. 11-28-16

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. Terms and Conditions of Use

[State Agency Directory](#) [System Requirements](#) [Privacy Policy](#) [Accessibility Policy](#) [Oregon Veterans](#) [Oregon.gov](#)

Select Language 

State Archives • 800 Summer St. NE • Salem, OR 97310

► The Oregon Administrative Rules contain OARs filed through August 15, 2017 ◄

QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?
CLICK HERE TO ACCESS RULES COORDINATOR CONTACT INFORMATION

**DEPARTMENT OF TRANSPORTATION,
HIGHWAY DIVISION**

DIVISION 63

RELOCATING OUTDOOR ADVERTISING SIGNS ON A SCENIC BYWAY

734-063-0005

Relocating Outdoor Advertising Signs on a Scenic Byway

For the purpose of insuring that Oregon does not violate any federal scenic byway laws resulting in the loss of federal funding for its scenic byways:

(1) No permit shall be issued to relocate an outdoor advertising sign to be visible to any portion of US 101, a designated scenic byway, unless it complies with federal scenic byway laws, federal regulations or conditions of federal grants relating to scenic byways.

(2) All signs maintained and reconstructed under these regulations are also subject to the provisions of ORS 377.700 to 377.840 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration. Signs maintained and reconstructed under these regulations are also subject to any city or county ordinance or regulation.

Stat. Auth.: ORS 184.616, ORS 377.726 & Ch. 268, OL 1993

Stats. Implemented: ORS 377.727

Hist.: HWY 5-1993(Temp), f. & cert. ef. 7-23-93; HWY 6-1993, f. & cert. ef. 10-21-93

734-063-0010

Scenic Byway Removal Incentive Program

(1) As provided in ORS 377.759, the owner of an active outdoor advertising sign permit for a sign visible to a highway located along the Oregon Scenic Byway system may apply to the Department of Transportation to voluntarily remove a sign in exchange for an incentive described in statute. This rule establishes the criteria for participation in the incentive program, the procedure to apply, and the procedure the Department will follow to process those applications.

(2) Qualification for participation — Byway status and sign legality.

(a) The location of the sign must be within the current Oregon Scenic Byway system as approved by the Oregon Transportation Commission. The Scenic Byway system includes state Scenic Byways, national Scenic Byways, All American Roads, and Oregon Tour Routes (hereafter "Byway system" or "Byway"). If the location of the sign is within an area that is the subject of a request to be de-designated or segmented from the Byway system, the sign does not qualify.

(b) The sign must be in compliance with all laws. A sign that is in violation of the law does not qualify for the incentive. The Department need not have issued a notice of violation prior to the application for participation for the Department to deny the application on this basis. If the Department denies the application in part or in full due to noncompliance with state sign laws, it must issue a notice of violation at the same time as the denial so applicant has a full opportunity to contest the decision.

(c) The sign must qualify for relocation under ORS 377.700 to 377.840. If the sign does not meet the criteria for relocation of the sign and permit, the sign does not qualify for the incentive program.

(d) A sign that is nonconforming under state law may qualify for the incentive program, depending on the reason for its nonconforming status. A sign that is nonconforming for a reason that legally would prevent its reconstruction in the same location does not qualify for the incentive program.

(3) Qualification for participation — Particularly Scenic Areas of Scenic Byways

(a) To qualify for the incentive the sign must be in a particularly scenic area within a Byway. When a sign permit holder submits an application the Department will determine if the location

of the sign meets that requirement. This is a case-specific determination, therefore the Department will make a decision for each specific application and not for a geographic area, length of highway, etc. The Department will consider the following factors in reaching its decision, and identify its reasons in the written decision finding the sign does or does not qualify for incentive.

(b) The sign is not located at a developed commercial or industrial area (as defined in ORS 377.767) visible from the main traveled way of the highway, regardless of whether the area is occupied by a going concern.

(c) The sign is not located within 500 feet of a sign that is subject to the jurisdiction of the Outdoor Advertising Sign Program but that does not have a state sign permit for any reason, including violation of the law or exemption from the law.

(d) The sign is within view of a public park, publicly owned forest, historic site, scenic viewpoint, or similar location.

(e) Other reasonable indicia of scenic beauty.

(4) Application for Participation in Incentive Program

(a) To apply for participation in the incentive program a sign permit holder must submit a request to the Department of Transportation Outdoor Advertising Sign office.

(b) The request must include a letter from the permit holder or an authorized representative stating the request to receive the incentive in exchange for voluntarily removing a particular sign identified by permit number. The letter must state whether any other entity has a legal interest in the permit or sign structure, and the nature of that interest. The letter must include a statement that the sign and permit are in compliance with all laws. The letter must state whether the applicant seeks two relocation credits, or one relocation credit and one direct relocation permit.

(c) The packet must include recent photographs of the sign showing its construction, condition, and the surrounding area, so the Department may make an initial analysis of qualification under sections (2) and (3).

(d) The packet must include a current county assessor's map showing Township, Range, and Section numbers, Section subdivision letters or numbers where relevant. Applicant must identify the sign location on the correct tax lot on that map.

(e) The packet may include a permit application for direct relocation of the sign and permit ("relocation application"). The relocation application is contingent on the granting of the incentive unless the applicant informs the Department in writing that the relocation application should be processed immediately. Barring that statement by applicant, the Department will treat the relocation application as incomplete under OAR 734-059-0000 and hold it as pending until the Department determines whether the sign and permit qualify for the incentive.

(5) Department Processing of Application

(a) The Department will determine if the application is complete. If not, the Department will advise applicant what is missing and provide a date by which the application must be completed. If it is not completed by that date the Department will return the original materials to applicant and the matter will be closed.

(b) When the application is complete, the Department will determine if the sign and permit meet the basic requirements in section (2). If not, the Department will contact applicant to gather more information, including whether the applicant disagrees with the Department's preliminary decision. If the applicant agrees with that decision, the Department will deny the application and return the original materials to applicant and the matter will be closed.

(c) If the sign and permit meet the requirements of section (2), or if applicant disagrees with the Department's preliminary decision regarding section (2), the Department will inspect the sign and the location for compliance with the law and for qualification as a particularly scenic area.

(d) The Department will determine whether the sign complies with the law and whether the sign is within a particularly scenic area of a Scenic Byway. The Department will notify applicant in writing regarding its determinations and relevant factual findings. If the Department determines the sign and permit do not qualify for the incentive program, the Department will advise applicant of its right to request a contested case hearing.

(e) If the Department determines the sign qualifies for the incentive program, the applicant must inform the Department when it will remove the sign. The sign must be removed no later than 90 days after the Department's notification. The Department will inspect the site to verify the sign has been removed. The entire sign structure, whether or not visible to the highway, must be removed to comply.

(f) Upon verification the sign has been removed the Department will cancel the sign permit and issue two relocation credits for the size and established location of the sign permit. If applicant

also submitted a relocation application the Department will process it under OAR 734-059-0000 and, if the application meets the requirements of the law, will issue the relocation permit and one relocation credit. If the relocation application does not meet the requirements of the law the Department will deny the relocation application and issue two relocation credits.

Stat. Auth.: ORS 184.616, 184.619, 377.763, 377.759 & 377.992

Stats. Implemented: 377.763, 377.759 & 377.992

Hist.: HWD 11-2010, f. & cert. ef. 9-27-10

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are settled in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. Terms and Conditions of Use

[State Agency Directory](#) [System Requirements](#) [Privacy Policy](#) [Accessibility Policy](#) [Oregon Veterans](#) [Oregon.gov](#)

Select Language ▼

State Archives • 800 Summer St. NE • Salem, OR 97310