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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

FILED
12/18/2020 8:59 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending rules for use of Outdoor Advertising Control System (OACS) web-based permit management system

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/21/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S):

The Outdoor Advertising Sign Program has contracted for the purchase and implementation of new outdoor advertising permit software. The new software is called OACS (Outdoor Advertising Control System) and is web-based. It will allow permit holders to submit applications through the web application, review their permit information online, and make annual renewal and other payments using e-checks.

The program is also adding a more detailed explanation of how measurements of the distances between signs are conducted; adding a new type of permit, NHS permits, for signs added to the NHS via MAP-21 Federal Legislation, and further defining the program's interpretation of statutory language.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS Chapter 377 is available at https://www.oregonlegislature.gov/bills_laws/ors/ors377.html

FISCAL AND ECONOMIC IMPACT:

No new fees, fee adjustments or penalties are being added; however, OACS permitting system will allow applicants to pay via e-check for services and to check their own permit information online without having to contact program staff to request their own information.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The rule changes will add definitions and process for new online permitting software and better define current program processes. Economic impact should be minimal to agencies, local governments and members of the public affected by the rules, as no new fees are being added and no current fees are being increased. In addition, new software will allow sign permit holders to more easily and quickly make changes to their permits and will allow them to review their own information without having to request the information from the program staff.

(2) Effect on small businesses should be minimal as those impacted would be current sign permit owners and there are approximately 50 owners with Business Licenses in sign program overall. (a) Generally, the type of small businesses will be outdoor advertising companies and the number below 50. (b) There shouldn't be additional reporting or costs associated with the changes beyond the initial training on OACS. (c) No additional costs for professional services, equipment or labor are anticipated.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Draft Notice and a copy of the draft Oregon Administrative Rule changes were sent to the Small Business notification list.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

There is a limited number of sign permit owners impacted by changes to the rules. Sign permit owners or their representatives will be provided opportunity to review and comment on proposed rule changes prior to filing.

RULES PROPOSED:

734-059-0015, 734-059-0100, 734-059-0200, 734-059-0220, 734-060-0000, 734-060-0105, 734-060-0110, 734-060-0120, 734-060-0175, 734-060-0180

AMEND: 734-059-0015

RULE SUMMARY: The Outdoor Advertising Sign Program has contracted for the purchase and implementation of new outdoor advertising permit software. The new software is called OACS (Outdoor Advertising Control System) and is web-based. It will allow permit holders to submit applications through the web application, review their permit information online, and make annual renewal and other payments using e-checks. Definitions are being updated to reflect new terms, and to update terms already defined, for increased accuracy and readability.

CHANGES TO RULE:

734-059-0015

Definitions ¶¶

Definitions under this rule are applicable to Oregon Administrative Rule Divisions 59, 60, 63 and 65.¶¶

(1) The terms "neat," "clean," "attractive," and "good repair" as used in ORS 377.710(17) and 377.720(7) are defined as follows:¶¶

(a) The terms "neat" and "attractive" mean without rotting or broken parts, having parts that are solid and sound, without chipping or peeling paint, paper, vinyl or plastic, without graffiti, and without faded, washed-out or illegible copy. The terms apply to all component parts of a sign.¶¶

(b) The term "clean" means free of dirt, unsoiled, without grime or soot. The term does not include a minor dust coating that is undetected from the main-traveled way of a state highway. The term applies to all component parts of a sign that are visible to the main-traveled way of a state highway.¶¶

- (c) The term "good repair" means having sound and solid parts, without rotting or broken parts, firmly fixed in place so as to be able to withstand a wind pressure of 20 pounds per square foot of exposed surface. The term includes all component parts of a sign.¶
- (2) In interpreting ORS 377.720(9), to be considered "used in transportation" the owner or operator must demonstrate the vehicle or trailer is regularly used in a manner consistent with its usual purpose. The Department may consider but is not limited to the following factors:¶
- (a) Whether it is used only for storage;¶
 - (b) Whether it is incapable of being moved in its normal way, such as due to a flat tire or mechanical problems;¶
 - (c) Whether its movement would be illegal such as if its registration has expired;¶
 - (d) Whether its location is compatible with being regularly used in transportation;¶
 - (e) How frequently it is moved;¶
 - (f) How far it is moved;¶
 - (g) Whether any change in location appears to be a mere attempt to qualify a sign structure under the exemption.¶
- (3) In interpreting ORS 377.773, "abandoned" means any sign that does not have a message on the display surface for a period of six months, a sign for which there is no display surface for a period of six months or a sign whose structure has been removed for a period of six months. For abandoned signs under ORS 377.773 the sign permit may be canceled at the end of the 6-month period.¶
- (4) In interpreting ORS 377.700 to 377.844 and 377.992 the term "person" includes individuals, joint ventures, partnerships, corporations and associations or their officers, employees, agents, lessees, assignees, trustees or receivers.¶
- (5) In interpreting ORS 377.700 to 377.844 and 377.992 a, the Outdoor Advertising Sign Permit owner is the owner of the sign authorized by the permit. An Outdoor Advertising Sign Permit Owner is a single person, or their authorized representative, who holds the right to authorize an activity associated with the permit including sign reconstruction, direct relocation, relocation credit request or the sale of a sign permit or relocation credit. A sign permit or relocation credit can only be owned by a single person or entity, and must be wholly owned by that person or entity. A sign permit or relocation credit may not be divided among multiple parties by percentage ownership, nor may it be issued to multiple parties.¶
- (6) For a sign to be considered at a place of business or activity open to the public, for the purposes of the outdoor advertising sign program, some portion of regularly used buildings, parking lot, or storage or processing area must be visible from the state highway, with signage placed on, or immediately adjacent to, those portions of the business or activity.¶
- (7) In interpreting ORS 377.735(1)(b)(C) a residence means a dwelling, grounds and physical areas necessary or customarily incident to the dwelling including garages, barns, yard, and parking and garden areas, arranged to be used in immediate connection with the dwelling and its customary residential uses. Fields used for crops or grazing and may include garages, barns, parking and garden areas, that are arranged to be used in immediate connection with the dwelling and its customary residential uses. Fields used for crops or grazing are not considered a part of the residence for the purposes of the sign program.¶
- (8) In interpreting ORS 377.710(30): a sign that is a "wall sign" (also termed a wallscape') means a sign where the message or content of the display is attached, affixed or otherwise applied to the exterior wall of an existing building. In the case where a wall sign must be removed to cure a violation of the OMIA, or where the wall sign is being removed to request a relocation credit, the physical exterior building wall is not considered a component' of the sign, or a part of the sign structure.¶
- (9) In interpreting ORS 377.710(34), under sign structure', a wall sign's "display surface" does not include the exterior wall of the building. The sign structure' for a wall sign placed on an exterior building wall includes all parts of the message being displayed, as well as any apparatus used to affix or adhere the message to the exterior wall, and any lighting or illumination used in conjunction with the sign.¶
- (10) In interpreting ORS 377.710(20) a non-conforming sign must stay substantially the same as it was on the date it became a legally located non-conforming sign, unless it can be legally reconstructed; and, thereby, be made conforming. To remain substantially the same, the sign may not have any changes to the sign face area, height,

length or the structural materials used. All structural material replacements must be like kind replacements (e.g. wood structural members must be replaced with wood; steel structural materials must be replaced with steel, etc.)¶

(11) In interpreting ORS 377.710(17) "maintain" includes the reasonable repair and maintenance necessary to keep the sign structure in a state of good repair, including the replacement in kind of materials in the sign structure.¶

(a) Where the replacement of materials is involved, such replacement may not exceed 50% of the structural materials in the sign within any 24 month period. Structural materials mean all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, brackets, and catwalks.¶

(b) Structural materials do not include the sign face, any skirt, or electrical service, except where such items have been incorporated into the sign as load-bearing parts.¶

(12) In interpreting ORS 377.710(23) "reconstruct" includes, but is not limited to, a modification of the structure, or the type of structure, to add additional sign faces, to increase or decrease the size of the sign face(s), to increase or decrease the sign's height above grade or ground level (HAGL), to convert a wood sign structure to a metal structure, or other changes that increase the structural integrity of the sign or prolong the life of the sign.¶

(13) "Outdoor Advertising Control System" (OACS) is the electronic database and web interface used by the Outdoor Advertising Sign Program to maintain records for the Outdoor Advertising Sign Program. The OACS allows permit holders to access their permit information, submit applications and action requests, and to make online payments.¶

(14) "Action Request" as used in the OACS is a request relating to permits or relocation credits, which does not automatically require Departmental approval. Action Requests include banking a re-~~not considered a part of the~~ residence for the purposes location credit, transferring a sign permit or relocation credit from one owner to another, requesting a replacement permit plate, or aggregating relocation credits, as allowed in statute. After receipt, the Department will confirm that the request is valid, meets the applicable legal requirements and that the requester has paid any associated fees¶

(15) For purposes of determining the spacing between signs in ORS 377.750, the Department shall measure the distances along each highway to which a sign is visible. When a permitted sign is visible to more than one highway, the spacing requirement is applied for all signs on the same side of each highway.¶

(16) Highway Beautification Purchase Site (Purchase Site), is a location designated by the ODOT highway number, side of highway, and milepoint, where a legally permitted outdoor advertising sign was previously located; and where the sign permit and the property owner's right to use the location to post an outdoor advertising sign was purchased' under the Federal Highway Beautification Act of 1965 and subsequent Federal Legislation and the Oregon Motorist Information Act of 1971. Sign and site owners, who participated were paid just compensation for the permanent removal of the sign and a prohibition from locating any future outdoor advertising signs within 500 feet of ~~either sign program~~ side of the purchase site. Property owners of the purchase sites signed binding agreements with the State of Oregon that act as deed restrictions against the erection of any outdoor advertising signs for that owner and any successor owner of the property. A list of purchase sites may be requested from the Department.¶

(17) Scenic Area has the meaning given in ORS 377.505(2). Outdoor Advertising Signs are prohibited in any area designated by final order as a Scenic Area. Outdoor Advertising Signs may not be erected, maintained or relocated to a Scenic Area. A list of those highways and milepoints that are designated Scenic Areas in Oregon is available upon request.

Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.7209

Statutes/Other Implemented: ORS 377.720505, 377.510, 377.710, 377.720, 377.750, 377.767

AMEND: 734-059-0100

RULE SUMMARY: Updates to clearly define that fees are based on the square footage of all sign faces.

CHANGES TO RULE:

734-059-0100

Outdoor Advertising Permit and Business License Fees ¶

This rule establishes fees for outdoor advertising permits and business licenses as authorized by ORS 377.729 and 377.730.¶

(1) The application fee for a permit for any sign in a year in which the sign is new, is relocated as defined in ORS 377.710, or is reconstructed under ORS 377.725 is due at the time of application, and is non-refundable in the event of a withdrawal by applicant or denial by the Department. Fees are based on the total square footage of all sign faces under each permit. Fees are:¶

(a) Static:¶

(A) \$200 - 25 square feet or less;¶

(B) \$500 - 26 to 50 square feet;¶

(C) \$850 - 51 to 400 square feet;¶

(D) \$1000 - 401 square feet or more.¶

(b) Digital:¶

(A) \$500 - 249 square feet or less;¶

(B) \$1500 - 250 to 400 square feet (Poster);¶

(C) \$2000 - 401 or more square feet (Bulletin).¶

(2) The fees for annual renewal of sign permits issued under the authority of ORS 377.712, 377.725 and 377.753 are as follows:¶

(a) \$136 - 50 square feet or less;¶

(b) \$159 - 51 to 400 square feet;¶

(c) \$182 - 401 to 672 square feet;¶

(d) \$204 - 673 square feet or more on any one sign face.¶

(3) The fee to convert a standing sign permit to a relocation credit under ORS 377.762 is \$150. The fee to renew a relocation credit under ORS 377.710 is \$25.¶

(4) Renewal fees for permits and relocation credits are due by January 2nd each year. If the renewal is mailed it must be post-marked no later than January 2nd. If the fee required by this subsection is not received or post-marked by the due date, applicant may renew the permit or relocation credit by paying the fee and a penalty of \$100 per permit or relocation credit by February 1, received or post-marked, of that year. A permit that is not renewed in compliance with this rule will be canceled. A canceled permit will not be reinstated without proof of extraordinary and compelling reason.¶

(5) The following is used to determine the permit fee:¶

(a) For a back-to-back sign, the permit sign area includes both sides of the sign.¶

(b) A double-faced sign or a back-to-back sign is one sign.¶

~~(c) A V-type sign constitutes two signs, except if the sign has a digital face/faces. (Each digital sign face requires a separate permit. ORS 377.831).~~¶

(c) A V-type sign constitutes two signs, if there are two separate, unattached sign structures which have each been issued a separate permit.¶

(d) A single-faced tri-vision sign constitutes three signs; a back-to-back tri-vision sign constitutes six signs.¶

(e) Any mechanically operated multifaced display sign other than a tri-vision sign is the number of signs equal to the number of display faces. Nothing in this subsection authorizes mechanically operated multifaced display signs.¶

(6) The annual fees for outdoor advertising business licenses under ORS 377.730 are as follows:¶

(a) \$850 - only erects or maintains signs;¶

(b) \$375 - owns 1;¶¶

(c) \$650 - owns 2 to 49 signs;¶¶

(d) \$1,700 - owns 50 to 499;¶¶

(e) \$2,500 - owns 500 or more signs.¶¶

(7) Miscellaneous Fees¶¶

(a) The fee for a replacement permit plate required by ORS 377.725 is \$100.¶¶

(b) The fee to combine (aggregate) relocation credits into a single credit under ORS 377.763 is \$500 per application.¶¶

(c) The fee to transfer ownership of a permit or relocation credit is \$150 per credit or permit. The maximum fee for multiple permits and credits transferred in a single transaction is \$1500.¶¶

(8) The Department will review sign program revenues and costs every two years to determine whether fees should be adjusted up or down to comply with the requirement of ORS 377.729 that fees be designed to recoup costs of operating the sign program. The Department will retain civil penalties collected under ORS 377.992 as revenue for the operation of the program, and will attribute collected amounts as revenue in the biennial calculations.

Statutory/Other Authority: ORS 184.619, 377.725, 377.729

Statutes/Other Implemented: ORS 377.712, 377.725, ~~377.726~~, 377.729, 377.730

AMEND: 734-059-0200

RULE SUMMARY: Clarifying that civil penalties accrue for each violation; are the responsibility of the sign owner and the property owner and violation cures must be confirmed by department staff.

CHANGES TO RULE:

734-059-0200

Civil Penalties for Violation of the Oregon Motorist Information Act ¶

(1) This rule establishes the factors for consideration in assessing, reducing, or waiving civil penalties created by ORS 377.992 for violation of ORS 377.700 to 377.8404, the Oregon Motorist Information Act, and related statutes and rules, and a process for implementing those penalties. These are in addition to any other penalty provided by law, including but not limited to assessing costs, removing signs, and canceling permits.¶

(2) The definitions in ORS 377.710 and OAR 734, division 059 apply to this rule. The following also apply to this section:¶

(a) "First time violator" means a person with no Final Order of violation of the Oregon Motorist Information Act or related statutes and rules within five years of the issuance of the violation notice.¶

(b) "Repeat violator" means a person with only one sign for which the Department issued a Final Order of violation of the Oregon Motorist Information Act or related statutes or rules within five years of issuance of the current violation notice, but who is not a habitual violator.¶

(c) "Habitual violator" means a person with more than one sign for which the Department issued a Final Order of violation of the Oregon Motorist Information Act or related statutes or rules within five years of the issuance of the current violation notice.¶

(d) The five-year period noted in 2(a) through 2(c) commences on the date of an Order finding a violation, and any notice of subsequent violation within that five years is a further violation if the department issues an Order finding a violation, whether or not the Final Order is within the five year period.¶

(e) "Person" is defined in ORS 756.010(5).¶

(3) A person who violates The Oregon Motorist Information Act or related statutes or rules is subject to a civil penalty as provided in this section. Civil penalties begin to accrue 31 calendar days from the date of the notice of violation beginning at 12:01 a.m. of the 31st calendar day and end with the complete correction or the complete removal of the sign ~~either~~ by the sign owner, the property owner, or by the Department at the Department's discretion.¶

(4) The Department may assess a penalty up to \$50 per day for violation of ORS 377.720(5), 377.720(6), 377.720(9), 377.730(1), or 377.773. The Department may assess a penalty of up to \$50 per day for violation of 377.725(12), except if the Department finds the owner intentionally installed the wrong permit plate in an effort to delay or avoid enforcement, in which case the Department may assess a penalty of up to \$1000 per day.¶

(5) The Department may assess a penalty of up to \$500 per day for each violation by first time violators of ORS 377.510, 377.725(1) or (2), 377.735(1)(b), 377.740, 377.745, 377.750, 377.767(2), 377.767(5).¶

(6) The Department may assess a penalty of up to \$1000 per day for each violation by first time violators of ORS 377.720(1) through (4), (7) or (8), or 377.730(3).¶

(7) Repeat and habitual violators may be assessed up to the maximum penalty in ORS 377.992. For any violation not specifically cited in this rule, the Department may assess against any violator up to the maximum penalty in ORS 377.992.¶

(8) For any violation, in lieu of the per day amounts otherwise described, the Department may assess as a civil penalty the gross revenue derived from the sign at issue from the 31st day after notice of violation until the violation is corrected or the sign removed and confirmed by Department staff.¶

(9) The Department may consider all relevant facts in assessing, reducing, or waiving a civil penalty. The Department may consider but is not limited to the following factors:¶

(a) Whether the owner is a first time violator, repeat violator, or habitual violator, and how many of the owner's signs have previously been in violation of the OMIA.¶

- (b) Whether the owner, its agents or employees responsible for the sign at issue were previously involved with another owner, and whether that previous owner had no violations, was a first time, repeat, or habitual violator.¶
- (c) The amount of time between the Department issuing a violation notice and the contested case hearing, and whether any delay was due to reasons outside the control of the violator.¶
- (d) The cooperation of the owner in dealing with the Department, including:¶
 - (A) Promptness in responding to requests for information;¶
 - (B) Accuracy and completeness of information provided;¶
 - (C) Assertion of frivolous issues or defenses;¶
- (e) The complexity of the issues involved;¶
- (f) The value of the public interest involved;¶
- (g) Public comment about the sign at issue.¶
- (10) If the final order resulting from an administrative hearing renders the Department's enforcement incorrect, civil penalties do not accrue to the sign in question.¶
- (11) For the convenience of the public, the Department will produce a summary of the types of violations and maximum penalties allowed, factors that may be considered, and any other relevant information regarding assessment of penalties.

Statutory/Other Authority: ORS 184.616, ~~184.619~~, ~~377.992~~

Statutes/Other Implemented: ORS 377.992

AMEND: 734-059-0220

RULE SUMMARY: Clarifying who can aggregate credits and adding information regarding new OACS web-interface program replacing the sign program's use of the Mainframe.

CHANGES TO RULE:

734-059-0220

Aggregation of Small Relocation Credits ¶¶

An outdoor advertising sign relocation credit may only be issued to one person' as defined in OAR 734-059-0015(4). The Department will deny any requests to issue a relocation credit to more than one person, or to aggregate credits that belong to more than one person.¶¶

(1) Upon request from the sign permit owner, or their authorized representative, the Department shall issue a relocation credit for the total square footage of the single, largest sign face of one side of an outdoor advertising sign.¶¶

(2) As provided in ORS 377.763 the owner of relocation credits may apply to combine (aggregate) them into a single credit. This rule establishes the criteria for aggregation, the procedure to request aggregation, and the procedure the Department will follow to process those requests.¶¶

(3) ~~Q~~To qualification for participy for aggregation:¶¶

(a) ~~The~~Each relocation credit must be recognized as valid under ORS 377.766. This includes verification by the Department that the sign and structure wasere removed.¶¶

(b) ~~The~~Each relocation credit ~~size may be no larger than 249 square feet~~must be 249 square feet in size or less.¶¶

(c) If the Department is aware of any dispute about the ownership or right to utilize the credit it may not be aggregated ~~unlesstil~~ the issue has been resolved.¶¶

(4) Application for Aggregation of Relocation Credits¶¶

(a) To aggregate relocation credits, the owner of a relocation credits must submit a written request to the Department of Transportation Outdoor Advertising Sign office. ~~The;~~ or an Action Request through the Outdoor Advertising Control System (OACS). The written request must be dated and must bear the original signature of the owner or owner's authorized representative. The OACS Action Request must be submitted through the OACS Relocation Credits module, by the owner, or their authorized representative.¶¶

(b) The request must include the relocation credit numbers sought to be aggregated, and the area (described in square feet) the owner calculates for the anticipated single credit.¶¶

(5) Department Processing of ~~Application~~Action Requests for Aggregation of Relocation Credits;¶¶

(a) The Department will determine whether each relocation credit qualifies for aggregation. If any do not, the Department will advise owner and attempt to reach agreement on the qualification under law. If an agreement is not reached the Department will reject the request to aggregate.¶¶

(b) If each relocation credit qualifies for aggregation, the Department will determine whether the area of the anticipated credit calculated by the owner is the same as the area calculated by the Department, and whether it is within the statutory maximum for size. If the anticipated sizes are not the same, or if the projected size exceeds the statutory maximum, the Department will advise applicant and attempt to reach agreement on the correct size under the law. If an agreement is not reached the Department will reject the request to aggregate.¶¶

(c) If each relocation credit qualifies for aggregation and no issue exists as to the size of the anticipated credit, the Department will notify the owner in writing of the cancellation of the smaller credits and the creation of the single larger credit.

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 377.763, 377.759, 377.992

Statutes/Other Implemented: ~~377.763,ORS~~ 377.759, ~~377.992~~763

AMEND: 734-060-0000

RULE SUMMARY: Updates to Division 60 are to add information for new OACS web based permitting system, and add references to standard language and forms used in OACS. Also further clarified some concepts and worked to use provide more accessible language and instructions.

CHANGES TO RULE:

734-060-0000

Outdoor Advertising Sign Application Process ¶

An outdoor advertising sign permit may only be issued to one person' as defined in OAR 734-059-0015(4). The Department will deny any permit application that specifies more than a single person as the sign permit owner.¶

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program. There are ~~three~~ a number of different Outdoor Advertising Sign application forms: "Standard. The Department may deny a permit application if the applicant does not use the correct form. These include:¶

(a) "Outdoor Advertising Sign Permit Application" for new permits for, and relocation or reconstruction, of outdoor advertising signs that preexisted the law change on May 30, 2007, relocations and reconstructions of such permitted signs; "Digital Billboard.¶

(b) "NHS Outdoor Advertising Sign Static Permit Application" for areas added to the National Highway System (NHS) after May 30, 2007;¶

(c) "Outdoor Advertising Sign Digital Sign Permit Application" for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs and".¶

(d) "NHS Digital Sign Permit Application" for signs in areas added to the NHS after May 30, 2007; and.¶

(e) 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 formshelters.¶

(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 standard applications for ~~Standard Outdoor Advertising Signs and Digital Billboard Outdoor Advertising Sign Permits~~. 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~~ and include the name of the applicant, and sign builder, purpose of the application, description, township/range/section/tax lot, highway route number or name and side of highway where the sign will be located , how site is marked, name and address of property owner, and why the sign will be an "outdoor advertis detailed drawing, or rendering, 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 b howing the dimensions and orientation of the sign on the site, including accurate measurement of the distance between the leading edge of the sign (closest to the s igned and dated by the applicant, certifying the information provided by applicant is accurht of way of the state highway) and the property line of the private property where the sign is being located, and has not been changed after the local government certification (see section (c) below). If the applicant is a

~~corporate or other~~ checkbox checked indicating why the sign will be an "outdoor advertising sign." The location boxes should be completed to their business entity the individual signing must include their title so as to indicate the authority to sign for the applicant ~~test of applicant's ability to enable the Department to find the site.~~ ¶

(eb) Application form Part 32: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application to the local jurisdiction for zoning and local compliance information. The local official must complete Part 32 and, if relevant, attach a letter of explanation of local code compliance. The local official must sign and date Part 3.2. ¶

(c) Application form Part 3: Certification of Applicant. The application form must be signed and dated by the applicant, certifying that the information provided by applicant is accurate and has not been changed after the local government certification (see section (b) above). If the applicant is a corporation, or other business entity, the individual signing must have authority to sign for the permit owner. ¶

(d) Fee. The fee is based on square footage as described in OAR 734-059-0100. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash, ~~debit or credit cards~~. All checks must be made out to Oregon Department of Transportation. E-check payments are accepted for electronically submitted applications, Action Requests, and sign permit or Business License renewals through the OACS system. E-check payment requires payment to be made at the time the renewal/application is submitted by the applicant. ¶

(e) Written proof of landowner consent. All applications must include written proof that the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner, or their authorized agent, 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~~ maintain 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, or it is otherwise required by the Department for use in future just compensation calculations. ¶

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

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

(h) Pre-existing sign permit application. ~~For an application for a new pre-exs pursuant to ORS 377.712(1). For outdoor advertising sign under ORS 377.712s that existed legally prior to May 30, 2007,~~ the following additional items are required: ¶

(A) ~~Complete the application form "Supplement for Pre-existing Sign Permit" and sign it for a pre-existing sign permit application.~~ ¶

(A) Complete the "Supplement for Pre-existing Sign Permit" portion of the application. The supplement must be signed before a notary public; ¶

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

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

(i) A pre-existing sign permit application pursuant to ORS 377.712(2), including NHS Limited Permit applications in OAR 734-060-0120, for outdoor advertising signs that existed legally prior to October 1, 2012, must include

the following additional items to be complete applications: ¶

(A) A complete "Supplement for Pre-existing Sign Permit" portion of the application, signed before a notary public: and¶

(B) Documentation demonstrating each of the claims selected on the supplement (i.e. as a copy of a signed, executed and current lease agreement, showing the sign was posted for compensation, when posted for compensation is selected).¶

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

(a) When being reconstructed or relocated for the first time as a digital billboard the applicant must provide the eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.8404 and OAR 734-060-0007.¶

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

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

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

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

(7) Complete Applications.¶

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

(b) The Department requires original signatures and origin. If applicant makes any changes to the application form after it has been received by the Department, applicant shall initials to any changes(s) on the paper 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 and re-sign the application. If the application was submitted through the OACS system, applicant shall submit changes and electronically sign using its logon and password for the OACS system. Signatures for any changes shall be by an authorized representative of the permit holder. The Department will not accept any changes to an application made verbally; all changes must be in writing or through OACS.¶

(c) The Department will ~~indirectly~~ record the date and time for 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. Applications or Action Request materials received through OACS will be treated as received when the permit holder or their authorized representative selects the "Submit" button in OACS. Payment for the application or Action Request is required before OACS will allow the application to be submitted.¶

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

(A) Within 15 calendar days of receiving an application the Department will ~~provide to~~ notify the applicant ~~written notice~~ in writing 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 will be denying the application, a Notice of Denial will be issued rather than a notice that the application is complete.¶

(B) If the Department determines any information provided is incorrect or incomplete, the application is ~~not~~ will be deemed incomplete. The Department may rescind a notice of completeness and priority date if it later determines that information provided by applicant is ~~not~~ either incomplete or incorrect.¶

(e) If an application is ~~in~~ not complete, and is not being initially denied, within 15 calendar days of receiving the

application the Department will return a copy of the ~~entire~~ first page of the application with written instructions on what is needed to complete it ~~or correct the application~~. The applicant must ~~initial~~ confirm any subsequent changes ~~and, if, by initialing changes on hardcopy applications, or by editing the electronic application in the OACS system, if application is submitted through OACS~~. If the changes are substantive ~~to, the local jurisdiction,~~ applicant must obtain a new certification from the local jurisdiction. The Department will retain the application in an incomplete status for 60 days. If the application is still incomplete after 60 days, it will be deemed withdrawn by the applicant. ~~The Department~~ Hardcopy applications will be marked "Withdrawn" and may be retain the original application as a record by the Department. Applications submitted through OACS that remain incomplete after 60 days will be moved to a "Withdrawn" status and archived within that system.¶

(A) If an application form is complete but the application is considered incomplete due to insufficient supporting documents or failure to submit the correct fee, the Department may return a copy of any relevant portion of the application with written instructions on how to complete it; or the Department may hold the application and notify the applicant in writing of what is needed ~~and w~~ to make it complete and the date that then it must be provided information must be received by to prevent the application from being withdrawn under the law.¶

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

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

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

(8) Processing of complete permit application.¶

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

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

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

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

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

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

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

(b) The applicant must place a marking at the site to show the proposed location for the sign permit which corresponds to a detailed drawing, or rendering, showing the dimensions and orientation of the sign on the site. The drawing or rendering must include an accurate measurement of the distance between the leading edge of the sign and the property line adjacent to the right of way of the state highway, showing that all portions of the sign

structure will be completely contained within the private property of the leaseholder and outside of the right of way of the state highway. The applicant may use a stake, ribbon, paint, or any method or material that will allow the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).¶

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

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

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

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

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

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

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

(11) Issued Permits.¶

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

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

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

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

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

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 377.715, 377.725

Statutes/Other Implemented: ORS 377.7150, 377.7125

AMEND: 734-060-0105

RULE SUMMARY: Adding limitations on height to be consistent with ORS 377.745 and clarifying that GVU signs may not be posted for the exchange of compensation.

CHANGES TO RULE:

734-060-0105

Signs of a Governmental Unit ¶¶

- (1) In order to qualify for a permit exemption under ORS 377.735(1)(a) as a sign of a governmental unit the following criteria must be satisfied:¶¶
 - (a) The sign must be within the territorial or zoning jurisdiction of the governmental unit;¶¶
 - (b) The governmental unit must have the authority to declare, expound, administer, or apply the law within the area;¶¶
 - (c) The governmental unit may only erect the sign, or allow it to be erected, for the purpose of carrying out an official duty or responsibility directed or authorized by law.¶¶
- (2) Location. Signs permitted by this rule are prohibited on state highway right of way.¶¶
- (3) Size. Maximum area allowed is 200 square feet; maximum height or length allowed is 20 feet.¶¶
- (4) Number. A governmental unit may have two such permit exemptions. If the limitation on number of signs will cause undue hardship, a waiver for additional signing may be granted by the Director, or authorized representative, upon application by the sign owner.¶¶
- (5) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.¶¶
- (6) Signs erected under this rule are subject to the provisions of ORS 377.720 and to applicable federal requirements. Nothing in this rule is intended to permit a sign that is otherwise prohibited by a local government.¶¶
- (7) No person may receive compensation for displaying the sign.¶¶
- (8) This rule is not intended to regulate official traffic control signs or devices.¶¶
- (9) To apply for the permit exemption an official of the governmental unit must submit a completed certification form, and an image of the proposed sign showing dimensions and copy, to the Outdoor Advertising Sign Program office.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 377.735

Statutes/Other Implemented: ORS 377.7345

ADOPT: 734-060-0110

RULE SUMMARY: New rule language to detail how measurements described in ORS 377.750 are conducted for outdoor advertising signs.

CHANGES TO RULE:

734-060-0110

Method of Spacing Measurement

This rule establishes the method of measuring distance under ORS 377.750 between two outdoor advertising signs (signs), between a sign and an interchange, and between a sign and a Purchase Site. Measurement should include all elements of the sign structure. ¶

(1) For the purpose of applying spacing between signs under ORS 377.750, the distance between two signs shall be measured lineally along the highway, by establishing two lines perpendicular to the center line of the highway. Each respective perpendicular line will touch the sign structure at the point that is closest to the second sign structure. The distance between the perpendicular lines shall be the distance between the sign structures, as measured parallel to the centerline of the highway. ¶

(2) For the purpose of establishing the distance between a sign and an interchange, under ORS 377.750, the distance shall be measured lineally along the highway and parallel to the centerline of the highway, by establishing two lines perpendicular lines; one from a point departing or entering the main traveled way, and the second from the closest point of the sign structure. ¶

(3) For the purpose of establishing the distance between a sign and a Purchase Site under ORS 377.750, the distance shall be measured lineally along the highway and parallel to the centerline, by establishing two lines perpendicular lines; one from the established location of the purchase site, and the second from the closest point of the sign structure. ¶

(4) Where an outdoor advertising sign exists at a point where a highway ends in an entrance or exit ramp, or where the highway becomes a city street, if the sign is visible to the highway, and within 660 feet of the edge of the right of way of the highway, it requires a permit under the OMIA. The sign shall be permitted from the highway, at the nearest milepoint to its physical location, and must meet the spacing requirements between other permitted signs and interchanges as required under ORS 377.750.

Statutory/Other Authority: ORS 184.619

Statutes/Other Implemented: ORS 377.710, 377.720, 377.750

ADOPT: 734-060-0120

RULE SUMMARY: Adding new section of rules to better define pre-existing signs allowed under ORS 377.712(2).

CHANGES TO RULE:

734-060-0120

NHS Limited Permits Under ORS 377.712(2)

Where roadways, or sections of roadways, are added to the National Highway System (NHS) after May 30, 2007, legally located, pre-existing signs may qualify for a permit issued under ORS 377.712(2) as a limited permit. Limited permits issued pursuant to ORS 377.712(2) may only be relocated, as conforming, on the same roadway where originally permitted, within the same continuous milepoints where the permit was issued. The milepoint limitation will be noted on the permit certificate at the time of issuance and recorded within the OACS database. All NHS limited permit relocation requests must remain on the same roadway where originally permitted, and must meet all OMIA restrictions including spacing and size restrictions. NHS limited permits may not be aggregated.

(1) To qualify for an NHS limited permit:

(a) The sign must have been an outdoor advertising sign continuously from October 1, 2012 through the time an application for permit was submitted; and

(b) Must be legally located within a commercial or industrial zoning.

(2) An NHS limited permit that is issued as a digital sign permit may not be relocated or reconstructed as a static sign permit.

Statutory/Other Authority: ORS 184.619

Statutes/Other Implemented: ORS 377.712, 377.725

AMEND: 734-060-0175

RULE SUMMARY: Clarifying that Temporary Sign Exemption requirement includes meeting the non-compensation requirement as well as all other OMIA restrictions.

CHANGES TO RULE:

734-060-0175

Temporary Signs ¶

(1) This rule is enacted pursuant to ORS 377.735 regarding the permit exemption for temporary signs and in furtherance of the Oregon Motorist Information Act (OMIA, 377.700 through 377.8404 and 377.992). All temporary signs must comply with the provisions of the ORS 377.700 to 377.844. This includes electronic message boards, or variable message signs, except official traffic control signs or devices. ¶

(2) Location generally. ~~A temporary sign may be erected outside of state highway right of way, within view of a state highway, subject to not be placed on, or serviced from, the state highway right of way. All signs must be placed on private property and be accessed through private property. A temporary sign must meet the requirements of the local jurisdiction and the OMIA ORS 377.700 to 377.844. A sign that complies with all the provisions of ORS 377.735(1)(b) may be erected without prior approval of the Department. A sign that~~ If the temporary sign requires a variance, to comply the variance must be obtain that variance beforeed prior to erecting the sign. The Department may, at its discretion, retroactively grant a variance. ¶

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

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

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

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

(5) Variance Procedure: ¶

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

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

(A) Name or number of highway; ¶

(B) Side of highway; and ¶

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

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

(d) The request must include the name and mailing address of the requester. If the requester wants the Department to be able to make contact in any other way, such as to obtain supplemental information to process the request, requester may also include that contact information. The requester will be considered a sign owner for the sake of violation of sign laws. ¶

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

(f) Requester must certify that he or she: ¶

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

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

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

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

(g) The Department must grant or deny the request within 14 days after the Outdoor Advertising Sign Program receives it. The Department may deny applicant's variance request due to lack of required information; the

applicant may re-submit the request. If the Department denies a request, fails to make a decision within 14 days, or grants and later revokes a variance, the requester may request a contested case hearing. Failure of the Department to meet the time limits required by this rule does not require that the variance be granted.¶

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

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

(6) Specific Variance Criteria.¶

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

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

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

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

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

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

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

(7) Prohibitions and penalties.¶

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

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

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

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

Statutory/Other Authority: ORS 184.616, 184.619, 377.735

Statutes/Other Implemented: ORS 377.735

AMEND: 734-060-0180

RULE SUMMARY: Added item #4 re: restricted permits may not be aggregated.

CHANGES TO RULE:

734-060-0180

Restricted Sign Permits ¶¶

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

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

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

(4) Restricted Permits may not be aggregated.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 377.735

Statutes/Other Implemented: ORS 377.725