



**CITY COUNCIL AGENDA
JULY 1, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

I. CALL MEETING TO ORDER

II. ADMINISTRATION OF OATH OF OFFICE

III. ROLL CALL

IV. PLEDGE OF ALLEGIANCE

V. CITY MANAGER'S REPORT

VI. PUBLIC COMMENTS

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VII. APPOINTMENTS

1. Consider appointing Tony Roos and Austin Christensen to the Newberg Traffic Safety Commission. (Pgs. 3-4)
2. Consider appointing Matthew Fortner to the Newberg Planning Commission. (Pgs. 5-6)

VIII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2013-3056** authorizing the city manager to enter an agreement to purchase computer hardware and facilitate installation of hardware. (Pgs. 7-10)
2. Consider a motion adopting **Resolution No. 2013-3057** authorizing the city manager to enter an agreement to purchase computer software. (Pgs. 11-12)
3. Consider a motion adopting **Resolution No. 2013-3058** authorizing the city manager to execute an IGA with ODOT for the Mabel Rush Safe Routes to School project and a related IGA with the Newberg School District. (Pgs. 13-42)
4. Consider a motion approving the June 3, 2013, City Council meeting minutes. (Pgs. 43-50)

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

IX. PUBLIC HEARINGS

Consider a motion adopting **Ordinance No. 2013-2762** authorizing a well at 1829 Waterfront Street and a continuance of a non-conforming hardship residence. (Pgs. 51-60)
(Legislative Hearing)

X. NEW BUSINESS

Consider a motion adopting **Resolution No. 2013-3059** establishing a policy regarding motorist information follow up signs on city streets. (Pgs. 61-163)

XI. COUNCIL BUSINESS

XII. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 4:30 p.m. on the preceding Wednesday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No. ___

SUBJECT: Appoint Tony Roos and Austin Christensen to the Newberg Traffic Safety Commission

Contact Person (Preparer) for this Motion: Mayor Bob Andrews
Dept.: Administration

RECOMMENDATION:

To consent to the Mayor's appointments of Tony Roos and Austin Christensen to fill vacant positions on the Newberg Traffic Safety Commission, with respective terms ending December 31, 2014, and June 30, 2014.

EXECUTIVE SUMMARY:

The Newberg Traffic Safety Commission is a 9 member committee with one student commissioner position. There was one full-time commissioner position open with the resignation of Traffic Safety Commissioner Doris Brandt, effective July 1, 2013. In addition, the student commissioner position expires on June 30, 2013, opening a vacancy. The Mayor has selected Tony Roos to fill the vacant full-time position, with the term ending December 31, 2014, and Austin Christensen to fill the vacant student position, with the term ending June 30, 2014.

Public notice of these vacancies were posted in City buildings, advertised in the local paper, and posted on the City's website. Several applications were received prior to the final deadline of 4:30 p.m., Friday, May 31, 2013. All applications were considered and the Mayor has selected Tony Roos and Austin Christensen to fill the positions.

For privacy purposes, the original applications are retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The Traffic Safety Commission provides a valuable service to the City of Newberg by promoting traffic safety through investigation, study and analysis of traffic safety programs; conducting educational efforts among the public in the matters of public safety; considering all traffic safety programs which are referred to them for recommendation by the City Council and making reports to the City Council on matters of traffic safety and traffic safety programs. The Traffic Safety Commission makes decisions regarding parking, crosswalks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ No.	Ordinance ___ No.	Resolution ___ No.	Motion <u>XX</u>	Information ___
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SUBJECT: Appoint Matthew Fortner to the City of Newberg Planning Commission.

Contact Person (Preparer) for this Motion: Mayor Bob Andrews
Dept.: Administration

RECOMMENDATION:

To consent to the Mayor's appointment of Matthew Fortner to the Planning Commission to fill a vacant position with a term expiring December 31, 2013.

EXECUTIVE SUMMARY:

The Newberg Planning Commission is a seven member committee with one student commissioner position. There was one full-time commissioner position open with the resignation of Planning Commissioner Tom Barnes, effective February 13, 2013.

Public notice of this vacancy was posted in City buildings, advertised in the local paper, and posted on the City's website. Several applications were received for consideration. All applications were considered and the Mayor has selected Matthew Fortner to fill the vacant position, with the term ending December 31, 2013.

For privacy purposes, the original applications are retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The Newberg Planning Commission serves a very important role in the betterment of our community and downtown making our City government viable and a great place to grow.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3056

SUBJECT: Authorize the city manager to enter into an agreement with Mountain States Networking to purchase computer hardware in the amount of \$294,392.80 and facilitate installation of hardware in the amount of \$18,000.00.

Contact Person (Preparer) for this
Motion: Dave Brooks
Dept.: Information Technology
File No.:

RECOMMENDATION:

Adopt Resolution No. 2013-3056 authorizing the city manager to enter into an agreement with Mountain States Networking to purchase computer hardware in the amount of \$294,392.80 and to facilitate the installation of hardware in the amount of \$18,000.00.

EXECUTIVE SUMMARY:

Five years ago all computer replacement accounts in the City of Newberg were frozen in order to balance the budget. Prior to this freezing, the City was spending about \$122,000.00 per year on computer and software systems replacements and upgrades. As a result of this freezing on replacements and upgrades of the computer and software systems, the inventory of computer and software systems has become obsolete and is in need of immediate replacement and upgrading.

The City will be relying on virtualization technology and a centralized storage system. Virtualization technology allows a centralized host machine to be accessed by others. This also allows for the centralization of administrative tasks by reducing overall overhead costs. Instead of relying on the old model of "one server, one application" which leads to under-utilized resources, virtual resources are applied to meet business needs without excess fat. This will allow for increased efficiency and reduced costs for hardware. Ongoing costs will be greatly reduced by reducing or eliminating the need to replace complete desktops and servers.

By taking advantage of this virtualization technology, the City will be able to consolidate 45 servers and 200 desktop/client devices into 3 server chassis with a total of 8 server blades, and store all of the data used by these systems in a central storage device. When it is time to upgrade end user desktop computers, the City will be able to do so at a fraction of the cost because there won't be a need to replace the complete desktop.

The City solicited quotes from CDWG, Structured Communications, and Mountain States Networking for Cisco computer equipment and Netapp storage equipment. CDWG responded with a quote of \$366,934.62; Structured Communications responded with a quote of \$379,453.00; and Mountain States responded with a quote of \$294,392.80.

Financing for this project will be partially through US Bank at an interest rate of 1.99% over 5 years and with existing funds.

FISCAL IMPACT:

Funding for the total project cost for Mountain States will be \$312,392.80, with partial financing through US Bank over a period of five (5) years in the amount of \$250,000.00 with interest in the amount of \$9300.02. The balance of \$62,392.80 will come from existing funds in account 32-1330-610200.

STRATEGIC ASSESSMENT:

City employees must use computers to perform their duties. Using outdated and failing equipment hinders their performance. Approval of this resolution will allow the computer networking system to be upgraded and help employees become more efficient in their duties.



RESOLUTION No. 2013-3056

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOUNTAIN STATES NETWORKING TO PURCHASE COMPUTER HARDWARE AND FACILITATE INSTALLATION OF HARDWARE TO REPLACE THE FAILING CITY NETWORK AND COMPUTER SYSTEM

RECITALS:

1. The City contracted with Mountain States Networking to install the existing networking equipment in the fall of 2007.
2. The City computers and servers are failing and in need of immediate replacement and upgrading.
3. Mountain States Networking currently supports the City's computer networking equipment.
4. Mountain States Networking is the lowest bidder for the hardware portion of the computer upgrade project.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as the Contract Review Board for the City, does hereby authorize the city manager to approve the purchase of computer network equipment and facilitate installation costs from Mountain States Networking in the aggregate amount of \$312,392.80.
2. The City will accept US Bancorp financing for \$250,000.00, with interest in the amount of \$9300.02, with the balance of \$62,392.80 coming from account 32-1330-610200.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 2, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of July, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 3rd day of July, 2013.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3057

SUBJECT: Authorize the city manager to enter into an agreement with Computer Discount Warehouse Government (CDWG) to purchase computer software in the amount of \$178,851.00.

Contact Person (Preparer) for this
Motion: Dave Brooks
Dept.: Information Technology
File No.:

RECOMMENDATION:

Adopt Resolution No. 2013-3057 authorizing the city manager to enter into an agreement with Computer Discount Warehouse Government (CDWG) to purchase software in the amount of \$178,851.00.

EXECUTIVE SUMMARY:

Five years ago all computer replacement accounts in the City of Newberg were frozen in order to balance the budget. Prior to this freezing, the City was spending about \$122,000.00 per year on computer and software systems replacements and upgrades. As a result of this freezing on replacements and upgrades of the computer and software systems, the inventory of computer and software systems has become obsolete and is in need of immediate replacement and upgrading.

The City will be relying on virtualization technology and a centralized storage system. Virtualization technology allows a centralized host machine to be accessed by others. This also allows for the centralization of administrative tasks by reducing overall overhead costs. Instead of relying on the old model of "one server, one application, and one software license and one computer" which leads to under-utilized resources, virtual resources are applied to meet business needs without excess fat.

Software costs are the largest portion of this computer system upgrade. Most of the Microsoft products in use at the City are no longer supported. This means the City will have to purchase a new Microsoft server, operating system, and productivity software.

Using virtualization technology with software programs allows the City to purchase fewer software programs while still allowing users access to the software, because not all users need the same software at the same time.

The City solicited quotes from CDWG, Structured Communications, IBM, and Hewlett Packard for Citrix and Microsoft software. Structured Communications responded with a quote of \$186,243.00 and CDWG responded with a quote of \$178,851.00.

FISCAL IMPACT:

Funding for the total project cost for CDWG will be \$178,851.00 coming from existing funds in account 32-1330-610200.

STRATEGIC ASSESSMENT:

City employees must use computers to perform their duties. Using outdated software hinders their performance. Approval of this resolution will allow software to be upgraded and help employees become more efficient in their duties.



RESOLUTION No. 2013-3057

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE
COMPUTER SOFTWARE FROM COMPUTER DISCOUNT WAREHOUSE
GOVERNMENT (CDWG) NECESSARY FOR THE NETWORK AND
COMPUTER SYSTEM UPGRADE**

RECITALS:

1. The City's computer system software is no longer being supported by Microsoft.
2. CDWG is an existing vendor who specializes in selling Information Technology related materials to government agencies.
3. CDWG is the lowest bidder for the software needs of the computer system upgrade project.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council, acting as the Contract Review Board for the City, does hereby authorize the city manager to approve the purchase of computer software from Computer Discount Warehouse Government in the amount of \$178,851.00.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 2, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of July, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 3rd day of July, 2013.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3058

SUBJECT: Authorize the City Manager to execute an IGA with Oregon Department of Transportation providing \$360,000.00 for the Mabel Rush Safe Routes To School Project with a corresponding 10.27% local match, and a related IGA with the Newberg School District

Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer
Dept.: Engineering Services Department
File No.:

RECOMMENDATION:

Adopt Resolution No. 2013-3058.

EXECUTIVE SUMMARY:

On November 15, 2010, Mabel Rush Elementary School and the City of Newberg completed a Safe Routes to School (SRTS) Action Plan, which was submitted to the Oregon Department of Transportation (ODOT) and received subsequent approval. On January 13, 2011, the City completed a SRTS grant application which required no local match. On August 23, 2011, ODOT notified the City via email that the Mabel Rush SRTS Project was approved but unfunded, and placed it on a “Prioritized Reserve Projects” list. On August 23, 2012, the City petitioned ODOT to fund the project upon passage of a federal Transportation Bill known as Moving Ahead for Progress in the 21st Century Act (MAP-21), under which SRTS continues to be an eligible program per ODOT.

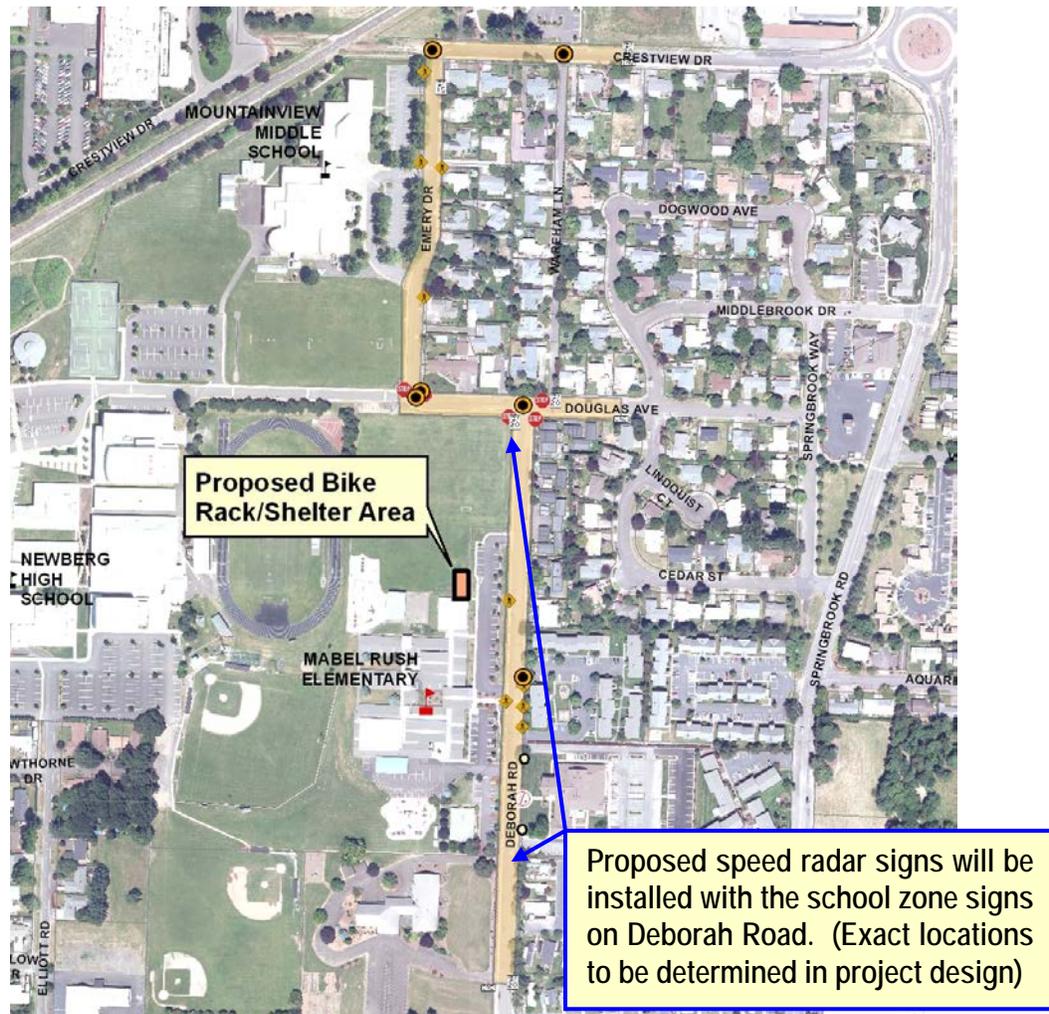
On October 1, 2012, ODOT informed the City of available funding for the Mabel Rush SRTS Project. However, ODOT would require a local matching fund of 10.27% from the City under the new rule per MAP-21. On November 16, 2012, ODOT reviewed the total project cost and increased it from \$360,000.00 to \$401,000.00. This will require about \$41,000.00 in total local matching funds, which leverages a tremendous amount of ODOT funding for the project. The project will provide a sheltered bicycle facility at the school (at about 60% of project cost), and two programmable school zone flashing beacons/speed feedback signs on Deborah Road (at about 40% of project cost). The project location is depicted in the site map on page 2.

On December 3, 2012, City staff met with Newberg School District Superintendent, Dr. Kym LeBlanc-Esparza, and she agreed the School District would provide a portion of the required total local matching funds. On February 28, 2013, Newberg School District confirmed they would contribute \$5,000.00 as part of the local match for this project. The City will provide \$36,000.00 for the remainder of the total local matching funds.

The proposed IGA between ODOT and the City is attached as Exhibit “A”, and the proposed IGA between Newberg School District and the city is attached as Exhibit “B”. The School District’s commitment to partial funding and full maintenance of the facility is duly noted in both IGA’s.

SITE MAP

Showing Mabel Rush school buildings and the Deborah Road frontage where the speed radar signs will be installed with the school zone signs



FISCAL IMPACT:

Funding for this project is included in the adopted fiscal year 2013-2014 budget for \$50,000.00 under the capital project account number 18-5150-702170. This budget covers the required 10.27% local match. The City's estimated portion of the match will be \$36,000.00. The Newberg School District will provide \$5,000.00 for the match, making the total match equal to \$41,000.00. The capital project budget includes project administration and management by city staff. Construction for the project will be completed in fiscal year 2014-2015.

STRATEGIC ASSESSMENT:

This project is anticipated to raise drivers' awareness of the 20 mph school zone speed limit, and reduce or eliminate pedestrian injuries. The use of the proposed funding match by the City will leverage a large amount of State and Federal funding for this project, which will significantly reduce vehicle speeds in school zones for bicycle and pedestrian safety.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF OREGON AND NEWBERG SCHOOL DISTRICT FOR THE MABEL RUSH SAFE ROUTES TO SCHOOL PROJECT

RECITALS:

1. The City of Newberg promotes pedestrian and traffic safety in school zones by partnering with local schools for their Safe Routes to Schools (SRTS) Action Plans which promote walking and biking and highlight awareness of safe driving speeds in school zones.
2. On January 13, 2011, the City completed a Mabel Rush SRTS grant application requiring no local match, which was approved by the Oregon Department of Transportation (ODOT) but placed on a "Prioritized Reserve Projects" list as the SRTS funding was depleted in August, 2011. The grant application was to provide a bicycle shelter at Mabel Rush Elementary School and two programmable school zone flashing beacons/speed feedback signs on Deborah Road.
3. On October 1, 2012, ODOT informed the City that funding was restored upon passage of a federal Transportation Bill known as Moving Ahead for Progress in the 21st Century Act (MAP-21), under which SRTS continues to be an eligible program, but would require a local match of 10.27% under the MAP-21 rule. The ODOT estimated cost of design and construction for the Mabel Rush SRTS Project totaled \$401,000.00, and the ODOT grant provides \$360,000.00. The Newberg School District provides \$5,000.00 for part of the local match, and the City provides the remaining match of approximately \$36,000.00.
4. On June 3, 2013, ODOT provided a final Intergovernmental Agreement (IGA) addressing comments from the City's Engineering and Legal reviews. The proposed IGA between ODOT and the City is attached as Exhibit "A", and the proposed IGA between Newberg School District and the City is attached as Exhibit "B".

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The Newberg City Council hereby authorizes the city manager to execute an IGA with ODOT, attached as Exhibit "A", and an IGA with the Newberg School District, attached as Exhibit "B", which are hereby adopted and by this reference incorporated.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 2, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of July 2013.

Norma Alley, MMC, City Recorder

ATTEST by the Mayor this 3rd day of July 2013.

Bob Andrews, Mayor

**Oregon Department of Transportation
LOCAL AGENCY AGREEMENT
SAFE ROUTES TO SCHOOL PROGRAM
INFRASTRUCTURE PROJECT**

Deborah Road/Mabel Rush Elementary School: Speed Signs and Bike Parking
City of Newberg

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the CITY OF NEWBERG, acting by and through its designated officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. Deborah Road is a part of the city street system under the jurisdiction and control of Agency.
2. By the authority granted in Oregon Revised Statutes (ORS) [190.110](#), [366.572](#) and [366.576](#), State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. The Safe Routes to Schools (SRTS) Program is a federal-aid program of the Federal Highway Administration (FHWA) through funding from the Moving Ahead for Progress in the 21st Century Act (MAP-21). State's SRTS program is administered by State's Transportation Safety Division. The "Infrastructure" portion of the program is managed by the Transportation Development Division, Active Transportation Section.
4. Under ORS [184.740](#) and [184.741](#), Oregon Administrative Rule (OAR) [737-025-0030](#) and [737-025-0040](#), State may award SRTS funds to school districts, qualifying schools, units of state and local government, or private, non-profit organizations in partnership with any of the above to perform education, engineering or enforcement projects or activities that directly benefit a qualifying school.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to design and construct infrastructure improvements at Mabel Rush Elementary School, including installation of school zone/speed feedback signs on Deborah Road, plus bike racks and bike shelters on school property, hereinafter referred to as "Project." Agency applied for this Project in

City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 29215

January 2011 and was approved funds from the Safe Routes to School program in January 2013. The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. The Project shall be conducted as a part of the SRTS Program under Title 23, United States Code. The total Project cost is estimated at \$401,000, which is subject to change. The SRTS Funds are limited to \$360,000, with Agency providing the match and any non-participating costs, including all costs in excess of the available federal funds. The scope, schedule, progress report requirements, and Project Change Request process are described in "Exhibit B," attached hereto and by this reference made a part hereof. Agency agrees to the conditions set forth in Exhibit B.
3. Agency shall fulfill the match requirement in the form of a cash payment to State.
4. The SRTS funding for the Project is contingent upon approval by the FHWA. Any work performed prior to acceptance by FHWA will be considered nonparticipating and paid for at Agency expense.
5. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
6. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
7. This Agreement may be terminated by mutual written consent of both Parties.
8. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

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- e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
9. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
10. The Special and Standard Provisions attached hereto, marked "Attachments 1 and 2," respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
11. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
12. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
13. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
14. State's Safe Routes to School Program Manager is Patricia Fisher, Active Transportation Section, 555 13th Street NE, Suite 2, Salem, Oregon 97301-4178; phone: (503) 986-3528; email: patricia.r.fisher@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.
15. State's Local Agency Liaison is Brian Nicholas, Region 2, 455 Airport Road SE, Building B, Salem, Oregon 97301-5395; phone: (503) 986-2650; email: brian.nicholas@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

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16. Agency's Project Liaison for this Agreement is Paul Chiu, Senior Engineer, City of Newberg, PO Box 970, Newberg, Oregon, 97132; phone: (503) 554-1751; email: paul.chiu@newbergoregon.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.
17. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
18. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached Exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2012-2015 Statewide Transportation Improvement Program, (Key No. 18266) that was adopted by the Oregon Transportation Commission on March 21, 2012 (or subsequently approved by amendment to the STIP).

SIGNATURE PAGE FOLLOWS

City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 29215

CITY OF NEWBERG, by and through its
designated officials

**BY AUTHORITY OF RESOLUTION
NO.** _____

By _____
Mayor

Date _____

By _____
City Manager

Date _____

APPROVED AS TO LEGAL FORM

By _____
City Attorney

Date _____

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Safe Routes to School Program Manager
Active Transportation Section

Date _____

By _____
Region 2 Planning and Development
Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

Agency Contact:

Jay Harris, City Engineer
City of Newberg
PO Box 970
Newberg, OR 97132
Phone: (503) 537-1211
Email: jay.harris@newbergoregon.gov

Paul Chiu, P.E., Senior Engineer
City of Newberg
PO Box 970
Newberg, OR 97132
Phone: (503) 554-1751
Email: paul.chiu@newbergoregon.gov

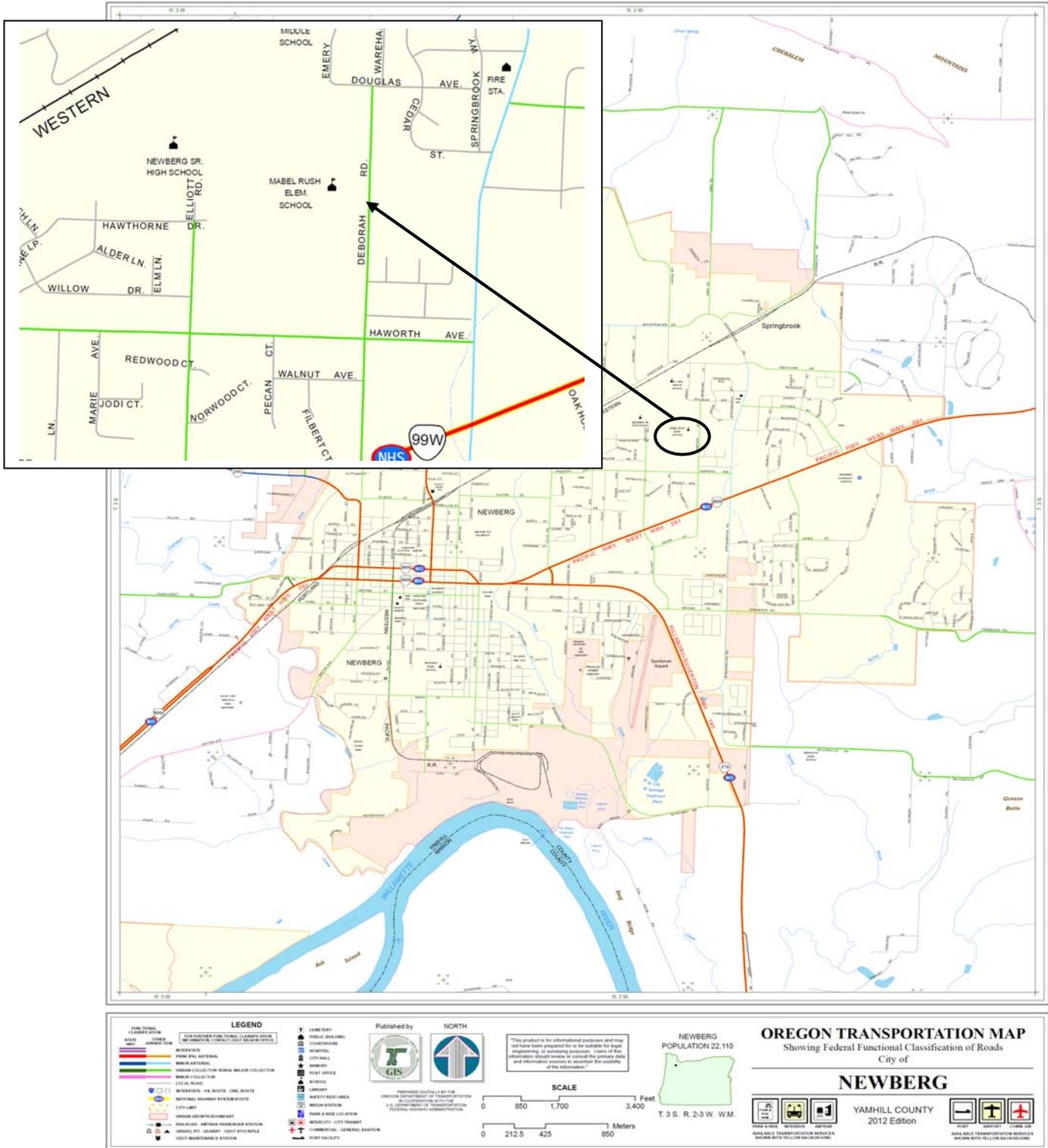
State Contacts:

Patricia Fisher, Program Manager
Active Transportation Section
555 13th Street NE, Suite 2
Salem, OR 97301
Phone: (503) 986-3528
Email: patricia.r.fisher@odot.state.or.us

Brian Nicholas, Local Agency Liaison
ODOT, Region 2
455 Airport Road SE, Building B
Salem, OR 97301-5395
Phone: (503) 986-2650
Email: brian.nicholas@odot.state.or.us

City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 29215

EXHIBIT A
Project Location Map



City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 29215

EXHIBIT B
Project Cost Estimate, Progress Reports and Project Change Request Process
Agreement No. 29215

Key Number: 18266

Project Name: Deborah Road/Mabel Rush Elementary School:
Speed Signs and Bike Parking

1. **Project Description** – This Project installs two (2) programmable flashing school zone signs with speed feedback on Deborah Road; and sixty (60) bicycle racks and two (2) bike shelters for Mabel Rush Elementary School on school property. The Project also includes concrete pad, footings, and sidewalk extension for access to the bicycle parking.
2. This Project is subject to progress reporting and project change process as stated in Paragraphs No. 3 through No. 6 below.
3. **Monthly Progress Reports (MPR)** – Agency shall submit monthly progress reports using MPR Form 734-2862, attached by reference and made a part of this Agreement. The Monthly Progress Report is due by the 5th day of each month, starting the first month after execution of this Agreement, and continuing through the first month after State issues Project Acceptance (Second Note) for the Project's construction contract.

The fillable MPR form and instructions are available at the following web site:
<http://www.oregon.gov/ODOT/HWY/LGS/Pages/online.aspx>

4. **Project Milestones** – The Parties agree that the dates shown in Table 1 constitute the intended schedule for advancing and completing the Project. Project Milestones may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

Table 1: Project Milestones

	Milestone Description	Completion Date
1	Obligation (Federal Authorization) of Safe Routes to School funds for the Preliminary Engineering phase of Project	9/30/2013
2	Obligation (Federal Authorization) of Safe Routes to School Funds for the Right of Way phase of the Project	7/30/2014
3	Obligation (Federal Authorization) of Safe Routes to School funds for the Construction phase of Project	12/30/2014
4	Project Completion based on State issuing Project Acceptance or "Second Note"	3/13/2015

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5. **Project Change Request (PCR) Process** – Agency must obtain approval from State’s contact and State’s Safe Routes to School Program Manager for changes to the Project’s scope, schedule, or budget as specified in Paragraphs No. 5a and 5b, below. Agency shall be fully responsible for all costs that occur outside the established Project scope, schedule or budget and prior to an approved PCR. Amendments to this Agreement are required for all approved PCRs.
 - a. **Scope** – A PCR is required for any significant change or reduction in the scope of work described in the Project Description (Paragraph No. 1 of this Exhibit).
 - b. **Schedule** – A PCR is required if Agency or State’s contact anticipate that any Project Milestone will be delayed by more than ninety (90) days, and also for any change in schedule that will require amendment of the Statewide Transportation Improvement Program (STIP).
6. **PCR Form** – Agency must submit all change requests using PCR Form 734-2863, attached by reference and made a part of this Agreement. The PCR Form is due no later than thirty (30) days after the need for change becomes known to Agency. The PCR shall explain what change is being requested, the reasons for the change, and any efforts to mitigate the change. A Project Change Request may be rejected at the discretion of State’s Safe Routes to School Program Manager.

The fillable PCR form and its instructions are available at the following web site:
<http://www.oregon.gov/ODOT/HWY/LGS/Pages/online.aspx>
7. **Consequence for Non-Performance** – If Agency fails to fulfill its obligations in Paragraphs No. 3 through No. 6 above, or does not assist in advancing the Project or perform tasks that the Agency is responsible for under the Project Milestones, State’s course of action through the duration of Agency’s default may include: (a) restricting Agency consideration for future funds awarded through State’s Active Transportation Section, then (b) withdrawing unused Project funds, and then (c) terminating this Agreement as stated in Terms of Agreement, Paragraphs No. 9a and 9b of this Agreement.

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Exhibit C
Intergovernmental Agreement Between City of Newberg and
Newberg School District



INTERGOVERNMENTAL AGREEMENT (IGA)

This **AGREEMENT** is made and entered into by and between the **CITY OF NEWBERG (City)** and the **NEWBERG SCHOOL DISTRICT (District)** according to the following terms and conditions that establish both parties of their respective duties and responsibilities for the **Mabel Rush Safe Routes to School Project (Project)** which is funded by a MAP-21 grant through the Oregon Department of Transportation (ODOT).

RECITALS

1. By authority granted in ORS 190.110 and 283.110, units of local government agencies may enter into agreements with other units of local government or public agencies for the performance of any or all functions and activities that a party to the agreement, its officers, employees or agents have the authority to perform.
2. **City** and **District** support the Safe Routes to School (SRTS) program, and have worked collaboratively to secure an ODOT grant for the **Project** that provides bike racks and bike shelters (bike facility) on the Mabel Rush school property, and a pair of programmable school zone flashing beacons with speed feedback signs on Deborah Road.
3. On November 16, 2012, ODOT set the total cost for the proposed **Project** at \$401,000.00. This would require about \$41,000 in matching funds, and **District** agrees to contribute \$5,000.00 for the matching fund in the spirit of collaboration.
4. A separate IGA (No. 29215) between **City** and ODOT requires **City** to operate and maintain the bike facility upon **Project** completion and throughout the useful life of the bike facility, and also requires **City** to grant access for the performance of the **Project**. Therefore, this IGA between **City** and **District** shall be construed as a delegation by **City**, and an acceptance by **District**, to assume a full operation and maintenance responsibility upon **Project** completion and throughout the useful life of the bike facility, and also a full and complete permission granted by **District**, for **City** and ODOT, and their consultants and contractors, to enter Mabel Rush school property for the performance of said **Project**. This IGA may be filed as an exhibit to IGA No. 29215 between **City** and ODOT.
5. Consultants, or contractors, shall have full liability insurance and shall name **District** as additional insured, in the performance of said **Project**. Any contractors that will be working on the **Project** while school is in session shall have a criminal background check completed before they can commence work on Mabel Rush school property.
6. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against **City** or **District** with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in

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IGA for the Newberg School District and the City of Newberg

the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

- 7. **City** and **District** shall attempt in good faith to resolve any dispute arising out of this IGA. In addition, **City** and **District** may utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
- 8. This IGA may be terminated by mutual consent of both parties. Any termination of this IGA shall not prejudice any rights or obligations accrued to the Parties prior to such termination.

NEWBERG SCHOOL DISTRICT

CITY OF NEWBERG

By Authority of Resolution No. _____

By: _____
Director of Finance & Operations

By: _____
Mayor

Date: _____

Date: _____

By: _____
City Manager

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY

By: _____
City Attorney

Date: _____

School District Contact:

City Contact:

Nathan Roedel
Director of Finance & Operations
Newberg School District
714 E. Sixth Street
Newberg, OR 97132
Phone: 503.554.5004
Fax: 503.537.3237
Email: roedeln@newberg.k12.or.us

Paul Chiu, P.E.
Senior Engineer
City of Newberg - Engineering Services Department
414 East First Street
P.O. Box 970
Newberg, OR 97132
Phone: 503.554.1751
Fax: 503.537.1277
Email: Paul.Chiu@newbergoregon.gov

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**ATTACHMENT NO. 1
SPECIAL PROVISIONS**

1. Agency (if qualified through State's "Local Agency Certification" program), or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way; obtain all required permits; arrange for all utility relocations or reconstruction; perform all construction engineering, including all required materials testing and quality documentation; and prepare necessary documentation to allow State to make all contractor payments.
2. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project. Prior to award of the contract, Agency shall provide State its share of the Project cost upon receipt of request from State. The Project cost is defined as the Engineer's estimate plus 10 percent.
3. State may make available the Region 2's On-Call Preliminary Engineering (PE), Design and Construction Engineering Services consultant for Local Agency Projects upon written request. If Agency chooses to use said services, Agency agrees to manage the work done by the Consultant and reimburse State for payment of any Consultant costs that are not eligible as federal participating costs or that are not included as part of the total cost of the Project.
4. Indemnification language in the Standards Provisions, Paragraphs 46 and 47; and Paragraph 4 in regards to tort claims, shall be replaced with the following language:
 - a. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
 - b. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which

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- resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
- c. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
 - d. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
5. Agency shall, at its own expense, be responsible for the maintenance and operation of the Project upon completion and throughout the useful life of the Project at a minimum level that is consistent with normal depreciation and/or service demand. State and Agency agree that the useful life of this Project is defined as twenty (20) years. State may conduct periodic inspections during the life of the Project to verify that Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of this Agreement. Agency shall delegate the maintenance responsibilities of the bike racks and bike shelters that are on Mabel Rush school property to the Newberg School District. A separate Intergovernmental Agreement between the Agency and the Newberg School District that indicates the delegation of this responsibility is attached hereto as "Exhibit C," and by this reference incorporated.

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6. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement. Newberg School District grants State the right to enter Mabel Rush school property for the performance of work for bike racks, bike shelters, and related work. Exhibit C indicates a full and complete permission granted by Newberg School District, for Agency and State and their consultants and contractors, to enter Mable Rush school property.
7. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach. Agency will be ineligible to receive or apply for any Title 23, United States Code funds until State receives full reimbursement of the costs incurred.
8. Maintenance responsibilities will survive any termination of this Agreement.

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**ATTACHMENT NO. 2
FEDERAL STANDARD PROVISIONS
JOINT OBLIGATIONS**

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will further act for Agency in other matters pertaining to the Project. Agency shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

PRELIMINARY & CONSTRUCTION ENGINEERING

3. State, Agency, or others may perform preliminary and construction engineering. If Agency or others perform the engineering, State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a personal services consultant to perform any work covered by this Agreement, Agency and Consultant shall enter into a State reviewed and approved personal services contract process and resulting contract document. State must concur in the contract prior to beginning any work. State's personal services contracting process and resulting contract document will follow Title 23 Code of Federal Regulations (CFR) 172, Title 49 CFR 18, ORS 279A.055, the current State Administrative Rules and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. Subcontracts shall contain all required provisions of Agency as outlined in the Agreement. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or its consultant prior to receiving authorization from State to proceed. Any amendments to such contract(s) also require State's approval.
4. On all construction projects where State is the signatory party to the contract, and where Agency is doing the construction engineering and project management, Agency, subject to any limitations imposed by state law and the Oregon Constitution, agrees to accept all responsibility, defend lawsuits, indemnify and hold State harmless, for all tort claims, contract claims, or any other lawsuit arising out of the contractor's work or Agency's supervision of the project.

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**REQUIRED STATEMENT FOR UNITED STATES DEPARTMENT OF
TRANSPORTATION (USDOT) FINANCIAL ASSISTANCE AGREEMENT**

5. If as a condition of assistance, Agency has submitted and the United States Department of Transportation (USDOT) has approved a Disadvantaged Business Enterprise Affirmative Action Program which Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference. That program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of the financial assistance agreement. Upon notification from USDOT to Agency of its failure to carry out the approved program, USDOT shall impose such sanctions as noted in Title 49, CFR, Part 26, which sanctions may include termination of the agreement or other measures that may affect the ability of Agency to obtain future USDOT financial assistance.
6. **Disadvantaged Business Enterprises (DBE) Obligations.** State and its contractor agree to ensure that DBE as defined in Title 49, CFR, Part 26, have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. In this regard, Agency shall take all necessary and reasonable steps in accordance with Title 49, CFR, Part 26, to ensure that DBE have the opportunity to compete for and perform contracts. Neither State nor Agency and its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. Agency shall carry out applicable requirements of Title 49, CFR, Part 26, in the award and administration of such contracts. Failure by Agency to carry out these requirements is a material breach of this Agreement, which may result in the termination of this contract or such other remedy as State deems appropriate.
7. The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Agreement.
8. Agency agrees to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
9. The parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR Parts 1.11, 140, 710, and 771; Title 49 CFR Parts 18, 24 and 26; 2 CFR 225, and OMB CIRCULAR NO. A-133, Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended and provisions of Federal-Aid Policy Guide (FAPG).

STATE OBLIGATIONS

PROJECT FUNDING REQUEST

10. State shall submit a Project funding request to FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and/or construction work for the Project. **No work shall proceed on any activity in which federal-aid participation is desired until such approval has been obtained.** The program

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shall include services to be provided by State, Agency, or others. State shall notify Agency in writing when authorization to proceed has been received from FHWA. Major responsibility for the various phases of the Project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

11. State shall, in the first instance, pay all reimbursable costs of the Project, submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. Agency may request a statement of costs to date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal 100 percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.
12. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Agreement. State will also determine and clearly state in the Agreement if recipient is a subrecipient or vendor, using criteria in Circular A-133.

PROJECT ACTIVITIES

13. State shall, if the preliminary engineering work is performed by Agency or others, review and process or approve all environmental statements, preliminary and final plans, specifications and cost estimates. State shall, if they prepare these documents, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
14. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
15. State shall prepare contract and bidding documents, advertise for bid proposals, and award all contracts.
16. Upon State's award of a construction contract, State shall perform independent assurance testing in accordance with State and FHWA Standards, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
17. State shall, as a Project expense, assign a liaison person to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). The liaison shall process reimbursement for federal participation costs.

RIGHT OF WAY

18. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of the Project. Agency may perform acquisition of the

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necessary right of way and easements for construction and maintenance of the Project, provided Agency (or Agency's consultant) are qualified to do such work as required by the State's Right of Way Manual and have obtained prior approval from State's Region Right of Way office to do such work.

19. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each party. State shall always be responsible for requesting project funding, coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through the State's Region Right of Way offices on all projects. All projects must have right of way certification coordinated through State's Region Right of Way offices (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on the Project). Agency should contact the State's Region Right of Way office for additional information or clarification.
20. State shall review all right of way activities engaged in by Agency to assure compliance with applicable laws and regulations. Agency agrees that right of way activities shall be in accord with the Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FHWA Federal-Aid Policy Guide, State's Right of Way Manual and the Code of Federal Regulations, Title 23, Part 710 and Title 49, Part 24.
21. If any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
22. Agency insures that all Project right of way monumentation will be conducted in conformance with ORS 209.155.
23. State and Agency grants each other authority to enter onto the other's right of way for the performance of the Project.

AGENCY OBLIGATIONS

FINANCE

24. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount, unless otherwise agreed to and specified in the intergovernmental agreement.
25. Agency's estimated share and advance deposit.
 - a. Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.

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- b. Agency's construction phase deposit shall be 110 percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is canceled. Any unnecessary balance of a cash deposit, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.
 - c. Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool, and an Irrevocable Limited Power of Attorney is sent to the Highway Finance Office), or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.
 - d. Agency may satisfy all or part of any matching funds requirements by use of in-kind contributions rather than cash when prior written approval has been given by State.
26. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall also pay 100 percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds, or allocations of State Highway Trust Funds, to that Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines that result in items being declared non-participating, those items will not result in the withholding of Agency's future allocations of federal funds or the future allocations of State Highway Trust Funds.
27. Costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon.
28. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear 100 percent of all costs as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear 100 percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all development costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.
29. Agency shall follow requirements of the Single Audit Act. The requirements stated in the Single Audit Act must be followed by those local governments and non-profit organizations receiving \$500,000 or more in federal funds. The Single Audit Act of 1984, PL 98-502 as amended by PL 104-156, described in "OMB CIRCULAR NO. A-133", requires local governments and non-profit organizations to obtain an audit that includes internal controls and compliance with federal laws and regulations of all federally-funded programs in which the local agency participates. The cost of this audit can be partially prorated to the federal program.

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30. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.
31. Agency shall present invoices for 100 percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison Person for review and approval. Such invoices shall identify the Project and Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Billings shall be presented for periods of not less than one-month duration, based on actual expenses to date. All billings received from Agency must be approved by State's Liaison Person prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of Title 23 CFR Parts 1.11, 140 and 710. Final billings shall be submitted to State for processing within three (3) months from the end of each funding phase as follows: 1) award date of a construction contract for preliminary engineering (PE) 2) last payment for right of way acquisition and 3) third notification for construction. Partial billing (progress payment) shall be submitted to State within three (3) months from date that costs are incurred. Final billings submitted after the three months shall not be eligible for reimbursement.
32. The cost records and accounts pertaining to work covered by this Agreement are to be kept available for inspection by representatives of State and FHWA for a period of six (6) years following the date of final voucher to FHWA. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (Title 49 CFR 18.42).
33. State shall request reimbursement, and Agency agrees to reimburse State, for federal-aid funds distributed to Agency if any of the following events occur:
 - a. Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the federal-aid funds were authorized;
 - b. Right of way acquisition is undertaken utilizing federal-aid funds and actual construction is not started by the close of the twentieth fiscal year following the fiscal year in which the federal-aid funds were authorized for right of way acquisition.
 - c. Construction proceeds after the Project is determined to be ineligible for federal-aid funding (e.g., no environmental approval, lacking permits, or other reasons).
34. Agency shall maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that projects are completed in conformance with approved plans and specifications.

RAILROADS

35. Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through State's appropriate Region contact or State's Railroad Liaison. Only those costs allowable under Title 23 CFR Part 646, subpart B and Title 23 CFR Part 140, subpart I, shall be included in the total Project costs; all other

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costs associated with railroad work will be at the sole expense of Agency, or others. Agency may request State, in writing, to provide railroad coordination and negotiations. However, State is under no obligation to agree to perform said duties.

UTILITIES

36. Agency shall follow State established Statutes, Policies and Procedures when impacts occur to privately or publicly-owned utilities. Only those utility relocations, which are eligible for federal-aid participation under, the FAPG, Title 23 CFR 645A, Subpart A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. State will arrange for utility relocations/adjustments in areas lying within jurisdiction of State, if State is performing the preliminary engineering. Agency may request State in writing to arrange for utility relocations/adjustments lying within Agency jurisdiction, acting on behalf of Agency. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. However, State is under no obligation to agree to perform said duties.
37. The State utility relocation policy, procedures and forms are available through the appropriate State's Region Utility Specialist or State Utility Liaison. Agency shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility Liaison.

STANDARDS

38. Agency agrees that design standards for all projects on the National Highway System (NHS) and the Oregon State Highway System shall be in compliance to standards specified in the current "State Highway Design Manual" and related references. Construction plans shall be in conformance with standard practices of State for plans prepared by its own staff. All specifications for the Project shall be in substantial compliance with the most current "Oregon Standard Specifications for Highway Construction".
39. Agency agrees that minimum design standards for non-NHS projects shall be recommended AASHTO Standards and in accordance with the current "Oregon Bicycle and Pedestrian Design Guide", unless otherwise requested by Agency and approved by State.
40. Agency agrees and will verify that the installation of traffic control devices shall meet the warrants prescribed in the "Manual on Uniform Traffic Control Devices and Oregon Supplements".
41. All plans and specifications shall be developed in general conformance with the current "Contract Plans Development Guide" and the current "Oregon Standard Specifications for Highway Construction" and/or guidelines provided.
42. The standard unit of measurement for all aspects of the Project shall be English Units. All Project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

GRADE CHANGE LIABILITY

43. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 29215

44. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
45. Agency, if a City, by execution of Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the project covered by the Agreement.

CONTRACTOR CLAIMS

46. Agency shall, to the extent permitted by state law, indemnify, hold harmless and provide legal defense for State against all claims brought by the contractor, or others resulting from Agency's failure to comply with the terms of this Agreement.
47. Notwithstanding the foregoing defense obligations under Paragraph 46, neither Agency nor any attorney engaged by Agency shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency is prohibited from defending the State of Oregon, or that Agency is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against Agency if the State of Oregon elects to assume its own defense.

MAINTENANCE RESPONSIBILITIES

48. Agency shall, upon completion of construction, thereafter maintain and operate the Project at its own cost and expense, and in a manner satisfactory to State and FHWA.

WORKERS' COMPENSATION COVERAGE

49. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS

50. Agency certifies by signing the Agreement that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 29215

- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.
- d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- e. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Paragraphs 36, 37, and 48 are not applicable to any local agency on state highway projects.



INTERGOVERNMENTAL AGREEMENT (IGA)

This **AGREEMENT** is made and entered into by and between the **CITY OF NEWBERG (City)** and the **NEWBERG SCHOOL DISTRICT (District)** according to the following terms and conditions that establish both parties of their respective duties and responsibilities for the **Mabel Rush Safe Routes to School Project (Project)** which is funded by a MAP-21 grant through the Oregon Department of Transportation (ODOT).

RECITALS

1. By authority granted in ORS 190.110 and 283.110, units of local government agencies may enter into agreements with other units of local government or public agencies for the performance of any or all functions and activities that a party to the agreement, its officers, employees or agents have the authority to perform.
2. **City** and **District** support the Safe Routes to School (SRTS) program, and have worked collaboratively to secure an ODOT grant for the **Project** that provides bike racks and bike shelters (bike facility) on the Mabel Rush school property, and a pair of programmable school zone flashing beacons with speed feedback signs on Deborah Road.
3. On November 16, 2012, ODOT set the total cost for the proposed **Project** at \$401,000.00. This would require about \$41,000 in matching funds, and **District** agrees to contribute \$5,000.00 for the matching fund in the spirit of collaboration.
4. A separate IGA (No. 29215) between **City** and ODOT requires **City** to operate and maintain the bike facility upon **Project** completion and throughout the useful life of the bike facility, and also requires **City** to grant access for the performance of the **Project**. Therefore, this IGA between **City** and **District** shall be construed as a delegation by **City**, and an acceptance by **District**, to assume a full operation and maintenance responsibility upon **Project** completion and throughout the useful life of the bike facility, and also a full and complete permission granted by **District**, for **City** and ODOT, and their consultants and contractors, to enter Mabel Rush school property for the performance of said **Project**. This IGA may be filed as an exhibit to IGA No. 29215 between **City** and ODOT.
5. Consultants, or contractors, shall have full liability insurance and shall name **District** as additional insured, in the performance of said **Project**. Any contractors that will be working on the **Project** while school is in session shall have a criminal background check completed before they can commence work on Mabel Rush school property.
6. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against **City** or **District** with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in



IGA for the Newberg School District and the City of Newberg

the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

- 7. **City and District** shall attempt in good faith to resolve any dispute arising out of this IGA. In addition, **City and District** may utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
- 8. This IGA may be terminated by mutual consent of both parties. Any termination of this IGA shall not prejudice any rights or obligations accrued to the Parties prior to such termination.

NEWBERG SCHOOL DISTRICT

CITY OF NEWBERG

By Authority of Resolution No. _____

By: _____
Director of Finance & Operations

By: _____
Mayor

Date: _____

Date: _____

By: _____
City Manager

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY

By: _____
City Attorney

Date: _____

School District Contact:

City Contact:

Nathan Roedel
Director of Finance & Operations
Newberg School District
714 E. Sixth Street
Newberg, OR 97132
Phone: 503.554.5004
Fax: 503.537.3237
Email: roedeln@newberg.k12.or.us

Paul Chiu, P.E.
Senior Engineer
City of Newberg - Engineering Services Department
414 East First Street
P.O. Box 970
Newberg, OR 97132
Phone: 503.554.1751
Fax: 503.537.1277
Email: Paul.Chiu@newbergoregon.gov



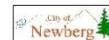
SITE MAP

(Speed radar signs will be installed with the school zone flashing signs on the frontage Deborah Road)

**SITE MAP
Biking and Walking
Related Signage
Within School Zone
and Proposed
Bike Rack/Shelter**

- Legend**
- Speeding Citation*
 - School Zone
 - Type of Sign**
 - 15 mph curve
 - end school zone, 25 mph
 - no parking
 - no parking during 7:30-4:30pm
 - ped crossing warning sign
 - ped warning sign
 - school zone sign, 20 mph speed, school days 7am-5pm
 - stop sign

*One citation symbol may represent more than one citation.



400 Feet



Year	Age Distribution for Speeding Citations				Total
	Under 18	18-25	26-50	51 and over	
2010	1	1	2	2	1** citation without age
2009	0	2	0	0	
2008	2	1	3	0	
2007	1	8	12	5	
2006	0	0	3	2	
					45

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the June 3, 2013, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder
Dept.: Administration

RECOMMENDATION:

Approve City Council minutes for preservation and permanent retention in the City's historical records.

EXECUTIVE SUMMARY:

The City of Newberg City Council held a public meeting and minutes were recorded in text. In accordance to Oregon State Records Management law, the City of Newberg must preserve these minutes in hard copy form for permanent retention.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY COUNCIL MINUTES
JUNE 3, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation was given by Mr. Barton Brierley involving a video produced regarding the Design Star Program. No action was taken and no decisions were made. All Councilors and the Mayor were present.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:01 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Ryan Howard	Denise Bacon
	Stephen McKinney	Lesley Woodruff	Mike Corey
	Bart Rierson		

Staff Present:	Daniel Danicic, City Manager	Terry Mahr, City Attorney
	Janelle Nordyke, Finance Director	Barton Brierley, Planning and Building Director
	Norma Alley, City Recorder	Mandy Dillman, Minutes Recorder

Others Present: Pat Haight, Steve & Denise Wozniak, Paul Bock, Diane Dority, Robert Soppe, and Sheryl Kelsh

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, city recorder, reported the County Commission hearing for the south industrial urban growth boundary (UGB) amendment will be held on Thursday. The grand opening of a new stationary and gift shop, Pulp and Circumstance, will happen during First Friday Art Walk this week. He welcomed Ms. Norma Alley, city recorder, back from maternity leave and said the city had missed her during her absence.

V. PUBLIC COMMENTS

Ms. Pat Haight said she noticed the city was hiring a new city attorney and asked if Mr. Terry Mahr, city attorney, would be receiving Public Employee Retirement System (PERS) money upon retirement. Mayor Bob Andrews replied he would not be retiring under the PERS program and therefore would not be receiving any PERS money. He explained the new city attorney would start under the PERS program because of the agreement the city has with PERS. Ms. Haight asked what the total benefits number was for the life insurance policies the city carries. Mayor Andrews said he did not have that number available; however, he could ask the city recorder to find out. Ms. Haight mentioned the 37% increase in PERS next year, and said it seemed like a lot to her. Mayor Andrews told her the city does not determine the number because it is an unfunded mandate managed by the state agency.

Mr. Steve Wozniak and Ms. Denise Wozniak came to the city to request putting a replacement well on their property. Mr. Wozniak read a letter he had sent into the city. The letter stated they had lived on their property

for thirty-seven years and they currently have six family members living on their property including a disabled veteran. The Newberg Dundee bypass project has taken 1.2 acres of their land, which includes their house, septic system, and current well. This leaves them with barns, horse stalls, and pastures, with no water. The Oregon Department of Transportation (ODOT) has given them compensation to meet relocation needs only if they rebuild on their property. The Wozniak's have been meeting with Mr. Barton Brierley, planning and building director, concerning their position and it has been decided they need to ask the city council to allow them a special ordinance to construct a new well on their property.

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2013-3049** supporting a grant application to develop a downtown revitalization plan.
2. Consider a motion recognizing Doris Brandt for her years of service on the Traffic Safety Commission.
3. Consider a motion adopting **Resolution No. 2013-3046** adopting the procedures for hiring the city attorney.
4. Consider a motion adopting **Resolution No. 2013-3048** authorizing a contract amendment for construction of an access road at the waste water treatment plant.
5. Consider a motion approving the May 6, 2013, City Council meeting minutes.

MOTION: Bacon/Rierson adopting **Resolution No. 2013-3049** supporting a grant application to develop a downtown revitalization plan, recognizing Doris Brandt for her years of service on the Traffic Safety Commission, adopting **Resolution No. 2013-3046** adopting the procedures for hiring the city attorney, adopting **Resolution No. 2013-3048** authorizing a contract amendment for construction of an access road at the waste water treatment plant, and approving the May 6, 2012, City Council meeting minutes. Motion carried (7 Yes/0 No).

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2013-2769** creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive.
(Legislative Hearing – 1st Reading)

Jay Harris, city engineer, gave the council an update on the Local Improvement District (LID) process for the College Street improvements. He explained ODOT has given the city \$80,000.00 to use for the west side of College Street and US Bank has given them a market rate value of 3.67% for financing. Staff is proposing to use 1.5% in the loan rate, and tonight council should discuss what the maximum loan term length should be and if 1.5% is the best number for the rate. The loan length must be no less than ten years. He asked Ms. Janelle Nordyke, finance director, if it would work if they allowed citizens to pick their own loan length with choices from ten, fifteen, twenty, twenty-five, and thirty years. Ms. Nordyke explained staff is not recommending this option because it would be difficult to manage. Council should choose the same loan length and interest rate for all affected citizens.

Councilor Mike Corey asked how the city will be funding loans at 1.5%. Mr. Harris explained they currently have \$194,000.00 from system development charges allocated for the project. Councilor Corey asked if the city

would be able to cover the loans if every affected citizen needed a loan. Mr. Harris said the city does have the money if that happens.

Councilor Denise Bacon asked if citizens could pay off their loan early if council chooses to make the loan length thirty years. Ms. Nordyke said they could.

Discussion commenced regarding the details of the LID loan, including if the loan could be paid off early with no penalty fee, and whether payments could be made bi-annually or more frequently if desired.

Councilor Bart Rierson commented they have not seen an estimate of how much ODOT will pay for right-of-way acquisitions. Mr. Harris replied it has not been determined what the amount will be; however, ODOT has eighteen active files they are working on.

Mr. Danicic clarified a point in the discussion, stating the municipal code says the amount of payment is determined by the city and paying bi-annually is a past practice; therefore, the city has the flexibility to change the terms if they so desire. Councilor Rierson questioned if the property is sold before the term is complete, would the balance be due then or carryover to the new property owner. Mr. Danicic stated there would be a lien placed on the official docket of the property and it would be paid when ownership was transferred.

Public Testimony

Mr. Paul Bock said he is correcting his mistake of not being specific with his past requests. He stated the College Street neighbors would like to ask the city to split the remainder of the cost after the ODOT grant 50/50 with the homeowners. He also asked the city to choose a thirty year loan, since most homeowners stay in their home an average of 6-9 years which would give the city back their money faster and would lessen the payments of those who wish to stay in their homes longer.

Ms. Diane Dority came to speak on behalf of Mike Hainline, Jaquith Park Estates Homeowners Association manager. Mr. Hainline's first concern was with the municipal code regarding the LID, which states all peoples who benefit will be helping pay for the project. She explained only the west side of College Street owners will be paying for the LID and wanted to know why the east side owners will not when they will be benefiting from the sidewalk improvements as well. Councilor Rierson explained the thought behind this was the west side would pay for improvements of the west side of College now, and when they east side is developed the east side of College will be responsible then. Ms. Dority asked if this is the case then where are the plans for the east side improvements. She wondered if the projects should be coordinated simultaneously. Councilor Rierson further explained the city only has so much grant funding and therefore can only do so many projects at once. The grant money for this project is partially coming from the Safe Route to School program; therefore it only covers the west side, which is a school route. Ms. Dority continued to say there are a lot of people frustrated by how this is being paid for and it seems to her it would go much smoother if owners on both sides of the road paid for the project. She also expressed frustration at the process citizens have to go through to get answers and most of the time the answers are not helpful to them. Councilor Rierson informed Ms. Dority this is the reason the city has budgeted for an ombudsman position, to help citizens navigate complicated issues with the city. Ms. Dority asked if there would be a six month interval where this project is revisited. Councilor Rierson said it was not likely. Ms. Dority asked if there was a way to find out if there was an individual on the east side who was affiliated with the city and preventing the east side from being included in the LID. Mayor Andrews said it is required if there is a conflict of interest from a member of the Council the person must declare it. He explained he has a conflict of interest because he is a member of a church involved. Ms. Dority thanked him for his answer.

Mr. Robert Soppe brought forth two issues, the first being a technical correction on the Ordinance on pages 43 and 44 which states there will be biannual payments, while the Ordinance explains payments decrease with each payment. Mr. Soppe said it is fairly trivial; however Table 4 should be labeled correctly to match the Ordinance

as accuracy is very important since it could cause confusion. The larger issue was the appropriate interest rate to charge for the LID. Mr. Soppe said he feels 1.5% is not fiscally responsible to offer on a loan as long as thirty years. Councilor McKinney agreed with Mr. Soppe because the city's interest rate with US Bank is 3.6% and they are locked in at 1.5%; if rates go up for the city, there could be a problem. Ms. Nordyke mentioned they could look at other sources as well.

Staff recommends adopting Ordinance No. 2013-2769 creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive.

MOTION: Howard/Corey adopting Ordinance No. 2013-2769 creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive with a fixed 15 year loan at 1.5% interest rate, waiving the second reading and read by title only.

Councilor Rierson expressed his concern for having a long term loan at such a low interest rate. He feels the city should split half the LID cost with the homeowners because the city already has the money set aside. This would also appease more citizens.

Mr. Danicic clarified the voting tally process is over and the 60% threshold was not met by properties, meaning they cannot come back and revote.

Councilor Howard thinks it is wise not to use transportation funds to pay for this project and having an LID is a good idea because so much of the project is being covered by grant money.

Councilor Bacon agreed with Councilor Howard, however she thinks the loan should be thirty years in length.

Mayor Andrews said he would like to see an option where citizens could pick the length of their loan. He also suggested having a cap so those with larger loans would not have to pay as much. Councilor Howard explained if they have a thirty year loan with no fees for paying it off early, it is basically the same as having multiple options on loan length. He also wondered if having a cap would be equitable with the code and if it would provide an unfair subsidy to landowners with the largest property. Mr. Mahr explained the code says to use a fair and reasonable method to determine the actual cost among benefiting property owners, and a cap would not be fair and reasonable.

VOTE: adopting Ordinance No. 2013-2769 creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive with a fixed 15 year loan at 1.5% interest rate, waiving the second reading and read by title only. Motion failed (2 Yes [Corey, Howard]/5 No [Bacon, McKinney, Rierson, Woodruff, Andrews]).

Councilor Rierson said he is not in favor of waiving the second motion because of the public sentiment involved. Councilor Howard and Councilor Bacon withdrew their motion in light of Councilor Rierson's comment. Councilor Corey suggested offering a 5% discount if property owners paid their loan off early. Mr. Danicic informed the council the ordinance states it must be paid in full within thirty days or elect to use city financing.

Discussion commenced on raising the interest rate to two percent; it was determined the city makes \$0.54 for return on investments, and 2% versus 1.5% would not make much difference.

Mayor Andrews restated most owners occupy their homes for six to seven years, therefore they city will be getting their money back sooner than thirty years in most circumstances. He mentioned they should make sure there is language stating the balance is due at the time of a sale.

Discussion commenced on how to fund the loans.

Councilor Woodruff expressed concern that people may not be able to pay their portion of the LID if the city does not cover some of the costs. Councilor McKinney gave an example if a citizen had to pay \$30,000.00 over thirty years it would be \$300.00 twice a year.

MOTION: **Rierson/Andrews** directing staff to bring back **Ordinance No. 2013-2769** for the second reading with the citizens paying 75%, city funding 25% of the cost through the SDCs as previously adopted, payment structured at 1.5% interest over 30 years with balance due at time of sale, and a 5% discount if paid in full within 30 days. Motion carried (4 Yes/3 No [Bacon, Corey, Howard]).

MOTION: **Howard/Bacon** waive second reading, adopt **Ordinance No. 2013-2769** as amended to allow for a 30 year repayment term, balance due on sale provision, and a 5% discount if paid within 30 days, and to be read by title only. Motion carried (4 Yes/3 No [Rierson, Woodruff, Andrews]).

2. Consider a motion adopting **Resolution No. 2013-3047** adopting the 2013-2014 Budget and including the election to participate in the State Revenue Sharing Program.
(Administrative Hearing)

Mayor Andrews asked for conflicts of interest and none appeared.

Ms. Nordyke asked to amend page 82 of council's packet under resolves number 3; the aggregate amount of \$75,704,501.00 should be \$86,578,257.00, which is confirmed on page 87. Also on page 87 there was a scrivener error in the middle of the page, so the amount listed as \$450,000.00 should be \$425,000.00. The goal of staff is to prepare a balanced budget for the budget committee to approve and then give to city council to adopt. The definition of a balanced budget is: Total revenues, which includes beginning fund balance and estimated current revenues, less estimated current expenses, equals a positive ending fund balance. The ending fund balances differ from fund to fund, depending on the requirements of each fund. At the beginning of the first budget committee, staff handed out 2 revised pages. Since the budget committee didn't recognize these pages, staff would like to have council include page 88 in the adopted budget. This addressed an error, which should be \$10,000.00 in contractual services for the citizen's rate review committee meetings this fall. Staff and budget committee recommend adopting Resolution No. 2013-3047 as amended, by allocating State Shared Revenue funds on a 50/50 basis to police and fire, to adopt Newberg's budget in the aggregate of \$86,578,257.00 and as appropriated on pages 83-86, to impose taxes at the rate of \$4.237 for general operating purposes and \$425,000.00 for debt service and that these taxes are imposed and categorized for the tax year 2013/2014 upon the assessed value of all taxable property within the City, and to authorize and direct the Finance Director to certify the levy with the Yamhill County Assessor and county clerks offices.

Mayor Andrews opened and closed public testimony, as there was no one to testify.

MOTION: **McKinney/Bacon** adopting **Resolution No. 2013-3047** adopting the 2013-2014 Budget and including the election to participate in the State Revenue Sharing Program, as amended by staff. Motion carried (7 Yes/0 No).

VIII. NEW BUSINESS

Consider a motion adopting **Resolution No. 2013-3050** approving the FY 2013-2014 Chamber Visitor Information Center Business Plan and FY 2012-2013 3rd Quarter Report.

Ms. Cheryl Kelsh, president of CVCC, presented a staff report (see official meeting packet).

Councilor Bacon asked if they have done any work with customer service in wineries. Ms. Kelsh said they are working with Chemeketa Community College (CCC) and Portland Community College (PCC) to create a community-wide training program for customer service specifically for tourism which will be provided at no cost to businesses.

Discussion commenced on personnel expenses for the visitor center, determining Ms. Kelsh is a .4 employee and there is also a .33 marketing employee. Additionally, there will be quite a bit of budget going towards marketing, which will not affect the budget until the third quarter.

Mr. Soppe complimented the Visitor Center on their favorable information; however, he said the Chamber presentation has mentioned numerous times a rate of return from investment in advertising that has not been substantiated. He also feels the Chamber directory of local businesses should include all businesses and not just those associated with Chamber members. If the Chamber decides to include only their businesses, he feels they should pay the full cost of the publication. Councilor Howard agreed with Mr. Soppe, stating if Visitor Center funds are being used for the publication, which are inevitably city monies, it should not be limited to Chamber businesses.

Councilor Bacon asked if they allow non-Chamber members in the flyer. Ms. Kelsh replied they do. She explained the flyer is two pieces, the larger booklet with the Chamber directory and then a saddle-stitched piece on the inside with the tourism promotional pieces. The non-members are listed in the middle portion; however, she is open to discussing changing the flyer in the future.

Mayor Andrews asked Ms. Kelsh to bring the issue before the Chamber. Councilor Howard mentioned he does not care if it is specifically Chamber information, the issue is the Visitor Center is paying for the publication and therefore it should be inclusive of all businesses.

Councilor McKinney mentioned the flyer is not the Yellow Pages and it makes sense to him the publication is Chamber related. He feels those businesses which are not Chamber related and are included in the publication are receiving a benefit from the city, and business promotion is the job of the owner not the city. Councilor Bacon wondered if they could sell additional ad space to help cover costs. Ms. Kelsh mentioned the new city map includes advertisement spaces from businesses outside the Chamber.

<p>MOTION: Rierson/Bacon adopting Resolution No. 2013-3050 approving the FY 2013-2014 Chamber Visitor Information Center Business Plan and FY 2012-2013 3rd Quarter Report. Motion carried (7 Yes/0 No).</p>

IX. COUNCIL BUSINESS

1. Wozniak's Request for a Well.

Councilor Rierson mentioned he asked the planning director about the property and he confirmed it is in city limits and the closest water source is a quarter of a mile away. He asked what reasons other than the typical procedure would prohibit them putting a well on their property. Mr. Brierley explained the city ordinance does not allow wells for domestic purposes within city limits; however, in the Wozniak's case they have found no reason why they cannot allow it. Staff suggested they come to council to ask a special ordinance be approved for them. Typically citizens must wait until city water is brought to their property, but in this case the situation is being forced upon them and they do not have the time to wait for an LID to get water to them. Mayor Andrews asked where the current well is located. Ms. Wozniak explained it is at the end of the house. Mr. Brierley said it is close to the end of the frontage road. In order to get city water to their property the frontage road needs to be graded, which would not happen until after the bypass is complete, which would then be too late for the Wozniaks. Councilor Rierson added there are not a lot of homeowners in the area and a quarter mile of water line would make for an expensive LID.

Discussion commenced on how a special ordinance is created. Council members expressed their encouragement for a special ordinance to allow the Wozniaks to place a new well on their property. They discussed the Wozniak's plans for a new home site and it looks feasible to obtain all the necessary permits. It was also discussed their current well will be under the access road, therefore making it unusable. The Wozniaks informed the council they were told being added to city water would cost \$250,000.00, where a well would cost \$30,000.00 and take eight months to develop. If there was an LID in the future to bring them city water they would retain their well for agricultural usage. Council discussed when to have the Wozniak's ordinance come back to council for approval.

MOTION: **Andrews/Rierson** direct staff to prepare a special ordinance to allow for the placement of a well on the Wozniak's property and to bring the ordinance back to Council no later than the July 15, 2013, Council meeting. Motion carried (7 Yes/0 No).

MOTION: **Andrews/Bacon** reconsider approval of the consent calendar. Motion carried (7 Yes/0 No).

Mayor Andrews pulled Resolution No. 2013-3046, pertaining to the city attorney hiring procedures, from the consent calendar to be heard as a separate item.

MOTION: **McKinney/Rierson** adopting **Resolution No. 2013-3049** supporting a grant application to develop a downtown revitalization plan, recognizing Doris Brandt for her years of service on the Traffic Safety Commission, adopting **Resolution No. 2013-3048** authorizing a contract amendment for construction of an access road at the waste water treatment plant, and approving the May 6, 2012, City Council meeting minutes, as amended. Motion carried (7 Yes/0 No).

2. Consider a motion adopting **Resolution No. 2013-3046** adopting the procedures for hiring the city attorney.

MOTION: **Bacon/Rierson** adopting **Resolution No. 2013-3046** adopting the procedures for hiring the city attorney. Motion carried (6 Yes/0 No/1 Abstain [Howard]).

X. ADJOURNMENT

TIME – 10:07 PM

ADOPTED by the Newberg City Council this 1st day of July, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 3rd day of July, 2013.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2013-2762 No.

SUBJECT: Special Ordinance Allowing Use of a Well for a Home Displaced by Bypass Construction on Waterfront Street and Continuance of a Medical Hardship Residence

Contact Person (Preparer) for this Motion: Barton Brierley
Dept.: Planning and Building
File No.: G-13-003

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2013-2762, allowing a well for domestic purposes at 1829 S. Waterfront Street to serve homes being displaced by the bypass construction.

EXECUTIVE SUMMARY:

This ordinance would permit a replacement well on property at 1829 S. Waterfront Street. Oregon Department of Transportation (ODOT) is acquiring a part of the property for the bypass, including the existing house and well. The owners of the property, Steve and Denise Wozniak, wish to remain on the property and construct two new homes. The property is a significant distance from the city's existing water line. They have requested permission to construct a new well on the property. City ordinances prohibit any new wells for domestic purposes. The ordinance would allow this property to use a new domestic well because of the unique circumstances.

The Wozniak's also have a recreational vehicle on the property housing a family member with a particular medical situation. The recreational vehicle has been on the property since the property was annexed to the city in 2006. The owners have requested this be allowed to be relocated on the site for the duration of the hardship of the current family member.

FISCAL IMPACT: No impact.

STRATEGIC ASSESSMENT:

In general, properties in the city should be connected to the municipal system. The municipal system needs to be extended in an orderly manner to provide water for property owners, their neighbors, and fire protection. Property owners who want to develop their properties but do not have access to city water should be required to extend the municipal water system to their properties, or wait until the lines are close enough.

This is a very different scenario for a number of reasons: the Wozniaks are not moving by choice or out of desire to make a profit; they are moving because the bypass construction is displacing their home. In addition, city water is not available, and cannot be made available quickly because of construction of the bypass. Making an exception for this one unique circumstance is appropriate.

In a different area, the city annexed a property containing a medical hardship manufactured home. The

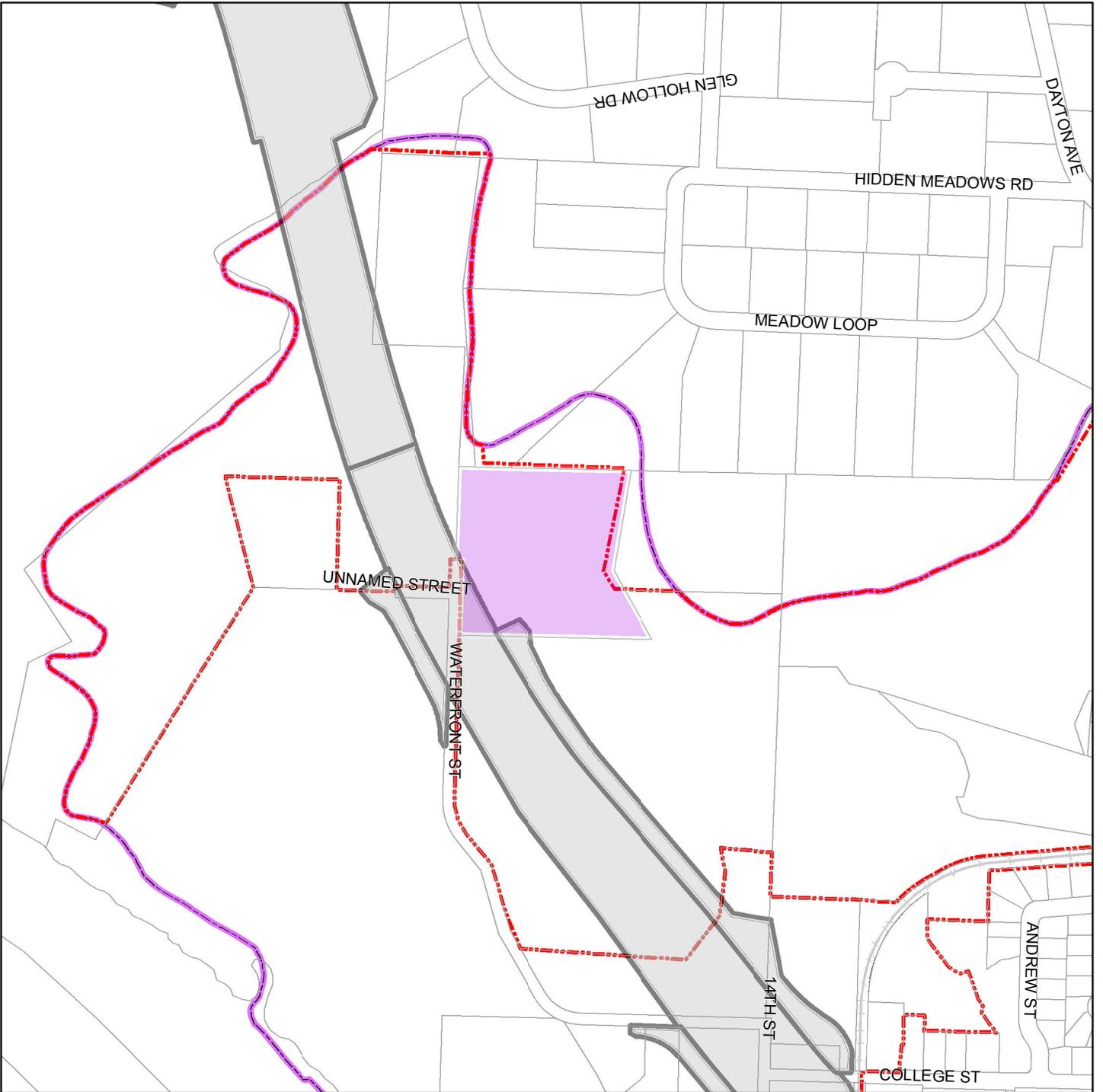
ordinance annexing the property allowed the manufactured home to remain while the individual continued to reside there. Staff suggests the same treatment be applied to the recreational vehicle on this site.

Also note the new homes will require construction of a replacement septic system. While it is unusual to allow septic systems in the city, city ordinances do allow a septic where sewer is not close by, as in this case.

Attachments:

Ordinance No. 2013-2762 with Exhibit "A", Property Description

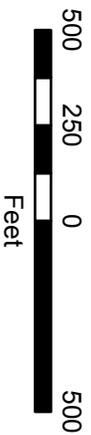
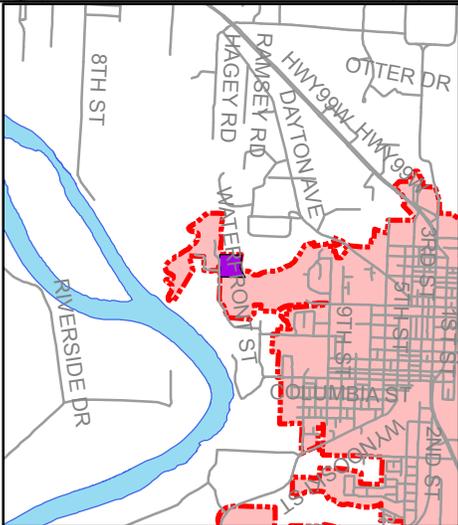
1. Property map
2. Letter from Wozniaks
3. NMC 13.15.030 and NMC 15.445.165



Wozniak Property

Legend

-  Wozniak Property
-  Bypass
-  City Limits
-  UGB



RECEIVED

MAY 31 2013

May 31, 2013

Newberg City Council:

Initial: _____

Denise and I have lived on our property on Waterfront Street for 37 years. We have raised our family here and currently have 6 family members that live with us. My son Sam and his family live here and operate a small construction business. Denise's brother Charles is a disabled veteran that lives in a motor home on our property, a housing of last resort for him.

The Oregon Department of Transportation (ODOT) has told us that they are taking our home to make way for the Newberg-Dundee Bypass. They are taking 1.2 acres of land, our home, our septic system, and our well. They are leaving us with 6.5 acres, our barns, shops, horse stalls and pastures, all without water.

ODOT has made us an offer for compensation that is sufficient to meet our relocation needs only if we are allowed to rebuild on our property. The key issue for us is to have a new water supply for the new construction and to service the barn and horse.

We have had several meetings with Mr. Briery concerning our situation. We like the idea of joining a LID for water and or sewer services for our area but that is a longer term solution. In order to get out of the path of the coming construction we need to be able to build this year. I understand why the city would ban wells within the city limits but I believe our situation is unique. I believe we are the only property within the city that is losing a well due to the Bypass and is too far from city services to get city water at this time. I believe that city ordinances allow wells within the city for irrigation purposes. I would ask that you allow us to install a replacement well for the use of our replacement homes. That well could be converted to irrigation use when city water was available. The proposed well would be similar to our existing well and would probably have a modest flow capacity and just for our family needs.

I understand that the Council would have to pass a special ordinance to allow our replacement well. Please consider doing that for us. If we do not have water available, we lose the ability to live on and take care of our property. The land, buildings, plants and trees would have little or no value to us. We are at retirement age and are trying to take care of our family and protect the only major asset we have. The land will eventually be developed but that may be many years in the future. We have become very attached to our land and we would like to be able to live on it and enjoy it for many more years.

If you do not allow us to have a well and to build on our property, in all truthfulness, the future becomes very complicated for us. ODOT will force us off our property with no viable means to properly relocate our family and address our physical and financial situation.

Sincerely,

Steve and Denise Wozniak



13.15.030 Water connections.

A. The city council shall, as it deems necessary, establish and adopt by resolution rules and regulations regarding connection to the city water system, permits affecting the connection, and fees, rates and charges relating to connection and the general provision of water service.

B. Every applicant for water service from the city which shall require a new tap or connection with a water main or pipeline of the city water system shall, before the connection is made, pay the appropriate water connection fee as established by the city council; subject, however, to such contracts as the city council may authorize in connection with any subdivisions, annexations, industrial establishments and similar developments.

C. City and Contractor Action – Applicant to Pay Cost of Connection.

1. Where the water connection is proposed to be used, the city shall excavate and tap the main or city pipeline, furnish and install the corporation cock, all necessary pipe and fittings to the meter, including the city shutoff, meter and meter box, charging the applicant, in addition to the water systems development charge, the city's actual labor, materials, equipment and administrative overhead.

2. An approved contractor may make the connection to and following standard specifications to the city main or pipeline using approved materials, installation practices and following standard specifications under the supervision of city personnel. In addition to the water systems development charge, the applicant shall be charged for the city's actual cost of labor, materials supplied and administrative overhead, if an approved contractor installs the water service connection.

3. The applicant shall pay the estimated cost of the water connection at the time application is made for a building permit. Any additional cost over the estimate shall be paid upon completion of the connection and any excess shall be promptly refunded to the applicant.

D. Shutoff and Meter Placement.

1. Where there is a curb in the street at the point where water service is to be furnished, the city's shutoff shall be located just inside the curb line, and the meter shall be placed just inside the city shutoff except where the city main is located inside the curb line, in which event the meter shall be placed just outside of the sidewalk, if any, and the city's shutoff outside of the meter; provided, however, that if there is no sidewalk, the meter shall be placed not less than six feet outside of the property line and the city's shutoff outside of the meter.

2. In the event that there is no curb but there is a concrete sidewalk, the meter shall be placed just outside the sidewalk and the city's shutoff outside of the meter. In the event that there is no concrete sidewalk or curb, the meter shall be placed not less than six feet outside of the property line and the city's shutoff just outside of the meter. In all cases, the private shutoff shall be placed adjacent to and immediately inside of the meter, and all fittings hereafter installed from the main to and including the meter and meter box shall be and remain the property of the city. The city shall service and maintain the water line from the main up to and including the meter and meter box.

E. In the event that any meters not owned by the City of Newberg or any privately owned lines or fittings are not so maintained, the director of public works or designee

shall immediately proceed to turn off the water supply through same, and shall not again turn on the water until satisfactory repairs or replacements have been made.

F. In the event that an applicant shall desire to tap a private line or main, the applicant shall file with the city the written permission of the owners or managers of the line, allowing the applicant to so tap the private line and specifying the size of tap. Thereupon, the applicant shall do all necessary excavation work, and the city shall tap the private line and install the corporation cock, charging for the work in accordance with a schedule of charges to be approved by the city council. All meters, meter boxes, shutoffs and cocks shall be of a type, make and quality satisfactory to the director of public works or designee, and shall be subject to inspection by the director of public works or designee at all times. In the event of the failure of the applicant or owner of the premises served, or the user of water on the premises, to maintain any part of the line furnished or installed by the applicant or owner of the premises served, or the user of water on the premises or owned by the applicant or owner of the premises served, or the user of water on the premises in a condition satisfactory to the director of public works or designee, the water shall be turned off by the director of public works or designee at such point as the director of public works or designee shall see fit, and shall be turned on again only after the condition of the line has been remedied in a manner satisfactory to the superintendent; and no person, firm or corporation shall, in any manner, open, turn on, touch or interfere with any shutoff cock or gate which may have been closed by the superintendent.

G. All private lines or mains outside the city and serving two or more customers shall have a gate or shutoff installed at the point where the private line or main leaves the city's main, which the gate or shutoff shall be the property of and installed and maintained by the City of Newberg.

H. The amount of the charge payable to the city for turning on water, where the pipeline and fittings have already been installed, shall be set by resolution adopted by the city council. The turn-on charges shall be paid to the city at the time of payment of the first bill for water service charged after the turn-on and shall constitute a part of the bill.

I. No wells shall be used inside the city, except those approved for nondomestic use only. All wells must meet city standards, be inspected, and may have no cross-connections.

J. Annexation – Water District – Payment.

1. Upon annexation to the city and if a city water main is within 100 feet of the property line, the property shall connect to the city main at the city's discretion and within 180 days of formal notice from the city manager.

2. If the property is served by a water district, the property shall disconnect from the water district line if the above conditions stated in subsection (J)(1) of this section apply.

3. Properties already served by the city through a water district or group customer line shall not pay water systems development charges at the time of connecting to the city's main. Those currently not served by a water district or group line shall pay water systems development charges at the time of connection.

4. All other rules and regulations that apply to other city water users shall apply.

5. These properties may pay for the connection using existing financial mechanisms, including those available through the city and available under state law. [Ord. 2548, 5-21-01; Ord. 2135, 11-7-83; Ord. 1983, 11-5-79; Ord. 1347, 2-18-63; Ord. 1040, 10-15-48. Code 2001 § 52.03.]

Penalty: See NMC 13.15.290.

Cross-reference: See Chapter 223 of Title 21 ORS pertaining to local improvements and works generally.

15.445.165 Allowable use of recreational vehicles.

No person shall maintain an occupied recreational vehicle at any location other than a mobile home park, manufactured dwelling park or recreational vehicle park licensed under the provisions of the state and this code, except as follows:

A. Temporary Use.

1. Bona fide recreational vehicles may be used by visitors of the residents, and shall be allowed on lots in residence areas for a period of time not to exceed 14 days.

2. Recreational vehicles may be used for a residence on a private lot for a period of not more than six months, during construction of a new home situated on the same lot. A bond or deposit of \$500.00 shall be posted with the director, and upon the removal of the recreational vehicle from the premises, the deposit or bond will be returned. If, at the end of six months, the recreational vehicle has not been removed, the bond or deposit will be forfeited, and the city will use this for the removal of the recreational vehicle from the property. Before the recreational vehicle is used, it will be connected to the city water and sewer systems and passed on by the city plumbing inspector. A temporary permit must be obtained from the director and displayed on the recreational vehicle.

3. Recreational vehicles placed where specifically authorized by any other ordinance of the city.

B. Residential Use. No owner or person in charge of premises within the city shall occupy or allow the occupancy of a recreational vehicle upon the premises as permanent living quarters or beyond the time limits described in subsection (A) of this section, unless the recreational vehicle is placed on a manufactured dwelling park space, mobile home park space, or recreational vehicle park space.

C. Parking and Storage. No recreational vehicle shall be parked at the curb of any city street for more than 48 hours. Nothing contained herein shall prevent the parking of an unoccupied recreational vehicle not in daily use on the owner's property; except, the vehicle may not be parked in the required front yard setback for more than 48 hours. [Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 §§ 151.662, 151.663. Formerly 15.445.120 and 15.445.130]

Penalty: See NMC 15.05.120.

**AN ORDINANCE AUTHORIZING A DOMESTIC WELL AND A
CONTINUANCE OF A NON-CONFORMING HARDSHIP RESIDENCE AT
1829 WATERFRONT STREET**

RECITALS:

1. Steve and Denise Wozniak own property at 1829 S. Waterfront Street. The Oregon Department of Transportation is currently acquiring a portion of the property for construction of the Newberg Dundee Bypass. This acquisition will result in removal of the existing house and well on the property.
2. The owners desire to construct two new single family homes on the property for occupancy of themselves and family members as replacement for the house being acquired for the bypass construction.
3. Municipal water is currently some distance from the property. Investigations have shown the water line cannot be extended to the property until sometime after bypass construction.
4. NMC 13.15.030 (J) states, "No wells shall be used inside the city, except those approved for nondomestic use only. All wells must meet city standards, be inspected, and may have no cross-connections."
5. The property was annexed to the city in 2006. At time of annexation, the property owners had a recreational vehicle (RV) on the property occupied by a family member with a medical disability requiring independent living and close monitoring. Due to the bypass acquisition, the RV cannot remain in its present location. The owners desire to relocate the RV on the property. NMC 15.445.165 prohibits occupancy of RVs as living quarters except where specifically permitted by ordinance.
6. Because of the unusual and unique situation of this particular property, and because of the hardship that otherwise would be imposed, the city council desires to allow a domestic well on this particular property, and desires to allow the RV to be replaced on the property for the occupancy of the current family member.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. Notwithstanding NMC 13.15.030 (J), the owner of property at 1829 S. Waterfront Street, Yamhill County Tax Lot 3230-500, as further described in Exhibit "A" to this ordinance, may install a water well for domestic purposes for the purpose of serving two new homes on the property. Exhibit "A" is hereby attached and by this reference incorporated.
2. This authorization shall terminate when city water becomes available to the property. At such point the property owner shall disconnect from the well water and connect to the municipal water,

including payment of all applicable fees.

3. The owner of the property may relocate and continue to use the existing RV for occupancy of the current family member with a medical hardship. The owner shall obtain plumbing permits and required inspections prior to connection of utilities. The use of the RV in this manner shall terminate when no longer occupied by the family member for whom this hardship exception is given. The owner shall verify to the city at least once every two years that the hardship still exists and the occupancy is still needed.
4. This ordinance is due to the specific unique and unusual circumstances of this particular property and does not set a precedent nor infer approval of any other domestic well or recreational vehicle on any other property.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 31, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of July, 2013, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 3rd day of July, 2013.

Bob Andrews, Mayor

Exhibit "A"
to Ordinance No. 2013-2762
Property Description

Address: 1829 S. Waterfront Street, Newberg

Tax Lot: 3230-500

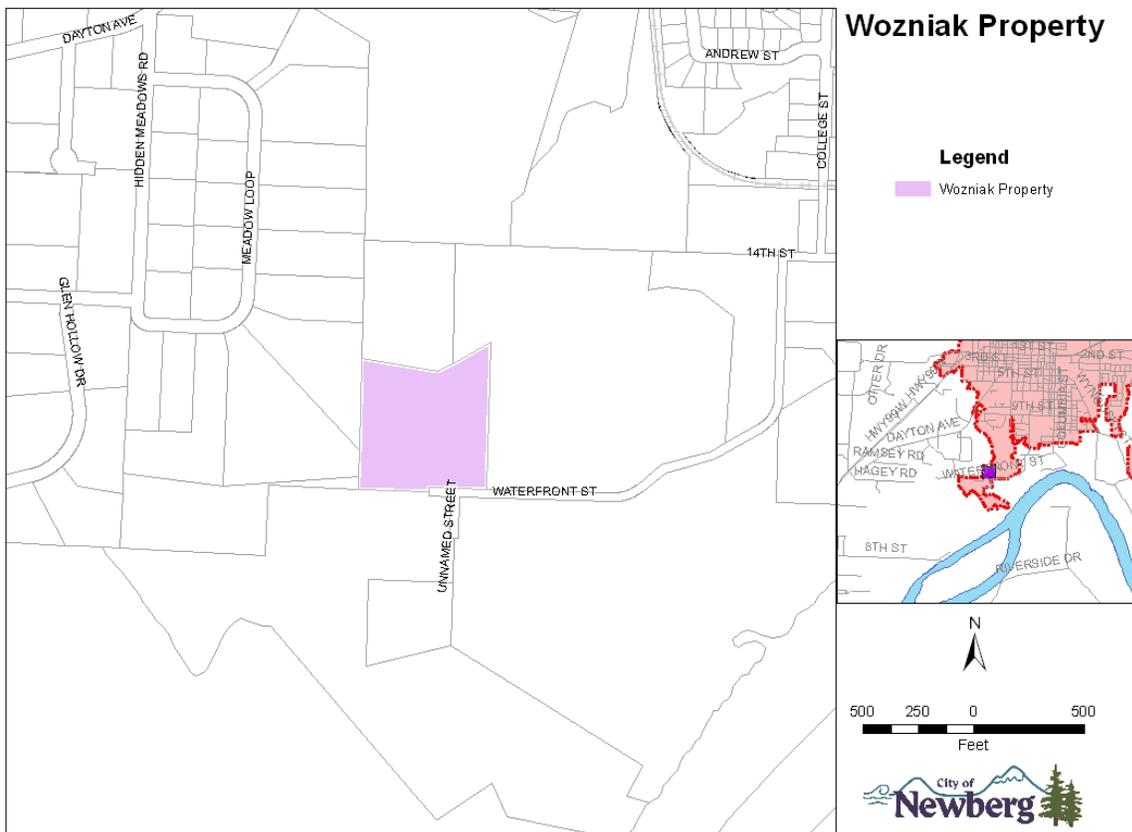
Legal Description:

Beginning at the Southwest corner of the Donation Land Claim of Joseph B. Rogers and wife, Notification No. 1473, Claim No. 55 in Section 30, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; thence running North on the West boundary line of said Donation Land Claim 592.2 feet; thence South 81°45' East 349.8 feet; thence North 59°23' East 271.3 feet; thence South parallel with the West boundary of said Donation Land Claim, 679.5 feet to the South boundary of said Donation Land Claim; thence West 579.645 feet to the place of beginning.

SUBJECT TO AND EXCEPTING:

Rights of the public in streets, roads and highways.

Map:



REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 1, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3059

SUBJECT: Policy on Motorist Information Follow Up Signs on City Streets

Contact Person (Preparer) for this
Motion: Barton Brierley, AICP
Dept.: Planning and Building
File No.: G-13-002

RECOMMENDATION:

Adopt Resolution No. 2013-3059, establishing a policy regarding installation of follow up signs to motorist information signs on state highways. The main provisions are:

1. The signs are viewed as traffic control devices and not as advertising.
2. The only signs eligible are those as a follow up to motorist information signs on state highways.
3. The city engineer determines whether to approve the sign, and if so approved, determines the location and design of the sign.
4. The applicant pays the costs of installing and maintaining the sign, plus an annual fee.

EXECUTIVE SUMMARY:

The state has various programs allowing different types of traffic control signs along state highways directing motorists to specific destinations. These include tourist oriented businesses, specific services, historic sites, and museums. If the destination would require a further turn on a local roadway, the state often only will allow such signage where a follow up sign is provided on the local roadways. The city has received a request to place such a follow up sign on city streets (See Attachment 5. Note the council is NOT considering this particular request, only a policy framework in which such requests may be considered).

The city does not have a formal policy on such signs. The City Council asked staff to develop a draft of a policy and to have the Planning Commission review it. Staff has developed the attached resolution. The Planning Commission has reviewed this draft and recommends the Council adopt it.

- 1. Types of signs allowed on State Highways.** The state currently allows several types of signs on state highways.
 - a. Tourist Oriented Directional (TOD) Signs.** These are blue sign panels with white letters stating the name of a qualified tourist oriented business or activity or qualified historical or cultural feature together with directional information. They may direct tourists to venues such as wine tasting rooms or amusement parks. A qualified tourist oriented business must be open to the public at least six hours a day, six days a week, have restroom facilities and drinking water available, and have adequate parking.
 - b. Specific Service Signs (Logo Signs).** These direct motorists to gas, food, or lodging

facilities. These signs usually contain the logo of the business providing the service.

- c. **Historic and Museum Signs.** Museum or historic site signs consist of a brown panel with white letters stating the name of a qualified museum or historic site as well as directional information (right turn, left turn, etc.).
- d. **General Service Signs.** These direct motorists to general services such as police stations, hospitals, camping, and rest areas. They usually have special symbols without any particular business information. *These signs are not the subject of this policy.*

2. **Applicability of rules to different road jurisdictions.**

- a. **State highways.** The state has jurisdiction on these signs along state highways (OR99W, OR219, OR240). The Oregon Travel Information Council handles the requests. The city usually has input on these signs and their placement, but the state has the final say.
 - b. **County roads.** Yamhill County has jurisdiction on placement of these signs on county roads, including several such roads inside city limits. Due to the proliferation of and maintenance issues with these signs, the county recently proposed draft rules on such signs. See Attachment 5. Notably, the county rule draft prohibits placing such signs within city limits.
 - c. **City streets.** The City of Newberg has jurisdiction over any such signs on city streets. The city is not under obligation to place any such signs on its streets, even if the state only will approve a sign on a state highway if a corresponding follow up sign is placed on a city street. The city may adopt rules that are more stringent, less stringent, or that prohibit such signs entirely.
 - d. **Private properties.** Signs on private property are subject to the Newberg sign code. The code does not regulate the content of signs, so property owners can place signs on their properties directing motorists to other destinations. However, such signs count against an owner's total sign "budget;" property owners don't get "extra" signs because they chose to allow a neighbor down the street to place a sign on their property. If the sign is visible from a state highway, the state may have some jurisdiction.
3. **Intended for rural areas.** The Manual of Uniform Traffic Control Devices (MUTCD) states, "When used, tourist-oriented directional signs shall be used only on rural conventional roads and shall not be used on conventional roads in urban areas or at interchanges on freeways or expressways."

The Oregon Travel Information Council states,

"TOD signs may be installed along non-interstate, rural highways as long as the signs meet highway sign spacing requirements.

TOD signs cannot be placed in an area that is urban in nature; therefore, businesses located in "downtown" areas may not qualify because of the urban congestion that would negate our ability to install a sign.

There are some places in the state that have been determined "full" and additional signs are

*unlikely due to the congestion of signs already installed. Some of those locations are: Bandon, Coos Bay, Florence, Newport, Lincoln City, Seaside, Astoria, McMinnville, Dundee, **Newberg**, Sherwood.*

4. **MUTCD.** These signs are subject to the requirements of the Manual on Uniform Traffic Devices (MUTCD). See Attachment 4. These rules govern the size, color, reflectivity, pole type, spacing, and other standards relating to the sign installation.

FISCAL IMPACT:

Researching, installing, and maintaining requested follow up signs will have a cost to the city. The resolution would provide for the applicant to pay these costs.

STRATEGIC ASSESSMENT:

State rules regulating TODs and similar signs allow these as traffic control devices, not as advertising devices. Staff recommends the council look at the signs in the same way. Otherwise, there are dozens, if not hundreds, of businesses, churches, clubs, and so forth who probably would like to have such signs on city streets. The policy limits the requests to those where the state has determined such a sign is needed as a traffic control device. This avoids having the city try to determine which entities should and should not get such a sign on city streets.

It appears the state has been more generous in approving applications for tourist oriented directional signs than their policies and information would suggest. In addition, on many corners there are numerous directional and informational signs. Having too many signs can create visual clutter and reduce the effectiveness of any one sign. Limiting follow up signs to those with state approval will help manage the total number of signs on city streets.

The policy provides for the city to determine the location of the sign, and to deny the application if there is not an appropriate location.

The policy also requires the facility requesting the follow up sign to pay all costs associated with the sign, so that the city is not liable for the costs.

Attachments:

Resolution No. 2013-3059 with Exhibit "A": Findings

1. Information on Oregon Motorist Information Signs
2. OAR 733 Division 30
3. ORS 377 – Oregon Motorist Information Act
4. MUTCD Standards
5. Yamhill County Draft Policy
6. Letter from Pete Miller, Caravan Coffee
7. Planning Commission Resolution 2013-298 (Exhibits by reference)
8. Minutes of May 9, 2013 Planning Commission hearing

Tourist Oriented Directional (TOD) Sign Rates & FAQ

OTE - Oregon Travel Experience

Follow Us:



Rates

For all Primary and Secondary routes (non-interstate) WEST of the Cascades Mountains; Hwy 39 & Hwy 140, Klamath Falls; Hwy 97, Redmond-Sunriver (except for Bend Expressway); Hwy 372, Mt. Bachelor; Hwy 20, Sisters-Bend; Hwy 126, Sisters-Redmond; Hwy 35, Mt. Hood-Hood River; Hwy 58, Goshen-Oakridge; Hwy 138, Roseburg-Milepoint 0- 30; Hwy 101- Milepoint 0-199

- **Advance Sign:** \$305 per direction, per year
- **Intersection Sign:** \$138 per direction, per year



For all Primary and Secondary routes (non-interstate) in Central & Southern Oregon (except Redmond, Bend, Sunriver, Klamath Falls, Sisters); Routes in SW Oregon including Hwy 42, Hwy 199, Hwy 238, Hwy 240, Hwy46, Hwy 101- Milepost 200-363

- **Advance Sign:** \$167 per direction, per year
- **Intersection Sign:** \$98 per direction, per year



For all Primary and Secondary routes (non-interstate) in Northeastern & Southeastern Oregon; Hwy 62, Milepoint 21-Milepoint 103

- **Advance Sign:** \$100 per direction, per year
- **Intersection Sign:** \$65 per direction, per year

Advance Sign: The first or primary sign a business has in any given direction of travel is known as the Advance sign. This blue sign is usually ¼ Mile from the intersection. It has a directional designation, (e.g. Next Left), and all or part of the registered business name. On the billing invoice, these signs are referred to as “ADV”.

Intersection Sign: The secondary sign a business may have in any given direction of travel is known as the Intersection sign. If a business is not visible from the intersection where the motorist turns off of the highway, they may require an Intersection sign. This blue sign typically includes a directional arrow, and all or part of the registered business name. When necessary, mileage is also indicated below the arrow. On the billing invoice, these signs are referred to as “INT”.

The placement of Advance and Intersection signs is determined by an engineering study of the highway.

Where navigation is difficult, multiple Intersection signs may be necessary.

If more than one TOD business requests a sign at the same intersection, four boards may be installed on the same Advance or Intersection posts.

Frequently Asked Questions

Attachment 1

What are they?

TOD signs are seen as alternatives to billboard advertising by many businesses, but in fact they are classified as traffic control devices and must meet all regulations set by the Federal Highway Administration and State sign standards.

Many confuse these signs with advertising; but as you can see, they are not. They must fall within the restricted requirements of Federal and State sign regulations or the Oregon Department of Transportation (ODOT) can lose a percentage of its Federal funding.

TOD signs consist of a blue sign panel with white letters stating the name of a qualified tourist oriented business or activity or qualified historical or cultural feature together with directional information located on non-interstate, rural highways.

How long does it take to get TOD signs?

It all depends on the variables involved. In addition to our criteria and roadway review process, new sign installations require an ODOT engineering review. Our goal is to turnaround sign applications within 30 days. ODOT is allowed another 40 days on reviews which are forwarded to them. Once approved, the timetable adjusts based on the time required to fabricate the signs and have them installed by a specified sign crew. The total estimated time for the entire process is 90-120 days.

What does it cost to have TOD signs?

Annual permit fees are based on the highway traffic volume and area population where the facility is located. See the TOD sign rates page for more information.

How does a facility qualify for TOD signs?

A qualified tourist oriented business is a facility that offers a cultural, historical, recreational, educational or entertaining activity, or unique and unusual commercial activity whose major portion of income or visitors is derived from motorists not residing in the immediate area of the business.

A qualified historical feature is a district or property listed on the National Register of Historic Places. A qualified cultural feature is an approved museum.

Typical TOD businesses include art galleries, wineries, golf courses, and amusement parks.

Businesses offering gas, food, lodging, and camping services must apply for logo signs – not TOD signs. If your business is within the categories of a typical logo business, review either the Interstate Logo or Off-Interstate Logo application packets. Please note that eligibility, qualifications and criteria for Logo signs differ significantly from TOD signs.

What is the minimum level of services required for TOD signs?

A qualified tourist oriented business must have:

- Restroom facilities and drinking water available
- Operating hours of at least 6 hours a day, six days a week
- Licensing, where required
- Adequate parking accommodations

If my business is seasonal and only open part of the year, can it still qualify for TOD signs?

Yes! If your business is closed for 30 or more days consecutively you may qualify for seasonal rider signs or your signs will be covered with blank panels during the closure. Please indicate on the application the dates your business would be closed.

What areas or locations are considered eligible for TOD signs?

TOD signs may be installed along non-interstate, rural highways as long as the signs meet highway sign spacing requirements.

TOD signs cannot be placed in an area that is urban in nature; therefore, businesses located in “downtown” areas may not qualify because of the urban congestion that would negate our ability to install a sign.

There are some places in the state that have been determined “full” and additional signs are unlikely due to the congestion of signs already installed. Some of those locations are: Bandon, Coos Bay, Florence, Newport, Lincoln City, Seaside, Astoria, McMinnville, Dundee, Newberg, Sherwood.

Are TOD signs allowed on interstate highways or expressways?

No. TOD signs are restricted to secondary highways that are not classified as interstate highways or expressways.

How far away from the highway can a business be and still qualify?

A business must be located within one mile of the intersection where the TOD signs are installed. However, a facility may be eligible for an approved waiver up to a distance of fifteen miles from the intersection.

How can motorists find my facility if it is not visible at the highway intersection?

A typical TOD installation consists of two signs in each direction at locations along the highway near the facility. First, a TOD sign in advance of the intersection is placed approximately 1/4 mile prior to the intersection. This sign, referred to as an “advance” TOD is required and provides motorists with the information needed to allow them adequate time to slow down and begin a safe turning movement off the highway. A second TOD sign, called an “intersection” TOD is placed near the intersection and provides additional guidance to the motorists by using a directional arrow and distance to the facility.

What if a motorist can see my facility, but I simply want a sign to let them know I’m up ahead?

To qualify for TOD signs, a facility must not be visible or recognizable to the motorist within 300 feet of the approaching intersection or access to the facility. If there are road conditions (brush, trees, etc) that hinder the visibility within that 300 foot area, the business may qualify for signs.

How much advertising can be put on a TOD sign?

None. Only the facility’s Registered Business Name or a portion of that name is allowed by Federal standards.

What if the business name changes?

If a replacement is requested by the customer due to a name change, a fee of \$100 per sign is charged to cover the costs of manufacture and installation of the new TOD signs.

Can private clubs have TOD signs?

No. Only facilities open to the general public are allowed signing.

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For Motorists

For Business

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Off-Interstate Sign Rates and FAQ

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Rates

Oregon Travel Experience Off-Interstate sign fees are determined by location of the signs:

For all primary and secondary routes (non-interstate) *west* of the Cascades Mountains; Hwy 39 and Hwy 140, Klamath Falls; Hwy 97, Redmond-Sunriver (except for Bend Expressway); Hwy 372, Mt. Bachelor; Hwy 20, Sisters-Bend; Hwy 126, Sisters-Redmond; Hwy 35, Mt. Hood-Hood River; Hwy 58, Goshen-Oakridge; Hwy 138, Roseburg-Milepoint 30; Hwy 101- Milepoint 0- 199

- **Advance sign:** \$305 per direction, per year
- **Intersection sign:** \$138 per direction, per year



For all primary and secondary routes (non-interstate) in Central and Southern Oregon (except Redmond, Bend, Sunriver, Klamath Falls, Sisters) Routes in SW Oregon including Hwy 42, Hwy 199, Hwy 238, Hwy 240, Hwy 46, Hwy101- Milepoint 200-363

- **Advance sign:** \$167 per direction, per year
- **Intersection sign:** \$98 per direction, per year

For all primary and secondary routes (non-interstate) in northeastern and southeastern Oregon; Hwy 62, Milepoint 21-103

- **Advance sign:** \$100 per direction, per year
- **Intersection sign:** \$65 per direction, per year



Advance Sign: The first or primary sign installed in any given direction of travel, is known as the advance sign. This blue sign is usually ¼ mile from the intersection. It has a directional designation, (e.g. “next left”), a service designation, (e.g. gas, food, lodging, or camping), and a business logo plaque. On the billing invoice, these signs are referred to as “ADV”.

Intersection Sign: The secondary business sign installed in any given direction of travel is known as the intersection sign. If a business is not visible from where motorists exit the highway, the business may need an intersection sign. This blue sign typically includes a directional arrow, a service designation, (e.g. gas, food, lodging, or camping), and a business logo plaque. When necessary, mileage is also indicated below the plaque. On the billing invoice, these signs are referred to as “INT”.

The placement of advance and intersection signs is determined by an engineering highway study.

Where navigation is difficult, multiple intersection signs may be necessary.

If more than one business requests a sign at the same intersection, multiple plaques may be installed on the same advance or intersection signs.

What are they?

Off-interstate logo signs are seen as alternatives to billboard advertising by many businesses, but in fact they are classified as traffic control devices and must meet all regulations set by the Federal Highway Administration and State of Oregon sign standards.

Many confuse these signs with advertising, however, off-interstate signs must fall within the restricted requirements of federal and state sign regulations, or the Oregon Department of Transportation (ODOT) could lose a percentage of its federal funding.

Off-interstate logo signs consist of a blue sign panel, sometimes called the backboard, where individual business logo plaques are mounted on the panel. Off-interstate signs have legends or titles noting four types of services: gas, food, lodging and camping.

How long does it take to get off-interstate logo signs?

It depends on the following: in addition to OTE's criteria and roadway review process, new sign installations require an ODOT engineering review. Our goal is to process sign applications within 30 days. ODOT is allowed another 40 days to review applications after receiving them from OTE. Once approved by both agencies, the timetable is based on a customer's response time to OTE's contract, as well as following plaque manufacturing specifications. Timely receipt of logo plaques from the customer's plaque manufacturer also impacts the installation date.

What does it cost to have off-interstate logo signs?

Annual permit fees are based on the highway traffic volume and city or regional population where the facility is located.

How many off-interstate logo signs are allowed per intersection and how many logos plaques can be placed on those signs?

A maximum of four off-interstate logo signs may be allowed per intersection, per direction. A maximum of six logo plaques may be possible per logo sign.

If there is no off-interstate logo sign at the requested intersection, can one be installed there?

An off-interstate logo sign may be installed at any intersection as long as it meets highway sign spacing requirements.

Off-interstate logo signs cannot be installed in an area that is urban in nature – therefore businesses located in a “downtown” area may not qualify due to the urban congestion that eliminates room for more signing. Some cities have been determined as too congested for additional signing due to the number of highway signs already installed.

Cities with “no logo zone” areas include: Bandon, Coos Bay, Florence, Newport, Lincoln City, Seaside, Astoria, McMinnville, Dundee, Newberg, and Sherwood.

How many off-interstate logo plaques can a facility have per direction?

Off-interstate logo plaques are limited to one plaque per direction for a facility. For instance, a facility cannot have off-interstate logo signs at two different intersections on the same road in the same direction. Off-interstate logo signs are to be placed at the intersection that is in the closest proximity to the facility itself.

How far away from the highway can a facility be and still qualify?

If a business is a gas, food or lodging facility, it must be located within one mile of the intersection of the sign request. If a business is a camping facility, it must be located within three miles of the intersection. Facilities may apply for a distance waiver in some instances.

How can motorists find my facility if it is not visible at the highway intersection?

A typical off-interstate logo installation consists of two signs in each direction along the highway near the facility. First, a logo sign in advance of the intersection is placed approximately 1/4 mile prior to the intersection. This sign, referred to as an “advance” logo sign, is required and provides motorists with the information needed to allow them adequate time to slow down

and safely exit the highway. A second logo sign, called an “intersection” sign, is placed near the intersection and provides additional guidance to the motorists by using a directional turn arrow and the distance to the facility.

What if a motorist can see my facility, but I simply want a sign to let them know I’m up ahead?

To qualify for off-interstate logo signs, a facility must not be visible or recognizable to the motorist within 300 feet of the approaching intersection or access to the facility. If there are road conditions (brush, trees, etc.) that hinder visibility within that 300 foot area, the business may qualify for off-interstate logo signs.

How are logo plaques made?

Off-interstate logo plaques are furnished by the customer after the application process has been completed. Once the application is approved, permits, plaque manufacturing specifications, and a list of approved sign manufacturers are sent to the customer. After a sign sketch is approved by both the customer and Oregon Travel Experience, the sign manufacturer sends the finished logo plaques to a specified sign crew who then performs the installation.

What does it cost to have a logo plaque made?

Logo plaque-manufacturing costs are strictly between the business and sign manufacturer of their choice. Customers are encouraged to shop for estimates based on different grades of reflective materials. Oregon Travel Experience provides a reference list of companies who are experienced and have asked to be referred. Any sign company is welcome to participate in this program as long as they are willing to utilize reflective materials and meet the plaque-manufacturing specifications required by the State of Oregon. OTE recommends that customers ask their sign company for a five year warranty in case of premature deterioration or loss of reflectivity.

How much advertising can be put on a logo plaque?

None. Only the facility’s registered business name, or a portion of that name, is allowed by federal standards.

Can a food business located inside a fueling station qualify for a separate logo plaque?

A food business located within a gas station qualifies for a food sign if the food-vendor provides indoor seating for at least 20 people. If seating is not available, the gas station may display the food business on their gas station logo-plaque. Please **contact us** for questions about logo-plaques displaying more than one vendor.

What if the logo plaque sustains damage or the design needs changing?

If Oregon Travel Experience determines an off-interstate logo plaque is deteriorating or suffering reflectivity loss, the business will be required to provide a replacement. If a customer requests that a new logo-plaque be installed due to a brand change (involving color, design, or name on the plaque), a fee of \$75.00 per plaque will be charged to cover the costs of removing the old plaques and installing new ones.

Can I retain the existing place on an off-interstate logo sign if I am the new owner of an already listed business?

If the change of ownership does not result in a name change, the new owners may retain the existing space on the sign. When a change of ownership results in a name change, the logo space is revoked and is offered to the next business on Oregon Travel Experience’s Signs Program wait-list. This policy was enacted by business coalitions who recommended that OTE adopt the policy statewide. If there is no wait-list, the new owner is required to complete a new application in order to retain space on the off-interstate logo sign.

Can private clubs have logo signs?

No. Only businesses open to the general public are allowed signing.

Technical resources

Application for Off-Interstate Sign program (PDF)

For questions not included in the FAQ’s, please **contact** our friendly Oregon Travel Experience Signs Program employees or phone 1-800-574-9397.

Sign up for our newsletter!

Attachment 1

For Motorists

For Business

1500 Liberty St. SE, Suite 150 - Salem OR 97302-4609 - Toll Free 1-800-574-9397

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Museum and Historic Site Sign Rates and FAQ

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Rates

There is an annual fee of \$100 per sign per direction. These fees are not due until the sign has been approved by OTE and the Oregon Department of Transportation (ODOT).

For applications, please scroll down the page to the “Technical resources” section.

Frequently Asked Questions

What are they?

Museum and historic site signs are seen as alternatives to billboard advertising by many businesses, but in fact they are classified as traffic control devices and must meet all regulations set by the Federal Highway Administration and state sign standards. They must fall within the restrictive requirements of federal and state sign regulations, or ODOT can lose a percentage of its federal funding.

Museum or historic site signs consist of a brown panel with white letters stating the name of a qualified museum or historic site as well as directional information (right turn, left turn, etc.). The signs are located on non-Interstate or rural highways.

How long does it take to get museum or historic site sign?

In addition to our criteria and roadway review process, new sign installations require an ODOT engineering review. Our goal is to turn around sign applications within 30 days. Oregon Department of Transportation is allowed another 40 days on reviews which are forwarded to them. Once approved, the timetable adjusts based on the time required to fabricate the signs and have them installed by a specified sign crew. The total estimated time for the entire process is 90-120 days.

What does a museum or historic site sign cost?

There is an annual permit fee of \$100 per sign per direction. These fees are not due until the signs have been approved by OTE and ODOT.

How does a facility qualify for museum or historic site signs?

A qualified museum is a facility approved by OTE (after consultation with the Oregon Historical Society and the Oregon Museum Association) that exists on a permanent basis for essentially educational or aesthetic purposes. Museum offerings must be the facility’s primary source of

business with objects exhibited to the public through the museum’s buildings and with an attendant on duty.

A qualified historic site is a district or property listed on the National Register of Historic Places.

Businesses offering gas, food, lodging and camping services must apply for logo signs, not museum or historic site signs. If your business is within the categories of a typical logo business, review either the Interstate logo or off-Interstate logo application packets. Please note that eligibility, qualifications and criteria for logo signs differ significantly from museum or historic site signs.

What is the minimum level of services required for museum or historic site signs? Attachment 1

Except for undeveloped historic sites, a qualified facility must have:

- Restroom facilities and drinking water available
- Operating hours of at least four hours a day, five days a week (1,040 hours per year)
- Licensing, where required
- Adequate parking accommodations

An undeveloped historic site must have an informational device to provide public information about the feature.

What areas or locations are considered eligible for museum or historic site signs?

Museum or historic site signs may be installed along non-Interstate, rural highways as long as the signs meet highway sign spacing requirements.

Museum or historic site signs cannot be placed in an area that is urban in nature; therefore, businesses located in downtown (city center) areas may not qualify because the urban congestion would prevent us from installing a sign.

There are some places in the state that have been determined “full” and additional signs are unlikely due to the congestion of signs already installed. Some of those locations are: Bandon, Coos Bay, Florence, Newport, Lincoln City, Seaside, Astoria, McMinnville, Dundee, Newberg, Sherwood.

Are museum or historic site signs allowed on Interstate highways or expressways?

No. Museum or historic site signs are restricted to secondary highways that are not classified as Interstate highways or expressways.

How far away from the highway can a facility be and still qualify?

A facility must be located within one mile of the intersection where the museum or historic site signs are installed. However, a facility may be eligible for an approved waiver up to a distance of fifteen miles from the intersection.

How can motorists find the facility if it is not visible at the highway intersection?

A typical museum installation consists of two signs in each direction at locations along the highway near the facility. First, a museum sign in advance of the intersection is placed approximately 1/4 mile prior to the intersection. This sign, referred to as an “advance” museum sign, is required and provides motorists with the information needed to allow them adequate time to slow down and turn safely off the highway. A second sign, called an “intersection” museum sign, is installed near the intersection and provides additional guidance to the motorists by using a directional arrow and distance to the facility.

What if a motorist can see the museum but I simply want a sign to let them know the museum is up ahead?

To qualify for museum signs, a facility must not be visible or recognizable to the motorist within 300 feet of the approaching intersection or access to the facility. If there are road conditions (brush, trees, etc.) that hinder the visibility within that 300 foot area, the museum may qualify for signs.

How much advertising can be put on a sign?

None. Only the facility’s registered business name or a portion of that name is allowed by federal standards.

What if the museum or historic site name changes?

If a replacement is requested by the customer due to a name change, a fee of \$100 per sign is charged to cover the costs of manufacture and installation of the new signs.

Can private clubs have museum or historic site signs?

No. Only facilities open to the general public are allowed signage.

Technical resources

Attachment 1

For more information on museum or historic site signs, please **contact us**.

Application

You may **download the museum application** (PDF) and return to our offices via **email**, or by USPS: Oregon Travel Experience, Signs Program, 1500 Liberty Street SE, Salem, OR 97302. Or phone our toll-free number 1-800-574-9397 for more help.

Sign up for our newsletter!

For Motorists

For Business

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Oregon State Archives

▶ The Oregon Administrative Rules contain OARs filed through March 15, 2013

◀ TRAVEL INFORMATION COUNCIL

DIVISION 30

STANDARDS FOR LOGO SIGNS

733-030-0006

Applicability and Purpose

(1) The purpose of these regulations is to establish standards for Logo signs containing logo plaques erected within highway rights-of-way to provide directional information to qualified businesses offering gas, food, lodging, camping and attraction services to the traveling public.

(2) These regulations are applicable to the Interstate, Expressway, and Conventional Highway system.

(3) The authority for the issuance of these regulations is Oregon Laws 1979, Chapter 478, Section 7 and 23 U.S.C. 109(d), 131(f), 315 and 49 CFR 1.48(b).

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0011

Definitions

As used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) "ATTRACTION" means any facility or qualified cultural district of regional significance that provides the general public with a cultural, historical, recreational, or educational activity, or a unique or unusual commercial activity or non-profit activity. Common retail outlets and facilities qualified for other logo service types are not eligible for Attraction signing. An ATTRACTION facility must prove that a majority of its income or visitors is derived from motorists residing farther than 50 miles, or one hour of travel time from the location of the facility being signed. The following terms shall be used to further define ATTRACTIONS:

(a) "Cultural" means a facility reflecting the customs, products and arts of the region where the facility is signed. Such facilities may include, but are not limited to: Science/Nature, Wineries and Art.

(b) "Cultural district" means a cluster of like facilities in a concentrated area of no less than six city blocks in size and with no less than four like facilities. Examples of cultural districts include antique districts and art gallery districts.

(c) "Educational" means a facility that provides enhanced knowledge of an industry, culture, historical or other genre that is unique to the region where the facility is being signed.

(d) "Historical" means a facility reflecting the past events of the region where the facility is signed. Such facilities or areas may include, but are not limited to: Historical museums, historic sites, or historic tours.

(e) "Recreational" means any facility offering a form of leisure, amusement or relaxation. Such facilities may include, but are not limited to: amusement parks, golf courses, jet boats, scenic cruises or rides.

(f) "Region" means the area surrounding a facility to a distance of 50 miles, or one hour of travel time.

(g) "Regional significance" means the level of a facility's importance to area visitor interests and the tourism industry that is determined after consultation with local tourism associations and the Regional Destination Marketing Organization where the facility is located.

(h) "Travel Plaza" means a staffed facility designated under the authority of the Travel Information Council to serve motorists by providing brochures, displays, signs and other visitor information and located in close proximity to an interstate highway interchange.

(2) "Business" means a facility furnishing GAS, FOOD, LODGING, CAMPING, or ATTRACTION which has met the qualifications for the placement of a logo plaque on a Logo Sign or a Supplemental Sign.

(3) "Business District" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.

(4) "Commission" means the Oregon Transportation Commission.

- (5) "Conventional Highway" means any State owned highway that is classified by ODOT as either a Statewide, Regional, or District level highway that is not an Expressway or Interstate Highway as defined in sections (9) and (12) of this rule.
- (6) "Council" means the Travel Information Council created by ORS 377.835.
- (7) "Dual logo plaque" means a logo plaque with two distinctive brand symbols displayed on one plaque on a "GAS" or "FOOD" Logo Sign where the two businesses are located in the same facility.
- (8) "Engineer" means the State Traffic Engineer.
- (9) "Expressway" means a highway which has full access control with access allowed only at interchanges and intersections.
- (10) "Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.
- (11) "Interstate Oasis" means a facility near an Interstate Highway which has met the qualifications for providing products and services to the public, 24-hour access to public restrooms, and parking for automobiles and heavy trucks.
- (12) "Interstate System" or "Interstate Highway" means every state highway that is a part of a national system of interstate and defense highways established pursuant to 23 U.S.C. Section 103(b). This definition also includes fully controlled access freeways on the Conventional Highway system.
- (13) "Logo Sign" means a sign bearing separately affixed individual logo plaques for "GAS," "FOOD," "LODGING," "CAMPING," and "ATTRACTION" facilities erected in advance of exit ramps, interchanges or intersections on a state highway system. A Logo Sign includes a directional legend such as "NEXT RIGHT" or the Exit Number, a service legend of "GAS," "FOOD," "LODGING," "CAMPING," or "ATTRACTION," and one or more logo plaques.
- (14) "Logo plaque" means a separately attached plaque mounted on the Logo sign showing the brand, symbol, trademark, name, or combination of these, for a business available on a crossroad at or near an interchange or an intersection. The wording and design of a logo plaque must be approved by the Council. For a logo plaque that displays the business name only, the graphic design of that plaque is considered equivalent to a symbol and must be replicated proportionately on all Supplemental Signs.
- (15) "Main Traveled Way" means through traffic lanes of said system exclusive of frontage roads, auxiliary lanes and ramps.
- (16) "Meal" means a combination of food items that are prepared and cooked on the licensed premises that includes one principal item and one side dish. Examples of principal items are fish, steak, chicken, pasta, and sandwich. Examples of side dishes are potatoes, potato salad, rice, french fries, beans and vegetables.
- (17) "ODOT" and "the Department" means the Oregon Department of Transportation.
- (18) "Owner" means a holder of fee title.
- (19) "Responsible Operator" means a person or entity other than an owner who operates a business and who has authority to enter into an agreement relative to matters covered by these regulations.
- (20) "RV" means recreational vehicle.
- (21) "Service Legend" or "Type of Service" means the words displayed in reflective white on the Logo sign or the Supplemental sign that are limited to "GAS," "FOOD," "LODGING," "CAMPING," OR "ATTRACTION."
- (22) "Sidewalk" means a walkway with a hard, smooth surface, separated from the roadway with a curb, built for use by pedestrians, including persons in wheelchairs.
- (23) "Supplemental Sign" means a sign located on, opposite, or at the terminus of an exit ramp of the interstate system or expressway or at the intersection of a conventional highway. A Supplemental Sign includes the service legends "GAS," "FOOD," "LODGING," "CAMPING," "ATTRACTION," directional information and one or more Supplemental logo plaques.
- (24) "Supplemental logo plaque" means a separately attached plaque mounted on the Supplemental Sign showing the brand, symbol, trademark, name, or combination of these, for a business available on a crossroad at or near an interchange or an intersection. The wording and design of a supplemental logo plaque must be identical to the Logo plaque on the Main Traveled Way and must be replicated proportionally on all Supplemental Signs.
- (25) "Supplemental Message" means an approved word legend within the logo plaque displayed horizontally along the bottom.
- (26) "Traffic Control Devices" means any sign, signal, marking or device placed, operated or erected by authority under ORS 810.210, for the purpose of guiding, directing, warning or regulating traffic.
- (27) "Trailblazer" means a small sign with a type of service, or the name, direction and distance to the business. Trailblazers are used when Supplemental Logo Signs cannot be used due to sign space limitations.
- (28) "Urban" means an area that can include but is not limited to, business districts, sections of highway with contiguous sidewalks and/or traffic control device congestion where spacing does not meet approval of the engineer.

Location

- (1) Logo Signs are intended for use primarily in rural areas. Any installation of Logo Signs outside rural areas shall be consistent with the state signing policy criteria contained in rule 733-030-0055.
- (2) Logo Signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right of way. Unprotected Logo Sign supports located within the clear zone shall be of a breakaway design.
- (3) In the direction of traffic, the preferred order of successive Logo Signs shall be those for "ATTRACTION," "CAMPING," "LODGING," "FOOD," and "GAS". There shall be a maximum of four Logo Signs at any given interchange. If all five service legends exist at one interchange, one Logo Sign must combine two service legends.
- (4) A maximum of two logo plaques for each of three different types of services may be combined on the same Logo Sign.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0021

Criteria for Specific Information Permitted

- (1) Each business identified on a Logo Sign shall have given written assurance to the Council of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin, meet all applicable Federal and State Americans for Disabilities Act (ADA) guidelines, and shall not be in breach of that assurance. Each business will offer services to all citizens.
- (2)(a) If the business is a GAS, FOOD, LODGING, or ATTRACTION facility, it must be located within one mile of the interchange or intersection measured by vehicle distance from the center point of the terminus of the exit ramp on an interchange and from the center of an intersection to the nearest point of the intersection of the driveway of the business and a public highway. However, any business set out in this section location within nine miles of an interchange or intersection, but more than one mile from the interchange or intersection may apply to the Council for a waiver under the provisions of rule 733-030-0060;
- (b) Facilities requesting signing from an Interstate or Expressway interchange and located within a city with a population of 15,000 or more and where there are sufficient numbers of businesses within one mile of that interchange or intersection, are not eligible for a mileage waiver and shall be located within one mile of the interchange or intersection. If there is not a sufficient amount of businesses available at any given interchange or intersection in a city with a population of 15,000 or more, then any business set out in this section located within two miles of an interchange or intersection may apply to the Council for a waiver under the provisions of rule 733-030-0060. A maximum of two Supplemental Logo Signs per facility shall be allowed within urban areas. A facility has the right to appeal the conditions set forth in this paragraph through a waiver to the Council. A seven-year review will be conducted for those Logo or Supplemental Signs installed following the rule adoption.
- (3) If the business is a CAMPING facility, it must be located within three miles of the interchange measured by vehicle distance from the center point of the terminus of the exit ramp of an interchange or the center of an intersection at an intersection to the nearest point of the intersection of the driveway of the business and a public highway. However, any business set out in this paragraph located within 15 miles of an interchange or intersection, but more than three miles from an interchange or intersection, may apply to the Council for a waiver under the provisions of rule 733-030-0060.
- (4) The types of services permitted shall be limited to "GAS", "FOOD", "LODGING," "CAMPING" or "ATTRACTION". To qualify for displaying a logo plaque on a Logo or Supplemental Sign all businesses must display permanent on-premise signing which is visible from the roadway and sufficient to direct motorists to the appropriate entrance from the roadway. The on-premise signing shall display all or part of the Registered Business Name as stated on the logo plaques. Facilities that operate under and/or provide more than one type of service using more than one brand name shall be limited to displaying not more than two brand names per logo plaque:
 - (a) "GAS" shall include:
 - (A) Vehicle services, including gas and/or alternative fuels, oil, and water;
 - (B) Restroom facilities and drinking water;
 - (C) Continuous operation at least 16 hours per day, 7 days a week for businesses located on the interstate system and expressways and continuous operation at least 12 hours per day, 7 days a week on Conventional Highways; and
 - (D) Telephone service;
 - (E) FOOD businesses located within GAS facilities, that meet all requirements under 733-030-0021(4)(b) except for (E), may display their distinctive brand symbol on a dual logo plaque for the GAS facility in which they are located. Each GAS logo plaque shall be limited to the addition of only one FOOD business. Brand names that are reflected as part of the GAS facility's registered business name may be included on the logo plaque.
 - (b) "FOOD" shall include:
 - (A) Appropriate business & health department licensing for the providing of meals; facilities are required to maintain a valid health permit or license for the type of service operated;

(B) Continuous operation to serve at least two meals per day, at least 6 days per week;

(C) Telephone service and restroom facilities;

(D) The primary business operation is the providing of meals; and

(E) Indoor Seating for at least 20 people or 10 drive-in service stalls for car-hop service. FOOD facilities that have two distinct brand name restaurants in one building may display the brand symbols of both FOOD businesses on one FOOD dual logo plaque. FOOD facilities located within GAS facilities, which do not meet FOOD seating requirements, may be displayed on a GAS dual logo plaque for that facility. See 733-030-0021(4)(a)(E).

(c) "LODGING" shall include:

(A) Licensing where required;

(B) Adequate sleeping accommodations;

(C) Telephone services and restroom facilities.

(D) Bed & Breakfast facilities provided they maintain valid food and lodging health department licenses.

(d) "CAMPING" shall include:

(A) Licensing where required;

(B) Adequate parking accommodations;

(C) Modern sanitary facilities and drinking water.

(e) "ATTRACTION" shall include:

(A) Adequate parking;

(B) Restrooms provided;

(C) Drinking water required;

(D) Facility reasonably close to a public telephone;

(E) Open at least six hours a day; six days a week of continuous operation during its normal business season.

(F) Licensing where required;

(G) Attendant/Docent/Guide on duty during all operating hours;

(H) ATTRACTIONS involving manufacturing or production, such as industrial facilities or wineries must meet all conditions under (e)(A)–(G) and must provide the opportunity for visitors to observe the production or manufacturing process or facilities;

(I) Historical facilities and travel plazas must meet all conditions under (e)(A)–(G) and must provide:

(i) Documentation showing that the facility meets the definition of the authorizing state agency that develops criteria for these types of services;

(ii) Historical tour routes may qualify with a waiver given by the Council if such a tour route is sufficiently signed to guide the motorist safely and conveniently through the tour;

(iii) Historical sites must be listed on the National Register of Historic Places.

(J) Like businesses creating a Cultural District must individually meet all conditions under (e)(A)–(G).

(5) Historical museum offerings must:

(a) Exist on a permanent basis for essentially aesthetic or educational purposes;

(b) Offerings must be the primary source of business of the requesting facility;

(c) Museum offerings must be exhibited to the public on a regular basis through buildings owned and operated by the museum.

(6) The number of Logo Signs permitted shall be limited to one for each type of service along an approach to an interchange or intersection. The number of logo plaques permitted on a Logo Sign is limited to six.

(7) A business, which fails to meet the requirements of section (4) of this rule, may request a waiver from the Council under the provision of 733-030-0060.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-1984, f. & ef. 1-13-84; TIC 3-1985, f. & ef. 6-4-85; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 3-1995, f. & cert. ef. 11-8-95; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-2000, f. 4-14-

733-030-0026

Composition

(1) Logo Signs shall have a blue reflective background with a white reflective border, and white reflective service legends of upper-case letters and numbers. The size of the Logo Sign should be determined by the amount and height of legend and the number and size of logo plaques attached to the sign. The service legends on Logo Signs should be at least equal in height to the directional legend on the Logo Sign.

(2) Logo plaques that use a blue background shall also have a white reflective border to provide contrast to the blue Logo Sign. Logo plaques that use a contrasting color background to the blue Logo Sign may omit the need for a white border. Where contrasting colors are used for a brand, symbol, trademark or name, the border may be omitted. The brand, symbol or trademark shall be reproduced in the colors and general shape consistent with on-premise signing, and any integral letters shall be in proportionate size. The registered business name, in whole or in part, and a supplemental message is the only wording allowed on the logo plaque. Messages, symbols, and trademarks which resemble any official traffic control device are prohibited. The vertical and horizontal spacing between logo plaques on Logo Signs shall not exceed eight inches and 12 inches, respectively.

(3) All arrows, letters and numbers used in the service legend and directional legend of Supplemental Signs shall be white and reflective.

(4) If a GAS facility is also a card-lock service, the logo plaque shall reflect the GAS facility's registered business name and/or trademark along with the card-lock service's registered business name and/or trademark on the same logo plaque.

[ED. NOTE: Exhibits & Publications referenced are available from the agency.]

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0036

Special Requirements -- Interstate Highways and Expressways

(1) Location:

(a) Except as provided in rule 733-030-0016 and in paragraph (2)(b) and (c) of this rule a separate Logo Sign shall be provided for each type of service for which logo plaques are displayed;

(b) The proposed location must be reviewed and approved by the Engineer to determine that no conflicts resulting in unsafe driving conditions will exist with other official traffic control devices;

(c) Logo Signs shall not be erected at an interchange where the motorist cannot conveniently re-enter the highway and continue in the same direction of travel, or at interchanges between an interstate highway and a fully access controlled freeway, or an interchange between interstate highways;

(d) At single-exit interchanges where businesses are not visible from a ramp terminal, Supplemental Signs shall be installed along the ramp, at the ramp terminal, or along the crossroad. These Supplemental Signs shall be similar to the corresponding Logo Signs but reduced in size. The Supplemental Signs shall include service legends, distances to the business and directional arrows. Supplemental Signs may also be used on ramps and crossroads at double exit interchanges. There shall be no more than 24 supplemental logo plaques total being displayed along any one-exit ramp. Maximum Supplemental Sign size shall be eight logo spaces. On channelized off-ramps, Supplemental Signs should be placed in advance of the channelized markings. Separate Supplemental Signs, for the same type of service, may be installed on opposite sides of the ramp to direct motorists into the proper lane for those facilities displayed on the Supplemental Sign. [Exhibit not included. See ED. NOTE.]

(2) Composition:

(a) Logo Signs at single exit interchanges. The type of service followed by the exit number shall be displayed on one line above the logo plaques. This does not apply to Logo Signs already erected at the time these rules are adopted. At unnumbered interchanges the directional legend NEXT RIGHT (LEFT) shall be used. "GAS," "FOOD," "LODGING," "CAMPING," and "ATTRACTION Logo Signs shall be limited to six logo plaques each;

(b) At double exit interchanges, Logo Signs should consist of two sections, one for each exit. The top section shall display the logo plaques for the first exit and the lower section shall display the logo plaques for the second exit. The type of service and the exit number shall be displayed in a line above the logo plaques in each section. The exit number requirements of this section do not apply to Logo Signs panels erected at the time these rules are adopted. At unnumbered interchanges, the legends NEXT RIGHT (LEFT) and SECOND RIGHT (LEFT) shall be used. Where a type of service is signed for at only one exit, one section of the Logo Sign may be omitted or a single exit interchange Logo Sign may be used. The number of logo plaques on the Logo Sign shall be limited to six. Where a type of service is displayed on two Logo Signs, one of the Signs should display the logo plaques to the businesses that are accessible from one of the two exits and the other Sign should display the logo plaques for the businesses that are accessible from the other exit.

(c) Remote rural interchanges. In remote rural areas, where not more than two qualified businesses are available for each of two or more types of services, logo plaques for two types of service shall be displayed in combination on a Logo Sign. Each type of service shall be displayed in combination on a Logo Sign. The type of service shall be displayed above its respective logo plaque, and the exit number shall be centered above the types of services. The exit

number requirements of this paragraph do not apply to Logo Signs erected at the time these rules are adopted. At unnumbered interchanges, the legend NEXT RIGHT (LEFT) shall be substituted for the exit number.

(3) Size:

(a) Logo plaques: each logo plaque shall not exceed 60 inches in width and 36 inches in height, including border;

(b) Legends. All letters used in the type of service, EXIT and the directional legend shall be 10-inch capital letters. Numbers shall be 10 inches in height.

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

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 2-2006, f. & cert. ef. 6-21-06; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 2-2010, f. & cert. ef. 6-11-10

733-030-0045

Special Requirements -- Conventional Highways

(1) Location:

(a) The proposed location must be reviewed and approved by the Engineer to determine that no conflict resulting in unsafe driving conditions will exist with other official traffic control devices. In urban areas, no more than two Supplemental Signs per facility will be allowed;

(b) Intersections. Logo plaques shall not be displayed for any business if its building or on-premise signing is visible and/or recognizable on the traveled way for a distance of 300 feet or more from the intersection. Increased distances may be allowed for businesses providing camping where issues of safety and RV maneuvering are concerned. Visibility and recognition are determined by being able to recognize the facility by observing the building or existing signing adjacent to or attached to the facility, as to the type of service for which it has applied. A facility that is visible within 300 feet or more, but is not recognizable, may qualify for signing if a favorable determination is made by the Council. However, in rural towns with a population of 500 persons or less, where there are minimal types of services meeting qualifications, and where the nearest available type of services are at least 25 miles from that town, the Council, upon consultation with the Engineer, may consider installing Logo Signs in cases where the business is visible on the traveled way the last 300 feet from the intersection. Supplemental Signs similar to those as described in OAR 733-030-0036(1)(d) may be provided on the crossroad or at the intersection.

(2) Composition. On the Logo Sign, a maximum of six logo plaques for each type of service shall be displayed along each approach to the intersection. A maximum of two logos for each of three different types of services may be combined on the same Logo Sign. The service legend shall be displayed above its logo plaques together with a directional legend such as NEXT RIGHT (LEFT). Supplemental Signs will include an arrow and mileage.

(3) Size:

(a) Each logo plaque shall be contained within a 24-inch-wide and 18-inch-high rectangular background area, including border;

(b) Legends: All letters used in the type of service on the Logo Sign and Supplemental Sign shall be six-inch capital letters.

(4) Combination legend signing (i.e., legend reading "FOOD/LODGING," and displaying one facility's logo plaque) will be allowed in rural locations only. The business must be the only facility available in the geographical area. Approval for combination legend signing will be under an agreement between the Council and the facility. If another facility is built in the area, the facility with the combination legend signing will be required to display their logo plaques on two Logo Signs, one for each type of service. Facilities approved for combination legend signing will be required to pay 1-1/3 the annual fee for a facility in their area.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 2-1998, f. & cert. ef. 11-13-98; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 1-2005(Temp), f. & cert. ef. 3-14-05 thru 9-9-05; TIC 2-2005, f. & cert. ef. 6-16-05; TIC 2-2006, f. & cert. ef. 6-21-06; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0050

General Provisions

Upon approval by the Council and the Engineer and receipt of a permit from one or more business, a single Logo Sign shall be erected in advance of the interchange and/or intersection in each direction of travel. For each type of service, a combination of not more than three different types of services may be combined on the same Logo Sign.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0055

- (1) Logo Signs are primarily intended for installation at rural interchanges where motorist services are available. Logo Signs may be considered within other areas if the Council determines that the area does not appear to be urban in character.
- (2) Logo Signs erected at intersections on an expressway shall be of the same size as Logo Signs at interchanges on an expressway. The logo plaques shall conform to the size specifications in rule 733-030-0036(3)(a). The service legends shall conform to the requirements of rule 733-030-0036(3)(b).
- (3) If a business is not visible from any part of the exit ramp on the interstate system or expressway or from an intersection or crossroad on the Conventional Highway, a Supplemental Sign bearing the logo plaque of that business, together with a service legend, a directional arrow, and mileage where needed, shall be placed on the exit ramp or at its terminus or at the intersection or crossroad. The Supplemental Sign shall be installed where it will best serve the motoring public and be commensurate with traffic safety as determined by the Engineer. If a business is visible from any part of the exit ramp or the terminus of the exit ramp on the Interstate system or Expressway or from an intersection or crossroad on the Conventional Highway, it is not entitled to a Supplemental Sign unless determined by the Council and the Engineer to be necessary in order to direct the traveling public to the business in order to avoid a traffic hazard or misdirection of the traveling public because of the complexity of the particular interchange or intersection.
- (4) Supplemental Signs shall bear the legend "GAS," "FOOD," "LODGING," "CAMPING" or "ATTRACTION" and one or more horizontal rows of logo plaques with a directional arrow and mileage as appropriate. Standards for Supplemental Signs shall be adopted by the Engineer.
- (5) A trailblazer may be installed upon the recommendations of the Council and approval of the Engineer at intersections of Conventional Highways, or intersections of Conventional Highways and county roads or city streets if it can be placed on Conventional Highway right of way. Trailblazers may also be installed on county roads and city streets with the approval of authorities for the local jurisdiction. The text for trailblazers shall have a minimum letter height of 4 inches. Standards for trailblazers shall be adopted by the Engineer.
- (6) Subject to the approval of the Council, and if spaces are available, the logo plaque of a business may be placed on a Supplemental Sign, although its logo plaque cannot be placed on a Logo Sign because permits have already been issued for the maximum number of logo plaques for the particular Logo Sign.
- (7) If the GAS, FOOD or LODGING facilities existing within one mile of the interchange, up to a maximum of six for gas and four for FOOD and LODGING facilities, have not applied for a permit for placement of logo plaques on a Logo Sign at an interchange, then the otherwise qualified businesses that are located within three miles from the interchange, may apply for a permit and obtain a waiver as provided in rule 733-030-0060. If CAMPING facilities existing with three miles of the interchange, up to a maximum of four, have not applied for permit for placement of logo plaques on the Logo Sign at an interchange, then the otherwise qualified CAMPING facility located close to, but within 15 miles from the interchange, may apply for a permit and obtain a waiver as provided in rule 733-030-0060.
- (8)(a) If applications are received for any one interchange or intersection for more than the maximum allowable logo plaques to be placed on any one Logo Sign, the order of priority for the wait list shall be based on the date of the properly completed application received by the Council;
- (b) A business may apply for Logo Signs on more than one Conventional Highway adjacent to that business; and
- (c) Any business shall have one logo plaque on one Logo Sign and/or Supplemental Sign in each direction of travel for each type of service on any Conventional Highway.
- (9) The owner or responsible operator of a business must file an application for placement of its logo plaque on a Logo Sign and tender the permit fee for the first year. The business must also agree to furnish the necessary logo plaques to be affixed to the Logo Signs or Supplemental Signs.
- (10) Eligibility of businesses for continued placement of their logo plaques on a Logo Sign may be reviewed by the Council at any time to assess whether the business and/or the Logo Sign location meets present guidelines. If the review finds that the business and/or the Logo Sign location does not meet all applicable rules and laws, the Logo Sign and logo plaque may be removed. If payment is not received for a renewal permit on or before the payment due date stated in the Council's invoice, the logo plaque may be removed. The space made available after the removal of a logo plaque due to nonpayment of fees shall be offered to the next qualified business on a wait list for that Logo Sign. Should space continue to be available and the removed business desire to have its logo plaque reinstalled, the Council may require a new review to be performed prior to approving the reinstallation. If approved for reinstallation, the business must pay the permit fees due and reinstallation fee prior to reinstallation of their logo plaques.
- (11) Notwithstanding section (10) of this rule, the granting of a new or renewed permit shall entitle the business the continuance of having its logo plaque installed on the Logo Sign or Supplemental Sign for one year from the date of installation or renewal.
- (12) Notwithstanding section (10) of this rule, the logo plaque of a business shall be removed from a Logo Sign or Supplemental Sign and may be replaced by another qualified business for failure to comply with subsections (a)–(d) of this section as hereafter set out:
 - (a) If the business fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services required by rule 733-030-0021 (4) so as to justify a finding by the Council that the business is not in substantial compliance with these regulations;
 - (b) If the business fails to open for business for more than seven consecutive days or for more than 10 days cumulatively, during any one-year period, unless the Council finds that closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances;
 - (c) If it fails to comply with OAR 733-030-0021(1) except in isolated instances without the knowledge of the owner or responsible operator, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur; and
 - (d) The logo plaque is not kept in a proper state of repair; is non-reflective, peeling, fading, chipping or otherwise unattractive; or does not meet requirements for size or supplemental messages.

(13) If due to fire, accident or similar causes, a business becomes inoperable for extended period of time, exceeding seven days but not more than 90 days, its logo plaques shall be temporarily removed from all Logo Signs or Supplemental Logo Signs, but the business shall not lose its priority, nor be required to reapply prior to the formal time of a renewal application. Further extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the logo plaque and require a new application.

(14) Notwithstanding the fact that a business meets all of the other eligibility qualifications of these regulations, an application may be denied if it is determined by the Council and after investigation by the Engineer that adequate direction to the business cannot be given by a reasonable number of allowable Supplemental Signs or trailblazers.

(15) If a Logo Sign or Supplemental Sign is removed due to reconstruction at any given interchange, and only one legend may be retained, the Council shall survey the immediate area of that interchange to assess availability of specific types of services. The types of services not available within the immediate area, but located at the interchange to be removed, will have legends retained to meet business needs. If all legends are fairly represented in the immediate area, legends at that interchange will be retained by giving priority to the date of application of the first business of all legends installed. In consideration for the Council's grant of a new permit or renewal permit, the business waives any claim it may have against the State of Oregon, the Council, their officers, employees or agents that may arise from the removal, relocation, displacement, destruction of or damage to the Logo Sign, Supplemental Sign or logo plaque due to any cause, including but not limited to highway construction work, highway re-design or reconfiguration, vehicular collision, accident, vandalism, forces of nature or other acts of God. It is provided, however, that if a Logo Sign, Supplemental Sign or logo plaque affected by any of the foregoing events is not replaced, repaired or relocated to a reasonably comparable location (as determined by the Council) within ten working days of the business's delivery to the Council of notice that the Logo Sign, Supplemental Sign or logo plaque has been so affected, the permit fee for any months or major portion (16 days or more) of a month after the date of the Council's receipt of the business's notice and during which the Logo Sign or Supplemental Sign does not display the logo plaque to the traveling public shall be refunded. If the Logo Sign, Supplemental Sign or logo plaque cannot be re-erected, replaced, reasonably relocated (as determined by the Council) or repaired within ten working days and upon receipt of the replacement logo plaque, then the permit fee for any months or major portion (16 days or more) of a month remaining from the date of the Council's receipt of the business's notice until the anniversary of the date of placement of the logo plaque shall be refunded. The business agrees that this claim for a refund of the permit fee shall be its sole and exclusive remedy against the State of Oregon, the Council, and their officers, employees or agents for any removal, relocation, displacement, destruction of or damage to a Logo Sign, Supplemental Sign or logo plaque. No claim for a refund of the permit fee shall be valid, and the Council will pay no refund, unless the business has provided the Council notice required by this subsection. No claim for a refund of the permit fee shall be valid, and the Council will pay no refund, in any case, in which the removal, relocation, displacement, destruction of or damage to the Logo Sign, Supplemental Sign or logo plaque arises from the acts of the business, its officers, employees or agents. As provided in subsection (11) of this rule, no new or renewed permit shall entitle the business to any rights or expectations in the continued use of a Logo Sign or Supplemental Sign that extend beyond one year from the date of placement of the logo plaque or the date of renewal.

(16) Any business that changes ownership and the registered business name on a logo plaque with a waiting list, forfeits the right to the logo plaque space and the logo plaques are removed. The next business on the wait list shall be notified of available logo plaque space.

(17) Seasonal facilities must notify the Council of their seasonal dates at the time of application and of any changes in seasonal dates during the duration of the permit period. Logo plaques for seasonal facilities shall be removed and reinstalled during the period of seasonal closure.

(18) If a business qualifies for a "GAS," "FOOD," "LODGING," or "CAMPING" Logo sign, then it does not qualify for an "ATTRACTION" Logo sign. If a business qualifies as an ODOT Cultural and Historical Feature and receives Cultural and Historical signs from ODOT, it will not qualify for "ATTRACTION" Logo signs. If a visitor information facility does not qualify as a TIC Travel Plaza, it does not qualify for "ATTRACTION" Logo signs.

[Publications: Publications & forms referenced are available from the agency.]

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 3-1983(Temp), f. & ef. 7-21-83; TIC 5-1983, f. & ef. 8-26-83; TIC 2-1987(Temp), f. & cert. ef. 8-4-87; TIC 3-1988, f. & cert. ef. 12-23-88; TIC 1-1989, f. & cert. ef. 6-9-89; TIC 2-1989, f. & cert. ef. 10-27-89; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 1-1995, f. & cert. ef. 5-17-95; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 3-2000, f. 12-14-00, cert. ef. 12-15-00; TIC 1-2002, f. & cert. ef. 4-19-02; TIC 2-2002, f. & cert. ef. 10-30-02; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 2-2010, f. & cert. ef. 6-11-10

733-030-0060

Waiver

(1) Upon petition by the business, the Council may authorize a waiver upon showing on the application that:

(a) For GAS, FOOD, LODGING facilities that are located within nine miles of an interchange but more than one mile from an interchange and that the business is easily located from the interchange and that no additional Supplemental Sign other than an authorized Supplemental Sign or trailblazer would be necessary to direct the traveling public to the business. Card-lock GAS stations are not eligible for waivers.

(b) For CAMPING facilities, that are located within 15 miles of an interchange but more than three miles from an interchange and that the facility is easily located from the interchange and that no additional Supplemental Sign other than authorized Supplemental Sign or trailblazer would be necessary to direct the traveling public to the facility.

(2) Upon petition by a business, the Council may authorize a waiver of the appropriate requirements of 733-030-0021(4). The business must show that the motoring public will be more adequately served by granting the waiver, the business must list the particular requirements it seeks to have waived, the business must show that the extent of the waiver will benefit the motoring public and not violate the overall intent of the regulations, that no traffic

hazard or reduction in traffic safety will occur, and that the motoring public can be advised of the waived condition on the logo plaque if it is of a nature that the Council feels necessary to be shown on the logo plaque. **Attachment 2**

(3) Procedures. Administration Procedure Act. Any order of the Council denying a permit or waiver under these rules, or for removal of a logo plaque under the Regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Council shall notify businesses promptly on any permit or waiver denial or decision to remove a logo plaque under these regulations.

(4) No waivers shall be granted to a facility applying for a Logo Sign that has a wait list.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 6-1983, f. & ef. 8-26-83; TIC 3-1985, f. & ef. 6-4-85; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0065

Permit Fees and Installation

(1) The Council may request the Department to furnish, erect and maintain Logo Signs, Supplemental Signs and trailblazers at locations specified by the Council.

(2) Upon the approval of a permit for a logo plaque to be affixed to a Logo Sign or Supplemental Sign, the Council shall request and authorize installation of the Logo Sign or Supplemental Sign from ODOT, the Council sign crew or the Council contractor as determined appropriate by the Council staff. The Council shall provide the installer with all necessary information to erect the Logo Signs, Supplemental Signs, trailblazers or install the logo plaque.

(3) The Council shall notify the business promptly when a permit has been approved to allow the business sufficient time to furnish the necessary number of logo plaques. If the Council is notified that a business has failed to furnish its logo plaques by the specified date given by the Council, or that the logo plaques furnished are not in compliance with specifications provided by the Council, it may cancel the permit and refund the amount paid in advance by the business.

(4) Permit fees. The annual permit fee for each logo plaque placed on a Logo Sign or Supplemental Sign shall be based on the traffic volume and population density of the area where the highway is located. Permit fees will be reviewed and established annually by the Council pursuant to ORS 377.825.

(5) Permit fees will be charged according to the Council's current Schedule of Fees. When permit fees are reviewed for potential changes, the Council will send a notice of permit fee changes to each business with a Logo Sign or Supplemental Sign permit and to all interested parties requesting the information. Businesses and interested parties will have 30 days to respond in writing and/or attend a public hearing scheduled after the 30 day time period. The Schedule of Fees will also be available on the Council web site for personal download or by mail upon request.

(6) In accordance with OAR 733-030-0055(10), permit fees are payable with the contract and the permit shall be automatically renewed upon receipt of the annual invoice on or before the payment due date stated in the Council's invoice.

(7) Permit fees for FOOD facilities that display the name of two distinct brand FOOD businesses on one FOOD logo plaque shall be charged 1 1/3 the amount of a regular FOOD business charged in that area. Permit fees for GAS facilities that include a FOOD name on their logo plaque shall be charged 1 1/3 the amount of a regular GAS business charged in that area. Payment of permit fees is the responsibility of the GAS facility, which will be designated as the primary facility.

(8) Permit fees for combination legend signing shall be 1 1/3 the fee for one type of service charged in that area.

(9) The Council may charge a fee when a facility desires to replace their logo plaques due to a redesign of the logo plaque, color or a change in the registered business name of \$75 per logo plaque. If a facility desires to move their logo plaque from their current position on a Logo Sign to a vacant position on the same Logo Sign, the Council may charge a relocation fee of \$150 per logo plaque. When a vacancy occurs on a Logo Sign, the Council will give written notification to all businesses with logo plaques on that Logo Sign to respond within seven (7) days of any preference they may have for relocating their logo plaque to a vacant position on that Logo Sign. If two or more businesses indicate preference for the same vacant space, the business with longest seniority on that Logo Sign will be offered the first option to relocate their logo plaque.

(10) Nonpayment of permit fees will result in the removal of logo plaques, and the logo plaque space will be offered to the next business desiring that logo plaque space. Should the logo plaques be reinstalled after removal due to nonpayment of permit fees, the Council shall charge a maintenance fee of \$200 per logo plaque to be reinstalled, along with their permit fees due.

(11) In case of removal of a logo plaque, the permit fee for any months or major portion (16 days or more) of a month remaining to the anniversary of the date of installation of the logo plaque shall be refunded. There shall be no refund of permit fees due to temporary or seasonal closure.

(12) If an ATTRACTION facility is publicly owned and operated or not-for profit as determined by the Federal Internal Revenue Service, the permit fee shall be set at the non-profit Logo Sign fee schedule.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 3-1984 (Temp), f. & ef. 10-29-84; TIC 2-1985, f. & ef. 6-4-85; TIC 1-1986, f. & ef. 5-28-86; TIC 2-1986, f. & ef. 9-19-86; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 3-1996, f. & cert. ef. 10-16-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-1998, f. 6-8-98, cert. ef. 7-1-98; TIC 2-1998, f. & cert. ef. 11-13-98; TIC 1-2000, f. 4-14-00, cert.

733-030-0080

Requirements for Supplemental Messages on Logo Plaques

- (1) All supplemental messages must be displayed within the logo plaque in one horizontal line along the bottom of the plaque. The supplemental message should be displayed in a color to contrast effectively with the background of the logo plaque or be separated by a divider bar.
- (2) On Interstate Highways and Expressways the supplemental message must have a minimum letter height of six inches and be proportional in size on all follow up Supplemental Signs. On Conventional Highways the supplemental message must have a minimum letter height of four inches.
- (3) GAS facilities that are exclusively card-lock stations shall be required to display the supplemental message "CARD LOCK ONLY" on Interstate and Expressway logo plaques and "CARD LOCK" on Conventional Highway logo plaques.
- (4) Seasonal facilities or facilities that only qualify with an approved waiver shall be required to display a concise description of the waived issue. Examples of acceptable messages include, but are not limited to, "OPEN MAY-SEPT", "WEEKENDS ONLY", "OPEN THURS-SUN".
- (5) Supplemental messages with the words "DIESEL", "PROPANE", "24 HOUR", "RV DUMP", "RV PARKING", "RV ACCESS", "ALT FUELS", "BIODIESEL", or "WiFi", and/or the abbreviations CNG, EV, or E85, or a combination of two messages may be used by any business that offers those products or services. If a business elects to display the circular RV symbol, it will be the only supplemental message allowed. If a business designated as an INTERSTATE OASIS is displayed on a Logo Sign, the word "OASIS" may be used as a supplemental message on its logo plaque.
- (6) All supplemental messages and their design on logo plaques must be approved by the Council.
- (7) A seven-year review will be conducted for those existing logo plaques using separate logo riders following the adoption of this rule. Logo plaques using separate logo riders must comply with supplemental message rules when those plaques are replaced with new ones. All logo plaques must comply with supplemental message rules in ten years following adoption of this rule.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 3-1982, f. & ef. 6-1-82; TIC 4-1985, f. & ef. 6-4-85; TIC 5-1985, f. & ef. 12-13-85; TIC 1-1987(Temp), f. & ef. 3-6-87; TIC 5-1988, f. & cert. ef. 12-23-88; TIC 3-1989, f. & cert. ef. 10-27-89; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 2-1998, f. & cert. ef. 11-13-98; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-2002, f. & cert. ef. 4-19-02; TIC 2-2006, f. & cert. ef. 6-21-06; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 2-2010, f. & cert. ef. 6-11-10; TIC 1-2011, f. & cert. ef. 9-22-11

Tourist-Oriented Directional Signs (TOD Signs)

733-030-0085

Applicability and Purpose

- (1) The purpose of these regulations is to establish standards for TOD signs erected within highway rights-of-way to provide directional information to qualified tourist oriented businesses offering services or activities to the tourist or qualified historical features or qualified cultural features.
- (2) These regulations are applicable to the Conventional Highway system.
- (3) The authority for the issuance of these regulations is ORS 377.805.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0090

Definitions

In addition to the definitions described in OAR 733-030-0011, the following definitions shall apply unless the context indicates otherwise:

- (1) "Directional Information" means the name of the business, service or activity, qualified historical feature or qualified cultural feature and other necessary information to direct the motoring public to the business, service, activity, qualified historical feature or qualified cultural feature placed on a TOD sign.
- (2) "Immediate Area" means the region around a business to a distance of 50 miles, or one hour of travel time.
- (3) "Qualified Cultural Feature" means a museum approved by the Engineer after consulting with the Oregon Historical Society and the Oregon Museum Association.
- (4) "Qualified Historical Feature" means a district or property currently listed in the National Register of Historic Places or designated as nationally significant by the United States Department of the Interior.

(5) "Qualified Tourist Oriented Business" means any legal cultural, historical, recreational, educational or entertaining activity or a unique or unusual commercial or non-profit activity the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(6) "Responsible Operator" means a person or entity other than an owner who operates a qualified tourist oriented business and who has authority to enter into an agreement relative to matters covered by these regulations.

(7) "Tourist Oriented Directional Signs" or "TOD signs" means a sign with the name of a qualified tourist oriented business, service or activity or qualified historical feature or qualified cultural feature together with directional information erected in advance of or at intersections on the Conventional Highway.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 3-1995, f. & cert. ef. 11-8-95; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-2001, f. 5-11-01, cert. ef. 5-15-01; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0095

Locations

(1) TOD signs are intended for use primarily in rural areas. Any installation of TOD signs outside rural areas shall be consistent with the state signing policy criteria contained in rule 733-030-0120.

(2) TOD signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other traffic control devices within the Conventional Highway right-of-way.

(3) TOD signs shall not be installed until a thorough investigation by the Engineer determines that no conflict resulting in unsafe driving conditions will exist with other official traffic control devices.

(4) TOD signs shall not be used at interchanges on Interstate Highways or Expressways.

Stat Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-1994, f. & cert. 6-1-94; TIC 2-1995, f. & cert. ef. 5-17-95; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-2001, f. 5-11-01, cert. ef. 5-15-01; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0100

Criteria for Information Permitted

(1) Each qualified tourist oriented business identified on a TOD sign shall have given written assurance to the Council of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, age, color, sex, or national origin, meet all applicable Federal and State Americans for Disabilities Act (ADA) guidelines, and shall not be in breach of that assurance. Each qualified tourist oriented business will offer services to all citizens.

(2) To be qualified as a tourist oriented business, the business must be located within one mile of the intersection where the TOD signs are installed measured by vehicle distance from the center point of the intersection to the nearest point of the intersection of the driveway of the tourist oriented business and a public highway. However, any qualified tourist oriented business set out in this section located within 15 miles of an intersection, but more than one mile from an intersection may apply to the Council for a waiver under the provisions of rules 733-030-0120(3) and 733-030-0130.

(3) Except for undeveloped cultural and historic features a qualified tourist oriented business shall have:

(a) Restroom facilities and drinking water available;

(b) Continuous operation at least six hours per day six days a week during its normal business season; and

(c) Licensing where required;

(d) Adequate parking accommodations.

(4) Qualified undeveloped cultural and historic features shall include:

(a) Adequate parking accommodations; and

(b) An informational device to provide public knowledge of the feature.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83 TIC 1-1994, f. & cert. 6-1-94; TIC 1-2001, f. 5-11-01, cert. ef. 5-15-01; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0105

(1) TOD signs shall have a blue reflective background with a white reflective border and message. The content of the name legend shall be limited to the registered business name, in whole or in part. Intersection TOD signs shall be the same as the Advance TOD sign except that in lieu of the directional legend, the sign shall include a separate direction arrow and the distance to the facility to the nearest one-quarter mile, as may be required by the Engineer. Messages, symbols and trademarks which resemble any official traffic control devices are prohibited. All TOD signs shall conform to applicable portions of the **Manual On Uniform Traffic Control Devices** including but not limited to size, location and spacing.

(2) All directional arrows, letters, numbers, name legend, and directional legend shall be white and reflective.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 2-1988, f. & cert. ef. 11-1-88; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0110

Special Requirements -- Conventional Highways

(1) Location. If a qualified tourist oriented business is not visible from an intersection or crossroad on the Conventional Highway, an Intersection sign bearing all or part of the registered business name, together with a directional legend, a directional arrow, and mileage where needed, shall be placed at the intersection or crossroad. The proposed location of the Intersection sign must be reviewed and approved by the Engineer to determine that no conflicts resulting in unsafe driving conditions will exist with other official traffic control devices. Intersection signs cannot be used unless the qualified tourist oriented business also has an Advance sign;

(2) TOD signs shall not be displayed for any business if its building or on-premise signing is visible and/or recognizable on the traveled way for a distance of 300 feet or more from the intersection or driveway. Visibility and identification are determined by being able to recognize the business, by observing the building itself or existing signing adjacent to or attached to the business, as the type of tourist oriented business for which signing has been requested. A business that is visible within 300 feet or more, but is not recognizable, may qualify for signing if such a favorable determination is made by the Council. Intersection and Advance TOD signs shall be as described in rule 733-030-0105. The option of using Intersection TOD signs at all locations shall be determined on the basis of an engineering study.

(3) Composition. A maximum of four TOD signs per post may be displayed in advance of each intersection and at each intersection. A maximum of three posts may be utilized in advance of and at any intersection.

(4) Size:

(a) Individual TOD Intersection signs shall not exceed 72 inches in width and 18 inches in height.

(b) Individual TOD Advance signs shall not exceed 60 inches in width and 18 inches in height and shall be located beneath a directional legend sign not to exceed 60 inches in width and 12 inches in height.

(5) Any Intersection TOD sign erected or pending as the Advance sign before September 19, 1988, may be maintained.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 2-1988, f. & cert. ef. 11-1-88; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0115

General Provisions

(1) Upon approval by the Council and the Engineer and receipt of a permit from one or more tourist oriented business, a single TOD sign shall be erected in advance of the interchange and/or intersection in each direction of travel for each qualified tourist oriented business.

(2) A TOD sign may be installed at a rural intersection which has an existing Logo Sign if the requirements and provisions of OAR 733-030-0095 and 733-030-0105(1) have been successfully met.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 2-1984, f. & ef. 5-11-84; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0120

State Sign Policy

(1) TOD signs are primarily intended for installation at rural intersections where qualified tourist oriented businesses are available. TOD signs may be considered within other areas if the Council determines that the roadside development does not appear to be urban in character.

(2) If a business qualifies for a "GAS," "FOOD," "LODGING," OR "CAMPING" Logo Sign then it does not qualify for a TOD sign.

(3) If a qualified tourist oriented business, existing within one mile of an intersection, does not apply for a TOD sign at an intersection, then an otherwise eligible business which is located more than one mile but less than 15 miles from the intersection may apply for a TOD sign. If the otherwise eligible business is within 15 miles but more than one mile from the intersection, it must obtain a waiver as provided in OAR 733-030-0130.

Stat. Auth.: ORS 377.835

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-1995, f. & cert. ef. 5-17-95; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0125

Application and Eligibility

- (1) If more than four requests for TOD signs are received for any one intersection, the order of priority for TOD signs shall be based on the date of receipt of a properly completed application. The subsequent businesses will be placed on a wait list for TOD signs at that intersection.
- (2) The owner or responsible operator of a business must file an application for TOD signs on a form specified by the Council.
- (3) The Council shall notify the business promptly when a permit has been approved
- (4) Any grant of a new or renewed permit shall entitle the business the continuance of its TOD sign for a period of one year from the date of installation or renewal.
- (5) Eligibility of qualified tourist oriented businesses for continued placement of their TOD sign may be reviewed by the Council at any time to assess whether the tourist oriented business and/or the signing location meets present guidelines. If the review finds that the tourist oriented business and/or the sign location does not meet all applicable rules and laws, the sign may be removed. If payment is not received for a renewal permit on or before the payment due date stated in the Council's invoice, the TOD sign may be removed. The TOD sign space made available after the removal due to nonpayment of permit fees may be subject to a new study to assess whether the TOD sign meets present guidelines. If not, the TOD sign shall not be reinstalled.
- (6) Notwithstanding section (4) of this rule, the TOD sign shall be subject to removal for failure to comply with subsections (a), (b), (c) or (d) of this section:
 - (a) If the qualified tourist oriented business fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services required by rule 733-030-0100(3), so as to justify a finding by the Council that the business is not in substantial compliance with these regulations.
 - (b) If the qualified tourist oriented business fails during its normal business season to open for business for more than seven consecutive days or for more than 10 days cumulatively, during any one month period, unless the Council finds that such closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.
 - (c) If it fails to comply with rule 733-030-0100(1), except in isolated instances without the knowledge of the owner or responsible operator, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.
 - (d) If the annual permit fee payment is not received on or before the payment due date stated in the Council's invoice.
- (7) If due to fire, accident or similar causes, a qualified tourist oriented business becomes inoperable for an extended period of time, exceeding seven days, but not more than 90 days, its TOD signs, shall be temporarily removed, but the business shall not lose its priority, nor be required to reapply prior to the normal time for a renewal. Further extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the TOD sign and require a new application.
- (8) Notwithstanding the fact that a tourist oriented business meets all of the other eligibility qualifications of these regulations, a business may be denied if it is determined by the Engineer that adequate direction to the business cannot be given by a reasonable number of allowable TOD signs and Trailblazers.
- (9) Should a business be closed for 30 days or more, their TOD Signs will be covered with a blank panel. The TOD signs will remain covered during the business's seasonal closure.
- (10) Those businesses that had "CLOSED" riders installed prior to November 15, 1996, will continue to use the "CLOSED" riders as long as it is determined by the Council and ODOT that they can be easily accessed and safely operated.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 3-1996, f. & cert. ef. 10-16-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 3-2000, f. 12-14-00, cert. ef. 12-15-00; TIC 2-2002, f. & cert. ef. 10-30-02; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0130

Waiver

- (1) Upon petition by a business, the Council may authorize a waiver upon showing on the application that the business is located within 15 miles of the intersection but more than one mile from the intersection, if the business is easily located from the intersection and no additional TOD signs would be necessary to direct the traveling public to the business or that adequate signs will be provided on the county road or city street to guide the motorist to the business.

(2) Upon request by a business, the Council may authorize a waiver upon showing on the application the waiver will benefit the motoring public and not violate the overall intent of these regulations. The sections under which waivers may be granted under this section are rules 733-030-0100(2) and (3), 733-030-0120(1).

(3) Procedures. Administrative Procedure Act -- Any order of the Council denying an application or waiver under these rules, or for removal of a TOD sign under the Regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Council shall notify the businesses promptly on any permit or waiver denial or decision to remove a TOD sign under these regulations.

(4) Riders may be installed for seasonal businesses which qualify only with an approved waiver and can be or are the only facility installed on a post. The rider must be a concise, one line description of the waived issue. Examples of acceptable riders include, but are not limited to, "WEEKENDS ONLY", "OPEN THURS-SUN", "OPEN 1-4PM DAILY", "OPEN MAY-SEPT", "OPEN OCT-APRIL".

(5) Riders required as part of a criteria waiver or seasonal closure will be assessed a \$100.00 fee prior to installation. Sign revision fees of \$100.00 per rider will be assessed when the business changes the days or hours of operation or takes other waiver related action that requires a change in the rider message and therefore the manufacture and installation of new riders.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-8; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 1-2002, f. & cert. ef. 4-19-02; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0135

Permit Fees and Installations

(1) The Council may request the Department to furnish, erect and maintain TOD signs at locations specified by the Council.

(2) Upon approval of a permit for a TOD sign, the Council shall request and authorize installation of the TOD signs from ODOT, the Council sign crew or a Council contractor as determined appropriate by the Council staff.

(3) Permit fees. The annual permit fee for each Advance and Intersection TOD sign shall be based on the traffic volume and population density in the area in which the Conventional Highway is located and payable with the contract and any renewal invoice. Permit fees will be reviewed and established annually by the Council pursuant to ORS 377.825.

(4) Permit fees will be charged according to the Council's current Schedule of Fees. When permit fees are reviewed for potential changes, the Council will send a notice of permit fee changes to each business with a TOD sign and to all interested parties requesting the information. Businesses and interested parties will have 30 days to respond in writing and/or attend a public hearing scheduled after the 30 day time period. The Schedule of Fees will also be available on the Council web site for personal download or by mail upon request.

(5) In accordance with OAR 733-030-0125, permit fees are payable with the contract and the permit shall be automatically renewed upon receipt of the annual invoice on or before the payment due date stated in the Council's invoice.

(6) Nonpayment of permit fees will result in the removal of TOD signs, and the TOD sign location will be offered to the next businesses desiring that TOD sign location. Should the TOD signs be reinstalled after removal due to nonpayment of permit fees, the Council shall charge a maintenance fee of \$200 per TOD sign to be reinstalled, along with all their permit fees due.

(7) In case of removal of a TOD sign, the permit fee for any months or major portion (16 days or more) or a month remaining to the anniversary of the date of the installation of the TOD sign shall be refunded. There shall be no refund of permit fees due to temporary or seasonal closure.

(8) If a Qualified Cultural or Historical Feature is publicly owned and operated or not-for-profit as determined by the Federal Internal Revenue Service, the permit fee shall be set to the same fee schedule for Museum and Historic Site signs.

(9) TOD sign revision fees of \$100 per TOD sign will be assessed when the business changes the registered business name resulting in the manufacture and installation of new TOD signs.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 6-1988, f. & cert. ef. 12-23-88; TIC 4-1989, f. & cert. ef. 10-27-89; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-1998, f. 6-8-98, cert. ef. 7-1-98; TIC 3-2000, f. 12-14-00, cert. ef. 12-15-00; TIC 1-2001, f. 5-11-01, cert. ef. 5-15-01; TIC 2-2002, f. & cert. ef. 10-30-02; TIC 3-2006, f. & cert. ef. 11-24-06; TIC 1-2009, f. & cert. ef. 4-3-09

State Historical Marker Sign Program

733-030-0150

Applicability and Purpose

(1) The purpose of these administrative rules is to establish standards for Oregon's historical marker signs erected within Conventional Highway right-of-way to provide the motorist with signing of historical or geological points of interest to the traveling public.

(2) These administrative rules are applicable to the Conventional Highway system. These rules are also applicable to Interstate Highway rest areas.

(3) The authority for the issuance of these administrative rules is ORS 377.805.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0155

Definitions

In addition to the definitions described in OAR 733-030-011, the following definitions shall apply unless the context indicates otherwise:

- (1) "Applicant" means an entity, group or individual applying for the placement of a new or replacement historical marker.
- (2) "Committee" means the Historical Marker Committee acting as an advisory board. The Committee meets quarterly, and consists of volunteer representatives from various governmental and historical organizations statewide. The Committee is comprised of voting members, and advisors representing six geographic sections of the state.
- (3) "Defined Geological Feature" means a geological site of state or regional significance, as defined in Oregon Historical Marker guidelines.
- (4) "Defined Historical Feature" means a site designated by the State Historical Marker Committee to commemorate an event, person or place of statewide or national significance, as defined in Oregon Historical Marker guidelines.
- (5) "Directional Information" means an advance sign stating "historical marker ahead," or "geological marker ahead" or other necessary information to direct the motoring public to defined historical feature or defined geological feature placed on a marker.
- (6) "Marker" means an historical sign panel and support structure.
- (7) "Sponsor" means an entity, group or individual that is responsible for a financial contribution to the cost of the new marker, and future maintenance of the new marker. The sponsor and the Council has authority to enter into an agreement relative to matters covered by these administrative rules.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0160

Location

- (1) Marker panels should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the Conventional Highway right-of-way and at Interstate rest areas.
- (2) Marker panels should be located as close as possible to the historical or geological occurrence within the Conventional Highway right-of-way and at Interstate rest areas.
- (3) The proposed location shall be reviewed and approved by ODOT.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0170

Eligibility

- (1) New marker applications are limited to two applications per biennium per organization, entity or individual.
- (2) New marker applications are subject to a non-refundable fee \$50.00. If approved, the fee will apply toward the total cost of the marker.
- (3) Acceptance of responsibility for financial partnership for cost of new marker including design, production, installation, delivery, and maintenance will be that of the sponsoring group.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0180

Criteria

- (1) The Council shall establish a program for marking historical and geological sites in Oregon.
- (2) The Council shall approve design(s) for historical markers. No person may erect a historical marker within the Conventional Highway right-of-way and at Interstate rest areas in the state format without the approval of the Council and ODOT.

(3) Markers may be erected to commemorate a person, events, places, or geological features that are judged of statewide or national significance as stated in the State historical markers program guidelines.

(4) Sponsoring groups have six months following the application approval in which to complete the text approval process, and to submit appropriate graphics to the Council to produce the panels.

(5) The Historical Marker Committee may issue a waiver for location of markers off Conventional Highway right-of-way, or not visible from the Conventional Highway. ODOT is not responsible for markers located off Conventional Highway right-of-way.

(6) If Council funds allocated for funding the markers have been exhausted for the biennium, markers may be privately funded. A privately funded marker must follow state approved design when located on Conventional Highway right-of-way or located on private land. A privately funded marker becomes the property of the Council.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0190

Composition

(1) New historical markers shall have a wooden support structure and a fiberglass embedded interpretive panel following approved program format(s).

(2) The words "Oregon History" or "Oregon Geology" shall be at the top of the marker.

(3) The Council and the Historical Marker Committee shall have authorization to augment the single design format with other design formats as requests.

(4) The sponsoring group may place as a credit line their organizational symbol in the bottom color band, lower right. Commercial sponsors will be allowed corporate logos or trademarks in black and white only and in accordance with the marker design.

(5) Initial text shall be submitted by the sponsoring group, and may be edited by the Council. Text may be from 150-300 words, partially dependent on the graphics submitted to accompany the text. Text should be factual, stressing statewide or national significance, and be accompanied by a source bibliography.

(6) Graphics such as photographs, maps and illustrations that augment the proposed text are to be submitted by the sponsoring group. If not available, the sponsoring group or appropriate agency is responsible for working with a design firm or appropriate agency to procure such graphics.

(7) Advance signs shall be installed for all markers placed on Conventional Highway right-of-way excluding Interstate Highway rest areas. See ODOT's Sign Policy Guidelines (see current drawings D-424 and D-424A) for specifications.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0200

Fees and Installation

(1) The Council shall furnish, erect and maintain state historical markers, as required.

(2) Upon the approval of an application for a marker the Council shall direct the installation of the marker.

(3) Fees are determined by the total cost of the marker. Fees are payable within 30 days following the installation date.

(4) The applicant shall be notified when the marker is erected.

(5) Limited Council funds available for historical markers will be used in combination with local sponsorship funding.

(6) If Council funds have been exhausted for the biennium or indefinitely, the sponsor or applicant may fund the entire cost of a marker, although following state guidelines.

(7) Agencies, organizations or entities may elect to co-sponsor historical markers while following state guidelines.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0210

Temporary Removal and Reinstallation

(1) Upon request the Council and Committee may authorize a relocation of an existing or new historical marker upon a showing by the applicant that the granting of such a relocation will benefit the motoring public and not violate the overall intent of these administrative rules. Relocation may only occur with the written permission of the Council and ODOT.

(2) All costs including site preparation and advance signing, associated with moving the marker must be borne by the party desiring the relocation.

Attachment 2

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0220

Maintenance

(1) New Historical markers and those refurbished by the Council are the property of the Council, which is responsible for their maintenance, but the Council encourages cooperative maintenance agreements with the sponsoring group.

(2) If the sponsoring group elects not to maintain the marker and immediate grounds on which the marker is erected, an annual fee shall be paid by the sponsoring group.

(3) Any significant physical changes by the sponsor to the marker or grounds must be approved in advance by the Council and ODOT.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

Museum and Historic Site Signs

733-030-0250

Applicability and Purpose

(1) The purpose of these regulations is to establish standards for Museum and Historic Site signs erected within Conventional Highway rights-of-way to provide directional information to Museum or Historic Sites offering services or activities to the motoring public.

(2) These regulations are applicable to the Conventional Highway system.

(3) The authority for the issuance of these regulations is ORS 377.805.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0260

Definitions

In addition to the definitions described in OAR 733-030-011, the following definitions shall apply unless the context indicates otherwise:

(1) "Directional Information" means the registered business name of the qualified Museum or Historic Site and other necessary information to direct the motoring public to the qualified Museum or Historic Site placed on a Museum and Historic Site sign.

(2) "Museum and Historic Site Sign" means a sign with the registered business name of a qualified Museum or Historic Site together with directional information erected in advance of or at intersections on the Conventional Highway system.

(3) "Qualified Historic Site" means a district or property approved by the Council and currently listed in the National Register of Historic Places or designated as nationally significant by the United States Department of the Interior.

(4) "Qualified Museum" means a museum approved by the Council after consulting with the Oregon Historical Society and the Oregon Museum Association.

(5) "Responsible Operator" means a person or entity other than an owner who operates a qualified Museum or Historic Site and has the authority to enter into an agreement relative to matters covered by these regulations.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0270

Location

(1) Museum or Historic Site signs are intended for use primarily in rural areas. They can be installed in urban areas if a suitable location is available and approved by ODOT. Any installation of Museum or Historic Site signs outside rural areas shall be consistent with the state signing policy criteria contained in rule 733-030-0320.

(2) Museum or Historic Site signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other traffic control devices within the Conventional Highway right-of-way.

(3) Museum or Historic Site signs shall not be installed until a thorough investigation by the Engineer determines that no conflict resulting in unsafe driving conditions will exist with other official traffic control devices.

(4) Museum or Historic Site signs shall not be used at interchanges on Interstate Highways or Expressways.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0280

Criteria for Information Permitted

(1) Each qualified Museum or Historic Site shall give written assurance to the Council of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance.

(2) The Museum or Historic Site must be located within one mile of the intersection from where the Museum or Historic Site sign may be installed. The distance is measured by vehicle distance from the center point of the intersection to the nearest point of the intersection of the driveway of the site and the Conventional Highway. However, any Museum or Historic Site set out in this section located within 15 miles of an intersection, but more than one mile from an intersection may apply to the Council for a waiver under the provisions of rules 733-030-0320(2) and 733-030-0340.

(3) Except for undeveloped Museum or Historic Sites, a qualified cultural or historic feature shall have:

(a) Restroom facilities and drinking water available;

(b) Open to the public at least 1,040 hours per year which is four hours per day, five days a week; if located more than one mile from the Conventional Highway, they will need to be open a minimum of 1,248 hours per year, which is four hours a day, six days a week;

(c) Licensing where required;

(d) Adequate parking accommodations.

(e) Museum offerings must be the primary source of business for the cultural feature

(4) Qualified undeveloped cultural or historic features shall include:

(a) Adequate parking accommodations; and

(b) An informational device to provide public knowledge of the feature.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0290

Composition

(1) Museum or Historic Site signs shall have a brown reflective background with a white reflective border and directional and name legends. The content of the name legend shall be limited to the registered business name, in whole or in part. Intersection Museum or Historic Site signs shall be the same as the Advance Museum or Historic Site signs except that in lieu of the directional legend, the Museum or Historic Site Intersection sign shall include a separate direction arrow and the distance to the facility to the nearest one-quarter mile, as may be required by the Engineer. Messages, symbols and trademarks which resemble any official traffic control devices are prohibited. All Museum or Historic Site signs shall conform to applicable portions of the Manual On Uniform Traffic Control Devices including but not limited to size, location and spacing.

(2) All directional arrows, letters, numbers, name legends, and directional legends shall be white and reflective.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0300

Special Requirements -- Conventional Highways

(1)(a) Location. Intersection signs cannot be used unless the qualifying Museum or Historic Site also has an Advance sign.

(b) Signs shall not be displayed for any feature if its building or on-premise signing is visible and/or recognizable on the traveled way for a distance of 300 feet or more from the intersection or driveway. Visibility and identification are determined by being able to recognize the site, by observing the building itself or existing signing adjacent to or attached to the site. A site that is visible within 300 feet or more, but is not recognizable, may qualify for signing if such a favorable determination is made by the Engineer. Intersection and Advance Museum or Historic Site signs shall be as described in rule 733-030-0290(2). The option of using Intersection Museum or Historic Site sign at all locations shall be determined on the basis of an engineering study.

(2) Composition. A maximum of three Museum or Historic Site signs per post may be displayed in advance of each intersection and at each intersection. A maximum of three posts may be utilized in advance of and at any intersection.

(3) Size:

(a) Individual Museum and Historical Site Intersection signs shall not exceed 72 inches in width and 18 inches in height.

(b) Individual Museum and Historical Site Advance signs shall not exceed 60 inches in width and 18 inches in height and shall be located beneath a directional legend sign not to exceed 60 inches in width and 12 inches in height.

(4) Any Intersection Museum or Historic Site sign erected or pending as the Advance sign before September 19, 1988, may be maintained.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0320

State Sign Policy

(1) Museum or Historic Site signs are primarily intended for installation at rural intersections where qualified cultural or historic features are available. Museum or Historic Site signs may be considered within other areas if an appropriate location is available and approved by ODOT.

(2) If a business qualifies for a Logo Sign then it does not qualify for a Museum or Historic Site sign.

(3) If a qualified cultural or historic feature, existing within one mile of an intersection, does not apply for a Museum or Historic Site sign at an intersection, then an otherwise eligible site which is located more than one mile but less than 15 miles from an intersection may apply for a Museum or Historic Site sign. If the otherwise eligible site is within 15 miles but more than one mile from an intersection, it must obtain a waiver as provided in rule 733-030-0340.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0330

Application and Eligibility

(1) If more than three requests for Museum and Historic Site signs are received for any one intersection, the order of priority for Museum and Historic Site signs shall be based on the date of receipt of a properly completed application. The subsequent site will be placed on a wait list for Museum and Historic Site signs at that intersection.

(2) The owner or responsible operator of a qualified Museum or Historic Site must file an application for the Museum or Historic Site sign on a form specified by the Council.

(3) Any grant of a new or renewed permit shall entitle the site to continuance of its Museum or Historic Site signs for a period of one year from the date of installation or renewal.

(4) Eligibility of a qualified Museum or Historic Site for continued installation of their Museum or Historic Site sign may be reviewed by the Council at any time to assess whether the Museum or Historic Site and/or sign location meets present guidelines. If the review finds that the Museum or Historic Site and/or the sign location does not meet all applicable rules and laws, the sign may be removed. If payment is not received for a renewal permit on or before the payment due date stated in the Council's invoice, the Museum or Historic Site sign may be removed. The sign space made available after the removal of a Museum or Historic Site sign due to nonpayment of permit fees may be subject to a new study to assess whether the Museum or Historic Site sign meets present guidelines. If not, the Museum or Historic Site sign shall not be reinstalled.

(5) Notwithstanding section (3) of this rule, the Museum or Historic Site sign shall be subject to removal for failure to comply with subsections (a), (b), (c), or (d) of this section:

(a) If the annual permit fee payment is not received on or before the payment due date stated in the Council's invoice.

(b) If the qualified Museum or Historic Site fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services required by rule 733-030-0280(3), so as to justify a finding by the Council that the site is not in substantial compliance with these regulations.

(c) If the qualified cultural or historic site fails during its normal business season to be accessible to the public for more than seven consecutive days or for more than 10 days cumulatively, during any one month period, unless the Council finds that the closure was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.

(d) If it fails to comply with rule 733-030-0280(1), except in isolated instances without the knowledge of the owner or responsible operator or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.

(6) If due to fire, accident or similar causes, a qualified Museum or Historic Site becomes inoperable for an extended period of time, exceeding seven days, but not more than 90 days, its Museum or Historic Site signs, shall be temporarily removed, but the site shall not lose its priority, nor be required to reapply prior to the normal time for a renewal. Further extension may be granted on good cause shown. However, failure of the owner or responsible

operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the Museum or Historic Site sign and require the Museum or Historic Site a new application.

(7) Notwithstanding the fact that a Museum or Historic Site meets all of the other eligibility qualifications of these regulations, a site may be denied if it is determined by the Engineer that adequate direction to the site cannot be given by a reasonable number of allowable Museum or Historic Site signs and Trailblazers.

(8) Should a Museum or Historic Site be closed for 30 days or more, their signs will be covered with a blank panel. The signs will remain covered during the Museum or Historic Site's seasonal closure.

(9) Those Museum or Historic Sites that had "closed" riders installed prior to November 15, 1996, will continue to use the "closed" riders as long as it is determined by the Council and ODOT that they can be easily accessed and safely operated.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 2-2002, f. & cert. ef. 10-30-02; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0340

Waiver

(1) Upon petition by a site the Council may authorize a waiver for qualified Museum or Historic Sites located within 15 miles of a Conventional Highway but more than one mile from the intersection if the cultural or historic site is easily located from the intersection and no additional Museum or Historic Site signs would be necessary to direct the traveling public to the cultural or historic site or if adequate signing can be provided on the county road or city street to guide the motorist to the cultural or historic site. The qualified Museum or Historic Site shall also be open at least four hours a day, six days a week.

(2) Upon request by a site, the Council may authorize a waiver upon a showing on the application that the granting of such a waiver will benefit the motoring public and not violate the overall intent of these regulations. The sections under which waivers may be granted under this section are rules 733-030-0280(2) and (3).

(3) Procedures. Administrative Procedure Act -- Any order of the Council denying an application or waiver under these rules, or for removal of a sign under the Regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Council shall notify the site promptly on any permit or waiver denial or decision to remove a Museum or Historic Site sign under these regulations.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 1-2009, f. & cert. ef. 4-3-09

733-030-0350

Permit Fees and Installations

(1) Upon approval of a permit for a Museum or Historic Site sign, the Council may furnish, erect and maintain the signs, as required.

(2) The Council shall notify the site promptly when a permit has been approved.

(3) Permit Fees. Permit fees will be reviewed and established annually by the Council pursuant to ORS 377.825. Permit fees will be charged according to the Council's current Schedule of Fees. When permit fees are reviewed for potential changes, the Council will send a notice of permit fee changes to each site with a Museum or Historical Site sign and to all interested parties requesting the information. Sites and interested parties will have 30 days to respond in writing and/or attend a public hearing scheduled after the 30 day time period. The Schedule of Fees will also be available on the Council web site for personal download or by mail upon request.

(4) In case of removal of a Museum or Historic Site sign, the annual permit fee for any months or major portion (16 days or more) or a month remaining to anniversary of the date of the installation of the sign shall be refunded. There shall be no refund of annual permit fees due to temporary or seasonal closure.

(5) Should the signs be reinstalled after removal due to nonpayment of annual permit fees, the Council shall charge a reinstallation fee of \$200 per sign to be reinstalled, along with all annual permit fees due.

(6) Sign revision fees of \$100 per Museum or Historic Site sign will be assessed if the site changes the registered business name resulting in the manufacture and installation of new Museum or Historic Site signs.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97; TIC 1-2002, f. & cert. ef. 4-19-02; TIC 1-2003, f. & cert. ef. 9-11-03; TIC 3-2006, f. & cert. ef. 11-24-06; TIC 1-2009, f. & cert. ef. 4-3-09

Interstate Oasis Sign Program

733-030-0400

Applicability and Purpose

Attachment 2

- (1) The purpose of these regulations is to establish standards for Interstate Oasis signing erected within highway rights-of-way to provide directional information to qualified facilities that provide products and services to the public.
- (2) These regulations are applicable to the Interstate Highway system.
- (3) The authority for the issuance of these regulations is Oregon Laws 1979, Chapter 478, Section 7 and 23 U.S.C. 109(d), 131(f), 315 and 49 CFR 1.48(b).

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0410

Definitions

In addition to the definitions described in OAR 733-030-0011, the following definitions shall apply unless the context clearly indicates otherwise:

- (1) "Interstate Oasis" means a facility near an Interstate Highway but not within the Interstate right-of-way, designated by the Council after meeting the eligibility criteria of this policy, that provides products and services to the public, 24-hour access to public restrooms, and parking for automobiles and heavy trucks.
- (2) "Guide sign" means a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0420

Location

- (1) Interstate Oasis signs are intended for use primarily in rural areas. Urban areas may be considered if a suitable location is available and approved by ODOT.
- (2) Interstate Oasis signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right of way. Unprotected sign supports located within the clear zone shall be of a breakaway design.
- (3) If adequate sign spacing allows, a separate Interstate Oasis sign should be installed in an effective location with a spacing of at least 800 feet from other adjacent guide signs, including any Logo signs. This sign should be located in advance of the advance guide sign or between the advance guide sign and the exit direction sign for the exit leading to the Oasis.
- (4) If the spacing of other guide signs precludes use of a separate Interstate Oasis sign, a supplemental sign with a white legend and border on a blue background may be appended above or below an existing specific service sign or general service sign for the interchange.
- (5) There shall be no more than one Interstate Oasis sign erected in advance of an interchange in each direction of travel.
- (6) The proposed locations of Interstate Oasis signs must be reviewed and approved by the Engineer to determine that no conflicts resulting in unsafe driving conditions will exist with other traffic control devices.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0430

Eligibility Criteria

- (1) Each qualified Interstate Oasis facility identified on a sign shall have given written assurance to the Council of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin, meet all applicable Federal and State Americans with Disabilities Act (ADA) guidelines, and shall not be in breach of that assurance. Each qualified business will offer services to all citizens.
- (2) Each qualified Interstate Oasis facility shall have appropriate business and health department licensing where required.
- (3) Each qualified Interstate Oasis facility shall be located no more than 3 miles from an interchange with an Interstate Highway. Greater distances, in 3-mile increments up to a maximum of 15 miles may be considered for interchanges in very sparsely developed rural areas where eligible facilities are not available within the 3-mile limit.
- (4) Each qualified Interstate Oasis facility shall be accessible via a route that can safely and conveniently accommodate vehicles of the types, sizes, and weights that would be traveling to the facility, entering and leaving the facility, returning to the Interstate highway, and continuing in the original direction of travel.

(5) Each qualified Interstate Oasis facility shall have physical geometry of site layout, including parking areas and ingress/egress points, that can safely and efficiently accommodate movements into and out of the site, onsite circulation, and parking by all vehicles, including heavy trucks of the types, sizes, and weights anticipated to use the facility.

(6) Each qualified Interstate Oasis facility shall have restrooms available to the public at all times (24 hours per day, 365 days per year). Restrooms should be modern and sanitary and should have drinking water. The restrooms and drinking water should be available at no charge or obligation.

(7) Each qualified Interstate Oasis facility shall have parking spaces available to the public for 50 automobiles and 50 heavy trucks. The parking spaces should be well lit and should be available at no charge or obligation for parking durations of up to 10 hours or more, in sufficient numbers for the various vehicle types, including heavy trucks.

(8) Each qualified Interstate Oasis facility shall provide products and services to the public. These products and services should include: public telephone; food (vending, snacks, fast food, and/or full service); and fuel, oil, and water for automobiles, trucks, and other motor vehicles.

(9) Each qualified Interstate Oasis facility should be staffed by at least one person on duty at all times (24 hours per day, 365 days per year).

(10) In cases where no single business near an interchange meets all the eligibility criteria, the Council may allow the criteria to be satisfied by a combination of two or more businesses located immediately adjacent to each other and easily accessible on foot from each other's parking lots via pedestrian walkways compliant with ADA and that do not require crossing a public highway.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0440

Composition

(1) A separate Interstate Oasis sign shall have a blue reflective background with a white reflective border and white reflective legends. The directional legend shall consist of the exit number, or an action message such as "NEXT RIGHT," and the service legend shall read "INTERSTATE OASIS." All numbers shall be 10 inches in height and all words shall be in 10-inch capital letters.

(2) A supplemental Interstate Oasis sign shall have the legend "OASIS" in white reflective 10-inch capital letters on a blue reflective background with white reflective border.

(3) If Logo signing is provided at the interchange, a business designated as an Interstate Oasis and having a Logo plaque on a Logo sign may use the bottom portion of the plaque to display the word "OASIS" as a supplemental message.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0450

Special Requirements — Interstate Highways and Expressways

If Supplemental Logo plaques containing the supplemental message "OASIS" are not used on the exit ramp, a Trailblazer sign with a white legend (minimum 6 inch letters) and border on a blue background must be provided on the exit ramp to indicate the direction and distance to the Interstate Oasis, unless the Interstate Oasis is clearly visible and identifiable from the exit ramp. Additional Trailblazer signs may be used, if determined to be necessary, along the cross road to guide motorists to the Oasis.

Stat. Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-2009, f. & cert. ef. 6-1-09; TIC 1-2011, f. & cert. ef. 9-22-11

733-030-0460

State Sign Policy

(1) If an eligible Interstate Oasis facility existing within three miles of an interchange has not applied for a permit for Interstate Oasis signing, then an otherwise eligible Interstate Oasis facility that is located farther than three miles from the interchange may apply for a permit.

(2) If applications are received for any one interchange from more than one eligible Interstate Oasis facility, the order of priority shall be based on the date of the properly completed application received by Council.

(3) The owner or responsible operator of an Interstate Oasis facility must file an application for Interstate Oasis signing on a form specified by the Council.

(4) Eligibility of Interstate Oasis facilities for continued placement of their Interstate Oasis signing may be reviewed by the Travel Information Council at any time to assess whether the facilities and sign locations meet present guidelines. If the review finds that the facility and/or the signing location does not meet all applicable rules and laws, the signing may be removed.

(5) In consideration for the Council's grant of a permit, the Interstate Oasis facility waives any claim it may have against the State of Oregon, the Council, their officers, employees or agents that may arise from the removal, relocation, displacement, destruction of or damage to the Interstate Oasis signing, sign panel due to any cause, including but not limited to highway construction work, highway re-design or reconfiguration, vehicular collision, accident, vandalism, forces of nature or other acts of God.

Stat. Auth.: ORS 377.700 - 377.840
Stats. Implemented: ORS 183.310 - 183.550
Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0470

Waiver

Procedures. Administration Procedure Act. Any order of the Council denying a permit under these rules, or for removal of a sign under the Regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Council shall notify businesses promptly on any permit denial or decision to remove a sign under these regulations.

Stat. Auth.: ORS 377.700 - 377.840
Stats. Implemented: ORS 183.310 - 183.550
Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0480

Installation and Permit Fees

- (1) Upon approval of a permit, the Council may furnish, erect and maintain Interstate Oasis signs as required and shall notify the business applying for those signs when a permit has been approved.
- (2) Upon the approval of a permit for Interstate Oasis signs, the Council shall issue a Request for Quotation (RFQ) from qualified contractors and suppliers to determine the total construction and fabrication costs to install the Interstate Oasis signs.
- (3) All costs to install the Interstate Oasis signs shall be paid for by the business applying for those signs.
- (4) Installation fees are determined by the total cost of the Interstate Oasis signs. Fees are payable within 30 days following the installation date.
- (5) Permit fees will be reviewed and established annually by the Council pursuant to ORS 377.825 and will be charged according to the Council's current Schedule of Fees. When permit fees are reviewed for potential changes, the Council will send a notice of permit fee changes to the business with an Interstate Oasis sign permit and to all interested parties requesting the information. Businesses and interested parties will have 30 days to respond in writing and/or attend a public hearing scheduled after the 30 day time period. The Schedule of Fees will also be available on the Council web site for personal download or by mail upon request.
- (6) Permit fees are payable with the contract and the permit shall be automatically renewed upon receipt of the annual invoice on or before the payment due date stated in the Council's invoice.

Stat. Auth.: ORS 377.700 - 377.840
Stats. Implemented: ORS 183.310 - 183.550
Hist.: TIC 2-2009, f. & cert. ef. 6-1-09

Free Coffee Program

733-030-0500

Applicability and Purpose

- (1) The purpose of these regulations is to establish rules for the "free coffee" program service sponsored by non-profit organizations in rest areas; permissible under federal regulations and state law; and found by the Council, in certain instances, to be in the interest of public safety.
- (2) These regulations are applicable to those rest areas managed by the Council.
- (3) The authority for the issuance of these regulations is Oregon Laws 2012, Section 10, Chapter 63.

Stat. Auth.: Oregon Jobs & Transportation Act 2009 (HB 2001)
Stats. Implemented:
Hist.: TIC 1-2010, f. & cert. ef. 3-15-10; TIC 1-2012, f. & cert. ef. 10-11-12

733-030-0510

Definitions

In addition to the definitions described in OAR 733-030-0011, the following definitions shall apply unless the context clearly indicates otherwise:

- (1) "Cookie" means cookies or brownies available from a licensed facility but not cake, bagels, donuts, coffee cake, candy bars, or other similar items.
- (2) "Free Coffee" means coffee and any other non-alcoholic beverage not available in the rest area vending machines.

(3) "Free Coffee Program Application and Permit" means a permit available from the Council requesting permission to sponsor a free coffee service at a specified interstate rest area.

(4) "Non-profit organization" means an organization that has been granted non-profit status by the Internal Revenue Service.

Stat. Auth.: Oregon Jobs & Transportation Act 2009 (HB 2001)

Stats. Implemented:

Hist.: TIC 1-2010, f. & cert. ef. 3-15-10

733-030-0520

Criteria

(1)(a) Organizations may make written requests for permission to sponsor a "free coffee" service at a specific rest area directed to the Council not more than 60 days prior to the date(s) requested. Requests must be submitted on form "Free Coffee Program Application and Permit" available from the Council;

(b) The organization must certify that they have been granted non-profit status by the Internal Revenue Service (IRS) and may be required at the discretion of the Council to provide a copy of the IRS determination letter;

(c) The Council will grant permission for the activity by way of a permit issued to the selected organization. The selection will be made not less than 30 days in advance of the date(s) requested from all permits received, and will be based on a random drawing conducted by the Council if multiple requests for the same date(s) and location are received. For purposes of issuing permits, if a rest area is sited on both sides of the highway, each side of the rest area will be considered a single location;

(d) Permits will be issued for a single location in 24-hour increments (12:00 a.m.–11:59 p.m.) for up to 3 consecutive days per permit with a maximum of three permits per month;

(e) Only one organization will be granted a permit for a single location for any particular date or time;

(f) The Council may decline to issue any permits for a single location or for any particular date or time; and

(g) A copy of the permit must be on-site during operation of the "free coffee" service;

(2) The "free coffee" service will be located in a designated area of the rest area. The area will be designated by the Council. The service is not permitted to obstruct access to any building or other structure in the rest area. The area is to be kept neat and free of litter, cups, etc., associated with the service.

(3) The organization shall comply with all state and local health department rules and regulations.

(4) Carbonated beverages shall not be distributed under the "free coffee" program in rest areas where carbonated beverages are available in vending machines.

(5) Coffee and cookies are to be free of charge to the public. Donations may be received by the organization but not sought or requested, except for the allowed use of one opaque container with the words "donations" or "contributions" in a maximum of one-inch letters.

(6) No more than two signs or posters with a maximum area of ten square feet each may be used to identify the "free coffee" service and the organization by name only i.e. "Free Coffee -- Served By -- (organization name)." Signs or posters may only be placed in the area designated for the service including on vehicles within which the service is provided, and must be removed when the service is closed and upon expiration of the permit. No signs are to be placed outside the rest area confines by the organization other than official "Free Coffee" signs that may be provided by the Council.

(7) The organization is responsible for all products and supplies necessary to provide "free coffee" service in the rest area including any extraordinary costs incurred by the Council as a result of this service. The Council reserves the right to charge the non-profit organization a fee for the electrical usage while offering the "free coffee" service at the rest areas. The Council may provide access to limited electricity and water as determined by the Council.

(8) Permits are not transferable and are revocable for non-compliance with any state statute, rest area rules, or the terms of the permit. Repeated failure to comply with the rules and regulations may result in the organization's forfeiture of right to future participation in the program.

Stat. Auth.: Oregon Jobs & Transportation Act 2009 (HB 2001)

Stats. Implemented:

Hist.: TIC 4-2009(Temp), f. & cert. ef. 11-10-09 thru 5-9-10; TIC 1-2010, f. & cert. ef. 3-15-10

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(General Provisions)

377.700 Short title. ORS 377.700 to 377.840 and 377.992 shall be known and may be cited as the Oregon Motorist Information Act of 1971. [1971 c.770 §1]

377.705 Policy. To promote the public safety; to preserve the recreational value of public travel on the state's highways; to preserve the natural beauty and aesthetic features of such highways and adjacent areas; to provide information about and direct travelers to public accommodations, services for the traveling public, campgrounds, parks, recreational areas, and points of scenic, historic, cultural and educational interest, it is the policy of this state and the purpose of ORS 377.700 to 377.840 and 377.992:

- (1) To establish official information centers and motorist informational signs, including sign plazas in appropriate locations for the convenient arrangement of those signs.
 - (2) To provide for publication and distribution of official guidebooks and other publications.
 - (3) To prohibit the indiscriminate use of other outdoor advertising.
 - (4) To provide motorists, where feasible, a telephone emergency, information and reservation system for lodging.
- [1971 c.770 §2; 1999 c.877 §1]

377.707 Identifying location of signs on construction plans; repair or replacement of damaged signs. (1) The Department of Transportation shall ensure that all construction and engineering plans for state highways identify the locations of motorist informational signs, tourist oriented directional signs and logo signs. The department shall adopt written plans for protecting the signs from damage during construction.

(2) If any sign specified in subsection (1) of this section is damaged, destroyed or lost as a result of work on a highway done by the department, the department shall repair or replace the sign. [2001 c.402 §2]

Note: 377.707 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.708 Effect on certain signs of transfer of jurisdiction over state highway. (1) As part of the negotiation process between the Department of Transportation and another road authority concerning transfer of jurisdiction over a state highway from the department to the other road authority, the department shall identify any tourist oriented directional signs and logo signs on the state highway that will be affected by the transfer. If there are such signs, the department shall notify the Travel Information Council of the proposed transfer of jurisdiction.

(2) When signs described in subsection (1) of this section are identified, the road authority that will receive jurisdiction over the state highway shall, as part of the negotiation process, agree in writing to protect the signs from destruction or removal. The transfer of jurisdiction may not take place until the receiving road authority has entered into the written agreement described in this subsection.

(3) After the transfer of jurisdiction, the Travel Information Council shall retain authority over signs on the highway as though the highway were still a state highway.

(4) After a transfer of jurisdiction over a state highway from the department to another road authority, the council shall notify the receiving road authority of any request for a new sign and shall request approval of the sign's location from that road authority. [2003 c.388 §2]

Note: 377.708 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.710 Definitions for ORS 377.700 to 377.840; rules. As used in ORS 377.700 to 377.840 unless the context otherwise requires:

(1) "Back-to-back sign" means a sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.

(2) "Commercial or industrial zone" means an area, adjacent to a state highway, that is zoned for commercial or industrial use by or under state statute or local ordinance.

(3) "Council" means the Travel Information Council created by ORS 377.835.

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

(5) "Department" means the Department of Transportation.

(6) “Digital billboard” means an outdoor advertising sign that is static and changes messages by an 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.

(7) “Director” means the Director of Transportation.

(8) “Display surface” means the area of a sign available for the purpose of displaying a message.

(9) “Double-faced sign” means a sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

(10) “Erect” means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

(11) “Federal-aid primary system” or “primary highway” means the federal-aid primary system in existence on June 1, 1991, and any highway that is on the National Highway System.

(12) “Freeway” means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

(13) “Governmental unit” means the federal government, the state, or a city, county or other political subdivision or an agency thereof.

(14) “Interstate highway” or “interstate system” means every state highway that is a part of the National System of Interstate and Defense Highways established pursuant to section 103(c), title 23, United States Code.

(15) “Logo” means a symbol or design used by a business as a means of identification of its products or services.

(16) “Logo sign” means a sign located on highway right of way on which logos for gas, food, lodging and camping are mounted.

(17) “Maintain” includes painting, changing messages on display surfaces, adding or removing a cutout or display surface of the same dimensions, replacing lights or the catwalk, making routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and allowing the sign to exist.

(18) “Main traveled way” means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(19) “Motorist informational sign” means a sign erected in a safety rest area, scenic overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.840 to inform the traveling public about public accommodations, services for the traveling public and points of scenic, historic, cultural, scientific, outdoor recreational and educational interest.

(20) “Nonconforming sign” means a sign that complied with ORS 377.700 to 377.840 when erected, but no longer complies with ORS 377.700 to 377.840 because of a later change in the law or in the conditions outside of the owner’s control. An unlawfully located or maintained sign is not a nonconforming sign.

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

(22) “Protected area” means an area located within 660 feet of the edge of the right of way of any portion of an interstate highway constructed upon any part of right of way, the entire width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion or segment does not traverse:

(a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject to municipal regulation or control; or

(b) Other areas where land use, as of September 21, 1959, is established as industrial or commercial pursuant to state law.

(23) “Reconstruct” means replacing a sign totally or partially destroyed, changing its overall height or performing any work, except maintenance work, that alters or changes a sign that lawfully exists under ORS 377.700 to 377.840.

(24) “Relocate” includes, but is not limited to removing a sign from one site and erecting a new sign upon another site as a substitute therefor.

(25) “Relocation credit” means a credit for future relocation of a permitted outdoor advertising sign issued in lieu of a relocation permit under ORS 377.767.

(26) “Relocation permit” means a permit to relocate a sign under ORS 377.767, whether issued in a lieu of a current sign permit or a relocation credit.

(27) “Rest area” means an area established and maintained within or adjacent to a state highway right of way by or under public supervision or control for the convenience of the traveling public, and includes safety rest areas, scenic overlooks or similar roadside areas.

(28) “Scenic byway” means a state highway or portion of a state highway designated as part of the scenic byway system by the Oregon Transportation Commission or Federal Highway Administration of the United States Department of Transportation.

(29) "Secondary highway" means any state highway other than an interstate highway or **Attachment 3**

(30)(a) "Sign" means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public.

(b) "Sign" includes the sign structure, display surface and all other component parts of a sign.

(c) When dimensions of a sign are specified, "sign" includes panels and frames and both sides of a sign of specified dimensions or area.

(31) "Sign area" means the overall dimensions of all panels capable of displaying messages on a sign structure.

(32) "Sign plaza" means a structure erected and maintained by or for the department or the Travel Information Council, adjacent to or in close proximity to a state highway, for the display of motorist information.

(33) "Sign rules for protected areas" means rules adopted by the department applicable to signs displayed within protected areas.

(34) "Sign structure" or "structure" means the supports, uprights, braces, poles, pylons, foundation elements, framework and display surfaces of a sign.

(35) "State highway," "highway" or "state highway system" means the entire width between the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and the interstate system and the federal-aid primary system.

(36) "Tourist oriented directional sign" means a sign erected on state highway right of way to provide business identification and directional information for services and activities of interest to tourists.

(37) "Traffic control sign or device" means an official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the order of the department.

(38) "Travel plaza" means any staffed facility erected under the authority of the Travel Information Council to serve motorists by providing brochures, displays, signs and other visitor information and located in close proximity to a highway.

(39) "Tri-vision sign" means a sign that contains display surfaces composed of a series of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process and capable of displaying a total of three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

(40) "V-type sign" means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than 10 feet at the nearest point.

(41) "Visible" means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main traveled way of any state highway. [1971 c.770 §3; 1973 c.790 §1; 1974 c.33 §1; 1975 c.336 §1; 1977 c.265 §1; 1983 c.111 §1; 1987 c.336 §2; 1993 c.741 §54; 1999 c.877 §2; 2007 c.199 §5; 2009 c.463 §5; 2011 c.562 §1]

377.712 Issuance of permits for certain preexisting signs. (1) Notwithstanding the provisions of ORS 377.700 to 377.780, the owner of any outdoor advertising sign in existence on May 30, 2007, located in a commercial or industrial zone in existence on May 30, 2007, that meets all requirements for obtaining an outdoor advertising sign permit as set out in ORS 377.700 to 377.780 and for which the owner had not secured an outdoor advertising permit as required by ORS 377.725 prior to May 30, 2007, either because of ignorance of the requirements of ORS 377.725 or because the area, road or street adjacent to which the sign was situated was not, at that time, designated as a state highway, shall be entitled to the issuance of an outdoor advertising sign permit by the Department of Transportation upon application by the owner of the sign and the payment of the fee established by the department under ORS 377.729.

(2) Notwithstanding the provisions of ORS 377.700 to 377.780, the owner of any outdoor advertising sign visible from a road or street that is designated as a state highway after May 30, 2007, is entitled to the issuance of an outdoor advertising sign permit for the sign upon application by the owner of the sign, payment of the fee established by the department under ORS 377.729 and receipt of the affidavit required under ORS 377.723, if the sign was lawfully located within a commercial or industrial zone at the time of designation as a state highway. [1977 c.265 §7; 1993 c.376 §1; 2001 c.104 §127; 2001 c.750 §4; 2007 c.199 §6]

Note: 377.712 was enacted into law by the Legislative Assembly but was not added to or made a part of any series in ORS chapter 377 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Signs, Generally)

377.715 Application of ORS 377.700 to 377.840; prohibition against erection or maintenance of certain signs not in compliance with law. ORS 377.700 to 377.840, and the rules adopted pursuant thereto, apply to signs erected or

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maintained outside the right of way along state highways and visible to the traveling public from a state highway. A person may not erect or maintain a sign visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway, unless the sign complies with the provisions of ORS 377.505 to 377.540 and 377.700 to 377.840, and the rules adopted pursuant thereto. A person may not erect or maintain a sign on the right of way of a state highway, other than a traffic control sign or device. [1971 c.770 §8; 1973 c.790 §2; 1974 c.33 §2; 1975 c.336 §2; 1983 c.111 §2; 1987 c.336 §3; 1999 c.877 §3; 2007 c.199 §7]

377.720 Prohibited signs; exceptions. A sign may not be erected or maintained if it:

- (1) Interferes with, imitates or resembles any traffic control sign or device, or attempts or appears to attempt to direct the movement of traffic.
- (2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of traffic control signs or devices or approaching or merging traffic.
- (3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to:
 - (a) A traffic control sign or device.
 - (b) Signs or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control that are not outdoor advertising signs.
 - (c) A tri-vision sign, except that a tri-vision sign may not be illuminated by any flashing, intermittent, revolving, rotating or moving lights.
 - (d) A digital billboard, only if the digital billboard:
 - (A) Is not illuminated by a flashing light or a light that varies in intensity;
 - (B) Has a display surface that does not create the appearance of movement;
 - (C) Does not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of:
 - (i) 150 feet, if the display surface is 12 feet by 25 feet;
 - (ii) 200 feet, if the display surface is 10.5 feet by 36 feet; or
 - (iii) 250 feet, if the display surface is 14 feet by 48 feet;
 - (D) Is equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
 - (E) Is designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction;
 - (F) If available where the digital billboard is located, uses renewable energy resources to power the digital billboard, including but not limited to the following:
 - (i) Wind energy;
 - (ii) Solar photovoltaic and solar thermal energy;
 - (iii) Wave, tidal and ocean thermal energy;
 - (iv) Geothermal energy; and
 - (v) The purchase of carbon credits; and
 - (G) If wind energy is used, as specified in subparagraph (F)(i) of this paragraph, uses moving parts for the purpose of generating the wind energy to power the billboard.
 - (4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.
 - (5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.
 - (6) Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.
 - (7) Is not maintained in a neat, clean and attractive condition and in good repair.
 - (8) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.
 - (9) Is on a vehicle or trailer that is located on public or private property. This subsection does not apply to a vehicle or trailer used for transportation by the owner or person in control of the property. [1971 c.770 §15; 1973 c.790 §3; 1977 c.256 §2; 1981 c.392 §1; 1999 c.877 §4; 2007 c.199 §8; 2011 c.562 §2]

377.723 Affidavit of city or county necessary for issuance of sign permit; requirements of affidavit.

Notwithstanding any other provision of ORS 377.700 to 377.840, the Department of Transportation shall not issue a permit under ORS 377.725 or 377.767 unless the applicant for the permit submits affidavits that meet the following requirements:

- (1) The applicant must submit an affidavit from each city or county that would have jurisdiction over the proposed

sign.

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(2) Each affidavit must contain a certification by the respective city or county that the proposed sign would comply with all applicable ordinances, plans, rules and other requirements of the city or county.

(3) Each affidavit must be on a form prepared by the department. [1981 c.329 §2; 1987 c.336 §4; 1993 c.741 §55]

377.725 Permit; application; fee; cancellation; rules. (1) A person may not erect, control, relocate or reconstruct an outdoor advertising sign unless the Department of Transportation has issued a permit for the erection, control, relocation or reconstruction of the sign.

(2) A person who applies for a permit to the Director of Transportation shall complete forms furnished by the director. The permit application shall include a precise description of the outdoor advertising sign and such other information as the director considers necessary or desirable to determine compliance with ORS 377.700 to 377.840. The director shall issue a permit for an outdoor advertising sign that complies with ORS 377.700 to 377.840. A valid permit may be transferred to another person upon written notice to the director.

(3) A permit may not be issued for an outdoor advertising sign located adjacent to an interstate highway or freeway unless the director determines that access to the sign from the interstate highway or freeway can be obtained without violating the access control line of the interstate highway or freeway.

(4) A permit shall be renewed annually on the first day of January. Application for renewal of a permit shall be filed prior to expiration of the term of the permit. If application for renewal of a permit is filed within 30 days after the expiration of the term, the permit shall be granted if any additional fee specified by the department in rules adopted under ORS 377.729 is paid at the time the application is filed. Any permit not renewed in accordance with this section shall be canceled.

(5) Permit fees for purposes of this section are as established by the department by rule under ORS 377.729.

(6) A permit shall be issued for one year. The applicable fee shall accompany the permit application. A fee may not be prorated for a fraction of a year or be refunded if the outdoor advertising sign is removed.

(7) The display surface of an outdoor advertising sign may be changed or cutouts may be attached or removed within the sign area without obtaining a permit. However, a permit shall be obtained if the outdoor advertising sign is reconstructed.

(8) A reconstruction permit may be issued for the addition of another display surface on the opposite side of an existing, conforming sign under permit, that is no larger than the existing display surface.

(9) The director shall require removal of a sign or shall cancel a permit and require removal of an outdoor advertising sign as provided by ORS 377.775 if the director finds a sign has been erected, maintained or serviced from the highway right of way at any portion of the right of way where the department has acquired rights of access to the highway or rights of access have not accrued to the abutting property. If there is no permit for the outdoor advertising sign, then the director shall require removal of the outdoor advertising sign. In addition, the department may recover from the owner of the sign or outdoor advertising sign or from the person erecting, maintaining or servicing the sign or outdoor advertising sign, the amount of damage to landscaping, sod, fencing, ditches or other highway appurtenances resulting from such acts. If a permit is canceled under this subsection, an outdoor advertising sign may not be relocated under ORS 377.767.

(10)(a) The director may cancel a permit, unless a corrected application is filed or the outdoor advertising sign is brought into compliance within 30 days after written notice thereof is mailed to the permittee, if the director finds:

(A) The applicant has knowingly supplied materially false or misleading information in the application for a permit or renewal thereof; or

(B) The sign covered by the permit violates ORS 377.700 to 377.840.

(b) If a permit is canceled under this subsection, an outdoor advertising sign may not be relocated under ORS 377.767, and the holder of the permit is not entitled to a relocation credit.

(11) The director shall cancel a permit immediately upon failure of a permittee to erect or maintain the outdoor advertising sign as described by the permit application and to attach a permit plate to the sign 180 days after the date of issuance of the permit.

(12) The director shall assign a permit plate with an identification number to the permit issued for an outdoor advertising sign. The permittee shall attach the permit plate to the outdoor advertising sign so the plate is visible from the adjacent state highway. The absence of a permit plate or failure to renew the permit annually is prima facie evidence that the outdoor advertising sign does not comply with ORS 377.700 to 377.840.

(13) Except as otherwise provided in ORS 377.712, 377.753 and 377.765, no permits shall be issued for the erection of any new outdoor advertising sign after May 30, 2007.

(14) The director may establish more than one class or type of outdoor advertising sign permit as necessary or desirable to carry out ORS 377.700 to 377.840.

(15) Any hearing under this section shall be conducted as a contested case hearing under ORS chapter 183. [1971 c.770 §23; 1973 c.790 §4; 1974 c.33 §3; 1975 c.336 §4; 1977 c.265 §2; 1985 c.553 §1; 1993 c.376 §2; 1993 c.741 §56;

377.726 [1977 c.265 §8; 1979 c.146 §3; 1981 c.308 §2; 1999 c.877 §6; 2001 c.750 §6; repealed by 2007 c.199 §28]

377.727 [1974 c.33 §8; 1999 c.663 §1; 2007 c.71 §100; repealed by 2007 c.199 §28]

377.729 Fees for sign permits and business licenses; rules. The Department of Transportation may adopt rules establishing permit fees for purposes of ORS 377.725 and fees for an outdoor advertising business license issued under ORS 377.730. Fees established by the department shall be designed to recover the cost to the department of regulating signs that are outside the right of way of a highway but are visible from the highway. [1985 c.553 §4; 1987 c.336 §1; 2001 c.750 §2]

377.730 License for business of maintaining or erecting signs; fee; application; revocation; suspension. (1) A person shall not engage in the business of erecting or maintaining outdoor advertising signs for other persons without first obtaining an annual license therefor from the Director of Transportation and paying the annual license fee established by the Department of Transportation by rule as provided in ORS 377.729.

(2) An application for a license or renewal thereof shall be made on a form furnished by the director, shall contain such pertinent information as the director may require and shall be accompanied by the applicable annual fee. A license granted under this section expires on June 30 of each year. The fee shall not be prorated. The director shall by certified mail send to each licensee a notice of expiration of license and a renewal application form not less than 30 days before the date of expiration.

(3) If the director finds that an applicant has knowingly provided materially false or misleading information in the application or that a licensee has violated any of the provisions of ORS 377.700 to 377.840, the director may revoke, suspend for a period of up to one year or refuse to renew the license unless a corrected application is filed or the violation ceases, within 30 days after written notice to do so is mailed to the applicant or licensee. During the suspension of a license, the licensee may continue in business, but shall not erect or reconstruct any sign requiring a permit under ORS 377.700 to 377.840. [1971 c.770 §22; 1973 c.790 §5; 1993 c.741 §57; 2001 c.750 §3]

377.735 Exemptions from sign permit requirements; historic signs; rules. (1) The permit requirements of ORS 377.700 to 377.840 do not apply to:

(a) Signs of a governmental unit, including but not limited to traffic control signs or devices, legal notices or warnings.

(b) A temporary sign on private property if:

(A) The sign does not exceed 12 square feet;

(B) The sign is not on a permanent base;

(C) The sign does not remain in place for a period of more than 60 days in a calendar year, except that a sign erected by a resident on the resident's residential property may remain in place for longer than 60 days in a calendar year;

(D) No person receives compensation or anything of value as defined by the Department of Transportation by rule for displaying the sign; and

(E) The sign complies with ORS 377.720.

(2) The Department of Transportation may adopt rules that, for good cause shown, allow a person displaying a temporary sign to obtain a variance from the restrictions in subsection (1)(b) of this section. The department shall not consider the content of the sign in deciding whether to allow a variance.

(3) The department shall adopt rules for the approval and preservation of historic signs. Rules adopted under this subsection may not be based on or allow consideration of the content of the signs.

(4) The department shall adopt rules for the erection and maintenance of permanent signs that do not exceed six square feet and that provide messages for the safety or convenience of the public.

(5) ORS 377.700 to 377.840 do not apply to a sign erected or maintained within a city more than 660 feet from the nearest edge of the right of way of a state highway, unless the sign is designed to be viewed primarily from the state highway. [1971 c.770 §14; 1973 c.790 §6; 1975 c.336 §5; 1977 c.265 §3; 1987 c.336 §5; 1993 c.741 §58; 1999 c.877 §7; 2007 c.199 §10]

377.737 Giving or receiving compensation or value for signs; rules. (1) To determine whether a person is giving or receiving, or has given or received, compensation or anything of value as defined by the Department of Transportation by rule for displaying a sign, the department may issue an investigative demand upon any person it reasonably believes may have relevant documents or information.

(2) If any person after being served an investigative demand under subsection (1) of this section fails or refuses to obey the demand, the Department of Transportation may request that the Department of Justice apply to an appropriate

circuit court and, after a hearing, request an order requiring compliance with the demand. [2007 c.199 §21] **Attachment 3**

Note: 377.737 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.740 ORS 377.700 to 377.840 not intended to authorize signs prohibited by other governmental units. Nothing in ORS 377.700 to 377.840 and 377.992 is intended to permit a person to erect or maintain any sign that is prohibited by any governmental unit. [1971 c.770 §25]

377.745 Limitation on form and size of signs. (1) Except as provided in subsection (3) of this section, an outdoor advertising sign may not exceed:

- (a) A length of 48 feet;
- (b) A height, excluding foundation and supports, of 14 feet; or
- (c) A sign area of 825 square feet.

(2) In determining the dimensions of an outdoor advertising sign or sign area under this section:

(a) Cutouts that project beyond the borders of an outdoor advertising sign shall be included in measuring the area of a sign, but not the height or length of a sign. The sign area of cutouts shall be no more than 20 percent of the area of the sign to which attached.

(b) The limitations apply separately to each side of a back-to-back sign.

(c) The size limitations apply separately to each sign forming a V-type sign.

(d) The size limitations apply separately to each of the display surfaces on a tri-vision sign.

(3) A nonconforming outdoor advertising sign in existence on May 30, 2007, may continue to exceed the size limitations established in this section until the sign is reconstructed or relocated, at which time the sign must comply with subsection (1) of this section. [1971 c.770 §20; 1973 c.790 §7; 1999 c.877 §8; 2007 c.199 §11]

377.750 Spacing between signs. (1) For the purpose of applying the spacing provided by subsection (2) of this section:

(a) Distances shall be measured lineally along the highway and parallel to the center line of the highway.

(b) A back-to-back sign, digital billboard, double-faced sign, V-type sign or tri-vision sign shall be considered one sign.

(c) Distance from an interchange shall be measured from a point departing from or entering onto the main traveled way.

(2) Except as provided in subsection (3) of this section, minimum spacing between outdoor advertising signs shall be:

Type of highway <u>where erected</u>	Minimum space between signs on same side of highway <u>(in feet)</u>	Minimum space from interchange <u>(in feet)</u>
Interstate Highway		
Inside cities	500	None
Outside cities	2,000	500
Freeway		
Inside cities	500	None
Outside cities	1,000	500
Other state highway		
Inside cities	100	None
Outside cities	500	None

(3) A nonconforming outdoor advertising sign in existence on May 30, 2007, may continue to deviate from the spacing limitations established in this section until the sign is reconstructed or relocated, at which time the sign shall comply with the spacing limitations established in this section. [1971 c.770 §21; 1973 c.790 §8; 1997 c.249 §120; 1999 c.877 §9; 2007 c.199 §12; 2011 c.562 §3]

377.753 Permits for outdoor advertising signs; rules. (1) Notwithstanding the provisions of ORS 377.715, 377.725 and 377.770, the Department of Transportation may issue permits for outdoor advertising signs placed on benches or shelters erected or maintained for use by customers of a mass transit district, a transportation district or other public transportation agency.

(2) The department shall determine by rule the fees and criteria for the number, size, and location of such signs but the department may not issue a permit for a sign that is visible from an interstate highway. [2007 c.199 §3]

Note: 377.753 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.755 [1971 c.770 §13; 1973 c.790 §9; 1974 s.s. c.33 §4; 1977 c.256 §1; repealed by 1987 c.336 §7]

377.756 Permits for signs erected by city or unincorporated community. (1) The Department of Transportation shall issue permits for the erection of signs authorized by ORS 377.756 to 377.758. Subject to subsections (2) and (3) of this section, permits shall be issued at no cost to any city or county that applies or to any nonprofit or civic applicant approved by a city or county. Each permit entitles the holder of the permit to erect one sign in accordance with this section.

(2) Each city may be given permits under this section entitling the city to erect not more than two signs that are visible from state highways and that are within the city limits or, pursuant to a memorandum of understanding with appropriate federal authorities, are no more than one mile outside of the city limits. The permits may be given directly to the city or may be given to a nonprofit or civic organization designated by the city governing body.

(3) Each county may be given permits under this section entitling each unincorporated community identified in the county comprehensive plan, as defined in ORS 197.015, to erect not more than two signs that are visible from state highways and that are within one mile of the community growth boundary as designated by the county. The permits may be given directly to the county or, if the county governing body so authorizes, to an unincorporated community or a nonprofit or civic organization designated by the county governing body.

(4) The department may not issue more than 200 permits under this section. [1987 c.631 §2]

377.757 Requirements for signs authorized by ORS 377.756; payment of cost of sign. (1) A sign authorized by ORS 377.756 shall not exceed 48 square feet in size and may not have a vertical or horizontal dimension of more than eight feet. Nothing in this subsection affects size requirements for signs of a governmental unit that are authorized under ORS 377.735.

(2) Signs erected pursuant to ORS 377.756 to 377.758 shall be kept in good repair and shall be clean and attractive.

(3) A county may require an unincorporated community authorized to erect a sign under ORS 377.756 to 377.758 to pay for the cost of erecting and maintaining the sign.

(4) If a city or county obtains a permit under ORS 377.756 for a nonprofit or civic organization, the city or county may require the organization to pay the cost of erecting and maintaining the sign.

(5) Signs erected pursuant to ORS 377.756 to 377.758 shall conform to the provisions of ORS 377.720. [1987 c.631 §§3,4]

377.758 Notification by federal authorities of illegal sign; consequences. If appropriate federal authorities notify the Department of Transportation that the erection of a sign pursuant to any of the provisions of ORS 377.756 to 377.758 is contrary to any federal law, the department shall cease issuing permits and shall cause any signs erected pursuant to ORS 377.756 to 377.758 to be removed. [1987 c.631 §5; 2001 c.104 §128]

377.759 Issuance of relocation credits for removal of outdoor advertising signs from scenic byway; rules. (1) The Department of Transportation shall administer an incentive program to encourage voluntary removal of outdoor advertising signs from particularly scenic areas of scenic byways.

(2) An owner of an outdoor advertising sign that is visible from a scenic byway may apply to the department for participation in the incentive program. The sign and permit must meet the requirements of ORS 377.700 to 377.840 to qualify for relocation. A sign that is a nonconforming sign for a defect that cannot be remedied upon reconstruction at the same location does not qualify for the incentive program.

(3) If the department determines that the sign is in a particularly scenic area of a scenic byway, the department shall notify the owner that the sign qualifies for the incentive program. If the owner chooses to remove the sign, the owner shall notify the department of the date by which the owner will remove the sign. The removal date must be not later than 90 days after the department's notification.

(4) The department shall issue two relocation credits to the owner in exchange for the removal of a qualified sign. If the owner also submits an application for relocation of the sign and permit under ORS 377.767, the department may issue the relocation permit and one relocation credit. Any relocation credit or relocation permit issued under the incentive program is subject to all the requirements of ORS 377.700 to 377.840.

(5) The department shall adopt rules to establish standards to determine whether a sign is in a location that is particularly scenic such that it qualifies for the incentive program. [2009 c.463 §2]

Note: 377.759, 377.762 and 377.763 were added to and made a part of 377.700 to 377.840 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.760 [1971 c.770 §26; 1973 c.790 §10; repealed by 1987 c.336 §7]

377.762 Issuance of relocation credits for removal of sign. The Department of Transportation shall issue a relocation credit upon the owner's request if a sign is removed, the owner has lost the lease for that sign site and the sign and permit meet the requirements of ORS 377.700 to 377.840. [2009 c.463 §3]

Note: See note under 377.759.

377.763 Consolidation of relocation credits. The owner of a relocation credit may combine relocation credits for outdoor advertising signs that have 249 square feet or less of display surface on one side to form a single relocation credit. After the relocation credits are combined, the Department of Transportation shall cancel the smaller relocation credits used to create the combined relocation credit. The first time an owner uses a combined relocation credit, the combined relocation credit is not restricted by the provisions of ORS 377.767 (4). [2009 c.463 §4]

Note: See note under 377.759.

377.765 Status of previously existing signs; removal upon payment of compensation. (1) Outdoor advertising signs in existence on May 30, 2007, and lawfully located within commercial or industrial zones in existence on May 30, 2007, and outdoor advertising signs visible from a road or street that is designated as a state highway after May 30, 2007, and lawfully located within a commercial or industrial zone at the time the road or street is designated as a state highway, may remain. Subject to the provisions of ORS 377.700 to 377.840, such signs may be maintained, reconstructed and relocated. However, such signs may not be relocated unless a relocation permit has been issued pursuant to ORS 377.767. A permit may not be issued to relocate an outdoor advertising sign that was not lawfully in existence on May 30, 2007, except that outdoor advertising signs that are visible from a road or street that is designated as a state highway after May 30, 2007, and that are lawfully located within a commercial or industrial zone at the time the road or street is designated as a state highway, may be relocated within the same section of highway.

(2) All outdoor advertising signs that are lawfully located outside of a commercial or industrial zone and visible from an interstate highway or a primary highway shall be removed upon payment of just compensation as provided by ORS 377.780.

(3) Upon payment of just compensation, the Department of Transportation may remove any lawful outdoor advertising sign located in a scenic area designated pursuant to ORS 377.505 to 377.540.

(4) Outdoor advertising signs in existence on May 30, 2007, that are lawfully located outside of a commercial or industrial zone in existence on July 1, 1971, and visible from a secondary highway and not within a scenic area existing on July 1, 1971, or thereafter designated a scenic area may be removed only upon payment of just compensation as provided in ORS 377.780. Upon payment of just compensation, the department may remove the outdoor advertising sign. It may not be reconstructed or replaced if destroyed by natural causes and may not be relocated.

(5) If a secondary highway existing on July 2, 1971, is subsequently designated as an interstate or primary highway, upon payment of just compensation, the department may remove outdoor advertising signs not conforming to the provisions of ORS 377.700 to 377.840.

(6) If any other highway is designated as an interstate or primary highway, upon payment of just compensation, the department may remove a nonconforming outdoor advertising sign lawful before such designation but nonconforming thereafter.

(7) Upon the construction or designation of a secondary highway, after July 2, 1971, an outdoor advertising sign lawfully in existence and not regulated under ORS 377.700 to 377.840 prior to such construction or designation is subject to subsection (4) of this section. [1971 c.770 §18; 1973 c.28 §1; 1973 c.790 §11; 1975 c.336 §7; 1993 c.376 §3; 2007 c.199 §13; 2009 c.463 §7]

377.767 Relocation of existing outdoor advertising sign; conditions. A permit or a relocation credit shall be issued for the relocation of a permitted outdoor advertising sign lawfully located within a commercial or industrial zone in existence on May 30, 2007, if the site lease for the sign is terminated for any reason. The existing outdoor advertising sign may be relocated within any commercial or industrial zone if the new sign and the new site comply with ORS 377.700 to 377.840, and upon the following conditions:

(1) The outdoor advertising sign that is relocated may not have a sign size larger than that specified in the permit for the sign located on the site on which the lease was terminated. However, an outdoor advertising sign with 250 square feet or more of display surface on one side may be increased to the maximum size allowed by ORS 377.700 to 377.840 if the relocated sign is not visible from Interstate Highway 5, Interstate Highway 205, or Interstate Highway 84. A single-faced sign may be relocated as a back-to-back sign.

(2) The site for the relocated sign is not within the distances set forth below, on the same side of the highway, from a site from which an outdoor advertising sign was purchased pursuant to the provisions of ORS 377.700 to 377.840.

<u>Types of Highway</u>	<u>Distance in Either Direction from Site</u>
Interstate	2,000 feet
Freeway	1,000 feet
Other State Highway	500 feet

(3) If an outdoor advertising sign is relocated within a commercial or industrial zone that first came into existence after January 1, 1973, the site shall be within 750 feet of a developed commercial or industrial area, as measured parallel to the centerline of the highway. For purposes of this subsection, “developed commercial or industrial area” includes only the land occupied by a building, parking lot, storage area or processing area of a commercial or industrial use and on the same side of the highway.

(4) A permit may not be issued to relocate an outdoor advertising sign more than 100 miles from the existing site of the sign as of May 30, 2007, as measured along public streets, roads or highways between that site and the proposed new site. For relocation credits that exist as of May 30, 2007, a permit may not be issued to relocate an outdoor advertising sign more than 100 miles from the existing site of the sign as of September 1, 1977, as measured along public streets, roads or highways between that site and the proposed new site.

(5) Outdoor advertising signs may not be relocated to a scenic byway. If a portion of a highway is no longer designated as a scenic byway, as provided by state and federal law, an outdoor advertising sign may be relocated to that portion subject to ORS 377.700 to 377.840 and 377.992 and any other limitations provided by law. [1975 c.336 §9; 1977 c.265 §4; 1983 c.226 §1; 1993 c.268 §1; 1997 c.249 §121; 1999 c.877 §10; 2007 c.199 §14; 2009 c.463 §8; 2011 c.562 §4]

377.768 Effect of relocation permit on existing sign permit; duty of director. Notwithstanding ORS 377.700 to 377.840:

(1) Issuance of a permit under ORS 377.767 to relocate an outdoor advertising sign for which a permit has been issued under ORS 377.725 does not cancel the original permit issued under ORS 377.725 except as provided in this section. The applicant for the permit to relocate shall surrender the original permit to the Director of Transportation upon issuance of the permit to relocate. Upon completion of the relocation of the outdoor advertising sign, including the removal of the sign structure from the original site, the person holding the permit for relocation of the sign shall immediately notify the director in writing.

(2) The director shall retain any permit surrendered under subsection (1) of this section. If the director:

(a) Is notified that the relocation of the outdoor advertising sign is completed within 180 days after the issuance of the permit for relocation, the director shall cancel the original permit.

(b) Cancels the permit for relocation because the relocation of the outdoor advertising sign is not completed within 180 days as required under ORS 377.725, the director shall reinstate the original permit for the sign to the person whose permit for relocation of the sign is canceled.

(3) A permit that is reinstated under subsection (2) of this section remains valid and retains all rights under ORS 377.725 of a permit that has not been surrendered under this section. [1979 c.146 §2; 1993 c.741 §59; 2007 c.199 §15; 2009 c.463 §9]

Attachment 3

377.770 Signs in protected, commercial or industrial areas. (1) Signs and outdoor advertising signs erected or maintained within protected areas shall comply with the sign rules for protected areas. If any provision of ORS 377.700 to 377.840 or rules adopted pursuant thereto are more restrictive than the sign rules for protected areas, the more restrictive provision or rule applies.

(2) In addition to the requirements provided by subsection (1) of this section, and subject to ORS 377.505 to 377.540, 377.720, 377.725, 377.745, 377.750 and 377.767:

(a) Outdoor advertising signs lawfully in existence on May 30, 2007, may be maintained, reconstructed or relocated within commercial or industrial zones. Within cities, an outdoor advertising sign may not be erected more than 660 feet from the nearest edge of the right of way if the sign is designed to be viewed primarily from a state highway.

(b) The Legislative Assembly declares it is the paramount policy of this state to prohibit outdoor advertising signs visible to the traveling public from a state highway except those lawfully in existence on May 30, 2007, in commercial or industrial zones established on May 30, 2007, except as provided by ORS 377.753, 377.765 and 377.767. [1971 c.770 §19; 1973 c.790 §12; 1974 c.33 §5; 1975 c.336 §10; 2007 c.199 §16]

377.773 When sign abandoned; removal. Any sign that does not have a message on the display surface for a period of six months is deemed to have been abandoned by the owner and is a noncomplying sign subject to removal by the Director of Transportation under the procedure set forth in ORS 377.775. [1974 c.33 §7; 1975 c.336 §11; 1993 c.741 §60; 2007 c.199 §17]

377.775 Removal procedure for noncomplying signs; ownership issues at hearing; disposition of removed signs; costs of removal. (1) Any sign that fails to comply with ORS 377.700 to 377.840 is a public and private nuisance. In addition to the penalties provided by ORS 377.992, such a sign may be removed by the Director of Transportation or the duly authorized representative of the director as provided by this section. The director may enter upon private property and remove the sign without incurring any liability therefor.

(2) If a noncomplying sign does not bear the name and address of its owner or if the owner is not readily identified and located, the director may remove it immediately.

(3)(a) If a noncomplying sign bears the name and address of its owner or if the owner of the sign is readily identified and located, the director shall notify the owner that the sign is in violation of ORS 377.700 to 377.840 and that the owner has 30 days from the date of the notice within which to make the sign comply, to remove the sign or to request a hearing before the director within the time specified in the notice.

(b) If the sign is not made to comply or is not removed and if the owner does not request a hearing within the time required, or if the owner after a hearing fails to comply with the final order in the proceedings, the director or the duly authorized representatives of the director may remove and destroy or otherwise dispose of the sign.

(4)(a) If the person who receives notice under subsection (3) of this section intends to raise issues regarding ownership interests in the sign or its appurtenances in a hearing requested under subsection (3) of this section, the request for hearing must include notice that the person intends to raise those issues and must contain the names and addresses of all persons who have ownership interests in the sign or its appurtenances.

(b) If the person requesting the hearing under subsection (3) of this section fails to include notice of intent to raise issues regarding ownership interests, the person may not raise the issues in the hearing. In addition, the person who requested the hearing may not raise issues regarding ownership interests of any person whose name and address the person who requested the hearing has failed to provide as required by paragraph (a) of this subsection.

(c) For purposes of this subsection, an ownership interest includes, but is not limited to:

(A) An interest in the land on which the sign is located, in the sign structure and in the display surface; and

(B) A right to operate the sign, whether the right is created by lease, operating agreement or otherwise.

(5)(a) The director shall, after removing a sign in accordance with subsection (2) of this section, place the sign in storage for 30 days while the director makes a further effort to find its owner.

(b) If the owner cannot be found within 30 days, the director may, without incurring any liability therefor, destroy or otherwise dispose of the sign.

(c) If the owner is found within 30 days, the owner may be required to remove the sign from storage.

(d) If the owner is found at any time, the director may recover from the owner the cost of storage. The cost of storage is in addition to the cost of removal payable under subsection (6) of this section.

(6) The owner is liable for, and the director shall collect, the costs of removing a sign. Costs shall be determined by the director on the basis of actual costs of removal or on a square-foot flat fee basis.

(7) A hearing under this section shall be conducted as a contested case hearing under ORS chapter 183. [1971 c.770 §17; 1973 c.790 §13; 1977 c.265 §5; 1993 c.741 §61; 2001 c.508 §2; 2007 c.199 §18]

377.777 Action to enjoin person from violation of ORS 377.700 to 377.840. If the Department of Transportation has issued three or more final orders in a 12-month period finding that a person has violated one or more provisions of ORS 377.700 to 377.840, the Director of Transportation may file an action for injunctive relief to enjoin the person, or any other entity substantially controlled or directed by the person, from further violating ORS 377.700 to 377.840. The action may be filed in the Circuit Court for Marion County or in the circuit court of the county that is the principal place of business or residence of the person the director seeks to enjoin. [2001 c.508 §5]

Note: 377.777 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.780 Removal of outdoor advertising signs; payment of compensation; value determinations. (1) Where the Department of Transportation elects to remove and pay for a sign visible from secondary highways pursuant to ORS 377.765 (4), upon removal, the department shall pay just compensation.

(2) For the purposes of ORS 377.700 to 377.840, the department may acquire by purchase, agreement, donation or exercise of the power of eminent domain land or an interest in land or a sign. The department shall pay just compensation for:

(a) The taking from the owner of such lawfully located sign all right, title, leasehold and interest in such sign; and

(b) The taking from the owner of the real property on which the sign is located the right to place such sign thereon.

(3) When the department is required under ORS 377.700 to 377.840 to make payment therefor to remove a sign, the payment shall be for the value of the items specified by subsection (2) of this section, as determined by the department. In determining value, the department shall use the accepted appraisal method customarily used in such cases or the method prescribed by federal regulations, if any, applicable to such appraisals or payments, whichever results in the lowest valuation. However, in any case, the department shall so appraise such signs or rights taken by whatever method may be required to avoid imposition of a reduction in the amount of federal highway funds the state otherwise would be eligible to receive. [1971 c.770 §16; 1973 c.790 §14; 1975 c.336 §12; 2007 c.199 §19; 2009 c.463 §10]

377.785 [1971 c.770 §5; 1973 c.790 §15; 1983 c.324 §36; 1985 c.104 §4; renumbered 285.163 in 1991]

377.787 Contracts to study traveler information needs; council to establish sign programs; rules. (1) The Travel Information Council may enter into contractual or other agreements with other governmental agencies of this state or an independent contractor to study various ways of providing information deemed necessary to the traveling public by signs, information centers or other means. The council may also enter into contractual or other agreements with other governmental agencies of this state or an independent contractor for the construction of experimental signs or displays to provide information deemed necessary to the traveling public.

(2) Notwithstanding any other provisions of ORS 377.700 to 377.840, the Travel Information Council shall institute logo sign and motorist informational sign programs on the state highway system and adopt any rules necessary to carry out such programs. [1979 c.478 §§5,7; 2007 c.199 §20]

377.790 Construction, maintenance and operation of tourist and motorist informational signs. Pursuant to the terms of a written agreement between the Department of Transportation and the Travel Information Council:

(1) The department shall furnish, erect and maintain motorist informational signs, logo signs, tourist oriented directional signs and sign plazas as requested by the council. Such signs shall be erected and maintained at locations the council considers appropriate. The department may contract for the furnishing, erection and replacement of all such sign plazas, logo signs, tourist oriented directional signs and motorist informational signs to be erected upon a state highway, in tourist information centers, rest areas or other places.

(2) In carrying out its responsibilities under ORS 377.700 to 377.840 the council may enter into contractual or other agreements with a city, county or other governmental agency of this state or with an independent contractor providing for the erection, maintenance, administration and operation of sign plazas, logo signs, tourist oriented directional signs and motorist informational signs and collection of the permit fees charged therefor, or for other matter authorized under ORS 377.700 to 377.840 requiring council consideration. When soliciting contracts for goods or professional services, the council shall:

(a) Require that an independent contractor, city, county or other governmental agency of the state submit a competitive bid;

(b) Review bids submitted;

(c) Select the contractor; and

(d) Enter into a written contract with the selected contractor, subject to contract specifications established by the department. [1971 c.770 §6; 1973 c.790 §16; 1983 c.111 §3; 1993 c.745 §7; 2003 c.14 §164]

Attachment 3

377.795 Allocation of costs of telephone informational system; webpage fee; disposition of receipts. (1)

Whenever the Travel Information Council establishes a telephone reservation system for lodging accommodations or other travel services at a sign plaza, the costs thereof shall be apportioned among the subscribing motels, hotels, trailer parks, campgrounds or providers of other travel services on a per room or other equitable basis.

(2)(a) Whenever the council establishes a tourist and motorist information Internet webpage, or cooperates with the Department of Transportation or another public or private entity to provide information about travel services through an Internet webpage, the council may charge a fee for advertisement by, or information provided on the Internet webpage on behalf of, the providers of travel services.

(b) The council may not place an advertisement for a provider of travel services on an Internet webpage identified as a department webpage. The department may place a link to the council's Internet webpage on an Internet webpage identified as a department webpage.

(3) If the council and the Department of Transportation decide to use the telephone system or the tourist and motorist information Internet webpage for emergency or other services, an appropriate portion of the overall telephone and Internet costs shall be borne by the department.

(4) Receipts shall be deposited monthly, before the 10th day of the month, to the Travel Information Council account required by ORS 377.840.

(5) The council may enter into one or more contracts providing for the promotion and sale of logos, motorist informational signs, sign plazas, subscriptions to the telephone reservation service and subscriptions to the tourist and motorist information Internet webpage. [1971 c.770 §7; 1973 c.790 §17; 1993 c.745 §8; 2001 c.296 §1; 2003 c.14 §165]

377.800 Tourist and motorist informational signs; logo signs; sign and travel plazas. (1) For the convenience and information of the traveling public, a person may upon obtaining a permit therefor display messages as may be allowed by rule adopted by the Travel Information Council for the particular type of sign on a motorist informational sign, tourist oriented directional sign or logo sign or at a sign plaza or travel plaza.

(2) The Travel Information Council may not erect a travel plaza on public lands without first obtaining consent from the agency that owns the land. [1971 c.770 §9; 1973 c.790 §18; 1975 c.336 §13; 1983 c.111 §4; 2007 c.199 §25]

377.805 Form of tourist and motorist informational signs; use of logo signs. (1) The Travel Information Council shall by regulation prescribe the size, shape, color, lighting, and lettering of and manner of displaying messages on tourist oriented directional signs, logo signs and motorist informational signs.

(2) When appropriate, logo signs, tourist oriented directional signs and motorist informational signs shall be displayed in tiers or on panels. With the approval of the Director of Transportation, the council shall specify the types of locations where such a sign or panel may be erected or maintained, and the size, shape, lighting and other characteristics of the panels, including the location of signs thereon. Tiers or panels may be established at reasonably spaced intervals or at sign plazas.

(3) Distinctive signs shall be allowed to the extent considered practicable by the council. Logo signs shall be the primary means used to indicate the availability of one or more brands of motor fuel. Logos shall be of the shape, color and wording customarily used by the company. Logo signs and tourist oriented directional signs shall be placed adjacent to the traveled portion of the highway so as to be easily read by motorists without slowing or stopping. [1971 c.770 §10; 1973 c.790 §19; 1983 c.111 §5; 1993 c.741 §62]

377.810 [1971 c.770 §12; repealed by 1973 c.790 §27]

377.820 Application for tourist or motorist informational sign permit; investigation; disposition. (1) An application for a tourist oriented directional sign, logo sign or a motorist informational sign permit shall be submitted to the Travel Information Council on a form prescribed by the council. The application shall set forth the name and address of the applicant; the name, nature and location of the business or activity; the location where a tourist oriented directional sign, logo sign or a motorist informational sign is desired; and such other information as the council may require. The applicant shall tender with the application the permit fee required under ORS 377.825 for each sign requested.

(2) Upon receipt of an application for a tourist oriented directional sign, logo sign or a motorist informational sign, the council shall refer the application to the Department of Transportation. Upon receipt of the application the department shall do all the following:

(a) Notify any city in which a sign is proposed to be located of the proposed location and composition of the sign and seek comments from the city.

(b) Investigate the facts and make a report to the council with its recommendations thereon.

(c) Not recommend approval of an application unless the requested location conforms to the requirements prescribed

by the council under ORS 377.805 and, if applicable, unless the applicant is complying with all applicable rules of the State Health Officer regarding restaurants and places of public accommodation.

(d) Notify the council promptly in writing of the results of its investigation and its recommendations and the reasons for any recommended disapproval.

(3) If the council approves the application it shall issue the permit and forward the original to the applicant and a copy thereof to the director. If it is not approved, the council shall return the application and fee, stating the reasons for disapproval and giving the applicant opportunity to correct any defects or to be heard within 30 days by the council and to present evidence, with or without counsel at the applicant's discretion. Upon written request, the council shall hear the matter and notify the applicant of its findings and decision. The applicant may then appeal in the manner provided by ORS chapter 183. [1971 c.770 §24; 1973 c.790 §20; 1983 c.111 §6; 1983 c.523 §1a; 1993 c.741 §63]

377.825 Fees for sign applications, maintenance costs and reinstallation. (1) An applicant for a logo sign, tourist oriented directional sign or a motorist informational sign shall pay to the Travel Information Council an initial permit fee and an annual renewal fee which shall be determined for each year by the council in advance of such year.

(2) The council may establish a fee schedule for maintenance costs.

(3) The council may establish a fee for reinstallation of a sign that has been removed. [1971 c.770 §27; 1973 c.790 §21; 1983 c.111 §7; 1991 c.525 §1; 1999 c.38 §1]

377.830 Limitation on motorist informational sign permits; use of logo signs. Notwithstanding any other provisions of ORS 377.700 to 377.840, the Travel Information Council shall not issue, for any one place or business eligible therefor, more than two permits for motorist informational or logo signs for one direction of travel on a state highway leading to the place or business. Where a logo is available it shall be used and shall be one of the two allowable signs. [1971 c.770 §11; 1973 c.790 §22; 1983 c.111 §8]
(Digital Billboards)

377.831 Application for digital billboard permit. (1) As used in this section:

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

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

(2) If an outdoor advertising sign being relocated is relocated as a digital billboard or if an outdoor advertising sign being reconstructed is reconstructed as a digital billboard, an applicant for a permit under ORS 377.725 must exchange the following in order to receive one permit for a digital billboard:

(a) An applicant with 10 percent or less of the total number of relocation credits in existence on the date the Department of Transportation receives the application for a digital billboard permit shall either remove one existing outdoor advertising sign and retire the permit for that sign or retire one relocation credit. The permit or relocation credit retired must be for signs with a display surface of at least 250 square feet.

(b) An applicant with more than 10 percent of the total number of relocation credits in existence on the date the department receives an application for a digital billboard permit shall:

(A) For a digital billboard that is a bulletin:

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

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

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

(B) For a digital billboard that is a poster:

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

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

(3) The relocation credits retired under subsection (2)(b) of this section must be for signs with a display surface of at least 250 square feet.

(4) Notwithstanding ORS 377.759 and 377.762, an owner that removes an outdoor advertising sign under this section is not entitled to a relocation credit.

(5) When calculating the number of relocation credits an owner possesses, the department shall consider the total number of relocation credits owned by any corporate entity held in common ownership with the owner in order to determine how many outdoor advertising signs the owner must remove and how many relocation credits the owner must retire to receive a permit to erect a digital billboard.

(6) The department shall cancel the relocation credits and permits submitted under this section upon issuance of a permit to erect a digital billboard.

(7) Two permits for a digital billboard are required to erect a back-to-back or V-type digital billboard.

(8) The first time an owner uses a permit to erect a digital billboard, the permit is not restricted by the provisions of

ORS 377.767 (4).

Attachment 3

(9) The department shall issue one digital billboard relocation credit for each digital billboard that is removed. A digital billboard relocation credit may be used only to erect a digital billboard and may not be used to erect any other type of outdoor advertising sign.

(10) Except as provided in subsection (8) of this section, an outdoor advertising sign that is being relocated as a digital billboard must meet all requirements of ORS 377.767. [2011 c.562 §6]

377.833 Public notifications. (1) The Department of Transportation shall work together with the Travel Information Council, the Office of Emergency Management, the Department of State Police, the Secretary of State and owners of digital billboards to develop a public notification plan for the purpose of using digital billboards to display notifications to the traveling public related to civic activities and public safety. Public notifications include but are not limited to information about the Government Waste Hotline established under ORS 177.170, elections, voter registration, Amber Alerts and natural disasters and other emergencies.

(2) The Department of Transportation, in coordination with the Office of Emergency Management, the Department of State Police, the Secretary of State and owners of digital billboards, shall prepare a written public notification plan. In preparing the plan, the Department of Transportation shall address:

(a) The criteria to be applied in determining when it is appropriate to request that an owner of a digital billboard display a public notification.

(b) The procedures used to determine the expiration of a notification and to recall the request once the information is no longer needed. [2011 c.562 §7]

Note: Sections 8 and 9, chapter 562, Oregon Laws 2011, provide:

Sec. 8. (1) The Travel Information Council shall study and make recommendations on the following:

(a) How to prioritize public notifications made under section 7 of this 2011 Act [377.833].

(b) How to encourage the display of public notifications on digital billboards.

(2) The council shall submit a report, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to transportation no later than September 1, 2012. [2011 c.562 §8]

Sec. 9. Section 8 of this 2011 Act is repealed on January 2, 2013. [2011 c.562 §9]

(Administration)

377.835 Creation of Travel Information Council as semi-independent state agency; members; qualifications; appointment; terms; chairperson; quorum; rules. (1) The Travel Information Council is created as a semi-independent state agency.

(2) The Travel Information Council shall consist of 11 members. One shall be the chairperson of the Oregon Transportation Commission or a person within the Department of Transportation designated by the chairperson and 10 appointed members as follows: Two members from among the lodging, restaurant and recreation industries; one member from the vehicular service industry; one member from the outdoor advertising industry; one member from the electrical sign industry; and five members from the public at large. The public at-large members shall be appointed from among the residents of each congressional district. None of the public at-large members shall have any financial interest in any restaurant, hotel, motel, recreational facility, garage, oil company or other vehicular service industry, or in any advertising business other than shares of stock that are traded on a national stock exchange.

(3) The 10 appointed members shall be appointed by the Governor. Each shall be appointed to serve for a term of four years but a member may be removed at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause the Governor shall make an appointment to become effective immediately for the unexpired term. Five shall be appointed biennially on July 2 in odd-numbered years.

(4) The council shall select one of its members as chairperson, another as vice chairperson and a third as secretary. Six members shall constitute a quorum for the transaction of business. The council shall meet quarterly at a time and place to be determined by the chairperson. The chairperson or any three members of the council may call a special meeting upon not less than one week's written notice to the other members. All members are entitled to expenses as provided by ORS 292.495.

(5) The council may, in accordance with ORS chapter 183 and consistent with ORS 377.700 to 377.840, adopt and from time to time amend and repeal rules relating to tourist oriented directional signs, logo signs and motorist informational signs and all other matters necessary and appropriate to carry out its responsibilities under ORS 377.700 to 377.840. The sign rules for protected areas in effect on July 2, 1971, shall be continued in effect unless modified by the commission. All such rules shall be consistent with federal laws and regulations relating to highways. The Director of

Transportation shall take appropriate action for the administration and enforcement of orders issued under rule 3 adopted under ORS 377.700 to 377.840. Attachment 3

(6) The commission may continue or amend any existing agreements and may enter into new agreements with the United States or any agency thereof authorized to make agreements under section 131, title 23, United States Code relating to the regulation, control and removal of signs within or adjacent to the Interstate and Federal Aid Systems.

(7) The council shall be under the administrative control of a director who is appointed by and who holds office at the pleasure of the council. The director of the Travel Information Council may appoint all subordinate officers and employees of the council and may prescribe their duties and fix their compensation. The director of the Travel Information Council may delegate to any subordinate officer or employee any administrative duty, function or power imposed upon the council by or pursuant to law. [1971 c.770 §4; 1973 c.790 §23; 1981 c.545 §5; 1983 c.111 §9; 1993 c.741 §§64,64a; 1997 c.632 §6]

377.836 Application of certain statutes to Travel Information Council. (1) Except as otherwise provided by law, and except as provided in subsection (2) of this section, the provisions of ORS 279.835 to 279.855 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to the Travel Information Council. The council is subject to all other statutes governing a state agency that do not conflict with ORS 377.700 to 377.840, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. Subject to the requirements of ORS chapters 238 and 238A, the council's employees are members of the Public Employees Retirement System.

(2) The following shall apply to the council:

(a) ORS 279A.250 to 279A.290;

(b) ORS 282.210 to 282.230; and

(c) ORS 293.235, 293.240, 293.245, 293.611, 293.625 and 293.630. [1993 c.745 §4; 1997 c.249 §122; 2003 c.733 §77; 2003 c.794 §268]

377.837 [1973 c.790 §26; repealed by 1983 c.111 §10]

377.838 Authority of director of Travel Information Council. (1) Except as provided in subsection (2) of this section, in carrying out the duties, functions and powers of the Travel Information Council, the director of the Travel Information Council may contract with any state agency for the performance of such duties, functions and powers as the council considers appropriate.

(2) The director of the Travel Information Council may not, without the prior approval of the council:

(a) Award any contract for goods or professional services in excess of \$25,000; or

(b) Authorize any expenditure of moneys in excess of \$25,000.

(3) The council shall file with the Governor, the Legislative Assembly and the Legislative Fiscal Officer an annual report of the activities and operations of the council. [1993 c.745 §5; 1993 c.741 §64b; 2011 c.630 §3]

377.840 Travel Information Council account; budget process; disposition of moneys received. (1) All moneys collected, borrowed or received by the Travel Information Council shall be deposited into a Travel Information Council account established in a depository insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a manner consistent with the requirements of ORS 295.001 to 295.108, the chairperson of the council shall insure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Subject to the chairperson's approval, the council may invest moneys collected, borrowed or received by the council. Investments made by the council are limited to the types of investments listed in ORS 294.035. Interest earned from any amounts invested shall be made available to the council in a manner consistent with the council's approved biennial budget.

(2) Subject to the approval of the chairperson or director of the Travel Information Council, all necessary council expenses shall be paid from the moneys collected, borrowed or earned by the council.

(3) Upon approval of a majority of the Travel Information Council, the director may borrow money. The council may not borrow an amount that exceeds the estimated revenues from amounts collected, received or earned by the council for the year.

(4) The Travel Information Council may not borrow money under subsection (3) of this section unless the indebtedness or other obligations of the council attributable to the borrowing are payable solely out of the council's own resources. Such indebtedness or other obligations of the council do not constitute a pledge of the full faith and credit of the State of Oregon or any of the revenues of this state.

(5)(a) The Travel Information Council shall adopt a budget on a biennial basis using the classifications of expenditures and revenues required by ORS 291.206 (1). However, the budget shall not be subject to review and approval by the Legislative Assembly or to future modification by the Emergency Board or Legislative Assembly.

(b) The council shall adopt a budget only after a public hearing thereon. At least 15 days prior to any public hearing on the budget, the council shall give notice of the hearing to all persons known to be interested in the proceedings of the council and to any person who requests notice.

(6) All expenditures from the Travel Information Council account are exempt from any state expenditure limitation. The Travel Information Council shall follow generally accepted accounting principles and keep such other financial and statistical information as may be necessary to completely and accurately disclose the financial condition and financial operations of the council as may be required by the Secretary of State.

(7) As used in this section, "depository" has the meaning given in ORS 295.001. [1971 c.770 §29; 1973 c.790 §24; 1987 c.57 §1; 1987 c.336 §6; 1993 c.741 §64c; 1993 c.745 §6; 1995 c.245 §12; 2003 c.405 §7; 2007 c.871 §28; 2010 c.30 §16]

377.845 Use of funds by Department of Transportation after repayment of highway fund. After the Travel Information Council has repaid the State Highway Fund for all moneys advanced or owed it may then utilize any funds received in excess of expenses to reimburse the Department of Transportation for such part of the cost of providing public service information in sign plazas in rest areas as the council may decide and also for the acquisition of outdoor advertising signs located outside of commercial or industrial zones adjacent to secondary highways. The Travel Information Council may enter into such agreements with the department as are necessary to carry out the provisions of this section. [1975 c.336 §15]

PENALTIES

377.990 [Amended by 1953 c.335 §2; subsection (4) of 1957 Replacement Part enacted as 1955 c.541 §19; repealed by 1959 c.309 §22]

377.992 Penalties; rules. (1)(a) A person who violates any provision of ORS 377.510 (1) or 377.700 to 377.840 or any regulation of the Travel Information Council adopted pursuant thereto is subject to a civil penalty of up to \$1,000 per day for each day of violation, or the amount of gross revenues earned for the sign during the period of time the violation continues, whichever is greater.

(b) The Department of Transportation shall adopt rules to develop a decision matrix to be used in determining the amount of the civil penalty imposed under this subsection. The matrix must take into account the nature of the violation committed, the number of violations committed and any other factors the department determines necessary.

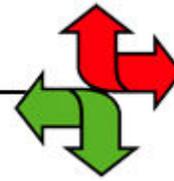
(2) Violation of the conditions and provisions of a permit procured under ORS 377.050 by any person having procured the permit is punishable, upon conviction, by a civil penalty of not more than \$100.

(3) Violation of ORS 377.030 to 377.050, 377.510 (2), 377.620 (2) or 377.635 is punishable, upon conviction, by a civil penalty of not more than \$100.

(4) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745. [1971 c.770 §28; 2001 c.508 §3; 2009 c.463 §11; 2011 c.9 §49]

377.995 [1959 c.309 §21; subsection (5) enacted as 1961 c.615 §17; subsection (6) enacted as 1961 c.614 §11; subsection (7) enacted as 1967 c.590 §12; repealed by 1971 c.770 §31]

Manual on Uniform Traffic Control Devices (MUTCD)



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2009 Edition Chapter 2J. Specific Service Signs

Section 2J.01 Eligibility

Standard:

01 **Specific Service signs shall be defined as guide signs that provide road users with business identification and directional information for services and for eligible attractions. Eligible service categories shall be limited to gas, food, lodging, camping, attractions, and 24-hour pharmacies.**

Guidance:

02 *The use of Specific Service signs should be limited to areas primarily rural in character or to areas where adequate sign spacing can be maintained.*

Option:

03 Where an engineering study determines a need, Specific Service signs may be used on any class of highways.

Guidance:

04 *Specific Service signs should not be installed at an interchange where the road user cannot conveniently reenter the freeway or expressway and continue in the same direction of travel.*

Standard:

05 **Eligible service facilities shall comply with laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin, and laws concerning the licensing and approval of service facilities.**

06 **The attraction services shall include only facilities which have the primary purpose of providing amusement, historical, cultural, or leisure activities to the public.**

07 **Distances to eligible 24-hour pharmacies shall not exceed 3 miles in any direction of an interchange on the Federal-aid system.**

Guidance:

08 *Except as provided in [Paragraph 9](#), distances to eligible services other than pharmacies should not exceed 3 miles in any direction.*

Option:

09 If, within the 3-mile limit, facilities for the services being considered other than pharmacies are not available or choose not to participate in the program, the limit of eligibility may be extended in 3-mile increments until one or more facilities for the services being considered chooses to participate, or until 15 miles is reached, whichever comes first.

Guidance:

10 *If State or local agencies elect to provide Specific Service signing, there should be a statewide policy for such signing and criteria for the availability of the various types of services. The criteria should consider the following:*

A. *To qualify for a GAS logo sign panel, a business should have:*

1. *Vehicle services including gas and/or alternative fuels, oil, and water;*
2. *Continuous operation at least 16 hours per day, 7 days per week for freeways and expressways, and continuous operation at least 12 hours per day, 7 days per week for conventional roads;*
3. *Modern sanitary facilities and drinking water; and*

4. *Public telephone.*
- B. *To qualify for a FOOD logo sign panel, a business should have:*
 1. *Licensing or approval, where required;*
 2. *Continuous operations to serve at least two meals per day, at least 6 days per week;*
 3. *Modern sanitary facilities; and*
 4. *Public telephone.*
- C. *To qualify for a LODGING logo sign panel, a business should have:*
 1. *Licensing or approval, where required;*
 2. *Adequate sleeping accommodations;*
 3. *Modern sanitary facilities; and*
 4. *Public telephone.*
- D. *To qualify for a CAMPING logo sign panel, a business should have:*
 1. *Licensing or approval, where required;*
 2. *Adequate parking accommodations; and*
 3. *Modern sanitary facilities and drinking water.*
- E. *To qualify for an ATTRACTION logo sign panel, a facility should have:*
 1. *Regional significance, in compliance with the provisions of [Paragraph 6](#); and*
 2. *Adequate parking accommodations.*

Standard:

11 **If State or local agencies elect to provide Specific Service signing for pharmacies, both of the following criteria shall be met for a pharmacy to qualify for signing:**

- A. **The pharmacy shall be continuously operated 24 hours per day, 7 days per week, and shall have a State-licensed pharmacist present and on duty at all times; and**
- B. **The pharmacy shall be located within 3 miles of an interchange on the Federal-aid system.**

Support:

12 [Section 2I.04](#) contains information regarding the Interstate Oasis program.

Section 2J.02 Application

Standard:

01 **The number of Specific Service signs along an approach to an interchange or intersection, regardless of the number of service types displayed, shall be limited to a maximum of four. In the direction of traffic, successive Specific Service signs shall be for 24-hour pharmacy, attraction, camping, lodging, food, and gas services, in that order.**

02 **A Specific Service sign shall display the word message GAS, FOOD, LODGING, CAMPING, ATTRACTION, or 24-HOUR PHARMACY, an appropriate directional legend such as the word message EXIT XX, NEXT RIGHT, SECOND RIGHT, or directional arrows, and the related logo sign panels.**

03 **No more than three types of services shall be represented on any sign or sign assembly. If three types of services are displayed on one sign, then the logo sign panels shall be limited to two for each service type (for a total of six logo sign panels). If two types of services are displayed on one sign, then the logo sign panels shall be limited to either three for each service type (for a total of six logo sign panels) or four for one service type and two for the other service type (for a total of six logo sign panels). The legend and logo sign panels applicable to a service type shall be displayed such that the road user will not associate them with another service type on the same sign.**

04 **No service type shall appear on more than two signs (see [Paragraph 6](#)).**

05 **The signs shall have a blue background, a white border, and white legends of upper-case letters, numbers, and arrows.**

Guidance:

06 *Where a service type is displayed on two signs, the signs for that service should follow one another in succession.*

07 The Specific Service signs should be located to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right-of-way.

Option:

08 General Service signs (see Sections 2I.02 and 2I.03) may be used in conjunction with Specific Service signs for eligible types of services that are not represented by a Specific Service sign.

Support:

09 Examples of Specific Service signs are shown in Figure 2J-1. Examples of sign locations are shown in Figure 2J-2.

Figure 2J-1 Examples of Specific Service Signs

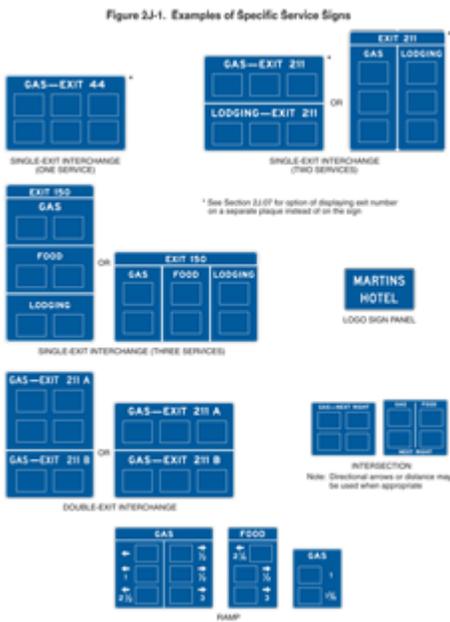
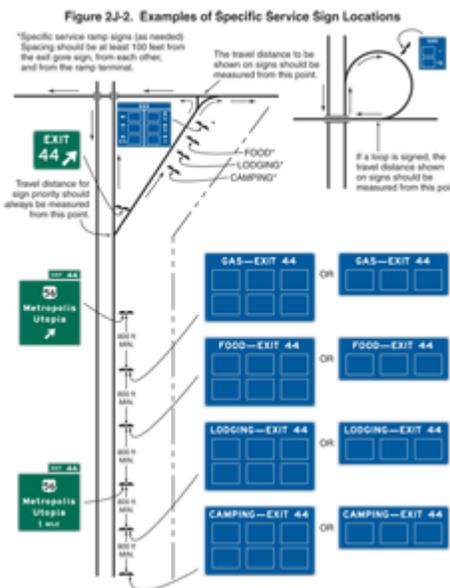


Figure 2J-2 Examples of Specific Service Sign Locations



Section 2J.03 Logos and Logo sign Panels

Standard:

01 A logo shall be either an identification symbol/trademark or a word message. Each logo shall be placed on a separate logo sign panel that shall be attached to the Specific Service sign. Symbols or trademarks used alone for a logo shall be reproduced in the colors and general shape consistent with customary use, and any integral legend shall be in proportionate size. A logo that resembles an official traffic control device shall not be used.

Guidance:

02 A word message logo, not using a symbol or trademark, should have a blue background with white legend and border.

Support:

03 [Section 2J.05](#) contains information regarding the minimum letter heights for logo sign panels.

Option:

04 Where business identification symbols or trademarks are used alone for a logo, the border may be omitted from the logo sign panel.

05 A portion of a logo sign panel may be used to display a supplemental message horizontally along the bottom of the logo sign panel, provided that the message displays essential motorist information (see [Figure 2J-3](#)).

Figure 2J-3 Examples of Supplemental Messages on Logo Sign Panels

Figure 2J-3. Examples of Supplemental Messages on Logo Sign Panels



Standard:

06 All supplemental messages shall be displayed within the logo sign panel and shall have letters and numerals that comply with the minimum height requirements shown in [Table 2J-1](#).

Table 2J-1. Minimum Letter and Numeral Sizes for Specific Service Signs According to Sign Type

Type of Sign	Freeway or Expressway	Conventional Road or Ramp
A. Specific Service Signs		
Service Categories	10	6
Exit Number Words	10	—
Exit Number Numerals and Letters	10	—
Action Message Words	10	6
Distance Numerals	—	6
Distance Fraction Numerals	—	4
B. Logo Sign Panels		
Logo Sign Panels	60 x 36	30 x 18
Words and Numerals (Non-Trademark/Graphic Logo)	8	4
Trademark/Graphic Logo	Proportional	Proportional
Supplemental Message Words and Numerals	5	2.5

Note: Sizes are shown in inches and where applicable are shown as width x height

Guidance:

07 A logo sign panel should not display more than one supplemental message.

08 The supplemental message should be displayed in a color to contrast effectively with the background of the business sign or separated from the other legend or logo by a divider bar.

09 State or local agencies that elect to allow supplemental messages on logo sign panels should develop a statewide policy for such messages.

Support:

10 Typical supplemental messages might include DIESEL, 24 HOURS, CLOSED and the day of the week when the facility is closed, ALTERNATIVE FUELS (see [Section 2I.03](#)), and RV ACCESS.

Option:

11 The RV ACCESS supplemental message may be circular.

Standard:

12 If the RV ACCESS supplemental message is circular, it shall be the abbreviation RV in black

letters inside a yellow circle with a black border and it shall be displayed within the logo sign panel near the lower right-hand corner (see [Figure 2J-4](#)).

[Figure 2J-4](#) Examples of RV Access Supplemental Messages on Logo Sign Panels

Figure 2J-4. Examples of RV Access Supplemental Messages on Logo Sign Panels



Guidance:

13 If the circular RV ACCESS supplemental message is used, the circle should have a diameter of 10 inches and the letters should have a height of 6 inches.

14 If a State or local agency elects to display the designation of businesses as providing on-premise accommodations for recreational vehicles with the RV ACCESS supplemental message or the RV Access circular message, there should be a statewide policy for such designation and criteria for qualifying businesses. The criteria should include such site conditions as access between the public roadway and the site, on-premise geometry, and parking.

Option:

15 If a business designated as an Interstate Oasis (see [Section 2I.04](#)) has a business logo sign panel on the Food and/or Gas Specific Service signs, the word OASIS may be displayed on the bottom portion of the logo sign panel for that business.

Standard:

16 A logo sign panel shall not display the symbol/trademark or name of more than one business.

Section 2J.04 Number and Size of Signs and Logo Sign Panels

Guidance:

01 Sign sizes should be determined by the amount and height of legend and the number and size of logo sign panels attached to the sign. All logo sign panels on a sign should be the same size.

Standard:

02 Each Specific Service sign or sign assembly shall be limited to no more than six logo sign panels.

Option:

03 Where more than six businesses of a specific service type are eligible for logo sign panels at the same interchange, additional logo sign panels of that same specific service type may also be displayed in accordance with the provisions of [Paragraph 4](#). The additional logo sign panels may be displayed either by placing more than one specific service type on the same sign (see [Paragraph 3](#) of [Section 2J.02](#)) or by using a second Specific Service sign of that specific service type if the additional sign can be added without exceeding the limit of four Specific Service signs at an interchange or intersection approach (see [Paragraph 6](#) of [Section 2J.02](#)).

Standard:

04 Where logo sign panels for more than six businesses of a specific service type are displayed at the same interchange or intersection approach, the following provisions shall apply:

- A. No more than 12 logo sign panels of a specific service type shall be displayed on no more than two Specific Service signs or sign assemblies;
- B. No more than six logo sign panels shall be displayed on a single Specific Service sign; and

C. No more than four Specific Service signs shall be displayed on the approach. Attachment 4

Support:

05 [Section 2J.08](#) contains information regarding Specific Service signs for double-exit interchanges.

Standard:

06 Each logo sign panel attached to a Specific Service sign shall have a rectangular shape with a width longer than the height. A logo sign panel on signs for freeways and expressways shall not exceed 60 inches in width and 36 inches in height. A logo sign panel on signs for conventional roads and freeway and expressway ramps shall not exceed 30 inches in width and 18 inches in height. The vertical and horizontal spacing between logo sign panels shall not exceed 8 inches and 12 inches, respectively.

Support:

07 [Sections 2A.14](#), [2E.15](#), and [2E.16](#) contain information regarding borders, interline spacing, and edge spacing.

Section 2J.05 Size of Lettering

Standard:

01 All Specific Service signs and logo sign panels shall have letter and numeral sizes that comply with the minimum requirements of [Table 2J-1](#).

Guidance:

02 Any legend on a symbol/trademark should be proportional to the size of the symbol/trademark.

Section 2J.06 Signs at Interchanges

Standard:

01 The Specific Service signs shall be installed between the preceding interchange and at least 800 feet in advance of the Exit Direction sign at the interchange from which the services are available (see [Figure 2J-2](#)).

Guidance:

02 There should be at least an 800-foot spacing between the Specific Service signs, except for Specific Service ramp signs. However, excessive spacing is not desirable. Specific Service ramp signs should be spaced at least 100 feet from the Exit Gore sign, from each other, and from the ramp terminal.

Section 2J.07 Single-Exit Interchanges

Standard:

01 At numbered single-exit interchanges, the name of the service type followed by the exit number shall be displayed on one line above the logo sign panels. At unnumbered interchanges, the directional legend NEXT RIGHT (LEFT) shall be used.

02 At single-exit interchanges, Specific Service ramp signs shall be installed along the ramp or at the ramp terminal for facilities that have logo sign panels displayed along the main roadway if the facilities are not readily visible from the ramp terminal. Directions to the service facilities shall be indicated by arrows on the ramp signs. Logo sign panels on Specific Service ramp signs shall be duplicates of those displayed on the Specific Service signs located in advance of the interchange, but shall be reduced in size (see [Paragraph 6](#) of [Section 2J.04](#)).

Guidance:

03 Specific Service ramp signs should include distances to the service facilities.

Option:

04 An exit number plaque (see [Section 2E.31](#)) may be used instead of the exit number on the signs located in advance of an interchange.

Section 2J.08 Double-Exit Interchanges

Guidance:

01 At double-exit interchanges, the Specific Service signs should consist of two sections, one for each exit (see [Figure 2J-1](#)).

Standard:

02 At a double-exit interchange, the top section shall display the logo sign panels for the first exit and the bottom section shall display the logo sign panels for the second exit. At numbered interchanges, the name of the service type and the exit number shall be displayed above the logo sign panels in each section. At unnumbered interchanges, the word message NEXT RIGHT (LEFT) and SECOND RIGHT (LEFT) shall be used in place of the exit number. The number of logo sign panels on the sign (total of both sections) or the sign assembly shall be limited to six.

Guidance:

03 At a double-exit interchange, where a service type is displayed on two Specific Service signs in accordance with the provisions of [Section 2J.04](#), one of the signs should display the logo sign panels for that service type for the businesses that are accessible from one of the two exits and the other sign should display the logo sign panels for that service type for the businesses that are accessible from the other exit.

Option:

04 At a double-exit interchange where there are four logo sign panels to be displayed for one of the exits and one or two logo sign panels to be displayed for the other exit, the logo sign panels may be arranged in three rows with two logo sign panels per row.

05 At a double-exit interchange, where a service is to be signed for only one exit, one section of the Specific Service sign may be omitted, or a single exit interchange sign may be used. Signs on ramps and crossroads as described in [Section 2J.07](#) may be used at a double-exit interchange.

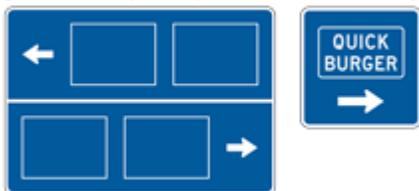
Section 2J.09 Specific Service Trailblazer Signs

Support:

01 Specific Service trailblazer signs (see [Figure 2J-5](#)) are guide signs with one to four logo sign panels that display business identification and directional information for services and for eligible attractions. Specific Service trailblazer signs are installed along crossroads for facilities that have logo sign panels displayed along the main roadway and ramp, and that require additional vehicle maneuvers.

[Figure 2J-5](#) Examples of Specific Service Trailblazer Signs

Figure 2J-5. Examples of Specific Service Trailblazer Signs



Standard:

02 Specific Service trailblazer signs shall be installed along crossroads where the route to the business requires a direction change, where it is questionable as to which roadway to follow, or where additional guidance is needed. Where it is not feasible or practical to install Specific Service trailblazer signs to such businesses, those businesses shall not be considered eligible for signing from the ramp and main roadway. A Specific Service trailblazer sign shall not be required at the point where the business is visible from the roadway and its access is readily apparent.

Guidance:

03 If used, a Specific Service trailblazer sign should be located a maximum of 500 feet in advance of any required turn.

Standard:

04 The location of other traffic control devices shall take precedence over the location of a Specific Service trailblazer sign.

05 When used, each Specific Service trailblazer sign or sign assembly shall be limited to no more than four logo sign panels. The logo sign panels on Specific Service trailblazer signs shall be duplicates of those displayed on the Specific Service ramp signs.

06 Appropriate legends, such as directional arrows or the word message NEXT RIGHT or SECOND RIGHT, shall be displayed with the logo sign panel to provide proper guidance. The directional legend and border shall be white and shall be displayed on a blue background.

Option:

07 Specific Service trailblazer signs may contain various types of services on a single sign or on a sign assembly.

08 Specific Service trailblazer signs may be placed farther from the edge of the road than other traffic control signs.

Section 2J.10 Signs at Intersections

Standard:

01 **Where both tourist-oriented information (see Chapter 2K) and specific service information would be needed at the same intersection, the design of the tourist-oriented directional signs shall be used, and the needed specific service information shall be incorporated.**

Guidance:

02 *If Specific Service signs are used on conventional roads or at intersections on expressways, they should be installed between the previous interchange or intersection and at least 300 feet in advance of the intersection from which the services are available.*

03 *The spacing between signs should be determined on the basis of an engineering study.*

04 *Logo sign panels should not be displayed for a type of service for which a qualified facility is readily visible.*

Standard:

05 **If Specific Service signs are used on conventional roads or at intersections on expressways, the name of each type of service shall be displayed above its logo sign panel(s), together with an appropriate legend, such as NEXT RIGHT (LEFT) or a directional arrow, either displayed on the same line as the name of the type of service or displayed below the logo sign panel(s).**

Option:

06 Signs similar to Specific Service ramp signs as described in [Section 2J.07](#) may be provided on the crossroad.

Section 2J.11 Signing Policy

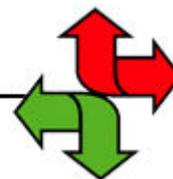
Guidance:

01 *Each highway agency that elects to use Specific Service signs should establish a signing policy that includes, as a minimum, the guidelines of [Section 2J.01](#) and at least the following criteria:*

- A. *Selection of eligible businesses;*
- B. *Distances to eligible services;*
- C. *The use of logo sign panels, legends, and signs conforming with this Manual and State design requirements;*
- D. *Removal or covering of logo sign panels during off seasons for businesses that operate on a seasonal basis;*
- E. *The circumstances, if any, under which Specific Service signs are permitted to be used in non-rural areas; and*
- F. *Determination of the costs to businesses for initial permits, installations, annual maintenance, and removal of logo sign panels.*

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Manual on Uniform Traffic Control Devices (MUTCD)



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2009 Edition Chapter 2K. Tourist-Oriented Directional Signs

Section 2K.01 Purpose and Application

Support:

01 Tourist-oriented directional signs are guide signs with one or more sign panels that display the business identification of and directional information for eligible business, service, and activity facilities.

Standard:

02 **A facility shall be eligible for tourist-oriented directional signs only if it derives its major portion of income or visitors during the normal business season from road users not residing in the area of the facility.**

Option:

03 Tourist-oriented directional signs may include businesses involved with seasonal agricultural products.

Standard:

04 **When used, tourist-oriented directional signs shall be used only on rural conventional roads and shall not be used on conventional roads in urban areas or at interchanges on freeways or expressways.**

05 **Where both tourist-oriented directional signs and Specific Service signs (see Chapter 2J) would be needed at the same intersection, the tourist-oriented directional signs shall incorporate the needed information from, and be used in place of, the Specific Service signs.**

Option:

06 Tourist-oriented directional signs may be used in conjunction with General Service signs (see [Section 2I.02](#)).

Support:

07 [Section 2K.07](#) contains information on the adoption of a State policy for States that elect to use tourist-oriented directional signs.

Section 2K.02 Design

Standard:

01 **Tourist-oriented directional signs shall have one or more sign panels for the purpose of displaying the business identification of and directional information for eligible facilities. Each sign panel shall be rectangular in shape and shall have a white legend and border on a blue background.**

02 **The content of the legend on each sign panel shall be limited to the identification and directional information for no more than one eligible business, service, or activity facility. The legends shall not include promotional advertising.**

Guidance:

03 *Each sign panel should have a maximum of two lines of legend including no more than one symbol, a separate directional arrow, and the distance to the facility displayed beneath the arrow. Arrows pointing to the left or up should be at the extreme left of the sign panel. Arrows pointing to the right should be at the extreme right of the sign panel. Symbols, when used, should be to the left of the word legend or logo sign panel (see [Paragraph 7](#)).*

Option:

04 The General Service sign symbols (see [Section 2I.02](#)) and the symbols for recreational and cultural interest area signs (see Chapter 2M) may be used.

05 Logo sign panels (see [Section 2J.03](#)) for specific businesses, services, and activities may also be used. Based on engineering judgment, the hours of operation may be displayed on the sign panels.

Standard:

06 When used, symbols and logo sign panels shall be an appropriate size (see [Section 2K.04](#)). Logos resembling official traffic control devices shall not be permitted.

Option:

07 The tourist-oriented directional sign may display the word message TOURIST ACTIVITIES at the top of the sign.

Standard:

08 The TOURIST ACTIVITIES word message shall have a white legend in all upper-case letters and a white border on a blue background. If used, it shall be placed above and in addition to the directional sign panels.

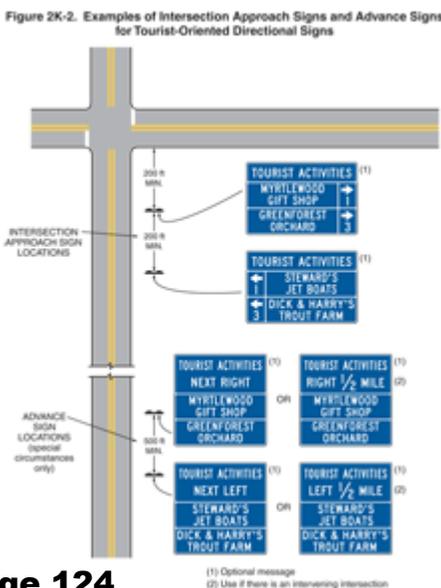
Support:

09 Examples of tourist-oriented directional signs are shown in [Figures 2K-1](#) and [2K-2](#).

Figure 2K-1 Examples of Tourist-Oriented Directional Signs



Figure 2K-2 Examples of Intersection Approach Signs and Advance Signs for Tourist-Oriented Directional Signs



Section 2K.03 Style and Size of Lettering

Guidance:

01 All letters and numbers on tourist-oriented directional signs, except on the logo sign panels, should be upper-case and at least 6 inches in height. Any legend on a logo should be proportional to the size of the logo.

Standard:

02 Design standards for letters, numerals, and spacing shall be as provided in the "Standard Highway Signs and Markings" book (see [Section 1A.11](#)).

Section 2K.04 Arrangement and Size of Signs

Standard:

01 The size of a tourist-oriented directional sign shall be limited to a maximum height of 6 feet. Additional height shall be allowed to accommodate the addition of the optional TOURIST ACTIVITIES message provided in [Section 2K.02](#) and the action messages provided in [Section 2K.05](#).

Guidance:

02 The number of intersection approach signs (one sign for tourist-oriented destinations to the left, one for destinations to the right, and one for destinations straight ahead) installed in advance of an intersection should not exceed three. The number of sign panels installed on each sign should not exceed four. The sign panels for right-turn, left-turn, and straight-through destinations should be on separate signs. The left-turn destination sign should be located farthest from the intersection, then the right-turn destination sign, with the straight-through destination sign located closest to the intersection (see [Figure 2K-2](#)). Signs for facilities in the straight-through direction should be considered only when there are signs for destinations in either the left or right direction.

03 If it has been determined to be appropriate to combine the left-turn and right-turn destination sign panels on a single sign, the left-turn destination sign panels should be above the right-turn destination sign panels (see [Figure 2K-1](#)). When there are multiple destinations in the same direction, they should be in order based on their distance from the intersection. Except as provided in [Paragraph 5](#), a straight-through sign panel should not be combined with a sign displaying left- and/or right-turn destinations.

04 The sign panels should not exceed the size necessary to accommodate two lines of legend without crowding. Symbols and logo sign panels on a directional sign panel should not exceed the height of two lines of a word legend. All directional sign panels and other parts of the sign should be the same width, which should not exceed 6 feet.

Option:

05 At intersection approaches where three or fewer facilities are displayed, the left-turn, right-turn, and straight-through destination sign panels may be combined on the same sign.

Section 2K.05 Advance Signs

Guidance:

01 Advance signs should be limited to those situations where sight distance, intersection vehicle maneuvers, or other vehicle operating characteristics require advance notification of the destinations and their directions.

02 The design of the advance sign should be identical to the design of the intersection approach sign. However, the directional arrows and distances to the destinations should be omitted and the action messages NEXT RIGHT, NEXT LEFT, or AHEAD should be placed on the sign above the business identification sign panels. The action messages should have the same letter height as the other word messages on the directional sign panels (see [Figures 2K-1](#) and [2K-2](#)).

Standard:

03 The action message sign panels shall have a white legend in all upper-case letters and a white border on a blue background.

Option:

04 The legend RIGHT 1/2 MILE or LEFT 1/2 MILE may be used on advance signs when there are intervening minor roads.

05 The height required to add the directional word messages recommended for the advance sign may be added to the maximum sign height of 6 feet.

Guidance:

06 *The optional TOURIST ACTIVITIES message, when used on an advance sign, and the action message should be combined on a single sign panel with TOURIST ACTIVITIES as the top line and the action message as the bottom line (see [Figure 2K-2](#)).*

Section 2K.06 Sign Locations

Guidance:

01 *If used, the intersection approach signs should be located at least 200 feet in advance of the intersection. Signs should be spaced at least 200 feet apart and at least 200 feet from other traffic control devices.*

02 *If used, advance signs should be located approximately 1/2 mile from the intersection with 500 feet between these signs. In the direction of travel, the order of advance sign placement should be to show the destinations to the left first, then destinations to the right, and last, the destinations straight ahead.*

03 *Position, height, and lateral offset of signs should be governed by Chapter 2A except as permitted in this Section.*

Option:

04 *Tourist-oriented directional signs may be placed farther from the edge of the road than other traffic control signs.*

Standard:

05 **The location of other traffic control devices shall take precedence over the location of tourist-oriented directional signs.**

Section 2K.07 State Policy

Standard:

01 **To be eligible for tourist-oriented directional signing, facilities shall comply with applicable State and Federal laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin, and with laws concerning the licensing and approval of service facilities. Each State that elects to use tourist-oriented directional signs shall adopt a policy that complies with these provisions.**

Guidance:

02 *The State policy should include:*

- A. *A definition of tourist-oriented business, service, and activity facilities.*
- B. *Eligibility criteria for signs for facilities.*
- C. *Provision for incorporating Specific Service signs into the tourist-oriented directional signs as required by [Paragraph 5](#) of [Section 2K.01](#).*
- D. *Provision for covering signs during off seasons for facilities operated on a seasonal basis.*
- E. *Provisions for signs to facilities that are not located on the crossroad when such facilities are eligible for signs.*
- F. *A definition of the immediate area in compliance with the provisions of [Paragraph 2](#) of [Section 2K.01](#).*
- G. *Maximum distances to eligible facilities. The maximum distance should be 5 miles.*
- H. *Provision for information centers (plazas) when the number of eligible sign applicants exceeds the maximum permissible number of sign panel installations.*
 - I. *Provision for limiting the number of signs when there are more applicants than the maximum number of signs permitted.*
- J. *Criteria for use at intersections on expressways.*
- K. *Provisions for controlling or excluding those businesses which have illegal signs as defined by the Highway Beautification Act of 1965 (23 U.S.C. 131).*
- L. *Provisions for States to charge fees to cover the cost of signs through a permit system.*
- M. *A definition of the conditions under which the time of operation is displayed.*

N. Provisions for determining if advance signs will be permitted, and the circumstances under which they will be installed.

Attachment 4

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**YAMHILL COUNTY PUBLIC WORKS DEPARTMENT
TOURIST- AND BUSINESS-ORIENTED DIRECTIONAL SIGNS
COUNTY AND PUBLIC ROAD RIGHT-OF-WAY SIGN POLICY**

BACKGROUND

Yamhill County has an established policy regarding signs in its Zoning Ordinance. However, this policy does not address tourism and business signs located within County road right-of-way. Since the late 1980s, the Public Works Department (Department) has informally provided ‘blue signs’ upon request to provide direction to rural tourist and business operations. The number of requests for signage has increased substantially over the past several years. Public safety traffic control signs and directional signs vie for attention from the motoring public, often resulting in decreased effectiveness of the signs and potentially unsafe roadside distractions. A reasonable balance between effective directional signing within the County highway right-of-way is necessary.

The over-riding objective of providing tourism and business directional signing is to improve road safety by giving clear information to road users, allowing them to clearly identify the route to reach their destination. Therefore, tourist and business signing will only be permitted where it will contribute towards a safe journey by giving clear route information to key tourist and business destinations, or where it will direct motorists to use the most appropriate route in road safety terms. Directions to all urban areas within the County are clearly marked, and directions to businesses within city limits will be the responsibility of the city within which it is located.

Yamhill County supports limited roadside directional signage to support local rural business in a manner that is self-funding and does not burden the general taxpayer. However, this must be accomplished in a manner that does not create an unsafe roadside distraction or interfere with safety signing. For the safety and convenience of the traveling public, this policy is adopted to provide a consistent approach to allow safe roadside signage within the County road right-of-way.

GENERAL STANDARDS

The Yamhill County Road Right-of-way Sign Policy establishes the process for the placement of roadside directional signs within the right-of-way of roads under the jurisdiction of the County. This policy is consistent with the Yamhill County Zoning Ordinance and supersedes all previously written and unwritten policies and practices of the Department regarding the installation and maintenance of signs within its jurisdiction. The following general standards apply:

1. Tourist and business signing is not intended as a marketing or advertising tool, and requests for signing that are made simply to promote a tourist destination or business will not be approved.

2. The purpose of the tourist- and business-related roadside signing is to provide direction within County road right-of-way only where privately-owned off-highway signs would not reasonably provide adequate directions to motorists.
3. Signs will not be placed on County road right-of-way within city limits.
4. Signs will not direct to a tourism destination or business located within city limits.
5. Traffic control signing has priority over all other types of roadside signing. Directional signing may be allowed provided it does not interfere with the existing or foreseen traffic control signing necessary to safeguard the traveling public.

ELIGIBILITY CRITERIA

1. Only facilities open to the general public are allowed signing.
2. Signs can be placed within County right-of-way for the following purposes:
 - a. Tourist-related business or approved business not visible from the primary County road access.
 - b. Tourist-related business or approved business that derives its major portion of income or visitors during the normal business season from road users not residing in the area of the facility. This includes businesses involved with seasonal agricultural products including U-Pick and On-Farm sales.
3. A maximum of four signs will be permitted for each business; only one sign per business may be posted at each location.
4. An individual business or aggregate of businesses shall provide the following minimum level of services:
 - a. Consistently open to the public and maintain regular hours and schedules.
 - b. Where food or drink is available to the public for on-site consumption, restroom facilities and drinking water must be available.
 - c. Adequate off-public road parking accommodations.
 - d. Must possess any required business license approved by the state and/or local agency regulating the particular business.
5. Each business or tourist destination identified by a direction sign shall provide assurance of its conformity with all applicable laws concerning the public accommodation without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.
6. The Department may immediately remove the tourist or business directional sign if a business or tourist destination violates any section of this law or regulation.

APPLICATION PROCESS

1. Directional signage shall be installed within the County road right-of-way only upon the written approval of the County Public Works Director or designee.
2. Applications can be approved for a total of four signs per business, and for one business sign per location.
3. Applications shall be submitted on a form approved by the Department with required fees:
 - a. For new signs, a fee of \$170 per sign to cover costs of coordination for location, fabrication and installation of each sign.

- b. A replacement sign requested by the applicant due to a name change or for any reason will pay a fee of \$85 per sign to cover the costs of coordination, fabrication and installation of the new sign.
- 4. Applications will be received and recorded by the Department at any time.
- 5. Installation of the approved sign(s) will be performed by the County and will be subject to the scheduling of the Department, but no later than two months after an approved application.

ANNUAL SIGN RENEWAL

- 1. An annual fee for all signs permitted under this policy will be charged to make this program self-sustaining.
 - a. At the beginning of the calendar year, the applicant of record will be mailed or emailed an annual renewal invoice in the amount of \$50 per sign.
 - b. Payment will be required within 30 days of receipt of the invoice. It is the responsibility of the applicant of record to keep permit information current, and the Department assumes no responsibility for failure of the applicant of record to receive the invoice.
 - c. Signs posted after June 30 will not be required to pay an annual fee at the end of that year.
 - d. Signs for which the annual fee is not received within 30 days will be removed by the Department. Reinstallation of the sign will be through a new application process.
- 2. The Department will maintain a current inventory of all signs permitted under this policy.
- 3. All fees related to this policy will be used exclusively to develop, maintain, administer and enhance the blue sign program in Yamhill County.
- 4. The County Public Works Director will work with the County Road Improvement Advisory Committee (RIAC) to prepare an annual report documenting activities completed under this policy and anticipated for the following year, including fees and expenditures. This report will be submitted to the County Commissioners and will be posted on the County website.

SIGN PLACEMENT

- 1. In general, tourist or business signing will be provided on the most appropriate location(s) upon the road network as determined by the County Public Works Director or designee.
 - a. If the Public Works Director or designee determines that no acceptable location exists for the tourist or business sign, the entire application fee will be refunded.
 - b. If the applicant does not approve of the sign location, the applicant may withdraw the application and 50 percent of the application fee will be refunded.
 - c. The County reserves the right to remove tourist or business signing where these are to be incorporated into an overall signing scheme for safety reasons; or where the tourist or business destination is no longer in business.
- 2. Tourist and business signing should complement rather than duplicate existing signing. Signs should only be used where locations are difficult to find or to encourage visitors to use certain routes to reach the destination.
- 3. Distance to the destination.
 - a. The distance from the first sign to the destination should be appropriate to the traffic management and safety requirements and should not extend for more than 5 miles from the destination.

- b. At his discretion, the Public Works Director or designee may approve a further distance where additional route guidance is needed.
- 4. Placement of all signs will be in compliance with the current version of the Manual of Uniform Traffic Control Devices (MUTCD).
- 5. Intersection directional signs (see Figure 1).
 - a. Signs will be a minimum of 300 feet, but not more than 700 feet, in advance of an intersection, or as approved by the Public Works Director or designee.
 - b. No signs will be permitted between warning signs indicating an approaching intersection or stop sign (i.e., Stop Ahead) and the intersection or stop sign.
 - c. There shall be no more than 3 sign post assemblies, with a maximum of 4 businesses per sign post, on any approach to an intersection. Applications will be processed on a first-come, first-served basis until the 3 sign post assemblies are full, after which no new applications will be accepted for that intersection approach.
 - d. Multiple sign posts will be a minimum of 200 feet apart.
 - e. Signs will be located at least 200 feet from other traffic control devices.
 - f. Sign assemblies should normally be installed as follows:
 - 1) At intersection approaches where 4 or fewer facilities are shown, all traffic movements may be combined on the same sign, with arrows pointing straight ahead above left-turn arrows, and left-turn arrows above right-turn arrows.
 - 2) Where more than 4 facilities are shown, signs for straight-ahead, left-turn and right-turn destinations will be on separate sign assemblies with a maximum of 4 signs per assembly. The straight-ahead destination signs should be located farthest from the intersection, then the left-turn destination signs, with the right-turn destination signs located closest to the intersection.
 - 3) When there are multiple destinations in the same direction, they should be in order based on their distance from the intersection with the closest destination ahead of further destinations.
- 6. Directional signs between intersections.
 - a. Directional signs between intersections will be limited to those situations where sight distance, intersection vehicle maneuvers, or other vehicle operating characteristics require advance notification, where there are intervening minor roads, or where intersection sign posts are full.
 - b. The use of both an intersection sign and a non-intersection sign within the same road segment for the same business is not allowed.
 - c. Non-intersection signs will be located at places outside an intersection only in special circumstances agreed to by the County Public Works Director or his designee.
 - d. Non-intersection directional signs shall have directional information 'AHEAD' or 'NEXT LEFT' or 'NEXT RIGHT' as required instead of a direction arrow.
- 7. Sign clusters or kiosks.
 - a. When feasible, sign clusters will be encouraged to provide the traveling public with a safe off-road opportunity to view signs outside of the normal roadway travel lanes. Businesses will be encouraged to work together with the Department to provide an attractive and safe off-road experience.
 - b. Where adequate County right-of-way is available, the Department will work with businesses to develop a turnout for the traveling public to view a collection of signs.

- c. Within reason, the Department may be flexible in the design and content of signs included in a sign cluster, consistent with local, state and federal signing requirements, and at the discretion of the Public Works Director.
 - d. Within reason, the Department will maintain sign cluster turnouts as part of routine County road maintenance activities.
 - e. Where appropriate, an advance sign may be placed to alert the traveling public of the off-road sign cluster ahead.
 - f. Businesses participating in a sign cluster or kiosk will pay the same individual fee as a single sign. The fee will be waived for an advance sign alerting the traveling public to the off-the-road sign cluster ahead.
- 8. Except as required by other sections of this policy, replacement of multiple signs on a post will be in the order of applications received, starting with the oldest application at the top.
 - 9. The Public Works Director or designee has discretion to modify sign placement to address issues of terrain, vegetation, or other common sense issues that renders these provisions unreasonable or infeasible.

SIGN DIMENSIONS / CONTENT

- 1. All signs shall be in conformance with the current version of the MUTCD.
- 2. Signs shall be a maximum of 30 inches wide by 18 inches high and shall contain no more than two lines of text. All letters and numbers will be upper-case and 4 inches in height (see Figure 2).
- 3. Signs shall contain only the registered business name or a portion of that name, distance to the destination to the nearest one-quarter mile, and a directional arrow.
- 4. Arrows pointing to the left or straight ahead will be at the extreme left of the sign. Arrows pointing to the right will be at the extreme right of the sign.
- 5. Signs will be retro reflective white lettering on blue retro reflective background.
- 6. Seasonal signs will designate months of operation.
- 7. Sign clusters or kiosks may be flexible in the dimensions, design and content of signs included in a sign cluster at the discretion of the Public Works Director.

SIGN REMOVAL / RELOCATION

- 1. Signs located and installed in compliance with this policy and damaged by direct contact with County equipment will be repaired at the expense of the County.
- 2. The County will remove damaged, deficient or obsolete signs when deemed appropriate by the County. The County will provide 30 days written notice to the applicant of record prior to removal of a sign to allow the applicant of record to apply for a replacement sign.
- 3. When requested by the applicant, the County will replace damaged, stolen or otherwise deficient signs upon receipt of an \$85 application fee.
- 4. The County will remove any sign which restricts clear vision or which creates a hazard, without notice, upon being made aware of the vision restriction or hazard. Notice will be provided to the applicant of record to agree on a new sign location or permanent removal of the sign.
- 5. The County will relocate any sign when it is determined to be in the best interest of the traveling public. Unless there is a clear vision or hazard issue, the County will provide 30

days written notice to the applicant of record prior to removal of a sign to allow the applicant of record to agree to a new sign location or permanent removal of the sign.

6. The County makes no guarantee on the permanency of the placement of any sign.

MAINTENANCE

1. County maintenance shall consist of cleaning the sign and vegetation control around the sign to maintain visibility, straightening leaning or downed signs, and responding to specific reasonable requests by the sign applicant of record.
2. Replacement or repair shall be as indicated above.
3. For sign clusters, County maintenance will be as agreed upon in writing between the Department and the sign applicants.

ILLEGAL SIGNS

1. No business or advertising signs shall be allowed on Yamhill County public road right-of-ways except as permitted by this policy.
2. Existing signs that are not in compliance with MUTCD or deemed by the Public Works Director or designee to be unsafe or roadside distractions or that interfere with normal safety road signs are required to be in compliance with this policy by _____, 2013. Applicants of record will be notified in writing of non-conformance and will be given 30 days to apply for a sign in compliance with this policy. After 30 days, non-compliant signs will be removed by the Department.
3. Existing signs that are not deemed unsafe or a roadside distraction to the traveling public, and that do not interfere with normal safety road signs may remain for the life of the sign, or until the owner requests removal, or the sign is deemed unsafe.
4. The Department will waive the application fee to replace existing signs to bring them into compliance with this policy. Other costs of complying with this policy are the responsibility of the applicant or business.

APPEALS

Disagreements with sign requirements or denial of sign issuance can be appealed to the Yamhill County Road Improvement Advisory Committee (RIAC). Decisions by RIAC can be appealed to the Yamhill County Board of Commissioners, who are the final decision authority.

SAVINGS CLAUSE

If any section or part of this policy is held to be illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirement of this policy.

ENFORCEMENT

This policy may be enforced in any manner authorized by state or local law, including ORS Chapters 368 and 374, and Yamhill County Ordinance No. ____.

Figure 1. Installation of intersection directional signs.

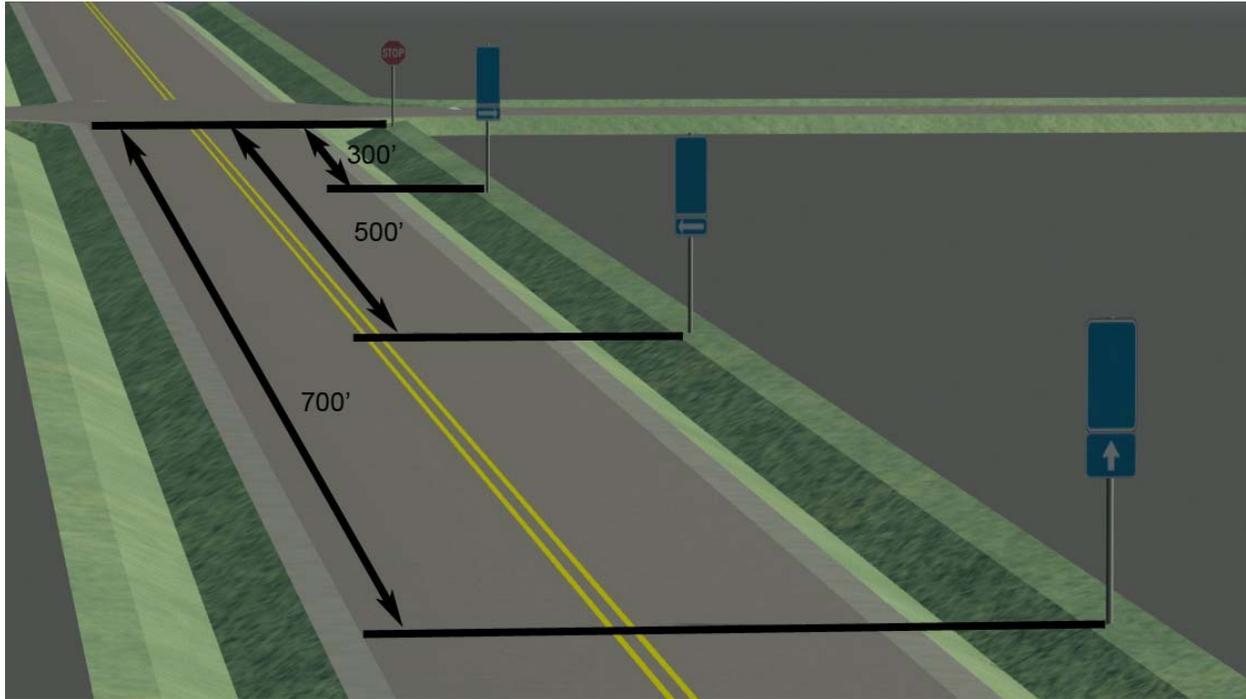
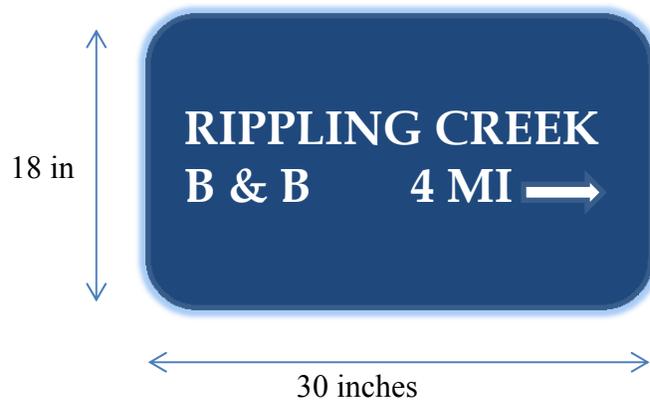


Figure 2. Typical directional sign



Policy Prepared 19 June 2012

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**YAMHILL COUNTY PUBLIC WORKS DEPARTMENT
TOURIST- AND BUSINESS ORIENTED DIRECTIONAL SIGN
APPLICATION**

FOR OFFICE USE ONLY:		
Application No. _____	Fee Received _____	Date _____

Name of Business/Organization	Type of Business
-------------------------------	------------------

Business Address	City	State	Zip Code	Phone	Email
------------------	------	-------	----------	-------	-------

Applicant Address	City	State	Zip Code	Phone	Email
-------------------	------	-------	----------	-------	-------

Name and Title of Authorized Representative/Officer	Phone	Email
---	-------	-------

	Yes	No
Is the business located in Yamhill County outside city limits?	___	___
Is the business visible from a primary County road?	___	___
Are there other off-site signs to this business? If yes, where are they located?	___	___

Is this business open to the public? If yes, does it provide the following facilities? ___ ___

Restroom facilities ___ ___

Drinking water ___ ___

Adequate parking off public road right-of-way ___ ___

Does the business possess all required state and local permits and/or licenses? ___ ___

Does the business operate without regard to race, color, sex, culture, social origin/condition, or political or religious ideas? ___ ___

Is the business open all year? ___ ___

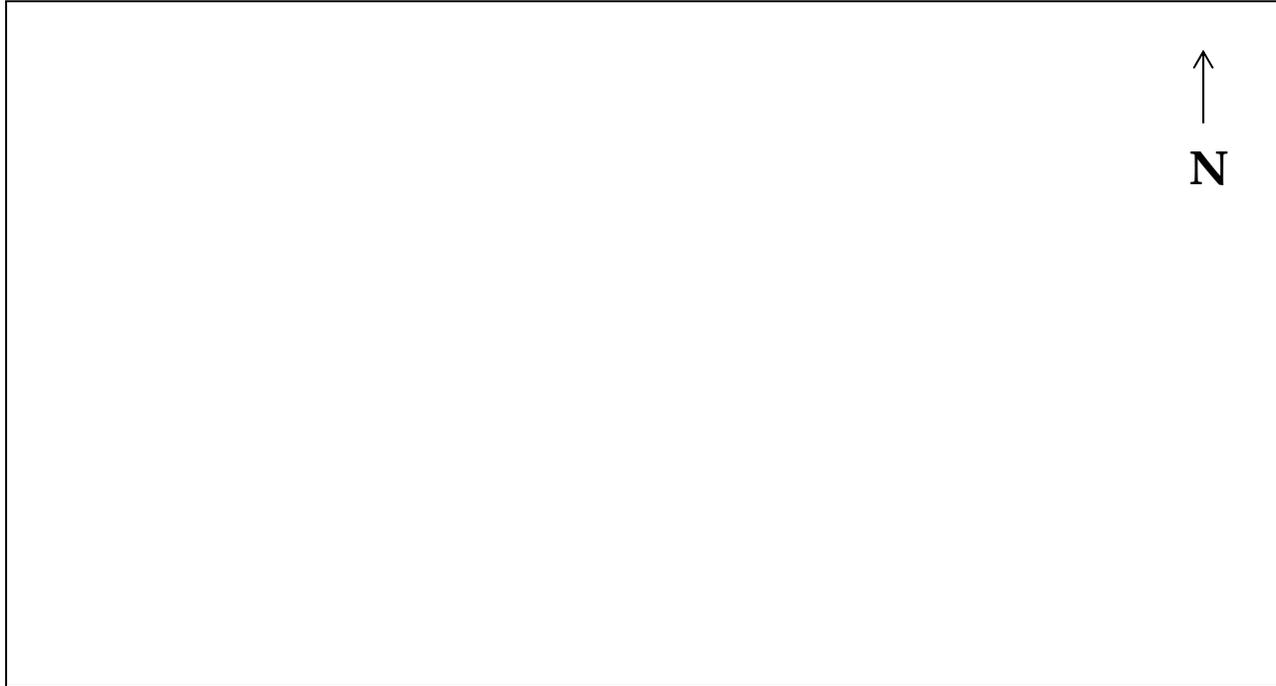
If seasonal, what continuous months is the business open? _____

Normal business hours: Hours per day _____ Days per week _____

How many signs are requested? _____

What is the name of the business as it should appear on the sign(s)? _____

In the box below, please draw where you would like to see the sign(s) located on the road, including distance of the sign from your business.



Instructions:

1. Applicant must complete all information and sign the application form.
2. Application must be submitted with the following fees:
 - a. \$170 per sign for coordination, manufacture and posting of sign
 - b. \$85 for replacement of an existing sign
3. The County Public Works Director/designee will define the location, wording and estimated cost of the sign(s) based on the information provided in the application. This information will be reviewed with the applicant.
4. Upon agreement on sign location and wording, the County will prepare and install the sign(s).
5. Routine maintenance of the sign (cleaning, annual inspection, etc.) will be done by the County.
6. A \$50 per sign annual fee will be assessed at the beginning of each calendar year.

All questions should be directed to Bill Anderson at (503) 472-7515. Return the completed form to: Yamhill County Public Works Department, 2060 Lafayette Avenue, McMinnville, OR 97128, ATTN: Blue Sign Application.

I have read and understand the Yamhill County Public Works Department *Policy for Tourist- and Business-Oriented Directional Signs for County and Public Road Right-of-Way* and agree to all provisions of that policy. I certify that all information presented in this application is true and correct.

Signature of Authorized Representative

Date
Form developed 19 June 2012

Pete Miller, Proprietor
Caravan Coffee
2750 E. 9th Street
Newberg, OR 97132
pete@caravancoffee.com
cell: 503-522-0136

COPY

Provide follow-up TOD Signage

A request to the City of Newberg City Council
April 1, 2013

I request "Tourist Oriented Directional" follow up signs for my Coffee Tasting Room to support the conditional approval that I have recently received from the State of Oregon for such signs on St Paul Hwy. Last month I talked with Barton Brierley, City of Newberg Planning and Building Director, who told me the City does not have rules or programs for such signs and directed me to you, The City Council. Mayor Bob Andrews reviewed my proposal and has kindly put me on the agenda today.

TOD signs consist of a blue sign panel with white letters stating the name of a qualified tourist oriented business or activity or qualified historical or cultural feature together with directional information located on non-interstate, rural highways.

TOD signs are are classified as traffic control devices and must meet all regulations set by the Federal Highway Administration and State sign standards. Many confuse these signs with advertising; but as you can see, they are not. They must fall within the restricted requirements of Federal and State sign regulations or the Oregon Department of Transportation (ODOT) can lose a percentage of its Federal funding.

I ask the City of Newberg to:

1. Install a Traffic follow-up sign at the intersection of Industrial Pkwy and E. 9th Street. This sign would display "Caravan Coffee" with a directional arrow guiding motorists to turn right at 9th Street to my Tasting Room.
2. Install a Traffic sign on Springbrook Rd, Southbound, approximately 50 feet before the Intersection with St Paul Hwy 219. This sign would display "Caravan Coffee - Ahead ¼ mile", guiding motorists straight to Industrial Pkwy from Springbrook Rd.

These "Traffic Signs" requested support a conditional approval from the State of Oregon to place "Tourist Oriented Designation" Signs on State Hwy 219 , aka: "St Paul Highway", to turn onto Industrial Parkway to "Caravan Coffee Tasting Room".

OREGON TRAVEL EXPERIENCE (OTE)
1500 LIBERTY ST SE, SUITE 150
SALEM OR 97302
503-378-4508 / FAX # 503-378-6282
dianec@oregonte.com

AGENCY MEMO/FOR YOUR INFORMATION

DATE: March 18, 2013
TO: WHOM IT MAY CONCERN
FROM: DIANE CHEYNE, SIGN OPERATIONS DIRECTOR
RE: IN-CITY-FOLLOW-UP SIGNING

Caravan Coffee meets our criteria for sign installation on Hwy 219 at Springbrook Rd. contingent upon follow-up signing being permitted and installed.

In order to ensure adequate motorist guidance to the facility, OTE is requesting that a follow-up sign be installed:

- ✓ At the intersection of Industrial Parkway and E. 9th St. directing the motorist RIGHT onto E. 9th St.

The sign should be installed by the city, county, or on private property with the local road authority's approval. OTE cannot install any signing on non-state highway right-of-way (according to Oregon Administrative Rule 733-30-0055).

Installation of the state signs is contingent upon the installation of the in-city-follow-up signing. The Tourist Oriented Directional (TOD) signs will not be installed unless we have verification that the follow-up sign has been provided.

The follow-up sign needs to display either the type of service, ie: "COFFEE", or the registered business name of the facility and a directional arrow.

While OTE has no formal guidelines for the manufacture of the follow-up sign, please consider these suggestions:

- 1) The sign should have a blue background with white lettering (similar to the actual TOD signs)
- 2) TOD legend sizes are usually 6" letters, based on the 2009 edition of the Federal Manual on Uniform Traffic Devices (MUTCD). However, sizes are at the discretion of the local jurisdiction.

PLEASE CALL IF YOU HAVE ANY QUESTIONS. THANK YOU.



Oregon

John A. Kitzhaber, MD, Governor

Attachment 6

Travel Information Council

1500 Liberty St SE Ste 150

Salem, OR 97302-4386

March 18, 2013

PETE MILLER
CARAVAN COFFEE
2750 E. 9TH ST.
NEWBERG, OR 97132

Dear Mr. Miller:

Congratulations. You qualify for signage North and Southbound on Hwy 219 at Springbrook Rd.

For the signage, you need to obtain follow-up signing at the intersection of Industrial Parkway and E. 9th St. directing the motorist RIGHT onto E. 9th St.

You need to contact the local road authority, Yamhill County or the City of Newberg, to obtain information on sign placement. The Oregon Travel Experience (OTE) is allowed to install signs only on State right-of-way

Before your Tourist Oriented Directional signing can be installed, you will need to send proof of the installation of the in-city-follow-up sign.

Enclosed is a memo detailing the need for the sign and its location. Please forward the memo to the local road authority.

Respectfully,

Diane Cheyne
Sign Operations Director
dianec@oregonte.com

enclosure



OREGON TRAVEL EXPERIENCE (OTE)
1500 LIBERTY ST SE, SUITE 150
SALEM OR 97302
503-378-4508 / FAX # 503-378-6282
dianec@oregonte.com

AGENCY MEMO/FOR YOUR INFORMATION

DATE: March 18, 2013
TO: WHOM IT MAY CONCERN
FROM: DIANE CHEYNE, SIGN OPERATIONS DIRECTOR
RE: IN-CITY-FOLLOW-UP SIGNING

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- 1) The sign should have a blue background with white lettering (similar to the actual TOD signs)
- 2) TOD legend sizes are usually 6" letters, based on the 2009 edition of the Federal Manual on Uniform Traffic Devices (MUTCD). However, sizes are at the discretion of the local jurisdiction.

PLEASE CALL IF YOU HAVE ANY QUESTIONS. THANK YOU.

CARAVAN COFFEE
2750 E. 9TH STREET
NEWBERG, OR 97132



Oregon Travel Experience
1500 Liberty St. SE, Suite 150
Salem, OR 97302
503-378-4508 1-800-574-9397
503-378-6282 FAX
otravelexperience.com



TOURIST ORIENTED DIRECTIONAL SIGNS APPLICATION

Please complete the following information as it applies to your business. Oregon Travel Information Council (dba, Oregon Travel Experience) rules stipulate that ONLY the REGISTERED BUSINESS NAME is allowed on the Tourist Oriented Directional (TOD) Sign.

Registered Business Name: Caravan Coffee
Facility Address: 2750 E. 9th Street
City: Newberg Zip: 97132 County: Yamhill
Facility Phone: (503) 538-7365 Fax: (503) 537-3908
Contact Person: Pete Miller Phone: (503) 522-0136
Mailing/Billing Address: 2750 E. 9th Street
City: Newberg Zip: 97132
Website: caravancoffee.com E-Mail: pete@caravancoffee.com

Off-Interstate Highway Information

Off Interstate Highway # 5 Nearest Mile point: 284 Nearest City: Wilsonville
Approximate distance from intersection to driveway of facility Miles¹³ and/or Feet _____
Approaching Highway Directions (please circle): North South East West

Facility Operating Hours/Days/Seasonal

TOD facilities are required to be open 6 days/week, 6 hours/day

Hours of Operation: From: 8 AM/PM To: 5 AM/PM

Days of Operation: (please circle) 7 days/week OR Mon Tues Wed Thurs Fri Sat Sun

Open: (circle one) Year Round OR Seasonal

Seasonal Facilities: (indicate the approximate months the facility is open):

From: _____ To: _____

← 8 am to 3 pm
← 10 am - 1 pm

If your business does not meet all the Facility Operating Hours/Days/Seasonal qualifications, it may be eligible for a waiver and a rider. Riders are assessed a one-time fee. Waivers are granted on a case by case basis in accordance with Oregon Administrative Rules. Examples of acceptable riders are (but not limited to): Weekends Only, Open Thurs-Sun, Open 1-4pm Daily, Open May-Sept., Open Oct-April. Explain below why your facility should be granted a waiver. Additional pages of information may be attached to the application as needed. Type or print.

Saturday hours will be expanded to 10 am to 4 pm
permanently starting June 1, 2013. This will meet
the Facility Operating qualifications.

TOD QUALIFICATIONS:

Please check (✓) below that your business provides these minimum levels of services

- Open 6 days/week, 6 hours/day during normal business season (effective June 1, 2013)
- Restroom facilities
- Drinking water
- Adequate Parking
- Licensing, if required by local jurisdiction

Note- Please state the reasons why your business **CANNOT** meet all of the qualifications for TOD in the space below. Additional pages of information may be attached to the application as needed. Type or print.

We will meet all qualifications effective June 1, 2013 when we expand our Saturday hours from 3 hours to 6 hours.

TOD CATEGORIES:

Business must fall within one of the following categories. Check (✓) all that apply.

- Cultural (Such as Art Galleries)
- Historical (Such as Historic Sites)
- Recreational (Such as Golf Courses, Jet Boat Rides)
- Educational (Such as Museums)
- Unique or unusual commercial or non-profit activity (Such as one-of-a kind or limited/distinctive activity)

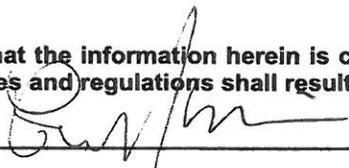
Note- TOD signs are for businesses whose major portion of income or visitors are derived during the normal business season from motorists not residing in the immediate area of activity. How does your facility qualify under this definition? Please explain. Additional pages of information may be attached to the application as needed. Type or print.

Caravan Coffee is an Artisan Coffee Roaster established in Yamhill County's Wine Country. The Tasting Room provides a unique experience to the public where our Coffee Steward explains the origins, farming practices, and roasting ~~to peak flavor create~~ ~~Flavor techniques creating~~ peak Flavor attributes. Guests are invited to taste coffees from around the world that are manually prepared by the cup as a "Fresh Pour". The roasting operation can be seen from the Tasting Room. Tours, Cuppings, and other events are scheduled at Caravan Coffee on a regular basis.

CARAVAN COFFEE
2750 E. 9TH STREET
NEWBERG, OR 97132

Required Signature

I certify that the information herein is correct and understand that non-compliance of this application and all TIC rules and regulations shall result in immediate removal of all tourist oriented directional signage.

SIGNED:  DATE: 01-29-2013

PRINTED NAME: Pete Miller

TITLE: GM FOR: Caravan Coffee
Business Name

Please Attach the Following to your Application

1. Copy of REGISTERED BUSINESS NAME from the Oregon Secretary of State's office: Phone- (503)-986-2200 or Website- www.filinginoregon.com/business/index.htm. Click on Assumed Business Name – Register Online.
2. Local business license, if required
3. Map or sketch of the business in relation to the nearest highway, streets, intersections, etc.. Official or county maps are preferred. Submission of a detailed map with your application will decrease the review time by OTE.
4. *Photographs of:
 - a. Facility from approximately 300' in each direction (300' = 8 highway "skip lines")
 - b. Outdoor on-premise signing that is visible to motorists

***USE EXTREME CAUTION** when attempting to take photographs from the roadway as all acts by the applicant in the process of completing the criteria report and/or application are solely at the applicant's risk. The State of Oregon, TIC, OTE, and their members and employees shall be indemnified by the applicant in the event of any claim or suit arising out of the acts of the applicant. **UNDER NO CIRCUMSTANCES** should the applicant attempt to take photographs while operating a motor vehicle.

Final Checklist

Before mailing, did you remember to:

1. Sign the application on the third page?
2. Enclose a copy of your Registered Business Name?
3. Enclose a copy of your local business license, if required?
4. Enclose a map showing where your business is located in relation to the highway?
5. Enclose photographs of your on premise business signing with views from the roadway?

Attention to the checklist will significantly decrease the amount of review time necessary to process your application - THANKS!

<p>Oregon Travel Experience PHONE: 503-378-4508 or 1-800-574-9397 FAX: 503-378- 6282 1500 Liberty St. SE, Suite 150 Salem, OR 97302</p>
--

office use only –

Please Keep a Copy of this Application Should OTE Need to Contact You for Clarification or Additional Information

(Sales Representative signature)



CARAVAN COFFEE
2750 E. 9TH STREET
NEWBERG, OR 97132

MAP

George Fox
University

99W

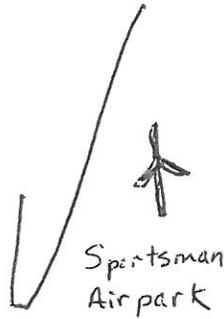
PORTLAND →

← NEWBERG

HWY 219

ST. PAUL HWY (99W)

Springbrook Rd.



1

Industrial PKwy

2

9th street

4

★
Caravan Coffee
Tasting Room

Wilsonville Rd

3

Wynooski

← WILSONVILLE →

To I-5
Exit #284
13 miles

Proposing 4 TOD signs, (refer to attached map):

1

Next Right
Caravan Coffee
Tasting Room

2

1/4 Mile Ahead
Caravan Coffee
Tasting Room

3

Next Left
Caravan Coffee
Tasting Room

4

Right Turn
Caravan Coffee
Tasting Room



Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
Fax:(503)378-4381
www.sos.state.or.us/corporation/corphp.htm

Registry Number: 642594-85
Type: ASSUMED BUSINESS NAME

CARAVAN COFFEE
PETER MILLER
2750 E 9TH ST
NEWBERG OR 97132

Acknowledgment Letter

The document you submitted was recorded as shown below. Please review and verify the information listed for accuracy.

If you have any questions regarding this acknowledgement, contact the Secretary of State, Corporation Division at (503)986-2200. Please refer to the registration number listed above. A copy of the filed documentation may be ordered for a fee of \$5.00. Submit your request to the address listed above or call (503)986-2317 with your Visa or MasterCard number.

Document

AMENDMENT OF REGISTRATION

Filed On

02/21/2003

Name

CARAVAN COFFEE

Principal Place of Business

2750 E 9TH ST
NEWBERG OR 97132

Authorized Representative

PETER MILLER
2750 E 9TH ST
NEWBERG OR 97132

Registrant

TISSA, INC.

ALL COUNTIES



Business License

License Issued To:
CARAVAN COFFEE

2750 E NINTH ST
NEWBERG, OR 97132

License No. 96
Dated: 06/01/2012
Expires: 06/01/2013
Type: General
Amount: \$50.00

This license must be placed in a conspicuous place. If licensee's place of business is not in Newberg, this license must be carried on the person of licensee or its employee.

Daniel Danicic
City Manager
City of Newberg
PO Box 970
Newberg, Oregon 97132 503-538-9421

POST IN A CONSPICUOUS PLACE

CARAVAN COFFEE
2750 E 9TH ST
NEWBERG OR 97132

BUSINESS LOCATION

CARAVAN COFFEE
2750 E 9TH ST
NEWBERG OR 97132

<u>LICENSE NUMBER</u>	<u>DATE ISSUED</u>	<u>DATE EXPIRES</u>	<u>LICENSE</u>
AG-L0137586A	06/14/2012	06/30/2013	A-Scales 0-400 lbs capacity Device Count: 2
AG-L0143729FP	06/14/2012	06/30/2013	Food Processor

Printed: 06/15/2012



Address **840 South Saint Paul Highway**

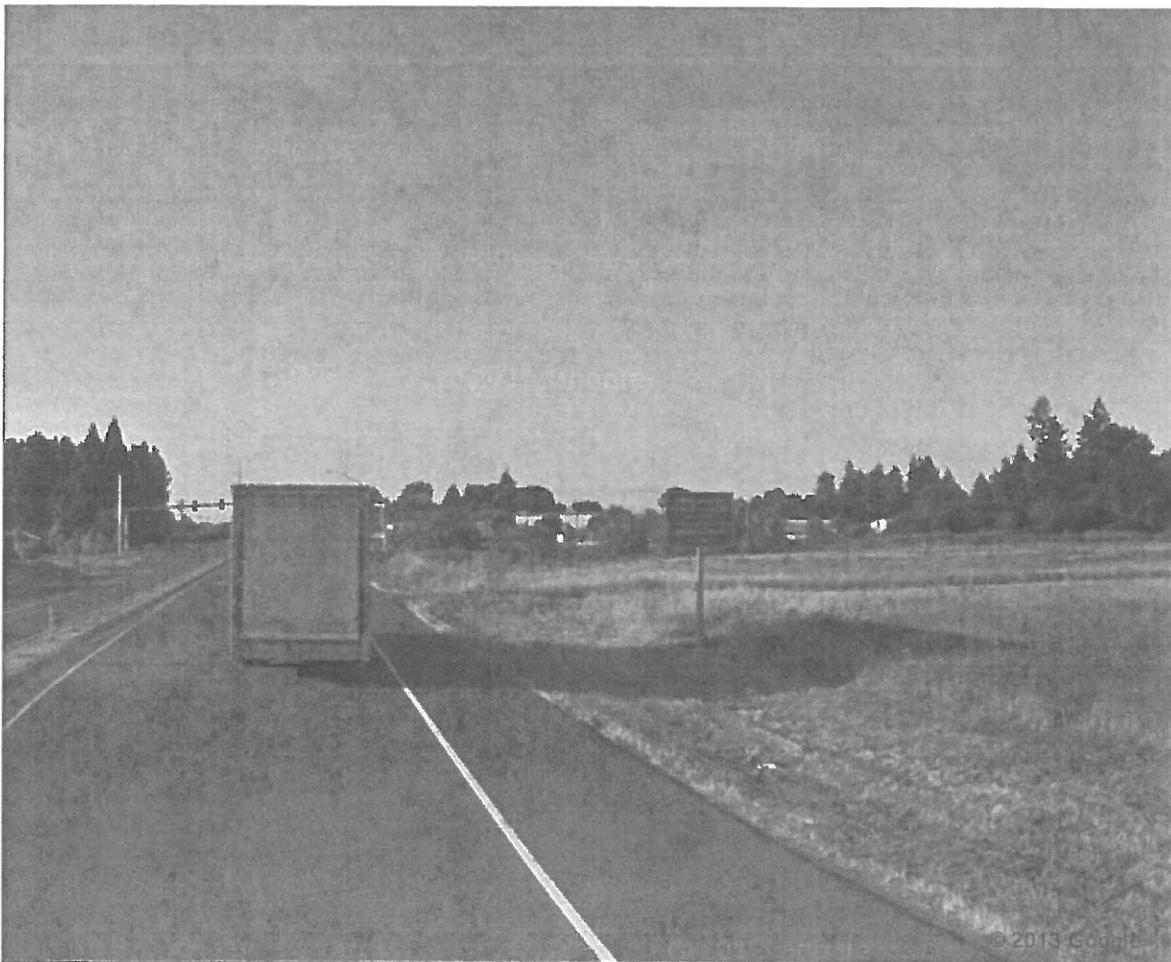
Address is approximate





Address 704 South Saint Paul Highway

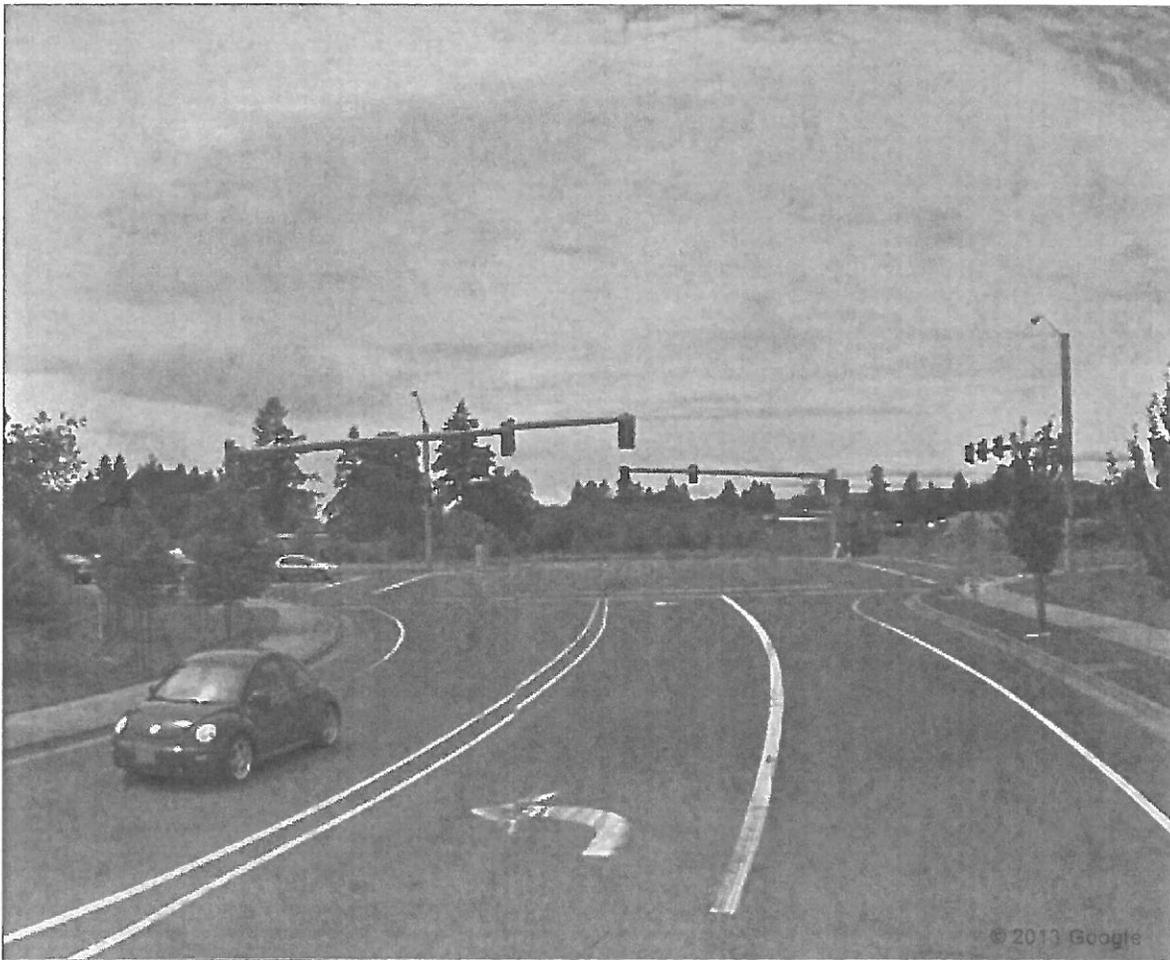
Address is approximate

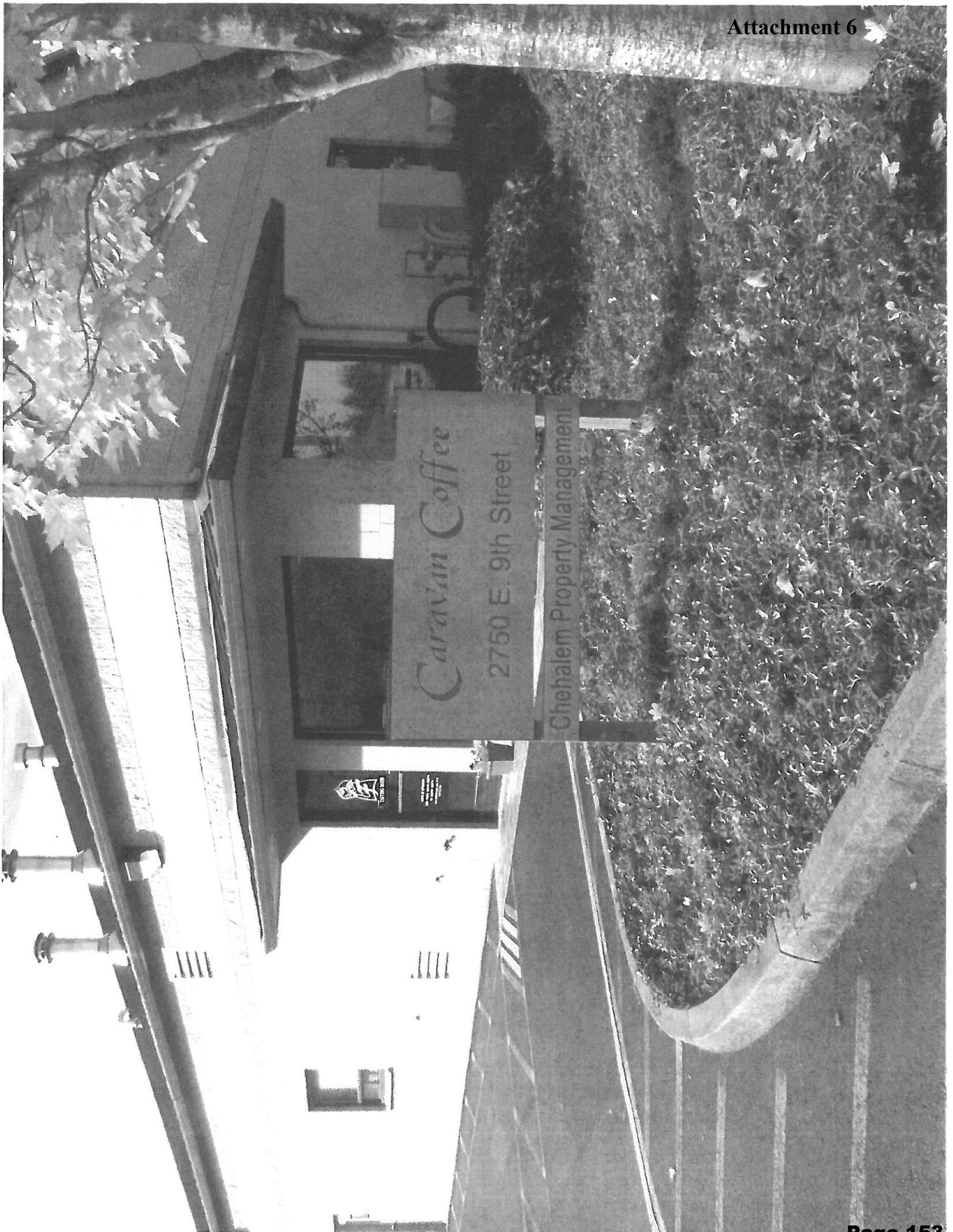


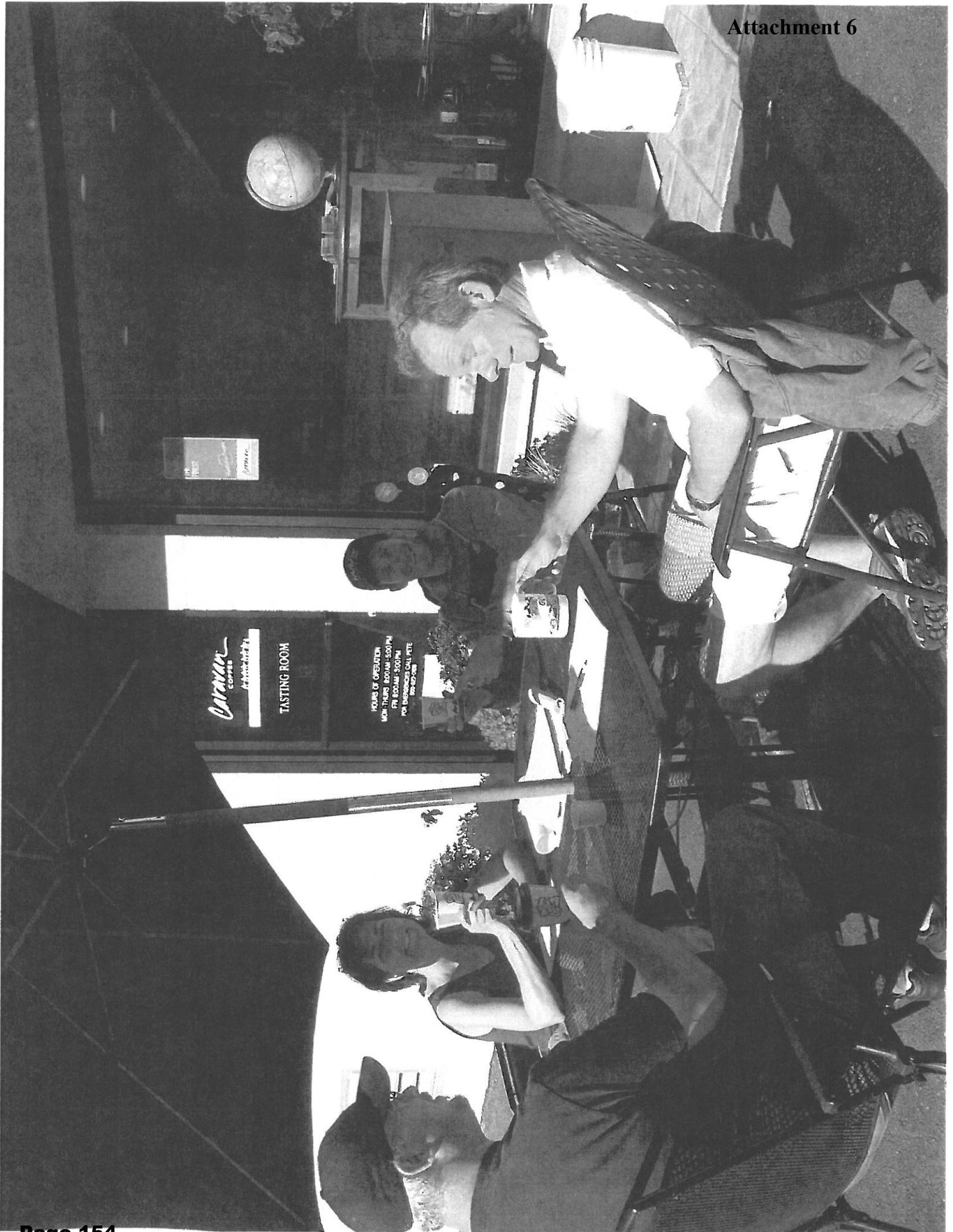


Address **675 South Springbrook Road**

Address is approximate











A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A POLICY REGARDING INSTALLATION OF MOTORIST INFORMATION FOLLOW UP SIGNS ON CITY STREETS

RECITALS

1. The State of Oregon regulates the placement of Tourist Oriented Directional signs, Specific Service Signs, Museum and Historic Site signs, and similar signs along state highways. Occasionally the state requests that applicants for these signs place follow up signs on city streets.
2. The city needs a formal process to consider requests for such follow up signs.
3. Such signs should be viewed as traffic control devices and not as opportunities to advertise businesses or other facilities on city streets.
4. The applicants for such follow up signs should pay all costs associated with placing and maintaining the follow up sign, plus an annual fee.

The Newberg Planning Commission resolves as follows:

1. The Commission recommends that the City Council adopt the Motorist Information Follow Up Sign Policy shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 13th day of June, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Development Code Text Amendments
- Exhibit "B": Findings

**A RESOLUTION ADOPTING A POLICY ON MOTORIST INFORMATION
FOLLOW UP SIGNS ON CITY STREETS**

RECITALS:

1. The State of Oregon regulates the placement of tourist oriented directional signs, specific service signs, museum and historic site signs, and similar signs along state highways. Occasionally the state requests applicants for these signs to place follow up signs on city streets.
2. The city needs a formal process to consider requests for such follow up signs.
3. Such signs should be viewed as traffic control devices and not as opportunities to advertise businesses or other facilities on city streets.
4. The applicants for such follow up signs should pay all costs associated with placing and maintaining the follow up sign, plus an annual fee.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. **Purpose.** This resolution establishes a policy regarding follow up signs to motorist information signs on state highways where the follow up sign is required by the state and requested by an applicant to be placed within city right-of-way. The purpose is to promote traffic safety by directing tourists to destinations where they may not be familiar with the proper route or turning movements. The purpose is not to facilitate advertising of businesses or other entities within the public right of way.

Follow up signs under this resolution are city owned traffic control devices. It is entirely under the city's discretion to place, maintain, and remove them. This policy is not intended to create any right to any such follow up signs.

The resolution requires the operator of the destination facility to pay all costs associated with the follow up sign, plus an annual fee.

2. **Definitions.**

- a. "Follow up sign" means a traffic control sign on city right-of-way that directs motorists to a destination as a follow up to corresponding Tourist Oriented Directional Sign, Specific Service Sign, Museum and Historic Site Sign, or similar sign on a state highway as approved by the Oregon Travel Information Council. It excludes a General Service Sign.
- b. Other terms in this resolution are as defined in the ORS 377, OAR 733 Division 30, and the Manual on Uniform Traffic Control Devices (MUTCD).

3. **Applicability and Eligibility.**

- a. The applicant for the follow up sign on city right-of-way must have an approved application for a

Tourist Oriented Directional Sign, Specific Service Sign, Museum and Historic Site Sign, or similar sign from the Oregon Travel Information Council. The approval must require the follow up sign.

- b. The destination facility must be located within the Newberg city limits.
- c. The city manager may waive any requirements of this resolution if the entity is the City of Newberg or a public entity. Signs subject to the terms of an approved intergovernmental agreement shall follow the terms of that agreement.

4. Application process. The applicant shall file an application for a follow up sign on a form determined by the city engineer. The application shall contain:

- a. Evidence that the applicant has authorization to file on behalf of the operator of the destination facility.
- b. A copy of the state application and any approval letter. If the applicant is applying concurrently to the state, the application may be reviewed but will not get final approval until the state approves.
- c. Diagrams and photos of the requested location of the follow up sign.
- d. The application fee.
- e. Any other such information determined by the city engineer.

5. Application review. The city engineer shall review the application in accordance with the following:

- a. The city engineer will determine the appropriate location for the sign considering the spacing of signs, standards of the MUTCD, other signs and objects at the location, and any other physical factors. The sign shall not be placed if existing traffic control devices or street trees would need to be removed only to accommodate the follow up sign. If no appropriate location exists, the application shall be denied.
- b. The number of signs for any qualifying destination facility shall be the minimum necessary to allow direction to the facility from the state highway. In no case shall more than two follow up signs be permitted. If multiple follow up signs are allowed, they shall be on shared posts where appropriate.
- c. The follow up sign will not be approved if an approved sign on private property reasonably could serve the same purpose.
- d. The city engineer shall consider the potential impact of the follow up sign on existing properties at the proposed location. The city engineer may require notice be sent to property owners or tenants near the proposed follow up sign location. The notice shall provide for a 14-day comment period prior to making a decision.

6. Fees and Costs.

- a. The applicant shall pay an initial application fee to have the request reviewed. The initial fee shall be \$200.00. This fee is non-refundable.

- b. If the application is approved, the applicant shall pay the estimated costs of installation and the first bi-annual fee. If the estimate exceeds the actual cost of installation, the city will refund the excess. If the estimate is less than the actual cost, the applicant shall remit the difference within 60 days of billing, or the sign will be removed.
- c. If the name of the business or destination facility changes, the applicant may request a replacement sign panel. The applicant shall pay the cost of fabrication and installation of the replacement panel in the same manner as noted above.
- d. The applicant shall pay a bi-annual fee for each sign. The initial fee shall be \$100.00 per sign for a two-year period. If the applicant fails to pay the bi-annual fee within 60 days of the due date, the city will remove the sign and dispose of the materials. A request to the replace sign after that will be subject to a new application.
- e. The city manager may adjust these fees annually for inflation.

7. Sign Specifications

- a. The follow up sign shall meet the standards from the Manual on Uniform Traffic Control Devices.
- b. The sign shall have a blue background (or brown for museum and historic site signs) with white reflective lettering.
- c. The wording of the sign shall be limited to the type of service and the official name of the entity. It may not contain a logo or advertising.
- d. Specifications shall be determined by the city engineer.

8. General Provisions

- a. The follow up sign and post will remain the property of the City of Newberg.
- b. The city's approval for the follow up sign is granted to the business or operator of the facility, not the owner of the destination property. Change of the destination or facility to a different type of business or use requires removal or re-approval of the follow up sign.

9. Sign removal. The city public works department shall remove the follow up sign:

- a. If the applicant fails to pay the maintenance fee with 60 days of the due date. In such case the city will remove the sign and dispose of the materials. A request to the replace sign after that will be subject to a new application.
- b. When the destination facility is no longer operating.
- c. If the State of Oregon removes the corresponding motorist information sign from the state highway.
- d. For any other reason determined by the city engineer.
- e. If the sign is destroyed, damaged, or worn to the extent it needs replaced. In these cases the city

engineer shall notify the applicant of the need to replace the sign. To replace the sign, the applicant shall pay the cost of fabrication and installation of the replacement panel in the manner noted above. Otherwise the sign shall be removed.

10. Appeals. Any party aggrieved by a decision of the city engineer may appeal the decision to the city manager with 14 days of the decision.

11. Findings. The findings shown in Exhibit "A" are hereby attached. Exhibit "A" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 2, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of July, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 3rd day of July, 2013.

Bob Andrews, Mayor

**Exhibit “A” to
Resolution No. 2013-3059
Findings**

Newberg Comprehensive Plan Policy J.1.g.

Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.

Newberg Comprehensive Plan Policy J.3.c.

The City shall maintain sign regulations to help create a business environment that is attractive to customers and citizens. The City and appointed committees shall seek to eliminate signs that detract from the aesthetics of commercial areas and that violate adopted sign design regulations.

Newberg Comprehensive Plan Policy K.4.g.

Minimize the use of local and minor collector streets for regional traffic through application of traffic calming measures as traffic operations and/or safety problems occur.

Finding: In accordance with the policies above, the city should not approve additional directional advertising within its right-of-way. The motorist information follow up signs are a recognized traffic control device. As such, they actually can improve the safety of local street by properly directed those from outside the community to particular destinations, without getting side tracked onto local roadways.