

## **xxx-xxx-xxx Outdoor Advertising Sign Application Process – In effect 12/11/08**

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

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

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

(4) Contents of Application. To be complete the application must include the following.

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

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

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

d. Fee. The fee is based on square footage as described in administrative rule. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash; checks must be made out to Oregon Department of Transportation.

e. Written proof of landowner consent. Upon adoption of this rule, an application for a reconstruction permit, relocation permit, or a new preexisting sign permit must include written proof the landowner consents to have applicant maintain the proposed sign. The document must

be signed by the landowner and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant's election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are the land lease, land lease plus applicant's certification as described above, land lease plus owner's written confirmation that an extension is being exercised, or a current memo signed and dated by land owner stating that applicant has permission to put the sign at the specified location. Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign.

f. Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730.

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

h. Pre-existing sign permit application. For an application for a new permit for an outdoor advertising sign under HB 2273 (2007), the following additional items are required:

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

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

(iii) Pursuant to ORS 377.712(1), for any application received by the Department after 12/31/2008, include information demonstrating that applicant was ignorant of the law's permit requirement for that sign.

I. Transit Bench or Shelter Application. For an application for an outdoor advertising sign on a transit shelter or bench under Oregon Administrative Rules Division 60 or 65, include official documentation that the site is at a bus or transit stop on a city or urban transit system route.

#### (5) Complete Applications.

(a) The Outdoor Advertising Sign Program's mailing address is: ODOT Outdoor Advertising Sign Program, 355 Capitol St NE, Room 408, Salem OR, 97301. The Sign Program receives hand deliveries at 355 Capitol St NE, Room 420 reception desk, Salem. The Sign Program receives facsimiles at 503-986-3625. The Sign Program receives electronic mail at [OutdoorAdvertising@odot.state.or.us](mailto:OutdoorAdvertising@odot.state.or.us).

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

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

(d) The Department will only process applications that are complete. An application is complete when the Outdoor Advertising Sign program receives the signed application form including all necessary information, all documents necessary for issuance of a permit, and the correct application fee. Within 15 calendar days of receiving an application the Department will provide to the applicant written notice whether the application is complete. If the Department determines the application is complete, the notice will state the application's priority among all pending, complete applications. If the Department determines any information provided is incorrect, the application is not complete. The Department may rescind a notice of completeness and priority date if it later determines that information provided by applicant is not correct.

(e) If an application is not complete, within 15 calendar days of receiving the application the Department will return the entire application with written instructions on what is needed to complete it. The applicant must initial any subsequent changes and, if the changes are substantive to the local jurisdiction, must obtain a new certification from the local jurisdiction. If the form is complete, but the application is otherwise incomplete due to insufficient supporting documents or fee, the Department may return the entire application with written instructions for completion, or may hold the application and notify the applicant in writing of what is needed and when it must be provided. Within 15 days of receiving the corrected form or additional materials the Department will provide the applicant written notification whether it is complete and, if complete, the priority among all pending, complete applications. If the applicant makes any change to the application after it is complete, the Department will change the priority date to the date of that change. If the Department has held an incomplete application for 60 days from date of initial receipt the application is deemed withdrawn by the applicant. The Department will return the entire application and refund any deposited fee.

(6) Processing of complete permit application.

(a) The Department will approve or deny a permit within 60 days of the complete application's priority date as determined under (5)(d) or (e) if the application clearly does not conflict with another complete application.

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

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

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

(e) If the Department does not approve or deny a permit application within the time allowed under (6)(a) the applicant may request a contested case hearing to determine whether the permit should be granted or denied. The fact the Department did not meet the times under (5)(d) or (e), or (6)(a), does not require the Department to issue a permit or require any remedy other than

providing a contested case hearing to determine whether a permit should be granted based on compliance with the OMIA.

(7) Field checks. Applicant requirements and Department method.

- (a) When the Department determines an application is complete, the Department will perform a field check to determine the milepoint and all other information necessary to process the application.
- (b) The applicant must place a marking at the site to show the proposed location for the sign permit. The applicant may use a stake, ribbon, paint, or any method or material that will allow the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).
- (c) If the Department can not locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.
- (d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area.
- (e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.

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

- (a) Until the time to request a hearing elapses without a hearing request from the applicant; or
- (b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.

(9) Issued Permits.

- (a) The permit will specify the 180<sup>th</sup> day by which the sign must be constructed.
- (b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the

notification within 180 days the Department will alert permittee to the deficiency and the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status.

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

(10) This rule applies to permit applications filed after the effective date of this rule.