

City of Brookings WORKSHOP Agenda

CITY COUNCIL

Monday March 4, 2013, 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. Sandwich Board Sign Regulations. [Planning, pg. 2]
 - a. BMC Chapter 17.88 [pg. 4]
 - b. ODOT emails and ORS provisions [pg. 13]
2. Geographic Information System (GIS) Update. [GIS, pg. 19]
3. North Bank Mahar/Tribble Development Update [PWDS, pg. 21]
4. Tax Levy Information [Councilor McClain, pg. 23]

D. Council Member Requests for Workshop Topics

E. Adjournment



All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: March 4, 2013

Originating Dept: PWDS, Planning


Signature (submitted by)

City Manager Approval

Subject: Regulations for sandwich board signs

Recommendation: Information only.

Financial Impact: None.

Background/Discussion: The Council has requested information of the requirements of Brookings Municipal Code (BMC) Chapter 17.88, in particular the subsection dealing with sandwich board signs as found in 17.88.100(F). These signs are only permitted in a commercial zone for a business whose entrance does not have street frontage (alleys are not considered street frontage). There are less than 10 businesses that have received approval for such a sign. There are four conditions that each sandwich board sign must meet.

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians.
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business.

Violations of the Land Development Code are enforced when Staff receives a complaint. In the past a general complaint was received regarding a proliferation of sandwich board signs being displayed on Chetco Avenue. Staff visited each business and discussed the sign regulations with the business owner. With the exception of two, all owners removed their sandwich board signs. Several of the business then applied for sign permits to display other signage to meet their advertising needs. The businesses who continued to display the unauthorized sandwich board signs where sent Notices to Abate and promptly removed the signs. None continued forward to Municipal Court for enforcement.

Recently Staff received a complaint regarding a sandwich board sign being displayed in the downtown core area. Since there was an unauthorized sign being displayed directly across the street from the one that received the complaint, Staff contacted both businesses to discuss the regulations and encourage them to give some thought to additional allowed signage that could deliver the same message.

In late 2011, City Council adopted revisions to Chapter 17.88, Signs, BMC. One of the concerns expressed by the Council was the interpretation of Oregon Department of Transportation (ODOT) that the State regulates all signs visible from Chetco Avenue. Oregon Revised Statute (ORS) 377.715

provides that authority. ORS 377.710(37) provides the definition of visible. These provisions are included as an Attachment to this staff report. Text was included in the revisions, now Chapter 17.88.030(A) to clarify the process for Applicants and future Staff. The process makes Staff responsible for submitting sign applications to ODOT for approval. With this procedure, Council felt the additional expense of an Applicant having to remove an installed sign due to it not complying with ODOT requirements could be prevented.

There are a number of instances where signs are exempt from obtaining a sign permit but still must comply with such standards as size, location, or duration of display. One example is that temporary signs can be displayed for a period not to exceed 30 days for new businesses. This allows unlimited signage to guide customers to their new business. The recent tool sale is a business that used this provision. There are several signs that are expressly prohibited such as vehicle signs, signs erected in the right-of-way, or signs that interferes with any authorized traffic control device. However, Chapter 17.88 does not regulate signs attached to or carried by folks as was seen the past week for the tool sale.

Policy Considerations: None.

Attachment(s): Chapter 17.88, Sign Regulations
Oregon Department of Transportation email and ORS's

Chapter 17.88

SIGN REGULATIONS

Sections:

- 17.88.010 Purpose.
- 17.88.020 Definitions.
- 17.88.030 Application.
- 17.88.040 Exempt signs.
- 17.88.050 Signs expressly prohibited.
- 17.88.060 Residential districts.
- 17.88.070 Professional office (PO-1) district.
- 17.88.080 Public open space (P/OS) district.
- 17.88.090 Commercial (C-1, C-2, C-3, C-4) and industrial (I-P, M-2) districts.
- 17.88.100 General standards for signs in all zones.
- 17.88.110 Nonconforming signs.
- 17.88.120 Termination of signs by abandonment.
- 17.88.130 Appeals and variances.

17.88.010 Purpose.

The purpose of this chapter is to integrate the advertising needs of the business community by means of outdoor signage, to provide for safe construction location, erection, and maintenance of signs and minimize adverse safety factors and ensure

visibility for travelers on public streets and on private areas open to public travel.

A. Sign criteria and standards can enhance the economic vitality and contribute to the visual quality of the city of Brookings and prevent a proliferation of signs and sign clutter.

B. Well designed and constructed signs attract the eye, complement each other and draw attention to the building containing the businesses for which they are intended to advertise while considering the aesthetics of the community.

C. This chapter is intended to protect the health, safety, and welfare of the community.

The Brookings sign code is not intended to, and does not, restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail. [Ord. 08-O-608 § 2; Ord. 89-O-446 § 1.]

17.88.020 Definitions.

The following definitions apply to material and subjects addressed specifically within this chapter.

“Alter” means any changes excluding content, and including but not limited to size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

“Awning” means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

“Business” means a commercial or industrial enterprise.

“Business frontage” means a lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

“Canopy” means a nonmovable roof-like structure attached to a building.

“Cloth sign” means sign printed on cloth, which may be authorized if it complies with applicable standards in this chapter and is fastened securely to the structure.

“Directional signs” are signs located on property to guide traffic.

“Freestanding sign” means a sign erected on a frame, mast or pole and not structurally attached to any building.

“Illegal sign” means a sign which is erected in violation of this chapter.

“Marquee” means a nonmovable roof-like structure which is self-draining.

“Nonconforming sign” means all signs existing on the effective date of this code and not conforming to the provisions of this chapter.

“Public right-of-way” means travel area dedicated, deeded or under control of a public agency, including but not limited to highways, public streets, bike paths, alleys and sidewalks.

“Public sign” means a sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist, informational signs and warning lights, signs on public buildings and/or giving direction to public facilities. A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

“Sandwich board sign” means a portable triangle or A-frame shaped sign that is typically hinged on the top.

“Sign” means any notice, advertisement, or communication, including the supporting structure, used as an outdoor display for the purpose of advertising the property or establishment, or any type of communication.

“Sign, area” means the total amount of square footage within the outside dimensions of a sign face. Size calculations for double-faced signs consider only the outside dimensions of one side.

“Sign, blinking or moving” means signs with messages, symbols, or characters that change at intervals. The message, symbols or characters may not change more frequently than every two seconds.

“Street frontage” means that portion of a street that abuts a front lot line and from which the lot or parcel is accessed and addressed.

“Wall graphics” include but are not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques, applied, implanted or placed directly onto a wall or fence.

“Window sign” is a permanent sign painted on or attached to the inside of a window and is designed to be viewed principally from outside the business.

“Wind sign or device” means any sign or device in the nature of banners, flags, balloons, or other object fastened in such a manner as to move upon being subject to pressure by wind or breeze. [Ord. 08-O-608 § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.030 Application.

A. For all areas of the city, a sign permit must be obtained before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. Any alteration of an existing sign must also first obtain a permit (see definition of “alter”). The sign permit application may be filed as a part of a larger application or separately. Applications shall be filed with the city manager or their designee, on an appropriate form in a manner

prescribed by the city, accompanied by a sign permit application fee in the amount established by general resolution of the city council. A sign permit shall be issued only after a determination by the city manager, or their designee, that the proposed sign is in compliance with all provisions of this chapter. All signs visible from Highway 101/Chetco Avenue are required to be reviewed and approved by Oregon Department of Transportation (ODOT). Staff will submit these applications to ODOT and advise the applicant of their decision.

B. The following shall be submitted with each completed application:

1. Filing fee;
2. Plot plan, drawn to scale, of the lot, with dimensions, on which the sign is to be placed showing the location of the sign, the structure, with dimensions, and dimensions and locations of other existing signs on the property. If the sign is to be freestanding the plot plan must also show the distance from property lines and easements;
3. Engineering wind load data for freestanding, roof-mounted, and perpendicularly mounted signs exceeding five square feet in size;
4. A scale drawing of the sign and its support structure, indicating dimensions;
5. If the proposed sign is lighted or uses electricity for any purpose, evidence that the sign is listed as being approved by a licensed testing facility must be submitted with the application;
6. Proof of a current business license unless exempt;

7. The sign(s) authorized under a sign permit shall be installed within 90 days after the date of permit issuance. A 90-day extension can be requested by submitting a written statement explaining the need for additional time. [Ord. 11-O-683 § 2; Ord. 08-O-608 § 2; Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.040 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter:

A. Memorial tablets, cornerstones or similar plaques not exceeding six square feet;

B. Temporary signs displaying noncommercial messages for events, including but not limited to elections, public meetings or events of a general city-wide civic or public benefit. These signs shall not be displayed for more than 60 days prior to the beginning of the event and must be removed within seven days following the conclusion of the event;

C. Temporary, nonilluminated real estate or construction signs; provided, that said signs are removed within 15 days from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:

1. One unlighted temporary sign not exceeding 16 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in residential districts;

2. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in commercial and industrial districts;

3. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted advertising a new subdivision on the property;

4. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a structure;

5. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a subdivision;

6. Additional signage may be requested by submitting an application pursuant to BMC 17.88.030(B) accompanied by the sign permit fee and a statement explaining the need for the additional signage to the site plan committee. The site plan committee decision may be appealed pursuant to BMC 17.80.060;

D. Temporary signs for new businesses, for a period not to exceed 30 days;

E. Deleted by Ord. 11-O-683;

F. Small directional signs located on the property to guide traffic;

G. Signs placed by state or federal governments for the purpose of identifying public works projects or publicly funded and/or sponsored projects, designed to fulfill the requirements of state or federal funding agencies;

H. Deleted by Ord. 11-O-683;

I. Nameplates, provided they do not exceed 72 square inches;

J. Public signs;

K. Businesses which have more than one freestanding sign existing on the effective date of this code. Each sign must meet the size requirements as stated in the code. Signs which advertise a business no longer conducting or a product no longer sold on the premises where such sign is located shall not be exempted under this chapter;

L. Garage sale signs not to exceed four square feet in area and to be displayed only when the sale is open for a period not to exceed three consecutive days in duration with no more than three sales per calendar year;

M. Decorative banners and flags may be displayed and shall not exceed 100 square feet in area. Decorative banners and flags shall not include the use of text;

N. Local, state, or national flags;

O. Window signs;

P. Wall graphics, except that murals shall be reviewed by the public art committee and conform to general guidelines adopted by city council resolution. In the event the public art committee is unavailable to convene, the site plan committee will perform the needed review;

Q. Any change to the text of an existing sign structure (free standing or applied to the building) does not require a sign

permit. This does not apply if the sign structure is altered or the location is changed. [Ord. 11-O-683 §§ 3, 4; Ord. 08-O-621 § 2; Ord. 08-O-608 § 2; Ord. 01-O-446.KK § 2; Ord. 00-O-446.HH, § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.050 Signs expressly prohibited.

The following signs and devices are expressly prohibited:

A. Signs located on undeveloped property, except as provided in BMC 17.88.040.

B. Vehicle signs, except for standard advertising identification markings which are permanently or magnetically attached to or printed on a business or commercial vehicle.

C. In no case shall any sign:

1. Be erected in a public easement or right-of-way;
2. Be erected so as to prevent free ingress to or egress from any door or window, or any other exit way required by the currently adopted edition of the Oregon State Structural Specialty Code and Fire and Life Safety Regulations;
3. Be attached to any public utility pole, or structure, light pole, lamp, lamp post, tree, fire hydrant, bridge, curb, sidewalk, or other surface located on public property;
4. Be attached to a standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to the roof;

5. Be erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way. [Ord. 08-O-608 § 2; Ord. 01-O-446.KK § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.060 Residential districts.

Signs shall be permitted as follows:

A. Neighborhood Identification. One freestanding sign shall be permitted at each entry point of the development. Each neighborhood identification sign shall not exceed 32 square feet in area and shall be mounted in a planter or landscaped area.

B. Multiple-Family Residential and Conditional Uses. A maximum of two identifying signs, each of which shall not exceed more than 32 square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings and conditional uses. If freestanding, the sign(s) shall be mounted in a planter or landscaped area.

C. See BMC 17.88.100, General standards for signs in all zones. [Ord. 08-O-608 § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-454 § 8; Ord. 89-O-446 § 1.]

17.88.070 Professional office (PO-1) district.

Signs shall be permitted as follows:

A. One identifying sign not exceeding 32 square feet for each street on which the building fronts, affixed to the building or freestanding. If freestanding, the sign shall be mounted in a planter or landscaped area.

B. One nonilluminated building directory not exceeding 16 square feet in area for each building containing four or more businesses.

C. See BMC 17.88.100, General standards for signs in all zones. [Ord. 08-O-608 § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.080 Public open space (P/OS) district.

Signs shall be permitted as follows:

A. Signs on public buildings or property are exempt pursuant to BMC 17.88.040(J).

B. Signs on other than public buildings must comply with BMC 17.88.070. [Ord. 08-O-608 § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.090 Commercial (C-1, C-2, C-3, C-4) and industrial (I-P, M-2) districts.

A. Shopping center area – an area developed with four or more businesses having common parking area.

1. Freestanding or Roof-Mounted Sign. One for each street on which the buildings front identifying the shopping area and businesses shall be allowed.

Each sign shall be limited to a total area of 200 square feet.

2. Attached individual business signs:

a. Shall be placed flat against a building; or

b. Attached to the front or bottom surface of a marquee, awning, or canopy; or

c. Attached to and extending perpendicular from the building;

d. The total aggregate area of attached signs for each building side shall not exceed two square feet for each lineal foot of business frontage.

B. Non-Shopping Center Areas (as Defined Above).

1. Freestanding or Roof-Mounted Sign. One for each street on which the building fronts, and limited to 75 square feet in total area, plus one square foot of additional sign for each lineal foot of business street frontage exceeding 75 feet, to a maximum sign allowed of 200 square feet.

2. Attached Sign.

a. Placed flat against a building; or

b. Attached to the front or bottom surface of a marquee, awning or canopy; or

c. Attached to and extending perpendicular from the building.

d. The total aggregate area of attached signs for each building side shall not

exceed two square feet for each lineal foot of business frontage.

C. See BMC 17.88.100, General standards for signs in all zones. [Ord. 08-O-608 § 2; Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.100 General standards for signs in all zones.

A. Light from all signs shall be directed away from residential areas.

B. No signs as provided in this section shall project into the public right-of-way to a distance closer than two feet from the face of curb or, in the case where no curb exists, no closer than two feet from the edge of pavement, and no such projecting signs shall be installed to a height of less than eight feet clearance from grade or top of sidewalk to the lowest point of said sign.

C. One permitted sign for each property may contain elements that may change (blinking or moving text, symbols, and/or characters) no more frequently than every two seconds. There is no time limit on changes to text for scrolling or crawling signs.

D. Signs must comply with the height limit for the zone in which they are located.

E. Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks or loose and dangling materials.

F. Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones if the business entrance does not have street frontage (alleys are not considered street frontage) and provided the following conditions are met:

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians.
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business. [Ord. 08-O-608 § 2.]

17.88.110 Nonconforming signs.

All signs existing on the effective date of this code and not conforming to the provisions of this chapter are hereby deemed lawful, nonconforming signs.

A. No nonconforming sign shall be expanded or altered in any manner which would increase the degree of its nonconformity;

B. All nonconforming signs existing on the effective date of this code may remain in use under the following conditions:

1. Until the business for which it advertises has been abandoned in accordance with BMC 17.88.120;

2. The sign remains in good operating condition;

3. The sign may be repaired and maintained;

4. The sign is not currently, or likely to become, a hazard to traffic, pedestrians or property.

C. Termination of Nonconforming Signs.

1. Immediate Termination.

Nonconforming signs which advertise a business no longer conducted where such sign is located shall be terminated within 60 days. Termination of the nonconformity shall consist of removal of the sign or its alteration to eliminate fully all nonconforming features.

2. Termination by Destruction. Any nonconforming sign destroyed by any means may only be replaced by a sign conforming to this code.

3. Required Termination of All Nonconforming Signs. Any nonconforming sign not terminated pursuant to any other provision of this code shall be terminated within five years following adoption of this code.

4. Required Termination Upon Change in Ownership. When property changes ownership any nonconforming sign must be terminated. [Ord. 08-O-608 § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.120 Termination of signs by abandonment.

A. Any sign advertising or relating to a business on the premises on which it is located, which business is discontinued

for a period of 90 consecutive days, without any intent to resume, shall be presumed to be abandoned and all such signage shall be removed within 90 days. Any period of such noncontinuance caused by government actions, strikes, materials shortages, or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

B. An extension of time for removal of signage of an abandoned business, not to exceed an additional 90 days, may be granted by the site plan committee upon written request filed by the legal owner

of the premises or the person in control of the business. [Ord. 08-O-608 § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.130 Appeals and variances.

Any applicant who is denied a sign permit because the proposed sign would not be in compliance with all the provisions of this code, or who has an existing sign which would be deemed a nonconforming sign under the provisions of this code, may file for a variance or appeal, pursuant to procedures set forth in Chapters 17.132 and 17.156 BMC. [Ord. 08-O-608 § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

Donna Colby-Hanks

From: ELSTUN Wendy S *ODOT [Wendy.S.ELSTUN@odot.state.or.us]
Sent: Tuesday, August 23, 2011 9:29 AM
To: Donna Colby-Hanks
Subject: State sign regulation and local jurisdiction notification
Attachments: 377.710 - definitions.doc; 377.720 - Prohibited signs.doc; 377.740 - Local Jurisdiction.doc; 377.715 - Basics & Not in ROW.doc

Hello Donna,

Thank you for calling this morning and reviewing the state sign regulations and administrative rules.

You asked for clarification regarding the state requirement to have the local jurisdictions get approval of sign applications where the sign would be visible to state highways.

While there is no requirement that local jurisdiction provide us with information on pending applications for signs visible to state highways it is a proactive measure that informs the applicants of state sign regulations BEFORE the install a sign and find that they are in violation of state sign regulations.

As a recap the State regulates ALL signs visible to state highways. ORS 377.710 defines "visible" as: 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. We do an independent review of any sign in question to determine if the intent is to advertise to a state highway or to a local or feeder road or street. If a sign is inside an incorporated area and more than 660ft from state right of way and the intent is not to advertise to a state highway then we could determine it was not subject to state sign regulations.. Again each case is reviewed independently.

NO signs are allowed to be on or overhang state right of way. All sign must follow the basic safety and prohibited rules (Attached)

In particular US 101 is a Scenic By-Way and no new Outdoor Advertising Signs (OAS) are allowed. To determine if a sign is an OAS we look at two things. The first is site location and the other is compensation. A sign must be located as some type of business or activity that is open to the general public and NO compensation can be exchanged for either land lease or sale of ad copy. Compensating includes barter of goods or services. The business does not have to be what is advertised on the sign but can be anything the general public has access to, this includes government building, churches, schools, parks and public parking lots.

Let me know if you need more clarification on any issues

Thank you

Wendy

Wendy S Elstun
Program Coordinator, ODOT

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]

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

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

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

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

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

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

(6) "Director" means the Director of Transportation.

(7) "Display surface" means the area of a sign available for the purpose of displaying a message.

(8) "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.

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

(10) "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.

(11) "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.

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

(13) "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.

(14) "Logo" means a symbol or design used by a business as a means of identification of its products or services.

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

(16) "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.

(17) "Main traveled way" means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(18) "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.

(19) "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.

(20) "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.

(21) "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.

(22) "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.

(23) "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.

(24) "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.

(25) "Secondary highway" means any state highway other than an interstate highway or primary highway.

(26)(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.

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

(28) "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.

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

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

(31) "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.

(32) "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.

(33) "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.

(34) "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.

(35) "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.

(36) "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.

(37) "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.

ORS 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.

(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]

ORS 377.740: Local jurisdiction concurrent


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]

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: March 4th, 2013

Originating Dept: PWDS

4 

Signature (submitted by)

City Manager Approval

Subject: GIS – Geographic Information System –Update

Recommendation: Informational only

Financial Impact: N/A

Background/Discussion: In broad terms, a GIS is used for digitally storing spatial information so that it may be projected on a map. However, more precisely, a GIS is a holistic tool for understanding, interpreting, measuring, and displaying the real world. With the right tools a GIS can lead to better decision making, improved communications, and increases in productivity.

The City of Brookings has been in the process of implementing its own geographic information system. Since the last workshop update, there has been significant progress on base mapping of storm water pipes, water pipes, as well as the sewer mapping already demonstrated. Although GIS is not a static entity, as the data contained within the system becomes more complete, it will lead to a more global understanding to the city and its lifelines. Ultimately this knowledge will likely cut down on employee overtime and contractor fees, as well as improve public awareness.

Brookings GIS to date:

Stormwater:

- GPS positions of all manholes, drainage inlets, culverts, and open ditches
- Flow directions of infrastructure
- Drainage basin delineation
- Currently retrieving ancillary data including: material, slope, and condition

Water Distribution:

- Verified pipe size and material for 90% of the entire network
- GPS positions of all Fire Hydrants
- Pressure Zones for entire system
- Meter positions for 98% of system
- Ancillary infrastructure locations and descriptions

Sewer:

- Existing data includes point locations of 90% of all manholes as well as pipe locations.

- Zero data has been collected for lateral locations or lift locations

Other Projects and maps:

- Airport
 - Annexation
 - Percent slope
 - Properties of interest
- Deferred Improvement Agreements
- Long term biking plan
- Emergency storm patrol routes
- Future Projects:
 - Safe Routes to School
 - Fire Atlas w/infrastructure
 - Pavement management plan overlaid with DIAs

Data currently maintained by City GIS

- Digital Elevation Model
- Contours
- Infrastructure

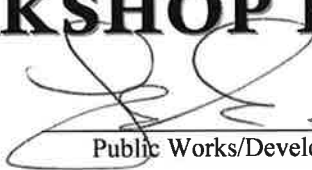
Attachment(s):

Packets will be provided during workshop.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: March 4, 2013


Public Works/Development Services Director

Originating Dept: PW/DS

City Manager Approval

Subject: North Bank Tribble Development

Recommendation: Require an annexation agreement and reimbursement deposit from Mahar/Tribble Development

Financial Impact: The developer has participated in minor costs of services from the City Engineer and City staff in reviewing his development proposals. Staff will provide accounting information on past developer financial contributions as a handout at the workshop.

Background/Discussion: Mr. Tribble submitted a proposed Memorandum of Understanding (MOU) also called an infrastructure finance agreement to Mayor Hendenskog following the last workshop. This MOU does not contain sufficient information about the proposed improvements and included provisions that is inconsistent with the city's land development code such as including zoning and land use language. The proposed MOU also provided that Tribble would receive a 100 per cent credit for SDCs due from development on his property back to him. This is not consistent with what was told to Mr. Tribble from the last workshop or the Borax infrastructure financing agreement which provides that SDCs collected from within the project would be rebated to Borax for that portion of the infrastructure they pay for that is excess to the needs of their development. Staff cannot establish an MOU until the developer provides more specifics of the engineering concept for the new sewer lift station and collection system. Staff and the City Engineer have discussed design strategies for a sewer collection system that will support existing and future sewer equivalent dwelling units (EDUs). The engineering challenge is how to size a collection system force main and lift station for 1200 EDUs for the future, while short term only serving 61 EDUs for his project. In concept, a 1200 EDU system would require a 6-inch force main pipe which needs a certain cleaning velocity (350 gallons per minute) to effectively convey solids. This 350 gpm flow rate dictates the pump station and wet well size, increasing the pump size and characteristics above the available loading from a 61 EDU system. Also, both Lundeen Lane and Constitution Way have flow limitations. The City Engineer is determining the safe loading limits for each location. It is likely that each location could serve 61 EDUs but definitely not 1200 EDUs. Mr. Tribble now needs to retain an engineer to give us his design so staff can evaluate additional EDU benefits.

One strategy is to sleeve a smaller force main (2-inch or 4-inch) with a 6-inch pipe the City could use at a later date for converting to the new force main. He could then build his lift station for as many EDUs as the closest discharge allows, and dedicating enough property to the City for future expansion of the lift station when the connections occur. This would mean less SDC reimbursement to Mr. Tribble, since the SDC reimbursement would only be for the increased EDU potential of the infrastructure he builds. The other alternative is to over design the

infrastructure for future 1200 EDU connections which short term burdens the lift station with operational inefficiencies and increased wet well size for the lower 61 EDU loading.

At this point, staff and the City Engineer have invested considerable staff hours to this project and it is recommended that any further discussions require an annexation application and deposit and then the developer to provide the engineering data to compile an MOU.

Attachment(s): None

From: Ron Hedenskog
Sent: Thursday, February 21, 2013 11:00 AM
To: Gary Milliman
Cc: Kelly McClain
Subject: RE: March 4 Workshop

Councilor McClain has done an extensive analysis of property taxes in Oregon tabulated by county, population, total taxes collected and so forth. Perhaps he could take 5 – 10 minutes to pass out data and explain.

Ron