

PLANNING COMMISSION AGENDA

May 9, 2013

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of April 11, 2013 Planning Commission Meeting Minutes

IV. PUBLIC COMMENTS (5 minute maximum per person)

1. For items not listed on the agenda

V. QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony - 5 minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

1. **APPLICANT:** Chehalem Park and Recreation District
REQUEST: Historic review and design review for the redevelopment of the Chehalem Cultural Center forecourt with pavers, planters, landscaping and a canopy; and a variance request to reduce the front setback from 25 feet to zero for a canopy.
LOCATION: 415 E. Sheridan Street
TAX LOT: 3218DD-15700
FILE NO.: HISD-13-001/DR2-13-005/VAR-13-002 **ORDER NO.:** 2013-11
CRITERIA: 15.220.020(D)(2), 15.220.050(B), 15.344.030, 15.215.040

VI. LEGISLATIVE PUBLIC HEARINGS (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

1. **APPLICANT:** Newberg City Council
REQUEST: Create a policy regarding motorist information follow-up signs on city streets
LOCATION: City wide
FILE NO.: G-13-002 **RESOLUTION NO.:** 2013-298

VII. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: June 13, 2013

VIII. ITEMS FROM COMMISSIONERS

IX. ADJOURN

FOR QUESTIONS PLEASE STOP BY, OR CALL 503-537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

JOINT PLANNING COMMISSION/ TRAFFIC SAFETY COMMISSION MINUTES
April 11, 2013, 7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

I. CALL MEETING TO ORDER

Chair Cathy Stuhr opened the meeting at 7:00 PM.

II. ROLL CALL - PLANNING COMMISSION & TRAFFIC SAFETY COMMISSION

Members Present:	Cathy Stuhr, PC Chair	Art Smith, Vice Chair	Philip Smith
	Jason Dale	Antonio Saavedra, Student PC	
	Mayor Bob Andrews, Ex-Officio	Neal Klein, TSC Chair	Karl Birky
	Doris Brandt	Dianna Cotter	Shannon Eoff
	Kari Lawson		

Members Absent: Gary Bliss (excused), Ron Johns (un-excused), Allyn Edwards (excused), Greg Martin (un-excused), Hannah Kinney, Student Commissioner (excused)

Staff Present: Barton Brierley, Planning and Building Director
Mary Newell, Support Services Manager
Paul Chiu, Senior Engineer
Steve Olson, Associate Planner Mandy Dillman, Minutes Recorder

Others Present: Lesley Woodruff, City Councilor

III. CONSENT CALENDAR

Approval of March 14, 2013 Planning Commission Meeting Minutes

MOTION: P SMITH/A SMITH approving the Consent Calendar including the Planning Commission minutes for April 11th, 2013. Motion carried (4 Yes/0 No/2 Absent/1 Vacant).
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IV. PUBLIC COMMENTS

Chair Stuhr opened and closed public testimony as there was no one to testify.

V. WORKSHOP: JOINT PLANNING COMMISSION/TRAFFIC SAFETY COMMISSION DISCUSSION REGARDING:

1. Traffic Calming

Chair Neil Klein began the discussion by explaining how the new traffic calming table will work and expressing desire for it to become the new standard for decision making.

Commissioner Phil Smith asked for clarification on the wording “caution” in the table and the process a citizen would need to take in order to learn more about a “cautioned” item. Chair Klein explained not all “cautions” have descriptions; however the citizen would go to Traffic Safety Commission (TSC) or Planning Commission (PC) and the commission would make a decision based on their knowledge. Commissioner Phil Smith feels they need to have more solid explanations of each type of device so it is not confusing.

Commissioner Dianna Cotter mentioned there is a manual of uniform traffic control devices and she assumes the manual would be consulted in decision making processes to determine if a citizen’s request was warranted.

Commissioner Stuhr feels the clearer this document can be for users looking at it, the easier it might be to use it. If they choose a cautioned item they could then turn to the commissions to help make the decision, or they may decide on an allowed calming device in order to avoid the commission process.

Mr. Paul Chiu, senior engineer, gave a few examples of what conditions would be considered cautioned, such as a windy road, steep slope, or intersections too close to a driveway. Mr. Chiu explained the document is not intended to be exact, but more of a guideline.

Commissioner Karl Birky said the amount of ambiguity from engineering provides a service to the PC. He explained there is no firm code to follow with these guidelines and the commissioners can use judgment for decision making.

Commissioner Art Smith asked what would happen if a user brought forth a request for a not-recommended item to be installed. He also inquired about a situation where the item was allowed, but staff said it could not be used in that area. Mr. Chiu replied staff would be open to the request, but ultimately would make the decision based on their knowledge.

Chair Klein explained part of their goal is to be proactive city wide and to not find themselves in situations where they are spending money retroactively. The document does not answer all the questions, because it is the decision makers job to bring expertise and knowledge to the decision. They looked at other cities documents and they were very detailed and confusing, and that is not the goal of this document.

Commissioner Stuhr mentioned TSC gets to be more creative in decisions and PC’s decisions are much more black and white. She asked if they created this document originally. Chair Klein explained this idea grew from the traffic calming device request from the residents behind Fred Meyers. They formed a sub-committee to look at this and they found a document which had been made several years ago and revised it to create the current one.

Chair Stuhr said PC will take a look at the document and come back with comments at a later date.

2. Complete Streets

Councilor Lesley Woodruff presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report).

Chair Stuhr mentioned the pedestrian crossing light on highway 219 and how she saw a pedestrian attempting to cross the other day and cars were not stopping. She asked if this particular traffic calming device is not working for this area then what should happen, and what did others think about this situation. Chair Klein agreed with

the issues Chair Stuhr mentioned, and suggested they do more public education on the usage of the pedestrian crossing light.

Commissioner Cotter said the improvements on 2nd Street are about more than just the usability of the street. Installing these simple engineering tactics also increased property values and made areas safer, which improves the quality of lives.

Chair Stuhr asked how this program is funded. Councilor Woodruff explained they have not looked into it yet, however she is sure there are grants and other opportunities.

Commissioner Jason Dale brought forth concern for how long it would take them to make back the money invested in something like this and they should keep the cost benefit in mind.

Chair Stuhr asked how Councilor Woodruff saw this concept moving forward. Councilor Woodruff said she would like to see Newberg change its code so new construction builds roads with the concept of Complete Streets in mind, and as old construction is updated they also revise roads to be welcoming and accessible for everyone.

Chair Stuhr mentioned they should try and consider this proposal from everyone's perspective, especially the developer who would have increased costs with this program.

Commissioner Phil Smith likes the idea of Complete Streets, and suggested they may need to make it code or have narrower streets to allow for alternative transportation space in order to allow for the developer to still build without a huge increase in cost.

Commissioner Cotter said part of what they want to achieve is to just start the discussion. If, as a community, they make a decision on what their overall idea is for the community and then make that a unified plan everyone agrees on, they can have more consistent results overall.

Chair Stuhr mentioned this is absolutely critical. When two people develop next to each other, they have to address the impact of their developments separately, but do not consider what their neighbor is doing and the city gets a piecemeal type of look.

Mr. Barton Brierley, Planning and Building Director, said they asked about grants and Oregon has several grant sources for planning and writing codes. Grants for infrastructure are much harder to find, however they have been successful in obtaining those for the 2nd Street and North College Street projects

Commissioner Art Smith asked how they make Newberg a safe walking community when so many streets do not have sidewalks. Commissioner Cotter explained the very idea of Complete Streets is to address this problem. She explained they cannot afford to go fix every problem right now, but if they need to do sewer work in an area, it would be the perfect opportunity to add improvements.

Commissioner Shannon Eoff said the overall thought behind this program steers development towards people rather than transportation.

3. Stop Signs – where and why?

Antonio Saavedra, student planning commissioner, explained to the commissioners there are several problem intersections in Newberg that do not have stop signs. He expressed concern that this could cause problems in the future. He recently spoke with the family whose son died crossing one of these streets and they asked Student Commissioner Saavedra to advocate and open the discussion on this subject. He asked for more information on regulations for stop signs so he could take it back to his community and for information on what the process is to get a stop sign installed.

Mr. Chiu explained the process that takes place when deciding to add a stop sign and how citizens can start the process to have a new stop sign installed.

Chair Klein said they were not entirely sure about putting in a stop sign on 4th Street and River Street, but it has turned out to be a good thing. However, the neighbors on Vittoria Road wanted stop signs and it has now dumped all the traffic onto Aquarius Lane. Sometimes the decision to put in a stop sign can increase risk in other areas if it just moves traffic, so they must consider many things when deciding to add a stop sign.

Student Commissioner Saavedra said they explained the information well and asked if he could send his list of intersections to Chair Klein for a traffic study and in return have a reply from him.

Commissioner Kari Lawson told Student Commissioner Saavedra that he is always welcome to come to any TSC and PC meetings that he likes as a citizen after his term is over and encouraged him to continue being proactive.

Commissioner Cotter mentioned he can invite friends and family as well to come to meetings and be involved in the decisions of the city

4. Coordinating development review processes

Staff and commissioners discussed how TSC and PC can be involved with each other better in the future and it was decided for the mayors cabinet to discuss and come up with a proposal for both groups to look over.

VII. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley said City Council has received a request to put a tourist oriented directional sign on a city street. State law says the state controls what tourist signs are put up on highways. The city does not allow business signs in the public right of way. City Council has directed PC to come up with a policy regarding these signs. Additionally they need to decide if non-tourist businesses can also use these signs. The second item needing to be discussed is the process of the city becoming a certified local government for historic preservation. In order to qualify the city has to have a local historic ordinance, inventory of historical properties, have to have a historic preservation commission, and a commitment to historic preservation. City council has asked PC to move forward on this and look at how to create this historic preservation program. Lastly, they have six applicants for the vacant PC member spot, however they will be filling the city council position first, and then the PC position.

2. Other reports, letters, or correspondence

Chair Stuhr said she would like it to be consistently mentioned in the minutes that before the hearing started they read the ORS statement and called for any bias, conflict of interests, or ex parte contacts that could influence the decision.

3. Next Planning Commission Meeting: June 13, 2013

VIII. ITEMS FROM COMMISSIONERS

No items from commissioners.

IX. ADJOURN

The meeting adjourned at 9:20 PM.

Approved by the Newberg Planning Commission this 9th day of May, 2013.

Mandy Dillman
Minutes Recorder

Cathy Stuhr
Planning Commission Chair

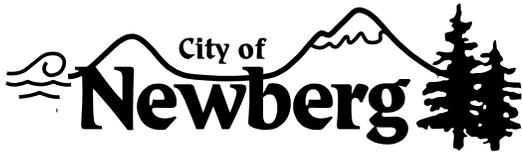
OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**
- 3. LEGAL ANNOUNCEMENT**
READ “QUASI-JUDICIAL ANNOUNCEMENTS” SHEET
- 4. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 5. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT REBUTTAL
- 6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 7. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 8. PLANNING COMMISSION DELIBERATION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**
- 9. ACTION BY THE PLANNING COMMISSION**
 - A. ORDER OR RESOLUTION – Usually requires passage of order if the commission is the final decision maker, or a resolution if the commission is only advisory to the council.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

**QUASI-JUDICIAL
PUBLIC HEARING PROCESS
TESTIMONY AND EVIDENCE REQUIREMENTS**

ORS 197.763 requires certain statements to be made at the commencement of a public hearing.

- The applicable City and State zoning criteria must be listed. This means that we must advise you of the standards that must be satisfied by the applicant prior to our approval of an application. The Planning Staff will list the applicable criteria during his or her presentation of the staff report.
- Persons wishing to participate in this hearing must direct their testimony or the evidence toward the criteria stated by the Planner or other specific City or State criteria which you believe apply. You must tell us why the testimony or evidence relates to the criteria.
- Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised in person or by letter at the local level prior to the City approving or denying the application. The law states that the issue must be raised in enough detail to afford the decision-maker and the parties an opportunity to respond. This part of the law is also known as the "raise it or waive it" requirement. If you do not bring it up now, you can't bring it up at LUBA.
- Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval in enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.
- Prior to the conclusion of the initial evidentiary hearing on an application, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission will grant such a request through a continuance or extension of the record.



Planning and Building Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240 • Fax 503-537-1272 • www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT CHEHALEM CULTURAL CENTER FORECOURT: HISTORIC REVIEW, DESIGN REVIEW, FRONT SETBACK VARIANCE

HEARING DATE: May 9, 2013

FILE NO: HISD-13-001/DR2-13-005/VAR-13-002

REQUEST: Historic review and design review for the redevelopment of the Chehalem Cultural Center forecourt with pavers, planters, landscaping and a canopy; and a variance request to reduce the front setback from 25 feet to zero for a canopy.

LOCATION: 415 E. Sheridan Street

TAX LOT: 3218DD-15700

APPLICANT/
OWNER: Chehalem Park and Recreation District

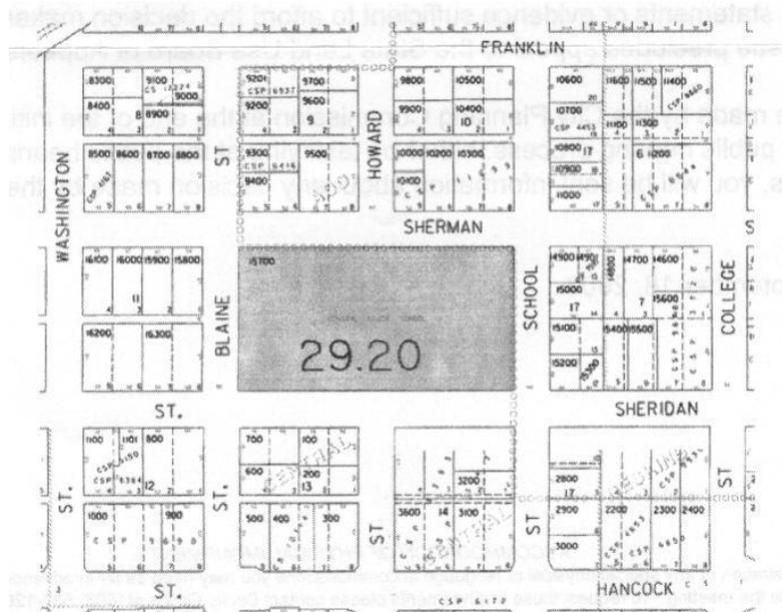
ZONE: I (Institutional), with Civic Corridor overlay & Historic Landmark overlay

PLAN DISTRICT: PQ (Public/quasi-public)

ATTACHMENTS:

Order 2013-11 with

- Exhibit "A": Findings
- Exhibit "B": Conditions
- 1. Aerial Photo
- 2. Concept Master Site Plan
- 3. Site Plan/Elevation
- 4. Forecourt Close-up
- 5. Existing Conditions
- 6. Preliminary Grading/Drainage
- 7. Conifer Trees in Area
- 8. Application
- 9. Public Comments/
Correspondence Received (none as of the writing of this report)



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- A. DESCRIPTION OF APPLICATION:** The applicant, Chehalem Park and Recreation District (CPRD), has requested: 1) A historic review/design review to redevelop the forecourt of the Chehalem Cultural Center site with pavers, planters, landscaping, and a canopy; 2) A variance to reduce the front setback from 25 feet to zero feet for a canopy. This application is for improvements on private property; it does not include the street improvements that the city will be completing in the Sheridan Street right of way. The application does not make any changes to the interior or exterior of the Cultural Center building.

Previous historic review/design review approvals: The Planning Commission has approved several projects for the Cultural Center in recent years. The Commission approved Phase I of the Cultural Center in 2008, which approved the remodel of most of the ground floor, a remodeled southern entrance, a northern kiln room, trash enclosure, and a small amount of parking. A later modification approved a larger gravel parking lot while PCC was using the building. The Commission approved a 53-space parking lot in 2011 and allowed the temporary gravel parking lot to remain. The parking lot was built with pervious pavers. In August of 2012 the Planning Commission approved a master plan for the site, a plan to remodel the gymnasium into a ballroom, and partially approved a parking variance. This approved the remodel of the gymnasium into a ballroom without constructing additional parking, and required the gravel parking lot on the west side of the site to be retained.

A future phase will still need to determine the amount of parking needed for the remodel of the theater and the remainder of the second floor, and whether that will require additional off-street parking on the west side of the site. CPRD is developing a parking management plan for large events, and working with the city to develop an intergovernmental agreement for the Cultural District (which includes the Chehalem Cultural Center and the Public Library).

B. SITE INFORMATION:

1. Location: 415 E. Sheridan Street (old Central School building)
2. Size: 40,500 square foot building on a 2.5 acre lot
3. Topography: Fairly flat, with a slight slope to the south. The yards slope away from the building.
4. Current Land Uses: Chehalem Cultural Center (Phase One). Rotary Centennial Park is located on the southeast corner of the site.
5. Natural Features: Primarily lawns, with some street trees on Sherman Street.
6. Adjacent Land Uses:
 - a. North: Primarily single family residential, with a bed & breakfast inn.
 - b. East: Primarily single family residential
 - c. South: Newberg public library, Masonic building, some single family residential.

- d. West: Primarily single family residential.
- 7. Access and Transportation: The parking lot has driveway accesses on Sherman Street and on Blaine Street. Sidewalk ADA ramps have been constructed at all four corners of the site.
- 8. Utilities: No changes are proposed to the existing sanitary sewer and water connections.
 - a. Stormwater: The applicant has proposed a new stormwater rain garden in the southwest corner of the forecourt. Some of the building's roof drains will flow to the rain garden.
 - b. There are overhead utility lines on the Sherman Street and Sheridan Street frontages. The parking lot design review approval required the adjacent utility line on Sherman Street to be placed underground by the applicant; this work is scheduled to be done when Sheridan Street is improved in 2013. The city will underground the Sheridan Street utilities as part of the Sheridan street improvements.

C. PROCESS: The historic review request is a Type III application and follows the procedures in Newberg Development Code 15.100.050. The design review and variance applications are Type II applications, but are considered a joint application with the historic review and are therefore all reviewed through a Type III process. The Planning Commission will hold a quasi-judicial hearing on the application. The Commission is to make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

- 1. April 22, 2013: The planning director deemed the application complete.
- 2. April 18, 2013: The applicant mailed notice to the property owners within 500 feet of the site.
- 3. April 22, 2013: The applicant posted notice on the site.
- 4. April 24, 2013: The *Newberg Graphic* published notice of the Planning Commission hearing.
- 5. May 9, 2013: The Planning Commission will hold a quasi-judicial hearing to consider the application.

D. AGENCY COMMENTS: The application was routed to several city departments, public agencies, and franchise utilities for review and comment: City Manager, Planning & Building Director, Building Official, City Engineer, Fire Marshal, Police, Finance, Public Works Maintenance Supervisor, Legal, State Historic Preservation Office, Southern Pacific Railroad, NW Natural Gas, PGE, Comcast, Frontier/Verizon, Waste Management, and Newberg School District. Comments and recommendations have been incorporated into the findings and conditions in this report. As of the writing of this report, the city received the following agency comments:

1. **Waste Management:** *Reviewed, no conflict*
2. **Frontier Engineering:** *Reviewed, no conflict*
3. **City Manager:** *Reviewed, no conflict*
4. **Finance Dept.:** *Reviewed, no conflict*
5. **Police Dept.:** *Reviewed, no conflict*
6. **Fire Dept.:**
 - a. *Must meet all requirements of Fire Code including Chapter 24 - Tents & Membrane Structures.*
 - b. *Must meet all requirements of Building Code Chapter 31.*
 - c. *Not allowed at any time to block access to the building without preapproval by the Fire Marshal.*
7. **Public Works - Engineering:**

Below is the Engineering Services Division Response regarding Storm Drainage Water Quality/Quantity Controls, as follows:

Applicant's Statement (for reference):

The forecourt development will create approximately 6,300 sq. ft. of new impervious area on the property. The 2011 parking lot project converted 19,700 sq. ft. of impervious asphalt and gravel parking areas to pervious pavers. Taken together, the two projects result in a net site impervious area reduction of 13,400 sq. ft. and according to the city engineering department, the forecourt project complies with Newberg's stormwater code Section 13.25.260 without additional stormwater treatment. Nevertheless, Chehalem Park and Recreation District sees the opportunity to set an example and to raise public awareness to the impacts of urban development on stream water quality and so have incorporated a stormwater treatment "rain garden" into the landscape on the southwest corner of the forecourt.

Engineering Services Department Findings:

Ordinance #2012-2754, effective July 18th 2012, requires measures to control stormwater discharges, as found in Newberg Municipal Code (NMC) Chapter 13.25. The Chehalem Cultural Center Forecourt Land Use application was deemed complete after July 18th 2012, making it subject to the provisions in NMC Chapter 13.25. NMC Section 13.25.260, Scope, states that the Stormwater requirements apply to "projects that create a net impervious area of 500 square feet or more". NMC 13.25.280A, Facility Design, states that "prior to an applicant receiving a permit for a project the director shall determine the stormwater requirements of the project". The Chehalem Cultural Center Master Plan Project (Planning Commission Order 2012-04) identified multiple improvements at the Cultural Center project site and the adjacent streets. The installation of pervious pavers in the Cultural Center Parking lot, reduced the total impervious area of the project, and that the overall Cultural Center project continues to not create more than 500 square feet of impervious area.

8. **State Historic Preservation Office (SHPO):**



Oregon
John A. Kitzhaber, MD, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0671

Fax (503) 986-0793

www.oregonheritage.org

April 24, 2013

RECEIVED

APR 26 2013

Initial: _____



Mr. Steve Olson
City of Newberg Planning Division
P.O. Box 970
Newberg, OR 97132

RE: SHPO Case No. 13-0554
Chehalem Cultural Center Forecourt Proj
DOE/FOE/new forecourt construction
City of Newberg/Mayer-Reed
415 E Sheridan, Newberg, Yamhill County

Dear Mr. Olson:

Thank you for submitting documentation on the project referenced above. It appears from the submitted materials that this project should be reviewed by the State Historic Preservation Office under ORS 358.653. This statute applies to all publically-owned properties that are "historic," that is, that are listed in, or are eligible for listing in the National Register of Historic Places.

Currently, the status of the Chehalem Cultural Center (formerly Central School) is unclear, as our records indicate that the property has been evaluated at least twice in the past, each evaluation yielding conflicting evaluations. In any event, both evaluations appear to be at least 10 years old, and the building appears to have undergone changes since that time. The property should be re-evaluated for eligibility. This evaluation, as well as the accompanying evaluation of the effects of the project, can be addressed through the completion of a SHPO Clearance Form, a streamlined submission for project review. This form can be obtained from our website, here: http://www.oregon.gov/oprd/HCD/SHPO/pages/preservation_106.aspx

If you have any questions regarding the completion of the SHPO Clearance Form, please do not hesitate to contact me. I am happy to assist. We look forward to receiving these items so we can comment in a timely manner. Please be sure to reference the SHPO case number shown above to allow us to accurately track your project.

Sincerely,

Jason Allen, M.A.
Historic Preservation Specialist
(503) 986-0579
jason.allen@state.or.us

(Planning staff comment: For the impact of this SHPO comment, please see the Analysis section below)

E. PUBLIC COMMENTS: As of the writing of this report, the city has not received any written public comments. If the city receives written comments by the comment deadline, planning staff will forward them to the commissioners.

F. ANALYSIS:

1. **Scope of project:** This project remodels the front courtyard or forecourt of the Chehalem Cultural Center with new pavers, planters, and landscaping. It also adds a canopy structure, which would cover most of the area where vendor tents are typically

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- placed during the farmers market. The site is historic, so the changes require both a historic review and design review. The canopy will be within the 25 foot front setback, so this requires a variance application to consider reducing the setback. The project does not make any changes to the interior or exterior of the building. The project does not include the street improvements within the Sheridan Street right of way, which the city will be constructing this summer.
2. **Historic review:** The pavers and seat walls have a formal character and warm earth tone colors that are similar to the form and brick color of the existing building. The canopy is a contemporary design that contrasts with the style of the historic building; it serves to differentiate the new forecourt, but is still compatible with the height and scale of the existing building. The findings contain a more complete review of the criteria for historic sites.
 3. **Civic Corridor design standards:** The canopy is the only new structure. The canopy stays within the middle "field" of the building and does not extend above the crown or beyond the courtyard. While contemporary in style, it is compatible with some aspects of the Civic Corridor design standards. The findings contain a more complete review of the criteria.
 4. **Variance:** The Institutional zone requires a 25 foot front setback. The applicant has requested a zero front setback for the canopy structure. The site is also in the Civic Corridor overlay zone, and most of the other Civic Corridor sites allow a zero front setback because they are in the C-3 zone. The variance would allow the canopy to make the forecourt more usable for events and promote the site as a cultural center for Newberg. The findings contain a more complete review of the variance criteria.
 5. **SHPO review:** SHPO had the opportunity to comment on the previous phases of the Cultural Center. In 2008 they did not submit comments for the proposed project. In 2011 they commented that the parking lot project should be aware of the rules for archaeological resources, should they come across any during construction. They also commented that if the project had federal grant funding there would be additional requirements. In 2012 they essentially repeated their 2011 comment. On the current application, SHPO has taken a different approach. They commented that they need the applicant to submit additional information so they can determine if the building meets their definition of "historic" (either on the National Register of Historic Places, or eligible to be). This is a requirement that SHPO can apply to publically-owned buildings in Oregon. The site is not on the National Register, so the question is whether or not it is eligible to be. If SHPO determines it is not eligible then they will not comment on the project. If the site is eligible then SHPO will review the application and determine whether the project has no significant effect, a minor effect, or a significant effect on the historic character of the site. If there is a minor effect or significant effect then SHPO may require changes to the project. The applicant is already aware of this issue. Staff believes there is a reasonable chance that SHPO will not require any changes to the project, and believes we can proceed without stopping the project to wait for SHPO's review to be completed (approximately 30 days after they receive the SHPO Clearance form from the applicant). Staff has proposed a condition that says that if SHPO requires minor changes then they need to be reviewed by the Planning Director before construction, but if SHPO requires major changes then the project needs to return to the Planning Commission for review before construction. For reference, the 2011-12 SHPO comments are below:

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2011 SHPO comment:



Oregon

John A. Kitzhaber, MD, Governor

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725 Summer St NE, Ste C

Salem, OR 97301-1266

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www.oregonheritage.org



July 27, 2011

Mr. Steve Olson
City of Newberg Planning Division
P.O. Box 970
Newberg, OR 97132

RE: SHPO Case No. 11-1383
Chehalem Cultural Center Phase 1 - Parking Lot Proj
FOE/construct paved parking area
City of Newberg/HenneberyEddy Architects
(3S 2W 18) 415 E Sheridan, Newberg, Yamhill County

Dear Mr. Olson:

Our office recently received a request to review the proposal for the project referenced above. In checking our statewide cultural resource database, I find that there have been no previous cultural resource surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains.

While not having sufficient knowledge to predict the likelihood of cultural resources being within your project area, extreme caution is recommended during future ground disturbing activities. ORS 358.905 and ORS 97.740 protect archaeological sites and objects and human remains on state public and private lands in Oregon. If any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery. If your project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with your federal agency representative to ensure that you are in compliance with Section 106 of the NHPA.

If you have any questions about my comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Dennis Griffin, Ph.D., RPA

State Archaeologist

(503) 986-0674

dennis.griffin@state.or.us

2012 SHPO comment:



Oregon
John A. Kitzhaber, MD, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
(503) 986-0671
Fax (503) 986-0793
www.oregonheritage.org

July 2, 2012

Mr. Steve Olson
City of Newberg Planning Division
P.O. Box 970
Newberg, OR 97132

RE: SHPO Case No. 12-0940
Chehalem Cultural Center (Old Central School) Proj
DOE/FOE/full build-out of existing structure
Newberg Planning/Scott Edwards Architect
415 E Sheridan, Newberg, Yamhill County



JUL 05 2012

Initial:

Dear Mr. Olson:

Our office recently received a request to review the proposal for the project referenced above. In checking our statewide cultural resource database, I find that there have been no previous cultural resource surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains.

While not having sufficient knowledge to predict the likelihood of cultural resources being within your project area, extreme caution is recommended during future ground disturbing activities. ORS 358.905 and ORS 97.740 protect archaeological sites and objects and human remains on state public and private lands in Oregon. If any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery. If your project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with your federal agency representative to ensure that you are in compliance with Section 106 of the NHPA.

If you have any questions about my comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

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State Archaeologist
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6. **Sheridan Street improvements:** These improvements are not part of the forecourt project, but the design will be coordinated as much as possible. The City has budgeted funds to improve the section of Sheridan Street between Blaine Street and School Street. The City Engineering division will prepare design drawings, and contract for construction in 2013. As part of that project they expect to make necessary ADA sidewalk improvements along Sheridan, and to underground the overhead utility lines along Sheridan. The project will add seven parking spaces on Sheridan.

G. **PRELIMINARY STAFF RECOMMENDATION:** The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt Planning Commission Order 2013-11, which approves the requested historic review/design review/variance with the attached conditions.

"Working Together For A Better Community-Serious About Service"

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PLANNING COMMISSION ORDER 2013-11

AN ORDER APPROVING HISTORIC REVIEW/DESIGN REVIEW/VARIANCE HISD-13-001/DR2-13-005/VAR-13-002 FOR THE REDEVELOPMENT OF THE CHEHALEM CULTURAL CENTER FORECOURT WITH PAVERS, PLANTERS, LANDSCAPING AND A CANOPY, AND A VARIANCE REQUEST TO REDUCE THE FRONT SETBACK FROM 25 FEET TO ZERO FOR THE CANOPY, LOCATED AT 415 E. SHERIDAN STREET, YAMHILL COUNTY TAX LOT 3218DD-15700

RECITALS

1. On April 10, 2013 Chehalem Park and Recreation District submitted an application for a historic review/design review for the redevelopment of the Chehalem Cultural Center forecourt with pavers, planters, landscaping and a canopy, and a variance request to reduce the front setback of the canopy from 25 feet to zero feet, at the Chehalem Cultural Center, 415 E. Sheridan Street, Yamhill County Tax Lot 3218DD-15700.
2. After proper notice, the Newberg Planning Commission held a hearing on May 9, 2013 to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the historic review/design review/variance applications meet the applicable criteria with conditions, as shown in the findings shown in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Historic Review/Design Review/Variance application HISD-13-001/DR2-13-005/VAR-13-002 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective May 24, 2012 unless appealed prior to that date.
4. This order shall expire one year after the effective date above if the applicant does not obtain a building permit pursuant to this application by that time, unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 9th day of May, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Conditions

**Exhibit “A” to Planning Commission Order 2013-11
Findings for File HISD-13-001/DR2-13-005/VAR-13-002
Chehalem Cultural Center: Forecourt Redevelopment, Front Setback Variance**

A. Design Review Criteria That Apply – Newberg Development Code 15.220.020(D)(2):

Concept master site development plan

2. Institutions and other large developments that anticipate significant development over time, but cannot provide detailed information about future projects or phases of development in advance, can develop a concept master site development plan which addresses generic site development and design elements including but not limited to general architectural standards and materials, landscaping standards and materials, on-site vehicular and pedestrian circulation, institutional sign program, and baseline traffic and parking studies and improvement programs. The applicant will be required to undergo Type II site design review, per the requirements of NMC 15.220.030(B), for each project or phase of development at the time of construction, including demonstration of substantial compliance with the generic development and design elements contained within the approved concept master site development plan. The more detailed and comprehensive the generic elements in the concept master site development plan are, the more reduced is the scope of discretionary review at the time of actual construction of a project or phase of development. For purposes of this subsection, “substantial compliance” will be defined as noted in subsection (D)(1)(a) of this section.

Finding: The Concept Master Site Development Plan approved in 2012 showed a front courtyard redeveloped with pavers and landscaping. The applicant’s proposed forecourt project closely resembles the concept plan in materials and design, and therefore complies with the Concept Master Site Development Plan. The Planning Commission in 2012 required all future Type II design review/historic reviews for this site to be Type III reviews with a Planning Commission hearing, however, so complying with the Concept Master Site Development Plan does not reduce the scope of discretionary review for this application and does not eliminate the need for a hearing.

Design Review Criteria That Apply - Newberg Development Code 15.220.050(B):

1. Design compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

Finding: The Chehalem Cultural Center building was built in 1935 as the Central School. The style is Colonial Revival with some contemporary elements and finishes. The building has strong clean lines, extensive windows, minimal ornamentation, and an almost modern style. The façade

incorporates several step backs. The entrance and the two wings extend forward, which helps break up the mass of the building. The dominant façade material is red brick, which lends a warm tone to the building. The main entrance is a light colored concrete archway, however, which contrasts with the dominant brick color and serves as a focal point. The two wings on the front of the building were added in the 1950s, have flat roofs, plain facades, and a modern character. Most of the front courtyard or forecourt is grass lawn, with a broad paved path extending from the sidewalk to the entrance. The public library across the street also uses brick as its primary façade material, with light colored brick pillars for contrast and extensive windows on the north end of the building.

The Cultural Center forecourt is occasionally used as an outdoor event space for events like the farmers market and the Camellia Festival. Converting the grass lawn to pavers will make the site drier and more usable for event tents and tables.

The proposed redeveloped forecourt incorporates the architectural style of the building and surrounding neighborhood in several ways. The pavers, planters and raised seat walls are symmetrical, and follow the form of the building. The landscaping is intentionally asymmetrical to provide contrast and balance the other elements. The proposed forecourt pavers and the stone seat walls are primarily warm earth tones, which are similar to the warm brick color of the front façades of the Cultural Center and the Library. There are some gray concrete bands in the pavers, which provide contrast to the pavers in the same way that the Cultural Center concrete building archway contrasts with the brick building façade.

The conifer trees proposed for the planters are the dominant landscaping element, and fit the site in several ways. There used to be a large cedar tree in the forecourt. There are also many large conifer trees in the neighborhood, as the applicant has shown in one of their drawings. The proposed conifers restore some of the historic character of the site and fit with the surrounding neighborhood.

The proposed canopy structure will consist of support poles with several flat canopy leafs approximately 15-20 feet above the ground. The support poles will be set at slight angles, and the canopy colors will be bright yellow and red. The canopy is intended as a place making element for the district while also providing shade and rain cover for the area where the farmers market and other events commonly take place. The angled support poles and bright canopy colors are intended to visually differentiate the canopy from the building and surrounding community, and draw the eye to the center of the Cultural District and the main entrance to the Chehalem Cultural Center. The extent of the canopy stays within the massing of the building, and does not extend above the building roof or beyond the ends of the building. The canopy and associated support poles will not visually or physically block the entrance or change the building access. The height of the canopy is also visually coordinated with the windows of the first and second stories to allow views across them. The new street trees that will be planted along Sheridan Street will also soften the visual impact of the canopy when viewed from the east or west.

The design includes low level in-ground accent (puck) lights within the forecourt paving. These will be mounted flush with the paving and will not produce glare. Low level light fixtures (installed between ground level and six feet tall) are considered nonintrusive by Newberg Development Code 15.425.040 and are allowed.

As proposed, the renovated forecourt pavers, planters, seat walls, landscaping and canopy structure are compatible with the Cultural Center building and nearby buildings. Many elements of the project design match the building design and colors, while others, like the canopy, provide contrast and visual interest while still fitting within the overall concept for the site.

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

Finding: No additional off-street parking is proposed as part of this project. The forecourt redevelopment does not increase the required parking for the site. The gravel parking lot will remain unchanged on the west side of the site, and the west side will not be redeveloped until a future phase has determined the amount of parking required for the full build out of the site.

3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

Finding: The site is in the Institutional zone, which requires a 25 foot front setback. The paver, planter, seat wall and landscaping improvements do not change the existing building height or setbacks. The proposed canopy is located within the 25 foot front yard setback, however, because that is where the farmers market and other events commonly set up. The canopy is intended to provide some shade and rain protection for this area. The applicant has applied for a variance to reduce the 25 foot front setback to zero feet for the canopy, so if the variance is approved then the site will be in compliance with the general development standards of the Code.

4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

Finding: The landscaping design will remove the existing lawn and install pavers and planters with conifer trees and native or native-adapted plantings. This proposal will make the site more functional for events. The site used to have a large cedar tree in the forecourt, and there are many large conifer trees in the surrounding area. The proposed conifer trees, which will be large when fully grown, will therefore be compatible with the surrounding area. All parts of the site that are not developed are landscaped. Over 15% of the site is landscaped. The proposal therefore complies with the landscaping requirements of the Code.

5. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

Finding: Not applicable. No new signs are proposed in this application.

6. Manufactured Home, Mobile Home and RV Parks. *Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in NMC 15.445.050 et seq. in addition to the other criteria listed in this section.*

Finding: Not applicable. The development proposal is not a manufactured home, mobile home, or RV park.

7. Zoning District Compliance. *The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.304.010 through 15.328.040. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.*

Finding: The site is zoned Institutional. A community center is an outright permitted use in this zone.

8. Subdistrict Compliance. *Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.*

The site is within the Civic Corridor subdistrict. The following development standards apply:

15.350.060 Development standards.

In addition to the standards of NMC 15.220.080, the following development standards shall apply to new development or redevelopment within the civic corridor overlay subdistrict.

A. Elements of the Street-Facing Facade.

1. Base, Field, and Crown. *For new or redeveloped buildings, all street-facing facades shall be clearly divided into three separate elements: base, field and crown. Separations shall be made by changes in material or by shifts in the depth of the facade. Merely painting the facade different colors without some other physical delineation is not sufficient. For new or redeveloped buildings, elements of the street-facing facade shall comply with the standards below:*

a. Base. *The base of the facade shall be a maximum of four feet for single-story buildings, a maximum of one story for two- to four-story buildings, and a maximum of two stories for buildings greater than four stories. Bases shall be expressed in heavier-appearing materials (e.g., stone or brick) and have a more horizontal emphasis.*

b. Field. *The field of a facade is all the floors between the base and the crown. The field element shall be expressed as a series of repetitive vertical elements that include windows, pilasters and trim.*

c. Crown. *The crown can be expressed as part of the top floor of the building or as a decorative cornice. Crowns shall be more elaborate than the field element of the facade and shall incorporate detailed elements that articulate the top of the building.*

Finding: The proposed project does not change the existing Cultural Center building. It should be noted that the existing building does not strictly meet the base/field/crown standards of the Civic Corridor. The ground at the base of the building will be stepped down with short seat walls to create a level surface consistent with surrounding grades. The fabric overhead canopy will be entirely within the field of the building and will not visually confuse the base, field, and crown of the building. The canopy will stay below the crown of the building and therefore not interrupt the historic roofline. The canopy will be generally located between the row of windows which will allow views underneath the canopy and over the top of the canopies.

B. Street-Facing Facade Articulation.

1. Detail at First Floor. Buildings that have highly detailed ground floors contribute significantly to the pedestrian experience. To accomplish this desirable characteristic, ground-floor elements like window trim, pilaster ornamentation, the texture of the base material, and even whimsical sculptural pieces embedded in the facade like busts or reliefs are highly encouraged. Especially desirable are details that relate to the history or culture of the surrounding region.

2. Cornice Treatment. Flat-roof buildings shall have cornices. Cornices shall have a combined width plus depth of at least three feet. An additional one foot shall be added to this required total for every story above one.

C. Street-Facing Windows – Depth of Windows. Windows shall be recessed at least three inches from the general plane of the facade. This creates shadow lines and visual interest, giving the facade the perception of depth. Depth in the facade promotes the perception of high quality and durable construction, and contributes to the district’s historic character.

D. Street-Facing Facade Materials.

1. Dominant Material. All facades shall be comprised primarily of brick. The color of the brick shall be a reddish-brown of generally the same tonal quality as the existing brick buildings within the civic corridor. When used as a veneer material, the brick must be at least two and one-half inches thick. Additional materials are allowed as accents.

2. Allowed Accent Materials. Allowed accent materials include horizontal wood and cementitious lap siding, horizontal board and batten siding, shingles, shakes, and copper or brass. Lap siding, shingles, and shakes shall leave exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced at most eight inches on center. In addition, rusticated concrete block, or stone masonry is allowed, but when used as a veneer material, it must be at least two and one-half inches thick. Cement-based stucco is allowed.

3. Changes in Material. Brick street-facing facades shall return at least 18 inches around exposed side walls.

Finding: The existing architectural details on the building will not be changed. The color of the overhead canopy aims to be distinct from the building but in harmony with existing building materials. The fabric will be of one color and have no pattern (no stripes, dots or other patterns). The color, although intended to attract the eye, will not be ultra-bright. The overhead canopy will maintain views of the building façade, and the canopy poles will maintain clear and open access to the building doors. The proposed forecourt project will still leave the building in substantial compliance with the Civic Corridor standards.

E. Signage Standards. In addition to the C-3 signage requirements of NMC 15.435.010 through 15.435.120, to encourage the historic character of the civic corridor as described in NMC 15.350.010, sign lettering within the civic corridor shall not exceed 12 inches in height, and signs shall include at least one of the following elements:

- 1. The sign includes a frame, background or lettering in copper, bronze or brass in natural finishes, comprising at least five percent of the sign face.*
- 2. The sign is a freestanding brick monument sign.*
- 3. The sign lettering is in a raised relief, and is constructed of either naturally finished metal or white-painted wood (or material that appears to be wood).*
- 4. The sign lettering is engraved in either metal or masonry.*
- 5. The sign is attached to a mounting bracket and allowed to swing freely. [Ord. 2744 § 1 (Exh. A), 7-18-11; Ord. 2561, 4-1-02. Code 2001 § 151.526.6.]*

Finding: Not applicable. No new signs are proposed in this application.

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

Finding: The applicant is not proposing any frontage improvements or major utility improvements as part of the forecourt project. The applicant has proposed a new stormwater rain garden in the southwest corner of the forecourt. Some of the building's roof drains will flow to the rain garden before entering the city stormwater system.

The forecourt development will create approximately 6,300 square feet of new impervious surface on the property. The applicant has noted that the 2011 parking lot project converted 19,700 square feet of impervious asphalt and gravel parking area to pervious pavers. Taken together, the two projects result in a net site impervious area reduction of 13,400 square feet. The applicant has therefore requested that this forecourt project be considered in compliance with Newberg's stormwater code section 13.25.260 without additional stormwater treatment, as the two projects together have reduced, not increased, the amount of impervious surface on the site. The city Engineering division has commented that the project, in total, has not increased the impervious surface on the site and that it is in compliance with the city stormwater code.

The frontage improvements in the Sheridan Street right of way are not part of this project and are being completed by the city. It is worth noting that the improvements will widen the western part of Sheridan Street, add seven parking spaces, and comply with the guiding concept plan for the Cultural District. The street trees on Sheridan will be types listed in the city's preferred street tree list.

Undergrounding utility lines: The applicant was conditioned to underground the single overhead utility line on Sherman Street, and will complete that in 2013 when the Sheridan Street improvements are constructed.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

Finding: Not applicable - No new traffic study is required at this time as fewer than 40 trips per PM peak hour will be expected to occur as a result of this project.

B. Historic Landmark Review Criteria That Apply-Newberg Development Code 15.344.030.

The Planning Commission, in considering applications for permit approval for any alteration, shall base their decision on substantial compliance with the following criteria and guidelines.

a. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Specific design elements which must be addressed include:

i. Average setback. When a new structure is being constructed on an infill lot, the front yard setback shall be the same as the buildings on either side. When the front setbacks of the adjacent buildings are different, the front setback of the new structure shall be an average of the two.

ii. Architectural elements. The design shall incorporate architectural elements of the city's historic styles, including Queen Anne, Colonial Revival, Dutch Colonial Revival, and Bungalow styles. Ideally, the architectural elements should reflect and/or be compatible with the style of other nearby historic structures. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, roof dormers, and decorative trim boards.

iii. Building orientation. The main entrance of the new structure shall be oriented to the street. Construction of a porch is encouraged but not required. Such a porch shall be at least six feet in depth.

iv. Vehicle parking/storage. Garages and carports shall be set back from the front facade of the primary structure and shall relate to the primary structure in terms of design and building materials.

v. Fences. Fences shall be built of materials which are compatible with the design and materials used in the primary structure.

Finding: The proposed forecourt redevelopment does not change the existing building. The Chehalem Cultural Center building was built in 1935 as the Central School. The style is Colonial Revival with some contemporary elements and finishes. The building has strong clean lines, extensive windows, minimal ornamentation, and an almost modern style. The façade incorporates several step backs. The entrance and the two wings extend forward, which helps break up the mass of the building. The dominant façade material is red brick, which lends a warm tone to the building. The main entrance is a light colored concrete archway, however, which contrasts with the dominant

brick color and serves as a focal point. The two wings on the front of the building were added in the 1950s, have flat roofs, plain facades, and a modern character. Most of the front courtyard or forecourt is grass lawn, with a broad paved path extending from the sidewalk to the entrance. The public library across the street also uses brick as its primary façade material, with light colored brick pillars for contrast and extensive windows on the north end of the building.

The proposed redeveloped forecourt incorporates the architectural style of the building and surrounding neighborhood in several ways. The pavers, planters and raised seat walls are symmetrical, and follow the stepped-back form of the historic building. The proposed forecourt pavers and the stone seat walls have primarily warm earth tones, which are similar to the warm brick colors of the front façades of the Cultural Center and the Library. There are some gray concrete bands in the pavers, which provide contrast to the pavers in the same way that the Cultural Center concrete building archway contrasts with the brick building façade.

The existing building occupies an entire block, so there is no average setback established by adjacent buildings. The existing building has a main entrance oriented to the street, and the proposed canopy functions somewhat like an awning to further highlight the main entrance.

The conifer trees proposed for the planters are the dominant landscaping element, and fit the site in several ways. There used to be a large cedar tree in the forecourt. There are also many large conifer trees in the neighborhood, as the applicant has shown in one of their drawings. The proposed conifers restore some of the historic character of the site and fit with the surrounding neighborhood.

The proposed canopy structure will consist of support poles with several flat canopy leafs approximately 15-20 feet above the ground. The support poles will be set at slight angles, and the canopy colors will be bright yellow and red. The canopy is intended as a place making element for the district while also providing shade and rain cover for the area where the farmers market and other events commonly take place. The angled support poles and bright canopy colors are intended to visually differentiate the canopy from the building and surrounding community, and draw the eye to the center of the Cultural District and the main entrance to the Chehalem Cultural Center. The extent of the canopy stays within the massing of the building, and does not extend above the building roof or beyond the ends of the building. The canopy and associated support poles will not visually or physically block the entrance or change the building access. The height of the canopy is also visually coordinated with the windows of the first and second stories to allow views across them. The new street trees that will be planted along Sheridan Street will also soften the visual impact of the canopy when viewed from the east or west. As proposed, the pavers, planters, seat walls, landscaping and canopy substantially preserve the historic character of the site.

b. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Finding: The proposed forecourt project does not add conjectural features or create a false sense of historical development for the site.

c. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Finding: The front lawn could be considered a historic feature of the site. The proposed forecourt redevelopment with pavers, planters and new landscaping will retain the open character of the lawn area and allow it to continue to function as a community event space. The site used to have a large cedar tree in the forecourt. The project will plant conifer trees that will be large when full grown, and therefore restore a historic element of the site.

d. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved to the extent possible.

Finding: The proposed changes do not remove distinctive exterior features of the existing building.

e. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall reasonably match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Finding: The proposed changes to the forecourt do not replace any deteriorated historic features.

f. Chemical or physical treatments, such as sandblasting, that cause extensive damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Finding: No sandblasting or harsh cleaning methods are proposed.

g. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Finding: There are no known significant archeological resources on the site.

h. New additions, exterior alterations, or related new construction shall not destroy historic character of the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Finding: The forecourt redevelopment with pavers, planters, seat walls, canopy and landscaping are differentiated from the existing site and have a contemporary style. The size and scale of the work is compatible with the historic scale of the building, as the pavers and seat walls are low profile, the large conifer trees are similar to a previously existing large cedar tree, and the canopy does not extend above the roofline or beyond the forecourt. The warm earth tone colors of the pavers and seat walls are compatible with the brick façade of the existing building, and serve to unify the site. The proposed forecourt project does not destroy the historical character of the property.

i. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Finding: While it is unlikely that the forecourt improvements would ever be removed, it would be possible to remove them without impairing the form of the historic property.

C. Variance Criteria That Apply –Newberg Development Code 15.215.040

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.

Finding: The site is in the Institutional zone, which requires a 25 foot front setback. The applicant has requested a reduction to a zero setback for the canopy structure. The objective of the zoning ordinance is to implement the Newberg Comprehensive Plan. Some of the relevant plan goals and policies are:

J. Urban Design:

n. The City shall encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas.

m. The City shall encourage flexibility in design review and interpretation of policies and regulations by ensuring that functional design and community benefit remain as the principal review criteria. Consider variance procedures where interpretation of regulations impede fulfillment of these criteria.

Downtown policies:

a. The City shall encourage the improvement of the central business district as the economic, cultural, business and governmental center of the Newberg area.

A variance is supported if the literal interpretation and enforcement of the code would create a hardship or practical difficulty inconsistent with the objectives of the zoning ordinance. Setbacks are generally intended to provide adequate light and air on a site, and to provide consistency with adjacent buildings. The main building itself remains setback approximately 50 feet from the front property line, and the two wings remain setback approximately 25 feet from the front property line. The only element that would not meet the 25 foot setback is the proposed canopy. The site would retain adequate light, air and open space because the courtyard would remain open, and the canopy would front on a wide right-of-way. The building site occupies an entire block, so there are no adjacent buildings to match setbacks with for the sake of consistency. The canopy design is innovative, and would help make the site a strong cultural center for Newberg by improving the usability of the site for events, such as the farmers market. Requiring a 25 foot front setback for the canopy would mean that it would not provide much shade or rain protection for events.

The site is in the Civic Corridor overlay zone. Most of the other sites in the Civic Corridor overlay

are in the C-3 base zone, which allows zero front setback. Many Civic Corridor buildings, such as City Hall, are built with zero front setbacks. Allowing a zero front setback for the canopy would make the site more consistent with the other buildings in the Civic Corridor overlay.

Strict enforcement of the code would create some hardships for the project inconsistent with the objectives of the zoning ordinance.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

Finding: The property is in the Institutional zoning district, and the Civic Corridor overlay zone subdistrict. Most of the Institutional sites in the city (Providence Newberg Medical Center, Hazelden, George Fox University) are much larger than the Cultural Center and generally find it easier to meet the front setback requirement. The other sites are largely self-contained campuses, while the CCC is part of a larger cultural district and civic corridor district. The CCC site is the smallest Institutional district in the city and is already mostly developed, so it faces some constraints that other Institutional properties do not. The site is also in the Civic Corridor, and most other Civic Corridor sites are in the C-3 zone with a zero front setback requirement. The site has exceptional circumstances that do not generally apply to other properties in the Institutional district. In some ways the site is unique, as there are no other sites with Institutional zoning within the Civic Corridor overlay.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

Finding: The other Institutional properties in the city have some flexibility in how they choose to develop because of their larger sites. Most of the other properties in the Civic Corridor are allowed to have a zero front setback. Strict interpretation of the front setback requirement would deprive the applicant of some privileges enjoyed by other properties in this zoning district and subdistrict.

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

Finding: While the other Institutional sites would still have a 25 foot front setback requirement, none of them are in the Civic Corridor overlay subdistrict. Most of the sites in the Civic Corridor overlay are also in the C-3 district, which allows a zero front setback. Granting a zero front setback for the canopy would not constitute a grant of special privilege inconsistent with the limitations on other properties in the Institutional district.

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Finding: A structural engineer licensed in Oregon will design and stamp the structural drawings for the overhead canopy. The canopy does not block access to the front door, or impair emergency access to the site. The Fire Marshal has commented that there are specific Fire Code and Building Code requirements for the design and construction of overhead canopies, and the applicant will need to ensure that all of the requirements are met before building permits would be issued. Granting the variance to the front setback requirement will not be detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity.

Conclusion

Based on the above mentioned findings, the application meets the criteria required within the Newberg Development Code.

**Exhibit “B” to Planning Commission Order 2013-11
Conditions for File HISD-13-001/DR2-13-005/VAR-13-002
Chehalem Cultural Center: Forecourt Redevelopment, Front Setback Variance**

A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

1. **Permit Submittal:** Submit a building permit application, two (2) complete working drawing sets of the proposed project, two (2) complete electrical plans, and two (2) copies of a revised site plan. Show all the features of the plan approved through design review, including the following:
 - a. O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way
 - b. Structural details
 - c. Utility plan
2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
3. **SHPO approval:** Complete and submit a Clearance form to SHPO, and submit a copy of SHPO's review to the Planning Director. If SHPO finds the site is not eligible for designation on the National Historic Register or that the design does not require changes then no changes are required. If SHPO finds that minor changes are needed to the design then they can be reviewed by the Planning Director before construction. If SHPO requires major changes then the project needs to return to the Planning Commission for review before construction.
4. **Fire Dept.:**
 - a. Must meet all requirements of Fire Code including Chapter 24 - Tents & Membrane Structures.
 - b. Must meet all requirements of Building Code Chapter 31.
 - c. Not allowed at any time to block access to the building without preapproval by the Fire Marshal.
5. **Disabled/ADA Requirements:** Coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.

B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY

1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department standards relating to access and fire protection.
2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify

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that all design review conditions have been completed.

3. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (503-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1240) for landscaping final inspections.

C. DEVELOPMENT NOTES

1. The undergrounding of the overhead line on Sherman Street must be completed prior to the completion of the Sheridan Street improvements, which are expected to be completed in 2013, per a previous design review.
2. The gravel overflow parking lot shall be maintained on the west side of the site, unless a future parking variance/design review determines that no additional off-street parking is required.

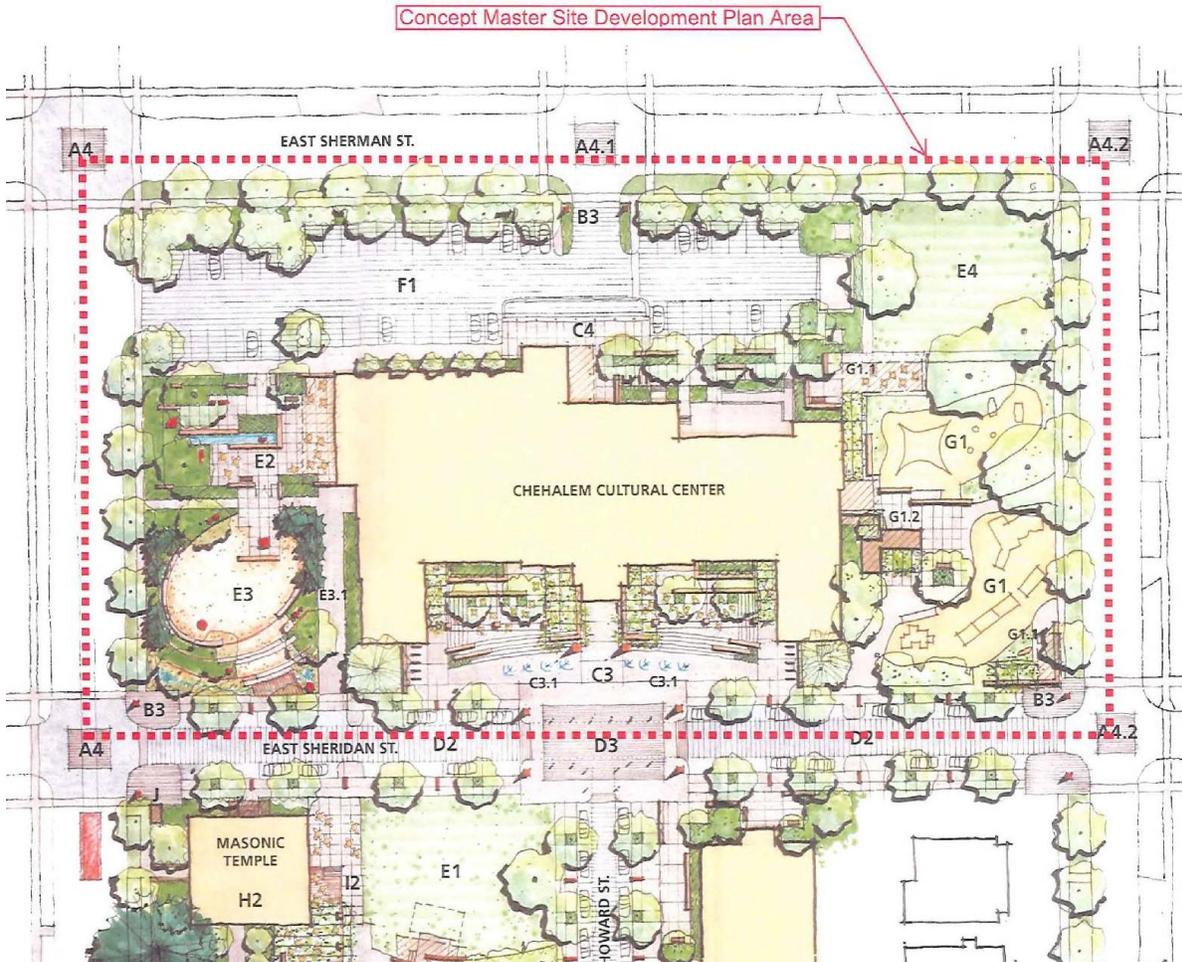
Attachment 1: Aerial Photo



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Attachment 2: Concept Master Site Development Plan



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Attachment 3: Site Plan/Elevation



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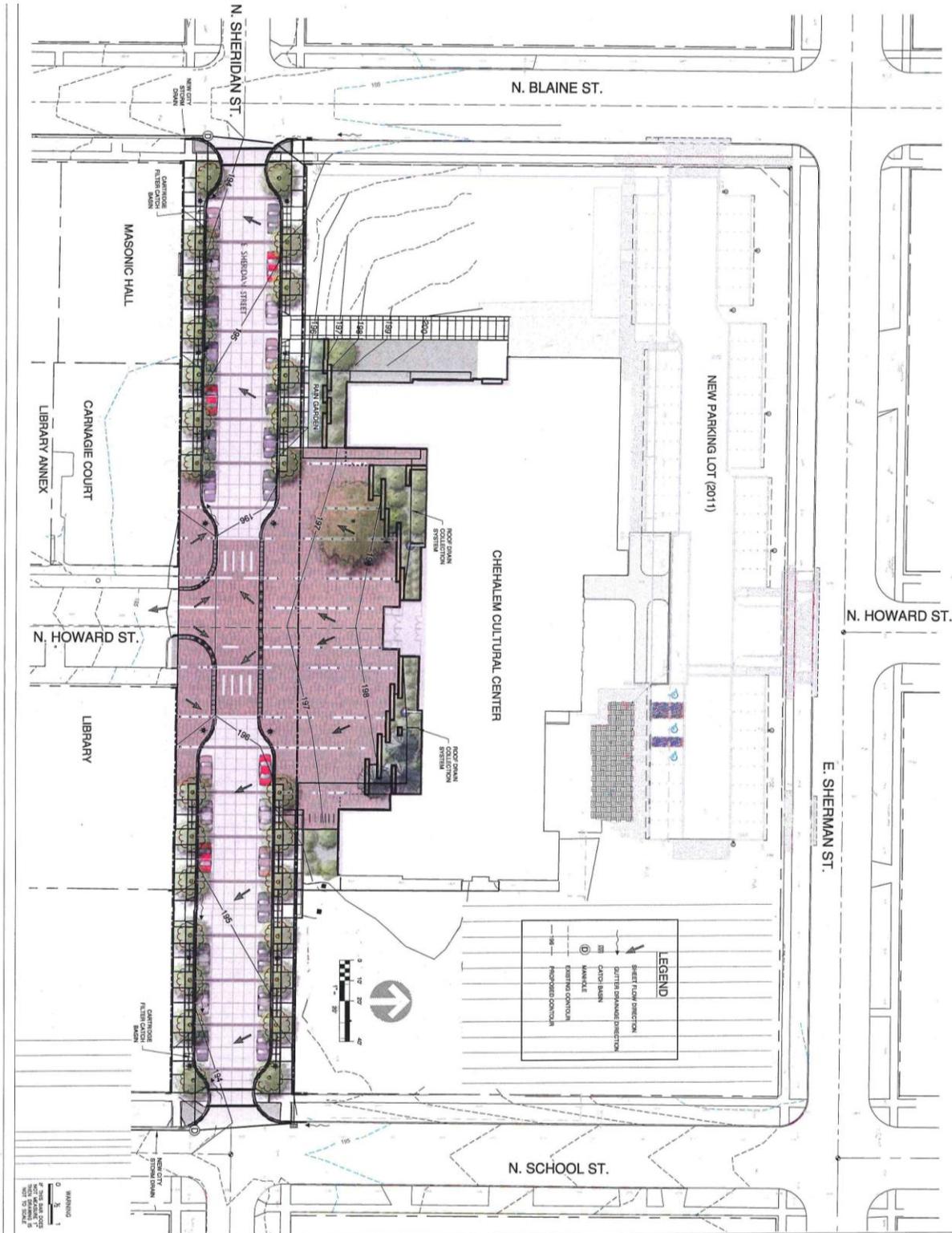
Attachment 4: Forecourt close-up



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Attachment 6: Preliminary Grading and Drainage Plan



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Attachment 7: Conifer Trees in Area



- LEGEND**
- ⊙ Existing Large Conifer Trees
 - Project Area
 - Area of Historic Review / Forecourt

CHEHALEM CULTURAL CENTER FORECOURT & EAST SHERIDAN STREET
 NEWBERG, OREGON



Larry Anderson Engineering, Inc.
 1124 Anderson Road, Newberg, Oregon 97132
 P: (503) 537-1119 E: Larry@AndersonEng.com



AERIAL PHOTO
 EXHIBIT - 3

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April 12, 2013

Steve Olson, Associate Planner
City of Newberg
414 E First St.
PO Box 970
Newberg, OR 97132

Re: Chehalem Cultural Center Forecourt – Project Statement

Dear: Mr. Steve Olson,

In partial fulfillment of the Type III Design Review application and pursuant of compliance with city code we submit the following project statement.

The project under consideration is the construction of a new forecourt (plaza) in the front the Chehalem Cultural Center for community events and art sculptures. The courtyard is a single open area with concrete unit pavers, foundation plantings, seat walls, stormwater treatment, overhead canopies, simple water features and architectural lighting. E Sheridan Street will also be improved however it is not part of this review and is not part of the scope of this application (which is for the private improvements). The Sheridan Street improvement is a separate project that the City's Engineering division is completing. We are also requesting a variance to reduce the 25 foot setback to zero for a proposed canopy structure within the forecourt. (See exhibit 1)

The forecourt development will create approximately 6,300 sq. ft. of new impervious area on the property. The 2011 parking lot project converted 19,700 sq. ft. of impervious asphalt and gravel parking areas to pervious pavers. Taken together, the two projects result in a net site impervious area reduction of 13,400 sq. ft. and according to the city engineering department, the forecourt project complies with Newberg's stormwater code Section 13.25.260 without additional stormwater treatment.

Nevertheless, Chehalem Park and Recreation District sees the opportunity to set an example and to raise public awareness to the impacts of urban development on stream water quality and so have incorporated a stormwater treatment "rain garden" into the landscape on the southwest corner of the forecourt.

The Cultural Center's south-side roof drains are currently piped to weep holes in the Sheridan Street curb. A roof drain collection system will be constructed along the building line to intercept the downspouts and pipe them around the forecourt to the rain garden on the west side. From there, treated stormwater and the overflows from larger storm events are piped to the city's storm drain system in Blaine St. Information about urban stormwater management and how the facility works will be posted at the rain garden. The same area on the east side contains a large fire system vault, so the east side roof drains will be piped directly to the city's storm system.

The forecourt slopes at approximately 2% from north to south. Surface runoff from the forecourt is divided by a shallow ridge line running down the center north-south axis. Surface drains will be placed wherever sheet flow is obstructed and concentrated, but otherwise, the forecourt surface will flow unobstructed into the street. Sheridan Street will be reconstructed by the city with a continuous cross-slope (no crown) from north to south. The south curb will capture the runoff from the forecourt and the street and direct it to inlets at the east and west corners of the block. The city plans to use cartridge filter catch basins at these corners.

The Chehalem Cultural Center is a former Central Elementary School built in 1935. The current architectural style is Colonial Revival with selected reuse of materials and contemporary elements and finishes. The main façade of the building is original brick but the entrance of the building has been update to be more contemporary. The interior floors are polished original concrete. The original beams have been refinished and contemporary wood panels placed next to it. Contemporary light fixtures are also used.

The building houses a fine arts gallery and exhibition hall, classrooms, studios, meeting space and for the performing arts. The grounds surrounding the Cultural Center host a variety of community events including Tunes on Tuesdays, the Camellia Festival and the farmers market. Each of these events draws hundreds if not thousands of people.

Unlike the Cultural Center building itself, the proposed exterior improvements do not have existing historical elements that could be refinished or repurposed (see exhibit 2). All the elements in the proposed project will need to be new. Nonetheless, the style, colors, materials and textures of the proposed aims to complement the existing building by distinguishing itself from its historic elements, while fitting it within the architectural context of the building style and neighborhood style.

It should also be recognized that the Cultural Center district plays a unique role as a community event space, a space for celebration and a place for displaying, learning and creating art. It is truly multifaceted. The forecourt allows for sculptures to be displayed, event tents, and other gatherings. The ability of the Cultural Center to distinguish itself and to attract events that support the community is critical to the project design.



Figure 1: Existing Conditions



Figure 2: Building façade steps in symmetrical fashion

Please feel free to contact me if you have any questions. We look forward to your review and comments.

Sincerely,

Ron Heiden
MAYER/REED

April 12, 2013

Steve Olson, Associate Planner
City of Newberg
414 E First Street
PO Box 970
Newberg, OR 97132

Re: Chehalem Cultural Center Forecourt – Response to Type III Design Review Criteria

Dear: Mr. Steve Olson,

In partial fulfillment of the Type III Design Review application and pursuant of compliance with city code we submit the following written response.

The project under consideration is the construction of a new forecourt (plaza) in the front the Chehalem Cultural Center for community events and art sculptures. The courtyard is a single open area with concrete unit pavers, foundation plantings, seat walls, stormwater treatment, an overhead canopy, simple water features and in-ground accent lighting. E Sheridan Street will also be improved however it is not part of this review and is not part of the scope of this application (which is for the private improvements). The Sheridan Street improvement is a separate project that the City's engineering division is completing. We are also requesting a variance to reduce the 25 foot setback to zero for a proposed overhead canopy within the forecourt.

§15.344.030 Historical Landmarks

1. *The historic character of a property shall be retained and reserved.*
 - a. Response: The proposed project does not attach anything to or remove anything from the Chehalem Cultural Center.

2. *When a new structure is being constructed on an in-fill lot, the front yard setback shall be the same as the buildings on either side.*
 - a. Response: The overhead canopy poles are proposed within the public right-of-way and the proposed canopy is within the 25 foot offset from the public right of way. We are requesting a front setback variance to allow the overhead canopy to be place a proposed. The location of the poles within the right of way is essential to the purpose of the project to accommodate community events. No other structures are proposed.

3. *The design shall incorporate architectural elements of the city's historic styles.*
 - a. Response: The project incorporates the architectural style of the building and surrounding neighborhood in several ways. The design of the paving and seat walls work with the symmetry and materials of the building. The

planting style is asymmetrical and balances the other proposed elements. Specifically:

- i. The building façade is brick, likewise the proposed forecourt has concrete unit pavers with warm earth tones and grey colors.
 - ii. The building is symmetrical, likewise the seat walls defining the foundation plantings are symmetrical.
 - iii. The two building wings, front entrance and the building walls all step away from the body of the building. Likewise, the seat walls step along the front façade of the building.
 - iv. The concrete banding in the forecourt align with the building's front façade.
 - v. The in-ground accent lighting located in the concrete banding is similar to the lighting visible inside the building from the street.
 - vi. Conifer trees, like the ones proposed in the corner of the forecourt, are currently found throughout the neighborhood and the downtown including the library (see Exhibit 3). An old cedar tree was part of the existing landscape until recently
 - vii. The naturalistic planting plan will be designed from commonly available native or native-adapted plants selected to express an Oregon landscape while also fitting well to the particular site conditions. The asymmetrical style of the planting will offer a variation from the symmetry of the building and forecourt in order to achieve an overall aesthetic that is not overly formal or too casual.
 - viii. The proposed seat walls are natural stone with warm earth tones, which compliments the brick building façade and the unit pavers. The particular stone is not native to the region, but its qualities elevate the design to meet the significance of the project to the community.
 - ix. The overhead canopy is intended as place making elements for the district along with providing shade and rain cover. The canopy visually differentiates itself from the typical architectural elements found on the building and in the neighborhood. The canopy intends to visually celebrate the community. The extent of canopy stays within the massing of the building and not above the bottom of the roof or beyond the ends of the building. The canopy and associated support poles will not visually or physically block the entrance or change the building access. The height of the canopy will also be coordinated with the windows on the first and second stories to allow views across them.
4. *The main entrance of the new structure shall be oriented to the street.*
- a. Response: The existing building orientation and main entrance have not been altered. The building entrance still faces the street. The visibility and access to the main building entrance has been enhanced as have secondary entrances. The visual presence of the building as the terminus of Howard Street will be enhanced by the addition of in-ground accent lighting, seat walls and trees.
5. *Garages and carports shall be set back from the front façade.*
- a. Response: No additional vehicle parking is proposed on the property. However, additional public street parking is proposed as part of a separate, but coordinated E. Sheridan Street project. The street parking is

held back from the main entrance of the building to allow safe and sufficient pedestrian access across E. Sheridan Street. Bicycle parking is proposed at the edge of the forecourt.

6. *Fences shall be built of materials which are compatible with the primary structure.*
 - a. Permanent fencing is not a part of this project.
- (B) *Each property shall be recognized as a physical record of its time, place and use.*
 - a. Response: The project elements do not confuse the basic perception of what is original to the site and what is new, nor do the project elements radically depart from the style of the building and the surrounding neighborhood. The materials, forms and components in the project are timeless and cannot be dated to a certain period of time.
- (C) *Changes to the property over time that have acquired historical significance shall be retained and preserved.*
 - a. The project does not attach anything to or remove anything historic from the building, nor does it alter or remove any historic site features or landscaping.
- (D) *Distinctive features, finishes and construction techniques or examples of craftsmanship that characterizes a historic property shall be preserved to the extent feasible.*
 - a. Response: The project does not attach anything to or remove anything historic from the building nor does it alter or remove any historic site features or landscaping.
- (E) *Deteriorated historic features shall be repaired rather than replaced.*
 - a. Response: The project does not contain deteriorated or missing historic features.
- (F) *The surface cleaning of structures shall be undertaken using the gentlest means possible.*
 - a. The project does not propose resurfacing or cleaning existing surfaces.
- (G) *Significant archeological resources affected by the project shall be protected and preserved.*
 - a. Response: Archeological resources have not been investigated.
- (H) *New additions, exterior alterations or related new construction shall not destroy historic character of the property.*
 - a. The existing landscape, which consists of recently installed lawn, pavers and shrubs, will be replaced by the forecourt. No trees will be removed or require protection during construction. The forecourt is differentiated from the building by use of stone, paver style and the overhead canopy that were not available at the time the building was constructed. The concrete bands, although a material available historically, are proposed in a contemporary pattern.
- (I) *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

- a. Removing the proposed project in the future will not affect the building or surrounding landscapes.

§15.220.020(D)(2) Site Design Review

(Paraphrased) The applicant will be required to be in substantial compliance of the master plan for each project phase of a master plan.

Response: The project was identified in a master plan process. It is part of a multi-phased project to enhance the Chehalem Cultural District. The project aims to be in substantial compliance with the design strategies and programming of the master plan, which include but are not limited to:

- Creating a sense of place & identity
- Celebrating culture & traditions of Newberg Cultural District
- Creating recognizable gateways & landmarks
- Physically & visually connect open spaces
- Designing spaces to be active, useful & flexible, including streets
- Defining spaces with shade trees & shrubs
- Selecting plants for seasonal color & effect
- Prioritizing drought-tolerant native & adapted species
- Using special paving for visual interest, color & texture
- Installing energy-efficient lighting
- Providing benches & bike racks
- Allowing places for public art
- Using water features as focal points
- Incorporating sustainable practices
- Treating stormwater.

Basic parking and traffic studies were performed as part of the master plan process and are being realized as part of the E Sheridan Street improvements. As part of these improvements, pedestrian circulation is being enhanced through wider sidewalks, marked curbside zones, tactile warning pavers, increased street lighting and marked crosswalks. Tree selections have not been made, but the project intends to comply with city standards.

§15.220.050(B) Site Design Review

1. *The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.*
 - a. Response: See § 15.344.030 Historical Landmarks above for discussion of design compatibility.
2. *(Paraphrased) Off-street parking is required as part of a new development. Parking studies may be required.*
 - a. Off-street parking is not provided as part this project phase. However, district parking studies were performed as part of the master plan. E. Sheridan Street is proposed to remain open with direction of travel maintained and additional parking added.

3. *(Paraphrased) The maximum height of any institutional building or structure will be 75 feet. (Paraphrase 15.415.040 Building Access) No building or structure shall be erected or altered except on a lot fronting or abutting a street. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code. (Paraphrased 15.410.00 General Yard Regulations) No yard or open space shall provide a yard or open space for any other building. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings..*
 - a. Response: The canopy structure is not a main building and will be less than 75 feet tall. The canopy has a fabric roof-like structure with a proposed height less than that of the Cultural Center.
 - b. Response: Fire ladder truck access to the Cultural Center's roof from the center front of the building will be blocked during certain times of the year. The building has interior fire sprinklers and possible other roof access points.
 - c. Response: The forecourt will not provide a "yard" for another building or allow for public or private parking in the "yard".
 - d. Response: The proposed project is not changing the size of the existing "front yard".
 - e. This project does not change the main building setback. The project does not propose vegetation or other features within the vision clearance of streets and driveways except city-approved street trees, light poles, overhead canopy poles and typical street signage.
4. *15.420.010(B)(1) (Paraphrased) A minimum of 15 percent of the lot area shall be landscaped*
 - a. Response: The project is removing lawn and replacing it with unit pavers and planting beds thereby reducing the area of vegetation in order to serve the needs of the project as a community event space.
5. *15.420.010(B)(2)(Paraphrased) Parking lots and loading areas or drive aisle must meet landscaping requirements.*
 - a. Response: No private lots or loading areas are proposed. A new service drive aisle is separated from adjacent property owners by over a hundred feet of lawn and trees.
6. *15.420.010(B)(4) The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.*
 - a. Response: Tree species, size, spacing and installation instructions have not yet been developed, but they will be coordinated with the City of Newberg.
7. *15.420.010(B)(4)(b). Collector and local street trees shall be spaced approximately 35 to 40 feet on center.*
 - a. Proposed street trees will have tree grates (no vegetation) and are 22 feet on center.

8. *15.420.012(B)(2)(b). Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.*
 - a. Tree grates are proposed for street trees in the planting strips. No other vegetation is proposed in the plating strip area.
9. *15.220.05(B)(5) Signs shall comply with NMC 15.435.010 et seq. dealing with signs.*
 - a. New private signs are not proposed. New public signs will replace existing signs and meet city code.
10. *15.220.05(B)(9) Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future.*
 - a. During construction, access to private properties along the E Sheridan Street work will be coordinated with the property owners.
11. *15.220.05(B)(10) If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.*
 - a. We are not aware that an additional traffic study is required.

§15.350.060 Civic Corridor Overlay

1. *15.350.060 (A)(1) Base, Field, and Crown. For new or redeveloped buildings, all street-facing facades shall be clearly divided into three separate elements: base, field and crown. Separations shall be made by changes in material or by shifts in the depth of the facade.*
 - a. The existing base, field or crown (as defined by code) of the Cultural Center, will not be altered. The ground at the base of the building will be stepped down with short seat walls to create a level surface consistent with surrounding grades.
 - b. The fabric overhead canopy will be entirely within the field of the building and will not visually confuse the base, field and crown of the building.
 - c. The overhead canopy will stay below the crown of the building and therefore not interrupt the historic roofline.
 - d. The views from the windows will be substantially maintained, particularly if the front setback variance is approved, which would allow the canopy to be farther away from the building.
 - e. The canopy will be generally located between the rows of windows which will allow views underneath the canopy and over the top of the canopies.
2. *15.350.060 (B)(C)(D)(E) (Paraphrased) Alteration to architectural details, roof, windows, façade material and building signage shall meet code*
 - a. Existing architectural details on the front of the building will not be altered, added to or removed, nor will the roof, windows, façade materials or building signage.
 - b. The color of the overhead canopy aims to be distinct from the building, but in harmony with the existing building materials. The fabric will be of one color and have no pattern for example stripes, dots or checkerboard. The color, although intended to attract the eye, will not be ultra-bright.
 - c. The overhead canopy will maintain views of the building name, façade details, material and character particularly if the variance is approved

- which allows a desirable distance for the canopy to be set back from the building.
- d. The canopy poles will maintain generous, clear and direct access to doors.

§15.215.040 Type II variance criteria

The Type II procedure shall be used to process a variance request. The hearing body shall grant the variance if the following criteria are satisfied:

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.*
 - a. Response: The limited physical space available to install an appropriately-sized overhead canopy creates a practical difficulty to adhere to the institutional building front setback requirements and programmatic requirements. The size of the canopy is directly related to their effectiveness to serve community events.
2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.*
 - a. Response: The canopy provides shade, protection from rain and serves as a district identifier. These three functions directly support the particular requirements of The Chehalem Cultural Center.
3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*
 - a. Response: No other property owner in the district displays this type of overhead canopy. The overhead canopy is a unique feature consistent with the unique purpose of the property.
4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.*
 - a. Response: Limited physical space is a consistent limitation for community event properties.
5. *That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. [Ord. 2451, 12-2-96. Code 2001 § 151.163.]*
 - a. A structural engineer licensed in Oregon will design and stamp the structural drawings for the overhead canopy. Other licensed professionals may stamp drawings associated with the overhead canopy.

§15.425.020 Applicability and exemptions (Lighting) (Paraphrased)

Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses.

- a. Response: No new lighting is proposed within the forecourt other than low level in-ground accent lights. There are existing lights on the façade of the building and there will be new street lighting as part of the Sheridan Street improvements to provide safety and security.

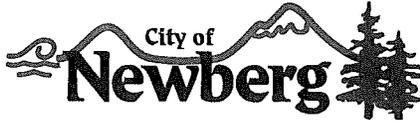
§15.425.040 Lighting (A)(1)

Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.

- a. Response: Low level in-ground accent (puck) lights are proposed within the paving of the forecourt. These will be mounted flush with the paving and will not be intrusive to the privacy of residents nor will they produce glare therefore they meet this requirement and are unrestricted by this code.

Please feel free to contact us if you have questions or if additional information is required.

Contact: Ron Heiden
MAYER/REED
971.255.4562
ron@mayerreed.com



TYPE III APPLICATION - 2013
(QUASI-JUDICIAL REVIEW)

File #: _____

TYPES - PLEASE CHECK ONE:

- Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Don Clements - Chehalem Park and Recreation District
ADDRESS: 125 S. Elliot Rd., Newberg, OR 97132
EMAIL ADDRESS: dclements@cprdnewberg.org
PHONE: 503.537.2909 MOBILE: 503.537.4165 FAX: 503.538.9669
OWNER (if different from above): PHONE: 503.537.2909
ADDRESS:
ENGINEER/SURVEYOR: Larry Anderson, PE PHONE: 503-537-1110
ADDRESS:

GENERAL INFORMATION:

PROJECT NAME: Chehalem Cultural Center Forecourt PROJECT LOCATION: 415 E. Sheridan St.
PROJECT DESCRIPTION/USE: Redesign and rebuild the forecourt of the Chehalem Cultural Center with new pavers, planters, landscaping, and sculptures
MAP/TAX LOT NO. (i.e.3200AB-400): 3218DD-15700 ZONE: I & CC Overlay SITE SIZE: 15,320 SQ. FT. ACRE
COMP PLAN DESIGNATION: PQ TOPOGRAPHY: 2% - 4% Slopes
CURRENT USE: Lawn/Landscaping and Building Entrance
SURROUNDING USES:
NORTH: R SOUTH: R, C-3
EAST: R WEST: R

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

- Annexation p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) p. 19
Conditional Use Permit p. 21
Historic Landmark Modification/Alteration p. 23
Planned Unit Development p.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

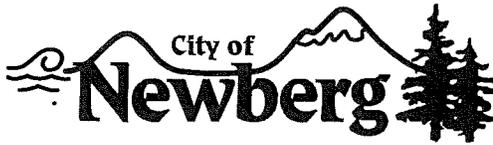
Applicant Signature: W Don Clements 4-10-13 Date

Owner Signature: W Don Clements 4-10-13 Date

Print Name: W Don Clements

Print Name: W Don Clements

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists



Planning and Building Department

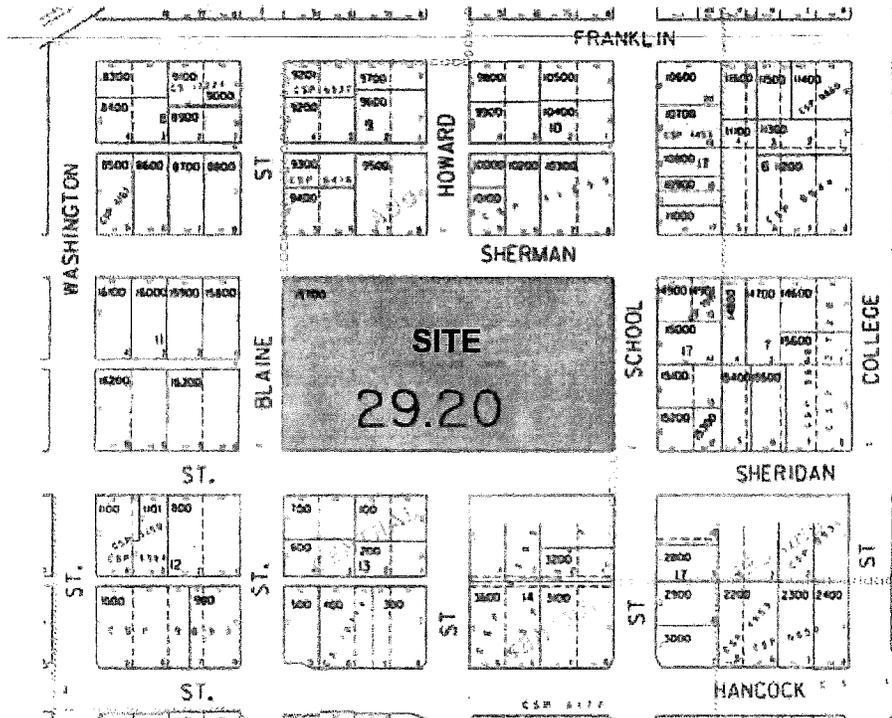
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
 503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

**NOTICE OF PLANNING COMMISSION HEARING
 ON A HISTORIC REVIEW/ DESIGN REVIEW/ VARIANCE REVIEW**

A property owner in your neighborhood submitted an application to the City of Newberg to approve a historic review/design review for the Chehalem Cultural Center forecourt, and a variance to the front setback requirements for a canopy. The Newberg Planning Commission will hold a public hearing on **May 9, 2013** at 7 p.m. at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application includes: 1) A Historic Landmark Modification Review/Design review to redesign and rebuild the forecourt of the Chehalem Cultural Center with new pavers, planters, landscaping, and sculptures; 2) A Variance request to reduce the 25 foot front setback requirement to zero so the overhead canopy can cover the area where vendor booths are often placed.

APPLICANT: *Don Clements, CPRD*
 TELEPHONE: *503-537-2909*
 PROPERTY OWNER: *Chehalem Park and Recreation District*
 LOCATION: *415 E. Sheridan Street*
 TAX LOT NUMBER: *3218DD-15700*



We are mailing you information about this project because you own land within 500 feet of the proposed site. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. HISD-13-_____/DR2-13-_____/VAR-13-_____
 City of Newberg
 Planning & Building Department
 P.O. Box 970
 Newberg, OR 97132

Any written testimony must be submitted to the Planning and Building Department office by noon on May 6, 2013. Written testimony received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings. Only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page, or view the application on the city website at www.newbergoregon.gov/planning. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a historic review/design review/variance is found in Newberg Development Code Sections §15.344.030(A)(3) Historic Landmarks; §15.220.020(D)2 & 15.220.050(B) Design Review; §15.350.060 Civic Corridor Overlay design standards; §15.215.040 Variance criteria.

Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

Date Mailed: _____

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

Land Use Notice

File # _____

Proposal: A Historic Landmark Modification Review/Design review to redesign and rebuild the forecourt of the Chehalem Cultural Center with new pavers, planters, landscaping, and sculptures and a variance request to reduce the 25 foot front setback requirement to zero so an overhead canopy can cover the area where vendor booths are often placed.

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Planning & Building Department
414 E First Street
Phone: 503-537-1240

Sign Size will be 2' x 3', corrugated plastic, black letters on white background with steel posts for mounting.

CHEHALEM CULTURAL CENTER FORECOURT & EAST SHERIDAN STREET
NEWBERG, OREGON



NOTIFICATION SIGN

Robert Harris
314 N Garfield St
Newberg, OR 97132

Kenneth Mills
312 N Garfield St
Newberg, OR 97132

John Lewis
203 E Sheridan St
Newberg, OR 97132

Kurt Johnson
211 E Sheridan St
Newberg, OR 97132

Amy Veatch
PO Box 24
Newberg, OR 97132

Martin Chlumak
400 N School St
Newberg, OR 97132

Caroline Harrington
313 N Washington St
Newberg, OR 97132

Nolan Long
3725 NE Mallory Ave
Portland, OR 97212

Mariya Myers
415 N Washington St
Newberg, OR 97132

Richard & Roberta Engnell
29295 NE Pendle Hill Rd
Newberg, OR 97132

Trisha Clark
215 E Sherman St
Newberg, OR 97132

Marianela Brewer
209 E Sherman St
Newberg, OR 97132

Joanne Petersen
207 E Sherman St
Newberg, OR 97132

Daniel Nelson
201 E Sherman St
Newberg, OR 97132

Iea Inc
Ray Chalich6124 SW Riverspoint
Portland, OR 97201

David Todd
23445 NE Sunnycrest Rd
Newberg, OR 97132

Nobor Pereda
615 N Meridian St
Newberg, OR 97132

Gary Harker
429 S Lincoln St
Newberg, OR 97132

Janet Land
607 E Franklin St
Newberg, OR 97132

Joyce Sprecher
1041 SE Vine St
McMinnville, OR 97128

R Thomas & Christine S Of Irwin
507 N College St
Newberg, OR 97132

Dorothy Clark
511 N School St
Newberg, OR 97132

Nicole D'auray
504 E North St
Newberg, OR 97132

Sari Davey
415 N Howard St
Newberg, OR 97132

Holly Hoover
501 E Franklin St
Newberg, OR 97132

Cindy Corum
505 E Franklin St
Newberg, OR 97132

Richard Dupont
PO Box 295
Nuiqsut, AK 99789

Edy Morton & Edy LLC
PO Box 8
West Linn, OR 97068

Tedford Properties LLC
315 E Franklin St
Newberg, OR 97132

Christopher Plummer
414 N Washington St
Newberg, OR 97132

Simon Brown
410 N Washington St
Newberg, OR 97132

Aubrey Nichols
301 Sherman St
Newberg, OR 97132

Coni Wright
307 E Sherman St
Newberg, OR 97132

Kevin Garlough
311 E Sherman St
Newberg, OR 97132

Steven Golden
315 E Sherman St
Newberg, OR 97132

Jacquelin Mourer
PO Box 4
Woodburn, OR 97071

Donna Mourer
PO Box 4
Woodburn, OR 97071

Joseph McDaniel
415 N Blaine St
Newberg, OR 97132

Leonard Braithwait
412 N Blaine St
Newberg, OR 97132

Nellie Wise
400 E Franklin St
Newberg, OR 97132

Michael Pollock Sr
406 N Blaine St
Newberg, OR 97132

David Miller Jr
PO Box 1076
Newberg, OR 97132

Lip Properties LLC
PO Box 1060
Newberg, OR 97132

Christopher Laarman
413 N Howard St
Newberg, OR 97132

Fred Davey
415 N Howard St
Newberg, OR 97132

Oregon Beach Rentals. Com LLC
PO Box 1800
North Plains, OR 97133

Charles Dittman
410 N Howard St
Newberg, OR 97132

Francis Enterprises Inc
3102 E Portland Rd
Newberg, OR 97132

Francis Enterprises Inc
Brian Francis
3102 E Portland
Newberg, OR 97132

Marcia Artajo
505 E Sherman St
Newberg, OR 97132

Erik Johnson
515 E Sherman St
Newberg, OR 97132

Lip Properties LLC
PO Box 1060
Newberg, OR 97132

Bruce Arnold
415 N School St
Newberg, OR 97132

Tamara Jones
414 N School St
Newberg, OR 97132

Amy MacY
406 N School St
Newberg, OR 97132

Martin Chlumak
400 N School St
Newberg, OR 97132

David Mehler
402 N School St
Newberg, OR 97132

Martin Chlumak
400 N School St
Newberg, OR 97132

Antonio & Connie Russo
403 N College St
Newberg, OR 97132

Antonio & Constance Russo
403 N College St
Newberg, OR 97132

Terry Goodman
409 N College St
Newberg, OR 97132

Martin Troiani
180 Canyon Lakes Way
San Ramon, CA 94582

Patricia Odenweller
608 E Franklin St
Newberg, OR 97132

Deborah Voorhees
606 E Franklin St
Newberg, OR 97132

Mark Gaidos
414 N College St
Newberg, OR 97132

Richard Rohr
410 N College St
Newberg, OR 97132

Traci Sutherland
400 N College St
Newberg, OR 97132

Bryant Fitzgerald
32420 SW Savage Rd
Sheridan, OR 97378

Matthew Murray
310 N College St
Newberg, OR 97132

Robert Soppe
709 E Sheridan St
Newberg, OR 97132

Llp Properties LLC
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Newberg, OR 97132

Gregg Hottmann
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Newberg, OR 97132

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606 E Sherman St
Newberg, OR 97132

For Fox
20805 NE Highway 240
Newberg, OR 97132

Conrado Pereda
11980 NE Worden Hill Rd
Newberg, OR 97132

Esther M For Bell
29555 NE Benjamin Rd
Newberg, OR 97132

Tamera Caulfield
PO Box 1896
Eagle, ID 83616

Emily Garrick
601 E Sheridan St
Newberg, OR 97132

Waide Bailey
14400 NE Stone Rd
Newberg, OR 97132

Dustin Vandehey
609 E Sheridan St
Newberg, OR 97132

George & Johanna For Berry
18230 NE Rainbow Ln
Newberg, OR 97132

Larry & Nola O For Hindman
301 N College St
Newberg, OR 97132

Mark Bullard
21137 SW Martinazzi Ave
Tualatin, OR 97062

Sarah Breckenridge
310 E Sherman St
Newberg, OR 97132

Jason Porter
306 E Sherman St
Newberg, OR 97132

John Kelso
300 E Sherman St
Newberg, OR 97132

Robert Flippen Jr
24090 NE Wildwood Rd
Newberg, OR 97132

Matthew Hawblitzel
315 E Sheridan St
Newberg, OR 97132

Michael Pender
708 E Sheridan St
Newberg, OR 97132

Clint Bt Baldwin
700 E Sheridan St
Newberg, OR 97132

Daniel Olivas
208 N College St
Newberg, OR 97132

Francis Enterprises Inc
Brian Francis3102 E Portland
Newberg, OR 97132

James & Darlene L For Cain
27775 NW Williams Canyon Rd
Gaston, OR 97119

James & Darlene L For Cain
27775 NW Williams Canyon Rd
Gaston, OR 97119

James & Darlene L For Cain
27775 NW Williams Canyon Rd
Gaston, OR 97119

Gary Allen
614 E Sheridan St
Newberg, OR 97132

Federal National Mortgage Association
Two Galleria Tower Suite 95013455
Noel Rd
Dallas, TX 75240

Barry Horn
610 E Sheridan St
Newberg, OR 97132

Micah Meeuwssen
600 E Sheridan St
Newberg, OR 97132

Austin Taylor
423 Hazelnut Dr
Newberg, OR 97132

Janette Suffield
206 N School St
Newberg, OR 97132

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1118 Northshore Rd
Lake Oswego, OR 97034

Finis D For Carter
4801 E Washington St Suite 245
Phoenix, AZ 85034

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Newberg, OR 97132

Sharon K For Bowman
215 N School St
Newberg, OR 97132

Newberg City Of
414 E 1st St
Newberg, OR 97132

Newberg City Of
414 E 1st St
Newberg, OR 97132

Public Library Newberg
503 E Hancock St
Newberg, OR 97132

Eagle Newspapers Inc
PO Box 700
Newberg, OR 97132

Eagle Newspapers Inc
PO Box 700
Newberg, OR 97132

Yamhill Development Corp
Passmore11714 N Island Cove
Portland, OR 97217

Lloyd & Viola M Of Nisly
1301 Fulton St No 348
Newberg, OR 97132

Benny Louie
3268 SE Sherman St
Portland, OR 97214

Donald & Patricia Tarlow
515 E 1st St
Newberg, OR 97132

Eagle Newspapers Inc
PO Box 700
Newberg, OR 97132

Eagle Newspapers Inc
PO Box 700
Newberg, OR 97132

First Interstate Bank
Thomson Property Tax ServicesPO
Box
Carlsbad, CA 92018

Slpd Properties LLC
Dallas Sally L115 N College
Newberg, OR 97132

First Interstate Bank
Thomson Property Tax ServicesPO
Box
Carlsbad, CA 92018

Daniel O For Corrigan
400 NE 2nd St
McMinnville, OR 97128

Willamette Education Service District
2045 SW Highway 18
McMinnville, OR 97128

Newberg City Of
414 E First St
Newberg, OR 97132

Llp Properties LLC
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Newberg, OR 97132

Oregon State Of
Right Of Way Section4040 Fairview
Industrial Dr SE Ms
Salem, OR 97302

Oregon State Of
Right Of Way Section4040 Fairview
Industrial Dr SE Ms
Salem, OR 97302

David Meshishnek
210 N Blaine St
Newberg, OR 97132

Newberg Masonic Temple Assn
PO Box 101
Newberg, OR 97132

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PO Box 1060
Newberg, OR 97132

Noah John Claire LLC
215 N Blaine St
Newberg, OR 97132

Jonathon Jahnke
307 E Hancock St
Newberg, OR 97132

Steven & Cynthia Porter
302 E Sheridan St
Newberg, OR 97132

Hubert & Vivian For Thornburg
1301 Fulton St No 213
Newberg, OR 97132

Robert Flippen Jr
24090 NE Wildwood Rd
Newberg, OR 97132

Patricia Crowley
2303 SE 58th Ave
Portland, OR 97215

Deborah Currie
206 E Sheridan St
Newberg, OR 97132

Phillip Simmons
10790 NE Worden Hill Rd
Dundee, OR 97115

Nabor Pereda
615 N Meridian St
Newberg, OR 97132

Ronald Hatfield
1306 E 2nd St
Newberg, OR 97132

Llp Properties LLC
PO Box 1060
Newberg, OR 97132

Gregorio & Rosa Barajas
PO Box 334
Newberg, OR 97132

Audreys Holding LLC
7493 SW 184th Pl
Beaverton, OR 97007

Martha & Denton Brown
4040 NE Hawn Creek Rd
McMinnville, OR 97128

Martha & Denton Brown
4040 NE Hawn Creek Rd
McMinnville, OR 97128

Martha & Denton Brown
4040 NE Hawn Creek Rd
McMinnville, OR 97128

Roger & Mildred Minthorne
1301 E Fulton St No 353
Newberg, OR 97132

Ronald & Janie Janssen
629 NW 19th St
McMinnville, OR 97128

Oregon First Community Credit Union
Accounts Payable200 N Adams
Coquille, OR 97423

Oregon First Community Credit Union
Accounts Payable200 N Adams
Coquille, OR 97423

Newberg City Of
City Hall/Finance Dept414 E 1st
Newberg, OR 97132



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ParcelID	Site Addr	Site City	Site ZIP	Acres	Beds	Baths	Sq Ft	Owner
R3218DC09100	314 N Garfield St	Newberg	97132	0.1312	2	1.00	994	Harris Robert A
R3218DC09200	312 N Garfield St	Newberg	97132	0.1281	4	2.00	1652	Mills Kenneth M
R3218DC09300	203 E Sheridan St	Newberg	97132	0.2594	3	2.00	1760	Lewis John D
R3218DC09400	211 E Sheridan St	Newberg	97132	0.1424	4	2.50	1728	Johnson Kurt J
R3218DC09401	215 E Sheridan St	Newberg	97132	0.1165	3	1.50	1414	Veatch Amy D
R3218DC09500	311 N Washington St	Newberg	97132	0.0717	3	1.00	1032	Chlumak Martin
R3218DC09600	313 N Washington St	Newberg	97132	0.0918	2	1.00	780	Harrington Caroline A
R3218DC09700	315 N Washington St	Newberg	97132	0.0957	2	1.00	866	Long Nolan S
R3218DC09800	415 N Washington St	Newberg	97132	0.1365	2	1.00	1012	Myers Mariya C
R3218DC09900	409 N Washington St	Newberg	97132	0.1457	0	0.00	0	Engnell Richard A & Roberta R
R3218DC10000	215 E Sherman St	Newberg	97132	0.1274	4	2.50	2944	Clark Trisha L
R3218DC10100	209 E Sherman St	Newberg	97132	0.1280	3	1.00	1048	Brewer Marianela M
R3218DC10200	207 E Sherman St	Newberg	97132	0.2934	2	1.00	1104	Petersen Joanne M
R3218DC10300	201 E Sherman St	Newberg	97132	0.1708	1	1.00	600	Nelson Daniel R
R3218DD01000	500 E Illinois St	Newberg	97132	5.5900	0	0.00	0	Iea Inc
R3218DD06700	510 N School St	Newberg	97132	0.1239	2	1.00	906	Todd David A
R3218DD06800	605 E Franklin St	Newberg	97132	0.1027	2	1.00	808	Pereda Nobor
R3218DD06900	603 E Franklin St	Newberg	97132	0.1452	2	1.00	710	Harker Gary G
R3218DD07000	607 E Franklin St	Newberg	97132	0.1377	2	1.00	828	Land Janet A
R3218DD07100	503 N College St	Newberg	97132	0.2315	4	4.00	2809	Sprecher Joyce J
R3218DD07200	507 N College St	Newberg	97132	0.2307	5	3.00	2732	Irwin R Thomas & Christine S Trustees Of
R3218DD07400	511 N School St	Newberg	97132	0.1297	2	1.00	1048	Clark Dorothy B
R3218DD07500	504 E North St	Newberg	97132	0.1297	2	1.50	936	D'auray Nicole
R3218DD07600	500 E North St	Newberg	97132	0.1297	2	1.00	871	Davey Sari I
R3218DD07700	501 E Franklin St	Newberg	97132	0.1297	3	2.00	1454	Hoover Holly T
R3218DD07800	505 E Franklin St	Newberg	97132	0.2334	3	2.00	1285	Corum Cindy D
R3218DD07900	515 E Franklin St	Newberg	97132	0.1556	4	1.50	4542	Dupont Richard H
R3218DD08000	501 N Howard St	Newberg	97132	1.1200	0	0.00	0	Edy Morton & Edy LLC
R3218DD08200	315 E Franklin St	Newberg	97132	0.4100	0	0.00	0	Tedford Properties LLC

R3218DD08300	414 N Washington St	Newberg	97132	0.1147	2	1.00	931	Plummer Christopher S
R3218DD08400	410 N Washington St	Newberg	97132	0.1446	3	2.00	1190	Brown Simon D
R3218DD08500	301 E Sherman St	Newberg	97132	0.1297	3	1.00	1594	Nichols, Aubrey & Alex
R3218DD08600	307 E Sherman St	Newberg	97132	0.1297	2	1.00	928	Wright Coni E
R3218DD08700	311 E Sherman St	Newberg	97132	0.1297	3	1.00	1355	Garlough Kevin M
R3218DD08800	315 E Sherman St	Newberg	97132	0.1297	3	2.00	1442	Golden Steven S
R3218DD08900	411 N Blaine St	Newberg	97132	0.1147	3	1.00	1400	Mourer Jacquelin S
R3218DD09000	0 N Blaine St	Newberg	97132	0.0068	0	0.00	0	Mourer Donna Z
R3218DD09100	415 N Blaine St	Newberg	97132	0.1377	3	1.50	1462	McDaniel Joseph P
R3218DD09200	412 N Blaine St	Newberg	97132	0.1446	3	1.00	1700	Braithwait Leonard
R3218DD09201	400 E Franklin St	Newberg	97132	0.1147	3	1.00	1014	Wise Nellie A
R3218DD09300	406 N Blaine St	Newberg	97132	0.1101	2	1.00	1089	Pollock Michael Sr
R3218DD09400	400 N Blaine St	Newberg	97132	0.1492	3	2.50	1791	Miller David C Jr
R3218DD09500	401 N Howard St	Newberg	97132	0.2594	5	6.00	4970	Lip Properties LLC
R3218DD09600	413 N Howard St	Newberg	97132	0.1675	2	1.00	564	Laarman Christopher J
R3218DD09700	415 N Howard St	Newberg	97132	0.0918	2	1.00	864	Davey Fred J
R3218DD09800	502 E Franklin St	Newberg	97132	0.1297	2	1.00	816	Oregon Beach Rentals. Com LLC
R3218DD09900	410 N Howard St	Newberg	97132	0.1297	3	2.50	1670	Dittman Charles
R3218DD10000	406 N Howard St	Newberg	97132	0.0550	2	1.00	780	Francis Enterprises Inc
R3218DD10100	503 E Sherman St	Newberg	97132	0.0746	2	1.00	1025	Francis Enterprises Inc
R3218DD10200	505 E Sherman St	Newberg	97132	0.1297	2	1.00	1006	Artajo Marcia G
R3218DD10300	515 E Sherman St	Newberg	97132	0.2594	3	2.50	1809	Johnson Erik S
R3218DD10400	411 N School St	Newberg	97132	0.1331	2	1.00	820	Lip Properties LLC
R3218DD10500	415 N School St	Newberg	97132	0.1262	3	2.00	1393	Arnold Bruce A
R3218DD10600	414 N School St	Newberg	97132	0.1239	2	1.00	1292	Jones Tamara A
R3218DD10700	406 N School St	Newberg	97132	0.1239	4	1.00	1542	MacY Amy J
R3218DD10800	404 N School St	Newberg	97132	0.0826	3	1.00	1276	Chlumak Martin
R3218DD10900	402 N School St	Newberg	97132	0.0826	3	2.00	1606	Mehler David
R3218DD11000	400 N School St	Newberg	97132	0.0826	3	2.50	1516	Chlumak Martin H
R3218DD11100	605 E Sherman St	Newberg	97132	0.1836	2	1.00	946	Russo Antonio & Connie

R3218DD11200	403 N College St	Newberg	97132	0.3396	3	2.50	2646	Russo Antonio & Constance K
R3218DD11300	409 N College St	Newberg	97132	0.1543	4	3.50	3714	Goodman Terry L
R3218DD11400	415 N College St	Newberg	97132	0.1551	3	2.00	2409	Troiani Martin A
R3218DD11500	608 E Franklin St	Newberg	97132	0.0918	3	2.00	1014	Odenweller Patricia
R3218DD11600	606 E Franklin St	Newberg	97132	0.0918	2	1.00	922	Voorhees Deborah
R3218DD11700	414 N College St	Newberg	97132	0.2295	5	2.00	1608	Gaidos Mark F
R3218DD11800	410 N College St	Newberg	97132	0.1721	4	1.50	2268	Rohr Richard A
R3218DD11900	400 N College St	Newberg	97132	0.2869	3	2.50	2490	Sutherland Traci
R3218DD14200	314 N College St	Newberg	97132	0.1481	3	2.00	2011	Fitzgerald Bryant
R3218DD14300	310 N College St	Newberg	97132	0.2364	4	3.00	3014	Murray Matthew F
R3218DD14400	709 E Sheridan St	Newberg	97132	0.3304	3	1.50	2345	Soppe Robert E
R3218DD14600	315 N College St	Newberg	97132	0.1721	4	2.00	2151	Llp Properties LLC
R3218DD14700	610 E Sherman St	Newberg	97132	0.1377	3	1.00	1292	Hottmann Gregg A
R3218DD14800	606 E Sherman St	Newberg	97132	0.0950	2	2.00	1428	Holman Kathleen A
R3218DD14900	314 N School St	Newberg	97132	0.0661	2	1.00	720	Fox Trustee For
R3218DD14901	604 E Sherman St	Newberg	97132	0.0578	2	1.00	1076	Pereda Conrado
R3218DD15000	310 N School St	Newberg	97132	0.1239	3	1.00	1111	Bell Esther M Trustee For
R3218DD15100	306 N School St	Newberg	97132	0.1239	3	2.00	1306	Caulfield Tamera M
R3218DD15200	601 E Sheridan St	Newberg	97132	0.0688	1	1.00	1042	Garrick Emily
R3218DD15300	605 E Sheridan St	Newberg	97132	0.0550	1	1.00	720	Bailey Waide A
R3218DD15400	609 E Sheridan St	Newberg	97132	0.1143	3	1.50	1138	Vandehey Dustin S
R3218DD15500	611 E Sheridan St	Newberg	97132	0.1377	3	1.00	1186	Berry George T & Johanna Co-Trustees For
R3218DD15600	301 N College St	Newberg	97132	0.3595	6	3.00	2360	Hindman Larry C & Nola O Trustees For
R3218DD15700	415 E Sheridan St	Newberg	97132	2.5500	0	0.00	0	Chehalem Park & Recreation
R3218DD15800	314 E Sherman St	Newberg	97132	0.1297	3	1.00	984	Bullard Mark E
R3218DD15900	310 E Sherman St	Newberg	97132	0.1297	2	1.00	1076	Breckenridge Sarah L
R3218DD16000	306 E Sherman St	Newberg	97132	0.1297	3	1.00	920	Porter Jason A
R3218DD16100	300 E Sherman St	Newberg	97132	0.1297	3	1.00	1259	Kelso John
R3218DD16200	303 E Sheridan St	Newberg	97132	0.2594	0	0.00	0	Flippen Robert J Jr
R3218DD16300	315 E Sheridan St	Newberg	97132	0.2594	3	2.00	2183	Hawblitzel Matthew

R3219AA01800	708 E Sheridan St	Newberg	97132	0.1928	4	3.00	2044	Pender Michael
R3219AA01900	700 E Sheridan St	Newberg	97132	0.1296	4	1.50	1756	Baldwin Clint Bt
R3219AA02000	208 N College St	Newberg	97132	0.0769	2	1.00	1055	Olivas Daniel
R3219AA02100	202 N College St	Newberg	97132	0.4660	0	0.00	3360	Francis Enterprises Inc
R3219AA02200	611 E Hancock St	Newberg	97132	0.2320	0	0.00	0	Cain James L & Darlene L Trustees For
R3219AA02300	615 E Hancock St	Newberg	97132	0.1365	0	0.00	0	Cain James L & Darlene L Trustees For
R3219AA02400	619 E Hancock St	Newberg	97132	0.1377	0	0.00	0	Cain James L & Darlene L Trustees For
R3219AA02500	614 E Sheridan St	Newberg	97132	0.1377	3	2.50	1304	Allen Gary R
R3219AA02501	618 E Sheridan St	Newberg	97132	0.1377	3	2.50	1540	Federal National Mortgage Association
R3219AA02600	610 E Sheridan St	Newberg	97132	0.2327	4	2.00	1976	Horn Barry R
R3219AA02700	600 E Sheridan St	Newberg	97132	0.1367	3	1.00	1456	Meeuwesen Micah
R3219AA02800	210 N School St	Newberg	97132	0.1047	4	3.00	1657	Taylor Austin J
R3219AA02900	206 N School St	Newberg	97132	0.1210	2	1.00	1254	Suffield Janette
R3219AA03000	601 E Hancock St	Newberg	97132	0.1099	0	0.00	0	Gmb Investors LLC
R3219AA03100	515 E Hancock St	Newberg	97132	0.2672	0	0.00	0	Carter Finis D Trustee For
R3219AA03200	211 N School St	Newberg	97132	0.1078	3	1.50	1456	Newberg City Of
R3219AA03300	215 N School St	Newberg	97132	0.1678	3	3.00	2478	Bowman Sharon K Trustee For
R3219AA03400	0	Newberg	97132	0.1377	0	0.00	0	Newberg City Of
R3219AA03500	503 E Sheridan St	Newberg	97132	0.1377	0	0.00	0	Newberg City Of
R3219AA03600	503 E Hancock St	Newberg	97132	0.2754	0	0.00	0	Newberg Public Library
R3219AA03700	500 E Hancock St	Newberg	97132	0.1262	0	0.00	0	Eagle Newspapers Inc
R3219AA03800	0	Newberg	97132	0.2560	0	0.00	0	Eagle Newspapers Inc
R3219AA03900	501 E 1st St	Newberg	97132	0.0662	0	0.00	0	Yamhill Development Corp
R3219AA04000	503 E 1st St	Newberg	97132	0.0520	0	0.00	0	Nisly Lloyd W & Viola M Trustees Of
R3219AA04100	505 E 1st St	Newberg	97132	0.1182	0	0.00	0	Louie Benny F
R3219AA04200	515 E 1st St	Newberg	97132	0.2369	0	0.00	0	Tarlow Donald O & Patricia A 1/2
R3219AA04300	109 N School St	Newberg	97132	0.0778	0	0.00	0	Eagle Newspapers Inc
R3219AA04400	115 N School St	Newberg	97132	0.0454	0	0.00	0	Eagle Newspapers Inc
R3219AA04500	114 N School St	Newberg	97132	0.3009	0	0.00	0	First Interstate Bank
R3219AA04501	115 N College St	Newberg	97132	0.3776	0	0.00	0	Slpd Properties LLC

R3219AA04700	601 E 1st St	Newberg	97132	0.1182	0	0.00	0	First Interstate Bank
R3219AA04800	603 E 1st St	Newberg	97132	0.1195	0	0.00	0	Corrigan Daniel O Trustee For
R3219AB00100	213 N Howard St	Newberg	97132	0.1446	0	0.00	0	Willamette Education Service District
R3219AB00200	211 N Howard St	Newberg	97132	0.1147	0	0.00	0	Newberg City Of
R3219AB00300	415 E Hancock St	Newberg	97132	0.1889	0	0.00	0	Llp Properties LLC
R3219AB00400	407 E Hancock St	Newberg	97132	0.1893	0	0.00	0	Oregon State Of
R3219AB00500	401 E Hancock St	Newberg	97132	0.1202	0	0.00	0	Oregon State Of
R3219AB00600	210 N Blaine St	Newberg	97132	0.1193	2	1.00	960	Meshishnek David A
R3219AB00700	402 E Sheridan St	Newberg	97132	0.1400	0	0.00	0	Newberg Masonic Temple Assn
R3219AB00800	312 E Sheridan St	Newberg	97132	0.2625	3	1.50	2630	Llp Properties LLC
R3219AB00900	215 N Blaine St	Newberg	97132	0.1767	0	0.00	0	Noah John Claire LLC
R3219AB01000	307 E Hancock St	Newberg	97132	0.3257	0	0.00	0	Jahnke Jonathon
R3219AB01100	302 E Sheridan St	Newberg	97132	0.1292	3	2.00	2288	Porter Steven & Cynthia
R3219AB01101	304 E Sheridan St	Newberg	97132	0.1003	3	2.00	1152	Thornburg Hubert L & Vivian Trustees For
R3219AB01200	214 E Sheridan St	Newberg	97132	0.1297	3	1.00	1002	Flippen Robert J Jr
R3219AB01300	210 E Sheridan St	Newberg	97132	0.1297	2	1.00	1112	Crowley Patricia J
R3219AB01400	206 E Sheridan St	Newberg	97132	0.1297	3	1.00	1724	Currie Deborah
R3219AB01500	200 E Sheridan St	Newberg	97132	0.1297	2	1.00	900	Simmons Phillip A
R3219AB01700	205 E Hancock St	Newberg	97132	0.1260	2	1.00	1064	Pereda Nabor
R3219AB01800	201 N Washington St	Newberg	97132	0.2511	0	0.00	0	Hatfield Ronald C
R3219AB06700	115 N Washington St	Newberg	97132	0.2525	3	2.00	1900	Llp Properties LLC
R3219AB06900	0	Newberg	97132	0.2516	0	0.00	0	Barajas Gregorio & Rosa
R3219AB07200	311 E 1st St	Newberg	97132	0.1182	0	0.00	0	Audreys Holding LLC
R3219AB07300	0 E 1st St	Newberg	97132	0.0605	0	0.00	0	Brown Martha A & Denton C 24.25
R3219AB07400	315 E 1st St	Newberg	97132	0.0576	0	0.00	0	Brown Martha A & Denton C 24.25
R3219AB07500	109 N Blaine St	Newberg	97132	0.0774	0	0.00	0	Brown Martha A & Denton C 24.25
R3219AB07600	113 N Blaine St	Newberg	97132	0.1812	0	0.00	0	Minthorne Roger M & Mildred H Trustees
R3219AB07700	400 E Hancock St	Newberg	97132	0.1147	3	3.00	1904	Janssen Ronald F & Janie L
R3219AB07800	404 E Hancock St	Newberg	97132	0.1205	0	0.00	0	Oregon First Community Credit Union
R3219AB07900	115 N Howard St	Newberg	97132	0.2830	0	0.00	0	Oregon First Community Credit Union

R3219AB08000	411 E 1st St	Newberg	97132	0.2364	0	0.00	0	Newberg City Of
R3219AB08100	401 E 1st St	Newberg	97132	0.2869	0	0.00	0	Usa



First American

First American Title Company of Oregon
 825 NE Evans Street
 McMinnville, OR 97128
 Phn - (503)376-7363
 Fax - (866)800-7294

YAMHILL COUNTY TITLE UNIT
 FAX (866)800-7294

Title Officer: **Clayton Carter**
 (503)376-7363
 ctcarter@firstam.com

LOT BOOK SERVICE

Mayer/Reed
 319 SW Washington St Ste 820
 Portland, OR 97204

Order No.: 1039-2067808
 April 09, 2013

Attn: Ron Heiden
 Phone No.: (503)223-5953
 Email: ron@mayerreed.com

Re: Chehalem Cultural Center

Fee: \$0.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of 04/03/2013 at 8:00 a.m.

We find that the last deed of record runs to

Chehalem Park and Recreation District

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. Subject property is under public ownership and is parial tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Account No. R3218DD-15700.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Reversion contained in deed recorded April 4, 1997 as Instrument No. 199705278; re-recorded April 30, 1997 as Instrument No. 199706918; and also re-recorded May 1, 1997 as Instrument No. 199707011 as follows: "so long as said property remains in the public domain, and if said property ceases to remain so, the interest of the Grantee or its assigns shall automatically terminate and revert to the Grantor or its assigns"
4. Unrecorded leases or periodic tenancies, if any.

First American Title

Lot Book Service

Guarantee No.: **1039-2067808**

Page 2 of 3

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find: NONE

We find the following unpaid taxes and city liens: NONE

NOTE: Taxes for the year 2012-2013 PAID IN FULL

Tax Amount:	\$27,593.21
Map No.:	R3218DD 15700
Property ID:	46792
Tax Code No.:	29.0

Situs Address as disclosed on Yamhill County Tax Roll:

415 E Sheridan Street, Newberg, OR 97132

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

Lot Book Service

Guarantee No.: **1039-2067808**

Page 3 of 3

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

A part of the Donation Land Claim of D.D. Deskins in Yamhill County, Oregon, and bounded and described as follows:

Commencing at a point 780 feet East and 600 feet North of the Southwest corner of said Deskins Donation Land Claim; thence North 300 feet to a stake; thence East 570 feet to a stake; thence South 300 feet to a stake; thence West 570 feet to the place of beginning, and containing $3 \frac{59}{100}$ acres, and to be known as the School Block and to conform to and correspond to the 4th and 5th blocks East from Main Street and the 3rd block North from First Street in the Town of Newberg, Oregon, in a proposed Addition to Newberg with a street on all sides of said School Block hereby conveyed. But there is to be no Street through said School Block unless the School Directors desire it. The 30 feet around said School Block is hereby conveyed for the purpose of a Street around said Block.

Tax Parcel Number: R3218DD 15700

This deed is being re-recorded to include the legal description contained in Exhibit A, which is attached.

This deed is being re-recorded to correct the error in the information box below. The Grantor is "Newberg School District 29Jt" not "McMinnville School District". This correction has been signed before the Notary Public listed below. *H. Wesley Smith*
QUITCLAIM DEED H. Wesley Smith, Superintendent

KNOW ALL MEN BY THESE PRESENTS, That Newberg School District 29Jt, referred to as "GRANTOR", for the consideration stated, does hereby RELEASE and QUITCLAIM to Chehalam Park and Recreation District, referred to as "GRANTEE", all of that certain real property situated in the County of Yamhill, State of Oregon, described as follows:

More particularly described on "EXHIBIT A" attached hereto and made a part hereof by this reference.

Together with all improvements located on the above-described property.

To have and to hold the above-described property so long as said property remains in the public domain, and if said property ceases to remain so, the interest of the Grantee or its assigns shall automatically terminate and revert to the Grantor or its assigns.

The true and actual consideration for this conveyance does not consist of money, but rather, consists of or includes other property or value given or promised.

This conveyance is made pursuant to Newberg School District 29J's authority under ORS 332.172(5) to convey real property which has been determined by the school board not to be required for the district's educational purposes.

As used herein, the singular shall include the plural and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter as the context so requires. Generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, Grantor has executed this instrument on the 4 day of April, 1997.

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK

Newberg School District 29J

20.00

199706918 2:32pm 04/30/97

By: *H. Wesley Smith*
Title: Superintendent of Schools

601 18018473 18 04
1 0 D88 2 10.00 10.00 0.00 0.00 0.00 0.00

STATE OF OREGON)
County of Yamhill) SS

The above-named H. Wesley Smith personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed on this 4 day of April, 1997.



Joyce E. Mc Gee
NOTARY PUBLIC FOR OREGON
My Commission Expires: 2/14/98

5-1-97

AFTER RECORDING RETURN TO: Robert Johnstone, P.O. Box 626, McMinnville, OR 97132
Newberg Street, Newberg, OR 97132
GRANTOR: McMinnville School District 29Jt
GRANTEE: Chehalam Park and Recreation

Recorded in Yamhill County, Oregon
CHARLES STERN, COUNTY CLERK

Recorded in Yamhill County, Oregon
CHARLES STERN, COUNTY CLERK

40.00

199705278 10:33am 04/04/97

20.00

199707011 3:43pm 05/01/97

601 8021461 09 05
1 0 D88 2 10.00 10.00 20.00 0.00 0.00 0.00

601 8021952 09 05
1 0 D88 2 10.00 10.00 0.00 0.00 0.00 0.00

Exhibit "A"

A part of the Donation Land Claim of D.D. Deskins, in Yamhill County, State of Oregon and bounded and described as follows: Commencing at a point Seven hundred and eighty feet East and Six Hundred feet North of the South West corner of said Deskins Donation Claim; thence North three hundred feet to a stake; thence East Five Hundred and Seventy feet to a stake; thence South three Hundred feet to a stake; thence West Five Hundred and Seventy feet to the place of beginning, and containing 3 59/100 acres, and to be known as the School Block and to conform to and correspond to the fourth and fifth (4 & 5) Blocks East from Main Street and the third Block North from First Street in the Town of Newberg, Oregon in a proposed Addition to Newberg with a street on all sides of said School Block hereby conveyed. But there is to be no Street through said School Block unless the School Directors desire it. The thirty feet around said School Block is hereby conveyed for the purpose of a Street around said Block.

INDIVIDUAL ACKNOWLEDGMENT

State of Oregon }
County of Yamhill } ss.

On this the 28th day of April, 1997, before me,

Irene M. Rose

the undersigned Notary Public, personally appeared

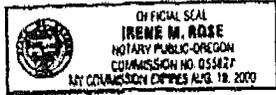
H. Wesley Smith

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged that he executed it.

WITNESS my hand and official seal

Irene M. Rose
Notary's Signature



ATTENTION NOTARY: Although the information requested herein is OPTIONAL, it would prevent requirement attachment of this certificate to another instrument.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document Quitclaim Deed (he recorded to Corcoran)
Number of Pages 2 Date of Document 4 April 1997
Signer(s) Other Than Named Above None

7100-010

© 1995 NATIONAL NOTARY ASSOCIATION, 15291 Sunset Ave., P.O. Box 21841, Los Angeles, CA 90028-1841

5-1-97

2/2

NEXT ACTIVITY

YAMHILL COUNTY

STATEMENT OF ACCOUNT

PIN#: R3218DD 15700

001 ACCOUNT 46792

INT/DISC TO: 04152013

START YEAR: 2006

04/15/2013

YEAR	LEVIED TAX	UNPAID TAX	FEE(S)	INT/DISC	PAYMENTS	AMOUNT DUE
2012	27593.21+				27593.21-	
2011	177.37+				177.37-	
2010	181.92+				181.92-	
2009						
2008						
2007						
2006						

TOTAL DUE:

----- ACTIONS -----

SI: 415 E SHERIDAN ST

CHEHALEM PARK & RECREATION

TXBL: 1659472+

NEWBERG OR 97132

PEN: M#:

OMIT/HIST: DQTX: LEVY CODES: 29.0

LEGAL: CENTRAL ADDITION = 2.55 ACRES SCHOOL GROUND BLOCK

XMT	NEXT	BACK
-----	------	------

NEXT ACTIVITY

YAMHILL COUNTY
REAL PROP ASSESSMENT INQUIRY #2

PIN#: R3218DD 15700

1 ACCOUNT#: 46792

SITUS: HOUSE #: 415 STREET: E SHERIDAN ST
UNIT: CITY: NEWBERG

LEGAL: CENTRAL ADDITION = 2.55 ACRES
SCHOOL GROUND BLOCK

VOL/PAGE: / 0000 INSTR YR/NBR: 1997/07011 PARENT PIN#:
COURT DEC: PAR1 MH#:
REVIEW: MH PIN#:
BOPTA: MH PIN#:
MAGISTRATE: MH PIN#:
D OF R:
TAX CT:

NOTES: 2010 CHG'D FROM FULL TO
PARTIAL EXEMPTION

ZONES: C

AFFIDAVITS:

SPECIAL CONDITION CODE:

LAST UPDATE: 09/19/2012

XMT NEXT BACK

YAMHILL COUNTY
LEGAL DESCRIPTION

PIN#: R3218DD 15700

001 ACCOUNT #: 46792

LOT/BLOCK/SUBDIV:

CENTRAL ADDITION

ACREAGE:

2.55

SQUARE FOOTAGE:

0

NEXT LEGAL

0

A/C/D

DESCRIPTION

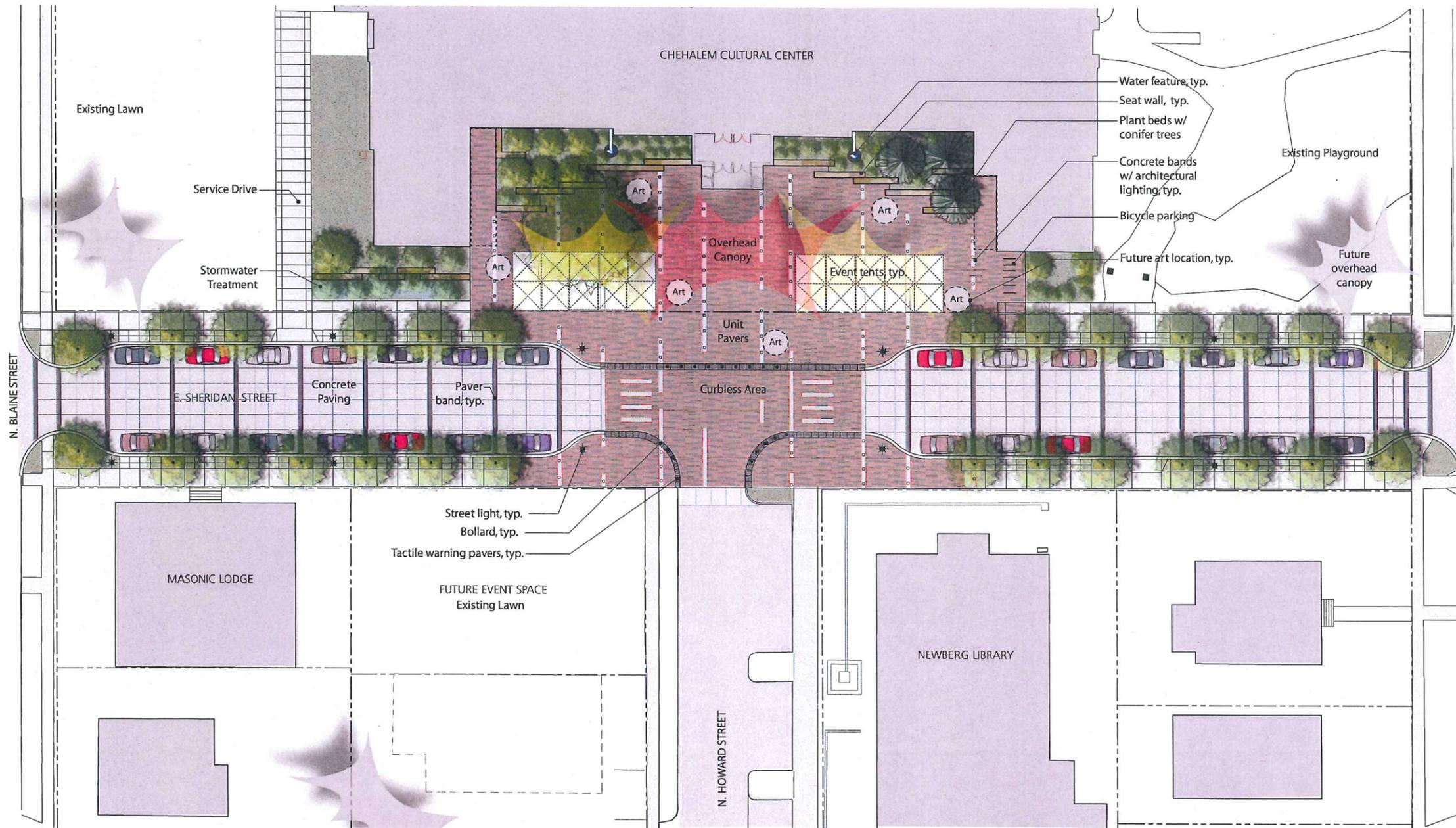
LINE

	SCHOOL GROUND BLOCK	1
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0

CARTOG NOTES: NO
 YES
 GO

REVISION REMARKS: NO
 YES
 GO

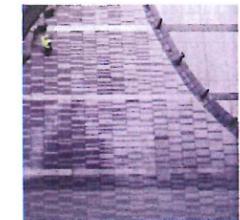
XMT NEXT BACK

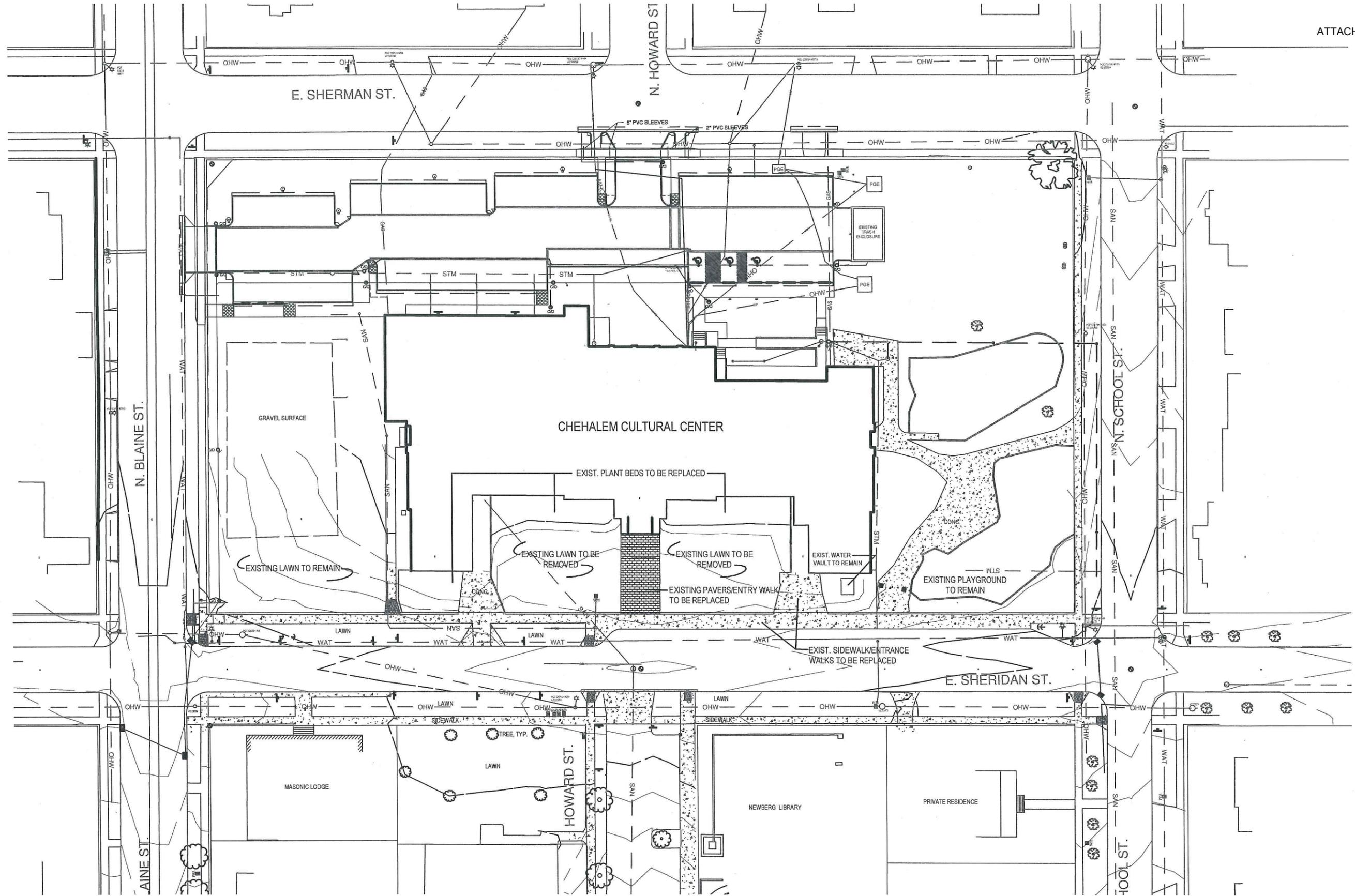


1 PLAN
SCALE: 1" = 12'-0"



2 ELEVATION
SCALE: NOT TO SCALE



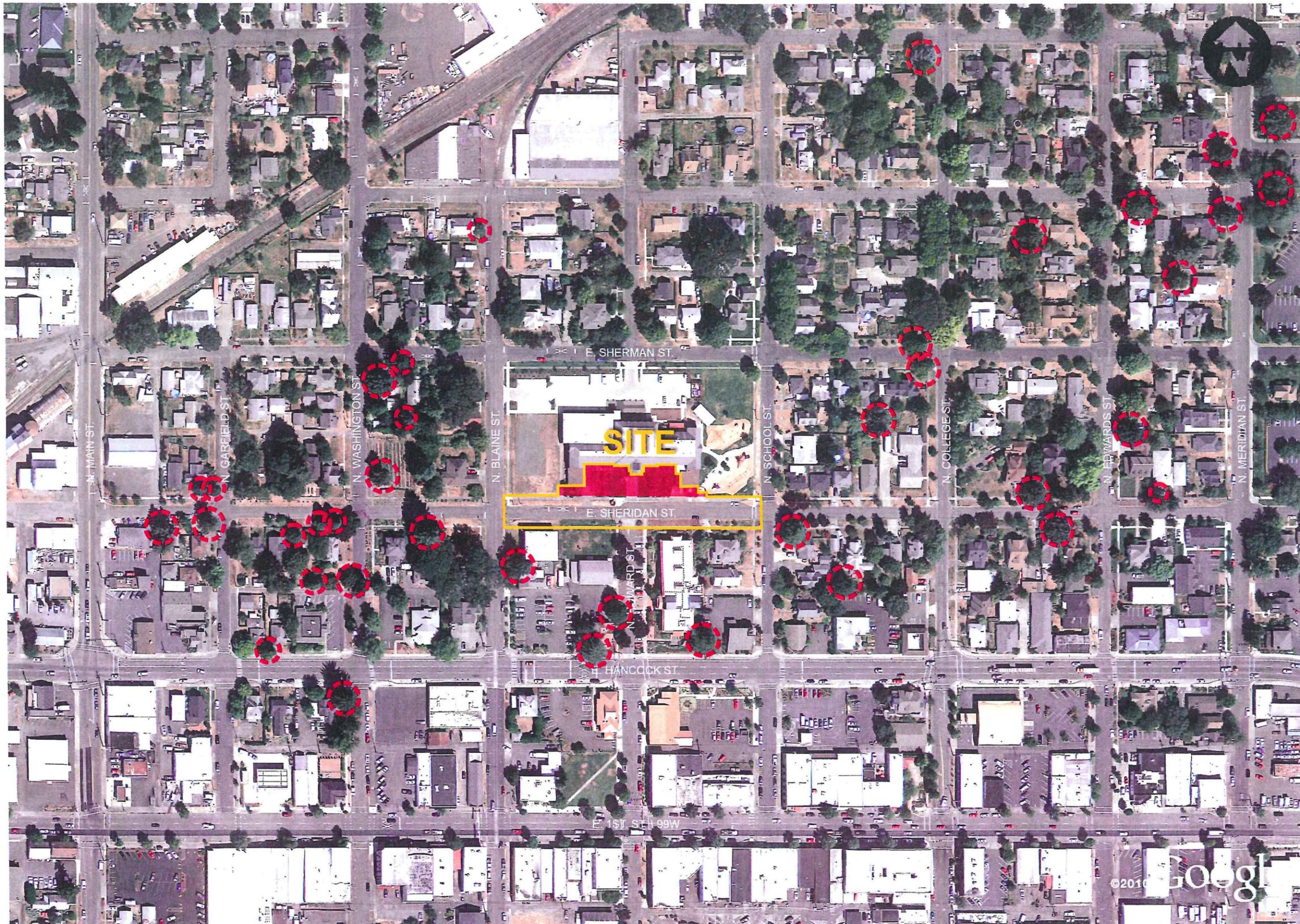


1 PLAN
 SCALE: 1" = 40'-0"

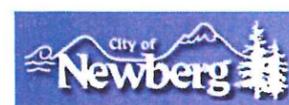


LEGEND

-  Existing Large Conifer Trees
-  Project Area
-  Area of Historic Review / Forecourt



CHEHALEM CULTURAL CENTER FORECOURT & EAST SHERIDAN STREET
 NEWBERG, OREGON



Larry Anderson Engineering, Inc.
 112 N. Springbrook Road, Newberg, Oregon 97132
 P: (503) 537-1110 E: andeng1@comcast.net



AERIAL PHOTO
 EXHIBIT - 3

Mayer/Reed

Landscape Architecture
319 SW Washington St.
Suite 820
Portland, Oregon 97204
T 503.223.5953
F 503.223.8076

Larry Anderson
Engineering, Inc.
Newberg, Oregon 97132
112 N. Springbrook Road
phone: (503) 537-1110
email: andeng1@comcast.net

Revisions

Submital / Date

April 09, 2013

Project

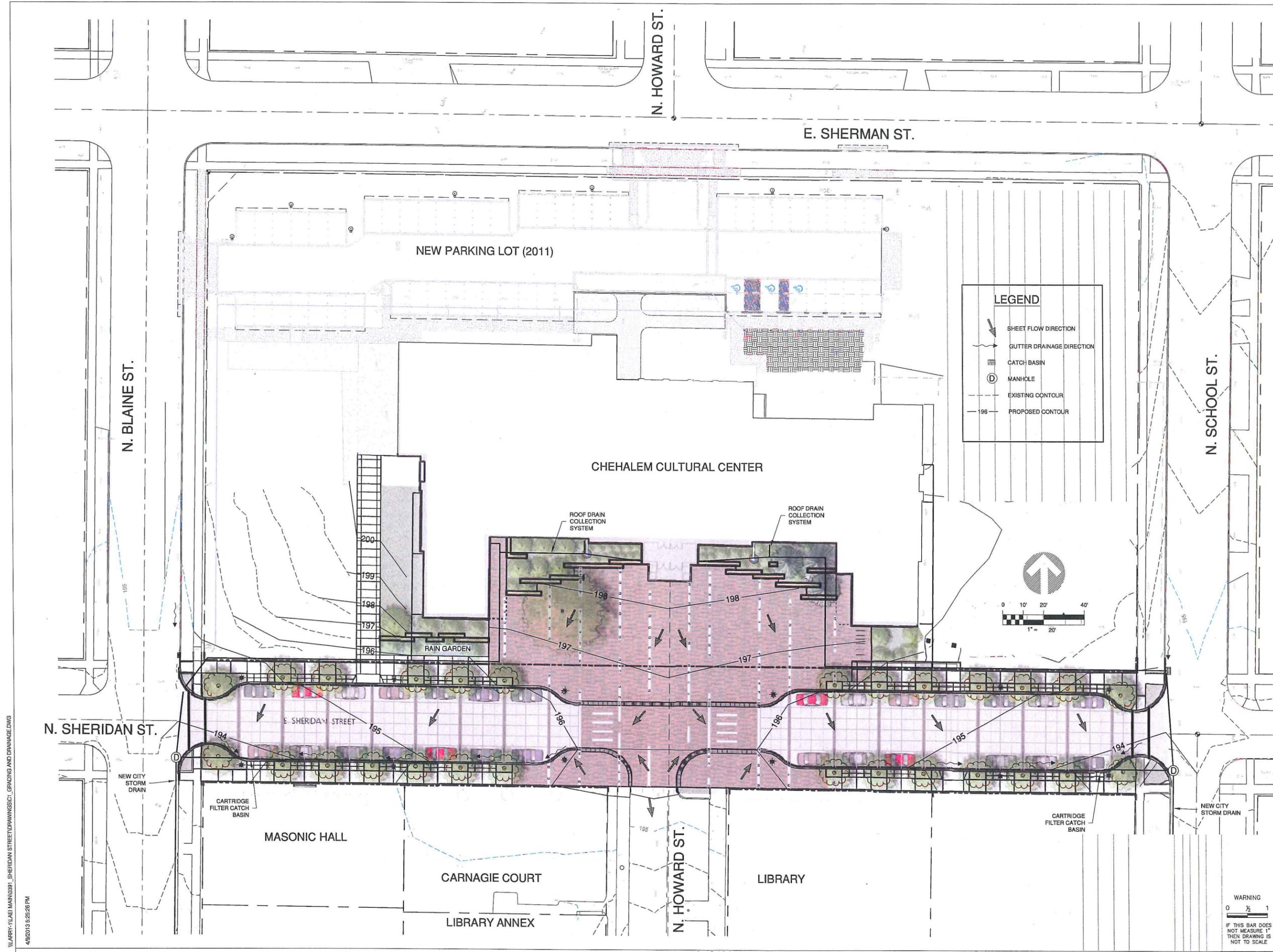
CULTURAL CENTER/
SHERIDAN STREET

Sheet Title

PRELIMINARY GRADING
AND DRAINAGE

Sheet No.

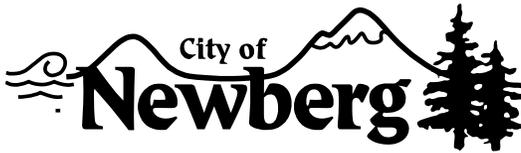
EXHIBIT 4



\\LARRY\1\A\1\MAIN\0301_SHERIDAN STREET\DRAWINGS\1_GRAVING AND DRAINAGE.DWG
4/9/2013 5:26:26 PM

OUTLINE FOR LEGISLATIVE PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION**
- 3. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 4. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S) (IF ANY)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT (IF ANY) REBUTTAL
- 5. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 6. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 7. PLANNING COMMISSION DELIBERATION**
- 8. ACTION BY THE PLANNING COMMISSION**
 - A. RESOLUTION – Usually requires passage of resolution.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.



Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132

503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT MOTORIST INFORMATION SIGN FOLLOW UP SIGN POLICY

HEARING DATE: May 9, 2013

FILE NO: G-13-002

APPLICANT: Initiated by Newberg City Council April 1, 2013

REQUEST: Establish a city policy regarding motorist information follow up signs on city right-of-way

ATTACHMENTS:

Resolution 2013-298 with

Exhibit "A": Proposed Motorist Information Follow Up Sign Policy

Exhibit "B": 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

A. SUMMARY: The proposal would establish 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 determines the location and design of the sign.
4. The applicant pays the costs of installing and maintaining the sign, plus an annual fee.

B. BACKGROUND:

The state has various programs that allow various types of traffic control signs along state highways that direct motorists to specific destinations, such as 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 6. Note the commission 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 has asked staff to develop a draft of a policy and to have the Planning Commission review 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 6 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 are signs that direct motorists to general services such as police stations, hospitals, camping, and rest areas. They have usually have special symbols without any particular business information. *These signs are not the subject 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 road, 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 that direct 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 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.

- C. **ANALYSIS:** State rules regulating TODs and similar signs allow these as traffic control devices, not as advertising devices. Staff recommends the commission look at the signs in the same way. Otherwise, there are dozens if not hundreds of businesses, churches, clubs, and so forth that 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 that 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 provides that the facility requesting the follow up sign pay all costs associated with the sign, so that the city is not liable for the costs.

- D. PRELIMINARY STAFF RECOMMENDATION:** The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt Planning Commission Resolution 2013-298, which recommends that the City Council adopt the policy on motorist information follow up signs.



PLANNING COMMISSION RESOLUTION 2013-298

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 9th day of May, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Development Code Text Amendments
- Exhibit "B": Findings

Exhibit “A” to Planning Commission Resolution 2013-298

Motorist Information Follow Up Sign Policy

Draft May 2013

1. **Purpose.** This resolution establishes a policy regarding follow up signs to motorist information signs on state highways where the follow up sign is requested 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 provides that the operator of the destination facility 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.
- 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

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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. 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 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 with white lettering six inches high.
- 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. Other 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. Approval resides with 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.

Exhibit “B” to Planning Commission Resolution 2013-298

Findings –File G-13-002

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.

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

Sign Up!

Sign Up!

Learn More

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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

Sign Up!

Sign Up!

Learn More

Learn More

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.

Off-Interstate Sign Frequently Asked Questions

Attachment 1

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

OTE - Oregon Travel Experience

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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

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

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▶ 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.

733-030-0016

Attachment 2

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.

Attachment 2

(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

State Sign Policy

Attachment 2

- (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.

(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. ef. 5-1-00

ef. 5-1-00; 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 1-2004(Temp), f. & cert. ef. 7-20-04 thru 1-15-05; TIC 2-2004, f. & cert. ef. 11-12-04; TIC 1-2006, f. & cert. ef. 3-2-06; TIC 3-2006, f. & cert. ef. 11-24-06; TIC 1-2009, f. & cert. ef. 4-3-09

Attachment 2

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

Composition

(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

Attachment 2

Applicability and Purpose

- (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. 23 of 181

(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

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 §2] **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]

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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]

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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 statutes and rules of the State Health Officer regarding restaurants and places of public accommodation. **Attachment 3**

(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).

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(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 **Attachment 3** adopted under ORS 377.700 to 377.840.

(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.

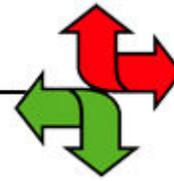
(2) Violation of the conditions and provisions of a permit procured under ORS 377.050 by any person having procured the permit is punishable, upon conviction, by a civil penalty of not more than \$100.

(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]

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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

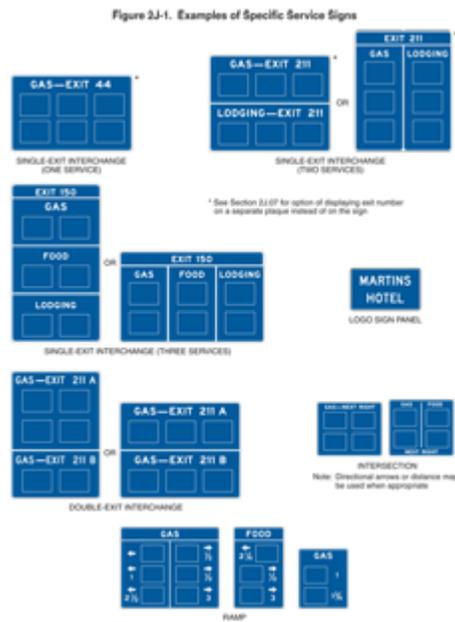
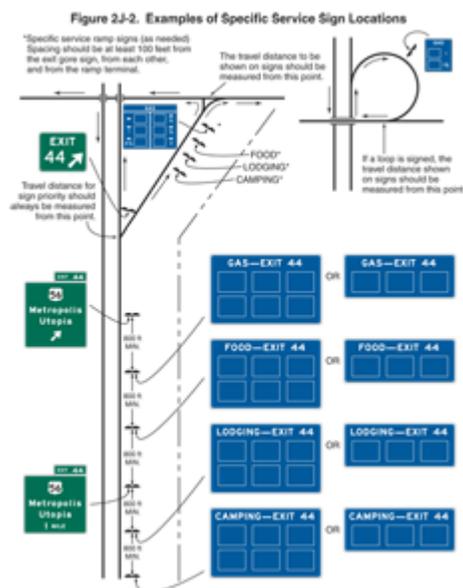


Figure 2J-2 Examples of Specific Service Sign Locations



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.

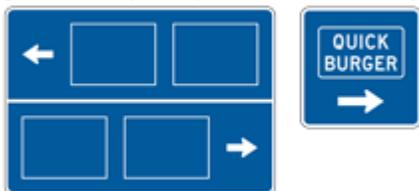
Section 2J.09 Specific Service Trailblazer Signs

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

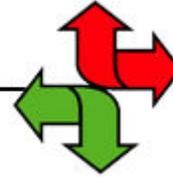
Guidance:

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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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.

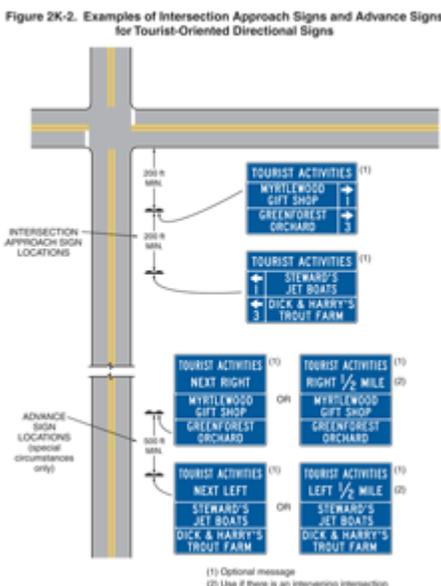
Support:

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

[Back to Top](#)



**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.

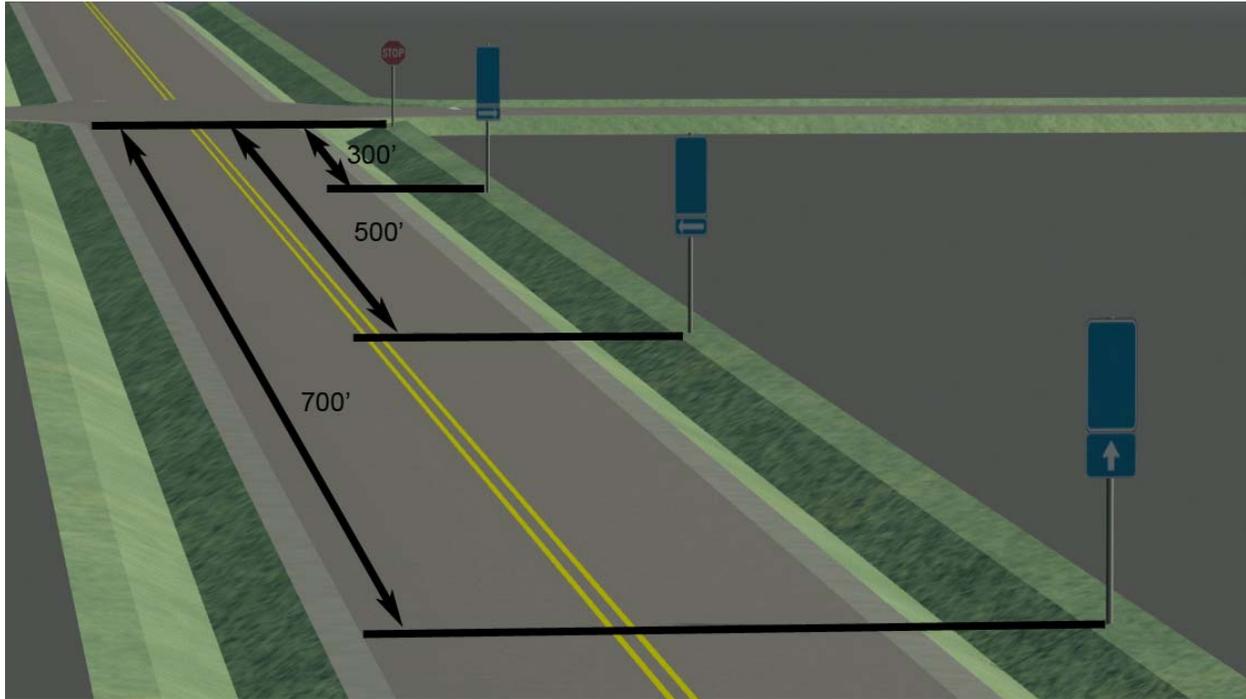
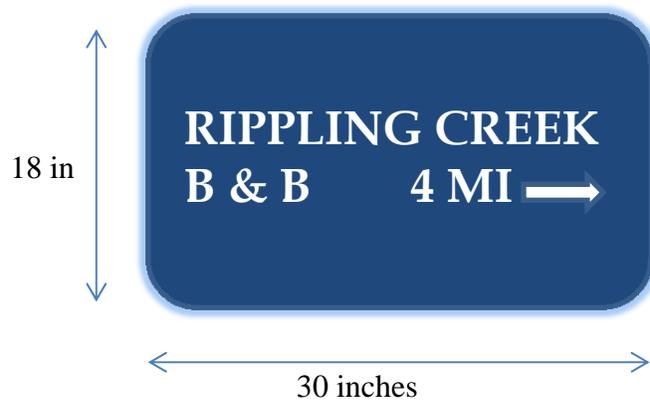


Figure 2. Typical directional sign



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 _____
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Applicant Address _____	City _____	State _____	Zip Code _____	Phone _____	Email _____
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Name and Title of Authorized Representative/Officer _____	Phone _____	Email _____
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	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? ___ ___

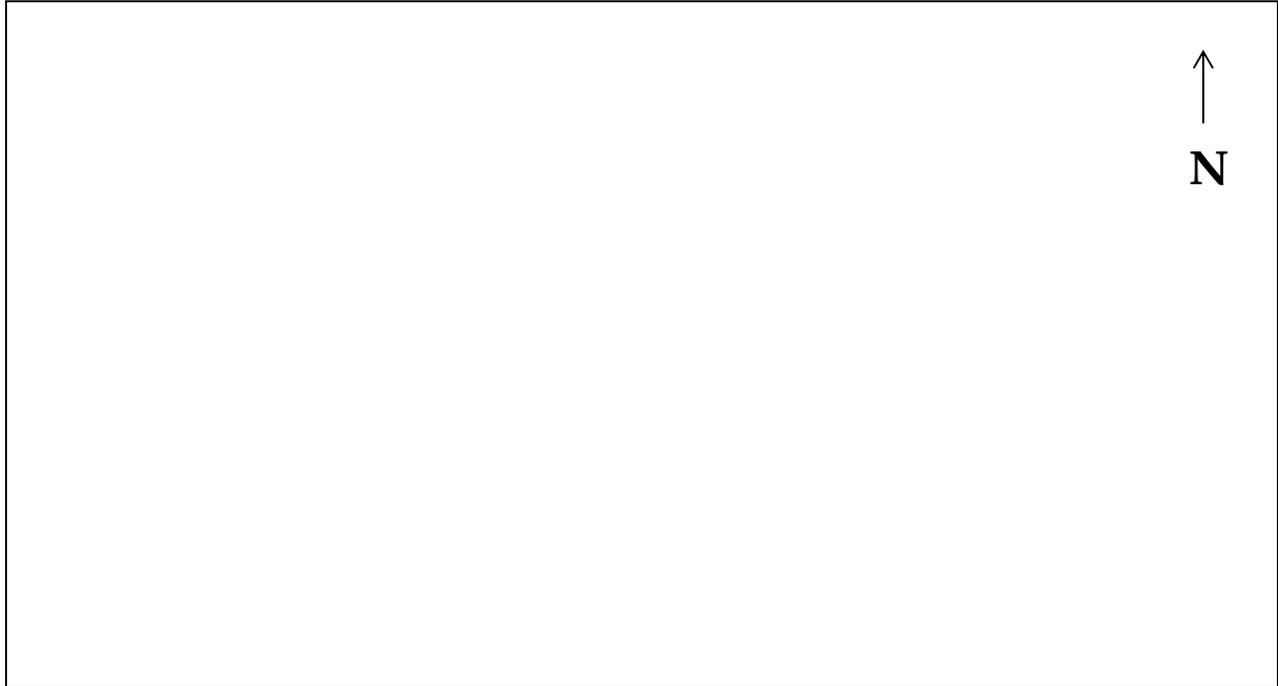
If seasonal, what continuous months is the business open? _____

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

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.

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)

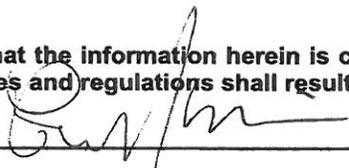
Note- TOD signs are for businesses whose major portion of income or visitors are derived during the normal business season from motorists not residing in the immediate area of activity. How does your facility qualify under this definition? Please explain. Additional pages of information may be attached 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 –

(Sales Representative signature)

Please Keep a Copy of this Application Should OTE Need to Contact You for Clarification or Additional Information



CARAVAN COFFEE
2750 E. 9TH STREET
NEWBERG, OR 97132

MAP

George Fox
University

99W

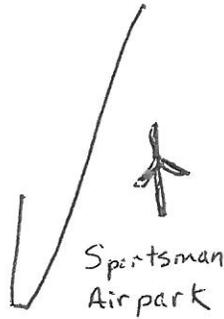
PORTLAND →

← 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**

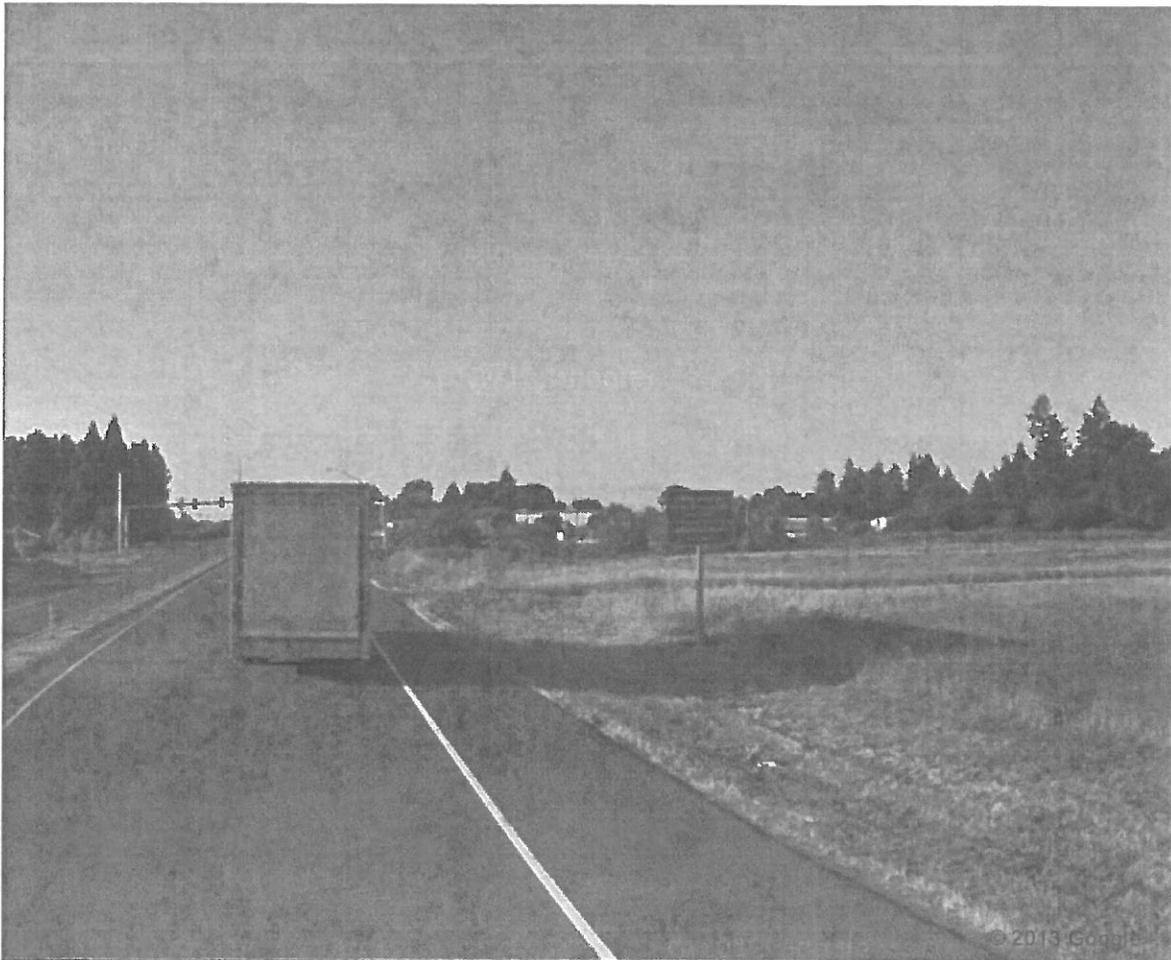
Address is approximate





Address **704 South Saint Paul Highway**

Address is approximate





Address **675 South Springbrook Road**

Address is approximate

