

SIGN TASK FORCE MINUTES  
MAY 9, 2008

Members Present: Representative Read, Amy Joyce, Terry Sandblast, Chris Zukin, John Clark (for Dale Clark), and Jason Tell (for Phil Schradle), Rich Gaston

Absent: Senator Metsger, Pete Frost, Chris Daugherty, Corey Shumway, Kris Levesque, Kevin Howard

Meeting called to order at 1:35 by Representative Read

Representative Read asked Terry Sandblast to give an overview of the “Just Compensation” proposal submitted as a joint effort by Terry Sandblast, Chris Zukin, Rich Gaston, Corey Shumway and Dale Clark.

Discussion of proposal followed

Relocation vs. Taking

Terry Sandblast raised the following issues

1. Relocation

- relocation limited to 100 miles of lost site-not always possible to relocate
- cash vs. relocation-would prefer to keep sign and negotiate with state to find a viable location for sign
- update regulations & statues-remove if no longer applicable
- onsite repositioning-if possible or
- same highway with comparable market jurisdiction

2. Taking

- Statutes need to be updated- currently department views taking as personal property
- Personal property vs. real property
- would like OMIA section stating, state can not have a “taking” if acquisition is for a private development “Kelo”
- would like to see a description of “Fair Market Value” in statutes
- 3 part process ODOT as lead, City or County entities and Sign Company negotiate with all parties together

Representative Read asked what the process is now when there is a disagreement in dollar amount of the “Just Compensation” figure.

Chris Zukin responded: There is none at this time, it is not addressed in the statues. There used to be a schedule of valuations but that has not been used in a long time.

Terry Sandblast stated: A “Taking” is a 3 party process with ODOT in the lead then the sign company followed by the local jurisdiction (city or county). All three sides need to be involved with negotiations. In the event an agreement is not reached with the local entity then the financial obligation would default to them. Also would also like to see the negotiation process in the regulations.

Amy Joyce’s responded to the above issues

1. Relocation-Taking

- There are two ways that either relocation or a taking can happen- ROW acquisition or removal of a non-conforming sign
- No signs have been removed for being non-conforming in over 30 years and these statues are based on antiquated regulations
- State pays relocation based on the billboards as personal property and the Federal government recognizes this procedure. Must agree to disagree on real vs. personal property
- Not appropriate to discuss or represent cities/counties with out their presence on issue of negotiations as a 3 party process

Representative Read opened for public comment and discussion

- One person from the public commented that there are enough layers for developers to wade through in the approval process. They do not want more added.
- Jason Tell (DOJ) asked for clarification on whether or not this applied to OMIA or other departments
- Terry Sandblast responded that it must be a transportation project
- Jason Tell asked for a way to put definitions to “negotiations”
- Terry Sandblast stated they have to hire legal council, appraisers and prepare to go to trial. Would like to see process that has some flexibility to keep sign in same market area.
- Jason Tell asked in a “taking” what is the dollar value vs. relocation
- Chris Zukin gave an example of a sign in Redman- \$90,000 (taking) vs. \$30,000 (relocation)

Representative Read requested the minutes from January 18<sup>th</sup> meeting be approved if no changes.

- Minutes approved

Representative Read asked Amy Joyce to give a review of her 3 proposals, Penalties, Aggregation and Removal of Signs from Scenic By-Ways

Discussion of Proposals:

1. Penalties

- Two distinct parts-Signs with permits and those with no permits

- Current fine up to \$100 per day starts accruing day 31 after violation notice is sent and continues to accrue through hearing process and final order. Proposed is up to \$5000 per day
- Possibility of issuing an advisory notice to correct certain types of violations vs. violation notices with strict time lines and fines. This could avoid costly litigation for both ODOT and the sign owners
- **List examples of advisory violations**
- Different types of violations could incur different penalties

Representative Read asked for public comment: None

## 2. Aggregation

- Combining relocation credits or signs established prior to June 1, 2007 of less than 250sq. ft. or 100 sq. ft (choose one).
- 100 mile rule-site of largest credit used or location of any credit used at election of owner or location is established the first time the combined credit is used.
- No permit may be separated into smaller permits or credits
- Department may set fee to process aggregation of permits

Representative Read asked for public comment: None

## 3. Scenic By-Ways

- Segmentation-section of byways can be removed from the designated byway (not happened in Oregon). Request would have to come from “grass roots” organization. No current process established
- Decide if goal is to reduce the total number of byway signs or remove them from more rural areas
- Get feed back from Scenic Organizations

Representative Read asked for public comments

Oregon Roadside Council and Oregon State Federation of Garden Clubs stated they are for beautification of scenic highways.

Representative Read asked if moving signs out of rural byway areas to commercial areas would meet that and they agreed it would.

Representative Read asked that members make any revisions or refining of ideas on all proposals that have been addressed by the task force. These revisions should be sent to the task force staff for preparation to be presented at the next meeting which will end the gathering phase. The ideas will then be prepared to present a proposal to the legislature. Representative Read asked for general public comments:

A member of the public made the comment that they had just returned from another state that does not allow billboards and it was very scenic traveling on their roads. There was nothing to block the natural beauty of the countryside.

A 89 year young resident of Oregon mentioned that the initial purpose of the original legislation was to reduce signage to almost nothing along state highways.

Next meeting to be determined but will probably be late June early July.