

**CITY OF FLORENCE
RESOLUTION 5, SERIES 2019**

A Resolution for a Mural Permit request for Marino Heidel Studios to paint a mural entitled “Stitching Time, Weaving Cultures” on the eastern and southern walls of the Central Lincoln Storage Building, located on the northwest corner of Quince St. and Highway 126.

RECITALS:

1. Application was made by the City of Florence Public Art Committee, representative for the Central Lincoln Public Utility District, for a mural permit as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-26-5.
2. The City Council met in a duly-advertised public hearing on April 1, 2019, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and
3. The Florence City Council, per FCC 10-1-1-6-3 and FCC 10-26, finds, based on the Findings of Fact, application, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE REOLVES AS FOLLOWS:

Based on the findings of fact and the evidence in record the request for a Mural Permit for Marino Heidel Studios to paint a mural entitled “Stitching Time, Weaving Cultures” on the eastern and southern walls of the Central Lincoln storage building meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Approval shall be shown on:

- | | |
|--|-----------------------------------|
| “A” Findings of Fact | “F” Mural Contract, dated 2-26-19 |
| “B” Design Drawings | “G” IGA |
| “C” Project Location, Design, Lighting | “H” Maintenance Plan |
| “D” Site Plan | “I” Application |
| “E” Existing Conditions | |

1. Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or City Council.

2. Regardless of the content of material presented for this City Council hearing, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal City Council action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. Prior to commencing painting of the mural, a statement that the mural and all of its individual elements are original works of art shall be provided to the Community Development Department by the muralist
4. The applicant shall contact the Community Development Director when the work is ready for inspection. The mural shall be in conformance with the application and the provisions of the FCC 10-26.
5. The mural permit shall obtain inspection approval within 12 months of the date of this approval or the mural permit is considered expired. No further work may be performed on the mural prior to obtaining a new permit.
6. The applicant shall submit a revised landscape plan for the Central Lincoln PUD site that implements the conditions and findings of Resolution PC 17 08 CUP 05. Landscaping shall be installed in conjunction with the Mural Permit and concluded in advance of the required Mural Inspection by the Community Development Department.
7. The lighting plan shall be revised to annotate lighting wiring to be behind the walls. Lighting plan shall include the color and material of the fixtures. The light fixtures shall be full cut off design and aimed to not shine glare into the right-of-way or onto nearby properties. The applicant shall monitor the lighting arms to ensure the lighting does not shine in a manner to impair the road vision of vehicle drivers, pollute the night sky, or create a hazard to pedestrians or the general public.

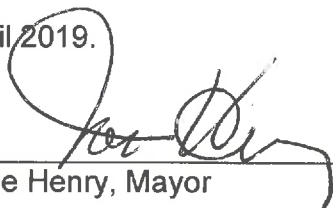
Informational:

1. The applicant shall ensure that the mural meets the requirements for ORS 377.700 to 377.840 and shall obtain an ODOT Outdoor Advertising permit if needed.
2. A one-time extension of 12 months may be requested and granted subject to the criteria of FCC 10-26-9-C.
3. Thirty days prior to removal of the mural the property owner must submit notice to the Community Development Department.

4. A lighting inspection will be performed in conjunction with the Mural Permit inspection to ensure the requirements of Title 4 Chapter 7 Section 25-F are met.


ADOPTION:

This Resolution is passed and adopted on the 1st day of April 2019.



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

**FINDINGS OF FACT
FLORENCE CITY COUNCIL
Exhibit "A"**

Public Hearing Date: April 1, 2019
Application: Resolution No. 5, Series 2019 / CC 19 03 MUR 01

I. PROPOSAL DESCRIPTION

Proposal: A request for a Mural Permit for Marino Heidel Studios to paint a mural entitled "Stitching Time, Weaving Cultures" on the eastern and southern walls of the Central Lincoln Storage Building.

Applicant: City of Florence Public Art Committee, Representative for Central Lincoln PUD

Property Owner: Central Lincoln PUD

Location: 966 Highway 101
Northwest corner of intersection of Hwy 126 and Quince Street

Site: Map # 18-12-26-32 Taxlots 05400, 5500, 5600, & 5700

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Mainstreet District (M)

Surrounding Land Use / Zoning:

Site: Central Lincoln PUD offices and maintenance shop | M
North: Office | Commercial (C)
South: Dunes Village Shopping Center | M
East: Offices | M
West: Hotel & Fuel Station | M

Streets / Classification:

East – Quince St. / Local; North – 10th St. / Local; West - Highway 101 / Major Arterial;
South – Highway 126 / Major Arterial

II. NARRATIVE:

The applicant proposes to paint a mural entitled "Stitching Time, Weaving Cultures" on the eastern and southern walls of the Central Lincoln Public Utility District storage building. The eastside of the mural would be 108 ft. by 15.5 ft. and the south side of the mural would be 37 ft. by 15.5 ft.

III. NOTICES & REFERRALS:

Notice: On March 12, 2019 notice was mailed to surrounding property owners within 100 feet of the property. The property was posted on March 12, 2019. Notice was published in the Siuslaw News on March 27, 2019.

At the time of this report, the City had received 24 written public comments on the proposal. They are listed and summarized below and included under Exhibit M. Testimony received after noon March 27th will be provided at the meeting as Exhibit N.

Name	Date Received	Comment
Barret, Jeanne	3-12-19	Traffic Safety, Blocky art style
Brock, Dolly	3-15-19	Fresh, Colorful, unique
Burke, Patricia & Huber Martin	3-12-19	Garish, distracting, lack of local artist inclusion
Childs, Dick & Karen	3-14-19	Disapprove of design, cost, use of out of area artists
Central Lincoln PUD	3-19-19	Supportive, collaborative with Public Art Committee, Board unanimously approves
Drozdenko, Don	3-15-19	Not-representative of Florence, Portland-style graffiti
Ford-Mackey, Sherri	3-15-19	Not representative of peaceful friendly spirit and vibe of Florence
Jacobson, Rose	3-24-19	Hard edged quality, static faceless dancer, photographic quality not needed to capture sweeping elements of Florence
Jarvis, Bruce	3-19-19	Visual distraction for east originating traffic due to bright colors and graffiti figures. Style not reflective of spirit of Florence, provide hearing opportunity
Malone, Betty	3-18-19	Design not representative of community, modern style
Olson, Gene & Stanton, Sylvia	3-18-19	Location should be in Old Town or along Hwy 101, explanation of Florence boat history and suggestions for mural content.
Owen, Jeannie	3-12-19	Dislikes style, suggests content, use local artist
Read, Bob & Gini	3-22-19	Owns Edwards Jones investment building, not in keeping with community aesthetic, driver distraction, graffiti, cost
Saubert, Sue	3-25-19	Inappropriate, not depict soul of community-natural beauty, heritage
Shields, Kim	3-15-19	Design inappropriate and controversial
Shores, Belinda	3-15-19	Design art centric and not focused on town's history, recreation, sea and landscapes
Florence Chapter of American Rhododendron Society	3-25-19	Requests City flower Rhododendron be placed on mural instead of "poppies."
Gallup, Ed	3-27-19	Dissatisfaction with mural. Chaotic. Picasso-like. Should express beauty and clarity.
Lofy, Theresa	3-26-19	Not right design for Florence. Should have the bridge and Rhodies.
Stimmell, Alan & Pam	3-26-19	Does not represent our quaint town-forest, ocean, fishing boats, bridge, otter. No local artist used. Too bold-city mural not coastal.
Hanson, Maynard	3-26-19	Lines should be softened, Indian looks oriental, needs bear & fish, flowers look hard. Put to a vote. Love idea of mural.
Bruce, Tai	3-26-19	Provided input from DK Child about background and history of PAC

		and public art efforts. Own comments include-mural to loud. Florence is vibrant thriving in mellow tones. More graffiti like. Seek a toned down vision with a listing of native flora and fauna. Include Coast Guard.
Spinner, Michael	3-25-19	Thank you for listening, use social media, concern with accidents at this intersection-bright confusing art make more dangerous. Use more subtle piece for this corner.
Curtis, Mary	3-25-19	Opposed. Harsh, garish, loud. Big city not small town. Use local artists and include as collage.

Referral: On March 12, 2019, a request for referral comments was sent to Oregon Dept. of Transportation, Florence Chamber of Commerce, Urban Renewal District, Siuslaw Pioneer History Museum, and Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. On March 24th a request for referral comments was sent to Florence Police.

At the time of this report, the City had received referral comments on the proposal from:

ODOT, Deborah Lund, Exhibit L, states the project is exempt from needing a permit if no compensation is exchanged for the right to place the mural. The mural would still need to comply with the outdoor advertising statutes which she included for reference.

Central Lincoln PUD, Exhibit L, stated support for the mural.

Florence Police Dept., Exhibit L, provided traffic crash/accident data for intersections of Highway 126 and Spruce, Quince and Highway 101 from 2012 to 2018.

IV. APPLICABLE REVIEW CRITERIA

[Florence City Code](#)

[Title 10:](#)

[Chapter 1: Zoning Administration, Section 1-6-3](#)

[Chapter 6: Design Review, Section 6-6](#)

[Chapter 26: Mural Regulations, Sections 1 through 7, and 9 through 12 and 14](#)

[Chapter 27: Mainstreet District, Sections 5B, G & J](#)

[Chapter 34: Landscaping, Section 3](#)

[Chapter 37: Lighting, Section 5](#)

[Title 4:](#)

[Chapter 7: Sign Regulations, Section 25](#)

[Florence Realization 2020 Comprehensive Plan](#)

Chapter 1: Citizen Involvement: Policies 4 through 6

Planning Commission Resolution: PC 17 08 CUP 05

V. FINDINGS

Code criteria are listed in **bold**, with response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

- A. **Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**

The applicant has proposed a mural, requiring a land use hearing as stated under 10-26-5-A. The applicant has applied for a Type III approval, meeting this criterion.

- B. **Notification of Hearing:**

1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the public hearing was posted on the subject property on March 12, 2019. On this same date, notice was mailed to all property owners within 100 feet of the property. Notice was also published within the Siuslaw News one time on March 27, 2019. These criteria are met.

- C. **Notice Mailed to Surrounding Property Owners - Information provided:**

1. **The notice shall:**
 - a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
 - b. **List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
 - c. **Set forth the street address or other easily understood geographical reference to the subject property;**

- d. **State the date, time and location of the hearing;**
- e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
- f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
- h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

The provided notice contained all of the information listed in FCC 10-1-1-6-3-C. These criteria are met.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

E. Action by the Planning Commission:

- 1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
- 2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
- 3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
- 4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

Florence City Code Title 10 Chapter 26 states the City Council shall consider mural permit applications under the proceedings of the land use hearing procedure. The City Council held a public hearing on April 1, 2019 which met the standards of FCC 2-10 and the intent of FCC 2-3. These criteria are met.

TITLE 10: CHAPTER 26: MURAL REGULATIONS

10-26-1: PURPOSE, GENERAL PROVISIONS: The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

The application includes a mural. The findings of fact are content neutral except where criterion specifically include content related terminology such as history, natural etc. The mural is proposed to be located on a building situated at a property corner with abutting sidewalks along both sides. The abutting streets also have sidewalks along their opposite sides. The mural is large enough to be visible to pedestrians within the adjacent area. The mural meets the general purpose of the mural regulations.

10-26-2: DEFINITIONS:

MURAL: A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.

The mural is proposed to painted directly upon the southern and eastern walls of the Central Lincoln PUD storage building. The mural is proposed to cover the entire faces of each wall and thus be larger than the maximum 6% wall coverage permitted by a wall sign, regulated by Title 4 Chapter 7. The proposal meets the definition of a mural and thus requires a mural permit.

10-26-3: PROHIBITED MURALS:

A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:

- 1. Electrical or mechanical components; or**
- 2. Changing images.**

The proposed mural does not include any electrical or mechanical components or changing images. This criterion is met.

10-26-4: PROHIBITED MURALS:

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

The proposed mural would be visible to the public from the Quince St. and Highway 126 rights-of-way and thus requires a mural permit.

10-26-5: MURAL PERMIT APPLICATION:

- A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."**

This criterion is included under Chapter 1 reviewed earlier in the report and is met.

- B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:**

- 1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.**
- 2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.**
- 3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.**
- 4. A color image of the proposed mural with dimensions drawn to scale.**
- 5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.**
- 6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).**

Section FCC 10-4-1-4 is a typo and should read "FCC 10-1-1-4" as set out in Ordinance 5, Series 2011. In 2016 section 10-1-1-4 was amended and B-2 & B-3 renumbered. Prior to 2016, B2 and B3 included identification of public utilities, facilities, grade changes, and natural features in the area. The other sections that were applicable included the requirement to submit forms and application materials related to mural. The application materials submitted meet the submittal requirements of Chapter 1 and section B above.

10-26-6: MURAL PERMIT CRITERIA: No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

- 1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.**
- 2. The mural may reflect the diversity of the world.**
- 3. The mural may reflect historic, cultural, or natural heritage.**
- 4. The mural respects the original character of the building and surrounding buildings**

“Compatible” is defined as the ability to exist or occur together without conflict. Adjacent is abutting, neighboring, or alongside. There are no other properties adjacent to the Central Lincoln PUD site. It is surrounded on all four sides by streets. The Dunes Shopping Center, hotel, and former County office buildings are nearest to the storage building and lie across rights-of-way and are setback from the streets by their respective parking lots and landscaping. Further away but in the area are 7-11, Edward Jones, and West Coast Real Estate. The nearest building is over 150 feet away. The adjacent building criterion is found to not apply.

Community Character is the sum of all the attributes and assets that make a community unique and establish a sense of place for its residents. The 4 example elements listed above are considered below. They are examples and so some but not all factors need be considered.

1. **“The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.”** There are no adjacent buildings. The buildings in the area were constructed in the mid 1960’s. Quince St. contains the back of buildings on the west side and the front of buildings on the east side. The building fronts are the old county building, apartment complex, Orygon Home Center, and West Coast Autobody shop. The buildings in the neighborhood contain no special architectural features to harmonize with. This property is included in the “Gateway District – Highway 126” of the Florence Downtown Implementation Plan. The objective of the Florence Downtown Plan is to revitalize the properties within its district to serve as the primary cultural, tourist, commercial and community core to serve all of Florence’s citizens and visitors. Redevelopment of this corridor, as illustrated below, envisions buildings up to the sidewalk, on-street parking, and mixed-use storefront retail.



The mural site is located on the northwest corner of the Hwy 126 gateway area. The area is intended to serve as the eastern gateway into the city. Gateways are places where the road narrows and the travelers slow to an in-town speed. The Revision Florence project currently under construction will serve as an anchor on the southern side of the intersection and provide a gateway effect. A mural on the opposite corner would support the Downtown Plan by providing a northern anchor for the gateway entrance. The storage building is located up to the sidewalk providing continuous pedestrian access. Future building development at this intersection as proposed in the plan will provide additional sense of narrowing to motorists.

In summary the buildings in the area do not ascribe to the Downtown Plan's architectural criteria. So, painting a mural to match the neighborhood character of 1960's or the nearby strip mall architecture is not in keeping with the Downtown Plan. The city has not adopted a document that includes a definitive community character description for Florence. The word "mural" is not found in the Florence Comprehensive Plan or any of its Chapter 2 exhibits. The site is located within a redevelopment area and project includes historical topics in keeping with the area's intended development plan. This criterion of integrating elements of the neighborhood or being harmonious with the neighborhood is found to not apply. The mural's attempt to implement the Downtown Plan by establishing a presence at the east gateway intersection and incorporation of historic Florence elements is in keeping with community vision to redevelop the area.

2 & 3. "The mural may reflect the diversity of the world." The mural reflects the diversity of the world...of art and incorporates historic, cultural and natural heritage. The muralist illustrates local ideas and influences using contemporary and abstract styles. These elements are listed in the design drawings as the following: folk art fiber arts of quilting, weaving, applique and embroidery; local natural influences such as waves, seagulls, cat tails, bear grass and elk. She states she uses the combination of sun and moon and the bridge to illustrate time upon which she incorporates the contemporary culture of bicycling. There are elements of expressionism and abstraction such as her exploration of rivers and mountains within the "Chevron" quilt pattern on the Highway 126 side and quilting squares and applied flowers on the Quince St. side. She cites an exhibit at the Siuslaw Pioneer History Museum as a source of inspiration for the design. The phrase "graffiti" has been used by some testifiers to describe the mural's style. The artist does incorporate vibrant colors in a composed manner which is present in a type of graffiti called a "piece". The art however does not include any of the other elements of typical graffiti such as scribbled or sprayed writings or drawings. It would be interpreted from some of the testimony received that Florence murals should incorporate the Realism art style where the

subject of the painting looks like the real thing. The mural's style can be different from those typical of the area and other coastal communities and need not be realistic. This criterion is met.

4. "The mural respects the original character of the building and surrounding buildings." The existing building is simple rectangular cinderblock warehouse with a role of function. The character of the surrounding buildings as stated earlier is from the 1960's. Graphic and psychedelic art from the sixties included bright repetitive patterns and iconic and stylistic imagery. Some of these elements could be said to be present in the proposal with the repetitive chevron and quilting square patterns, simple bright flower imagery, and stylistic deer and seagulls. The composition as a whole is not 60's era but certain elements offer a wink to the surrounding 1960s architecture. The proposal respects the surrounding architecture. This criterion is met.

B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

- 1. The mural will not adversely dominate the building or surrounding area.**
- 2. The mural will not create traffic or safety hazards.**
- 3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.**

The call for entry to artists included the requirement for the mural to illustrate the Public Art Committee's (PAC) mission by being exciting, engaging and incorporating a "wow factor". The art submissions were required to be age neutral. The PAC solicited art entries meeting the engagement factor. The three examples of evaluation criteria are considered below.

1. The mural covers the southern and eastern walls of the building. The building is a cinder block structure with no special architectural features. The mural's proposal to cover the walls is not an adverse domination of the building. As one enters Florence from the east there is a stand of trees that is proposed to be retained in the Downtown Plan. This stand of trees filters the mural from the eastern perspective. There are other buildings to the south and the traffic signal to the west that draw one's attention. The mural does not dominate the surrounding area due to the other visual elements around the Quince St. intersection.
2. Referrals were sent to ODOT and the Florence Police Department. ODOT responded that the mural would be exempt from an "Outdoor Advertising" permit if there was no compensation exchanged for the right to place the mural at the location. However, since both sides of the mural are visible to Hwy 126 the mural must comply with ORS 377.700 to 377.840. Most of these regulations are related to lighting and moving parts addressed and conditioned for approval elsewhere in this report. The applicant shall ensure that the mural meets the requirements for ORS 377.700 to 377.840 and shall obtain an ODOT Outdoor Advertising permit if needed. (Informational 1)

The Florence Police were not originally identified to receive a referral and thus received the referral with a short lead response time. At the time of writing current information was not yet available.

The 2012 Transportation Systems Plan (TSP) evaluated the function and safety of roadways and intersections within Florence. The TSP included intersection crash data for the years 2005 through 2009. The intersection of Highway 126 and Quince St. had a total of 5 collisions during the reporting period with a crash rate of .17 crashes per million entering vehicles. For the years 2007 to 2009 segment crash data was compiled for three segments on Hwy 101 and 126. There were 4 total crashes between mileposts 2.64 and 2.78 on Hwy 126 (east of North Fork Rd.) with a crash rate of .66 crashes per million vehicle miles traveled. Neither of the crash analyses identified any patterns or trends in the crash types that indicated an opportunity for specific engineering treatments to reduce the crashes. The function of the 126/Quince St. intersection is expected to not meet mobility standards by 2035 with the northbound lane on south Quince not operating functionally due to the volume of through traffic on Highway 126. The intersection presently is compliant with the mobility standards.

The Florence Police provided crash/accident data for the period between 2012-2018. The data for 2014 is inconclusive. For the years of 2018, 2017 and 2016 there were 3, 5 and 3 accidents, respectively at the intersection of 126/Quince, almost triple that reported in the four-year reporting year of the TSP.

The mural as proposed appears to meet the ODOT safety standards for Highway Outdoor Signage standards. The safety data available within the TSP for the period of 2005-2009 indicate the intersection and highway segment are operating within acceptable mobility standards. The data from the police records shows an increase in counts. However, without the combined analysis as is provided in a TSP study the information does not have the context needed to identify patterns or trends in the crashes and whether an associated problem needs correction or mitigation. It is worth noting a Rapid Flash Beacon pedestrian crossing was installed east of the Quince St. intersection in the last year. It may have some affect and reduce crashes along Highway 126. The TSP is slated for an update in the upcoming work plan. At that time the crash data will updated and sufficient time will have been available to see any affects the RFB has on crash numbers along Hwy 126. The analysis will provide any needed engineered traffic mitigation improvements. This criterion is met with the data available.

3. The scale, details and proportion related to the building and neighborhood were addressed elsewhere in the report. The proposed colors and materials compliment the beige cinderblock building.

C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.

The mural does not include internal illumination. External illumination is proposed and is reviewed in the 4-7-25 section later in the report. This criterion is met.

D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6") from the plane of the wall, unless approved by the City Council.

The mural is proposed to be painted directly on the southern and eastern wall surfaces of the Central Lincoln PUD storage building. These wall surfaces are flat and contain no projections. This criterion is met.

E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.

The application includes information on maintenance protection. The building is proposed to be prepared for painting 2-3 times with Krill Primer Sealer from Miller Paints. The TSW Acryli-Master Graffiti Resistant Coating includes a UV and Weather-proofing coating that is warranted for 10 years. The Public Art Committee will monitor the mural for durability and reassess the mural in 10 years to determine whether to reapply the sealer. This criterion is met.

F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.

The application includes information on graffiti protection. The mural is proposed to be coated three times with TSW Acryli-Master Graffiti Resistant Coating anti-graffiti sealer which warrants the mural for ten years. The Public Art Committee and PUD plan to work together to ensure the long-term viability of the mural. This criterion is met.

G. The creator/artist is under contract or other obligation to complete the Mural.

The muralist, Marino-Heidel Studios, signed a Personal Services Contract with the Florence Urban Renewal Committee on January 19, 2019. On February 6, 2019, City Manager Erin Reynolds signed the agreement. This criterion is met.

H. The Mural is an original work of art.

The Call for Entry used to solicit applicants for the mural location included under the "Eligibility" category "Entries must be the original design and artwork of the entrant ..." and under the "Design Guidelines for Submission" category "Designs must not include any breach of intellectual property, trademarks, brands, business names, corporate or organizational branding". The signed personal contract does not include the same language or requirements. Prior to commencing painting of the mural, a statement that the mural and all of its individual elements are original works of art shall be provided to the Community Development Department by the muralist. (Condition 3)

I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

The Central Lincoln PUD site received a recent approval in 2017 from the Planning Commission under Resolution PC 17 08 CUP 05. The approval included conditions related to landscaping. No changes to the storage building were proposed under that approval.

However, the storage building's architecture is pre-existing non-conforming for the Mainstreet District and the related criteria of FCC 10-6 Design Review.

The mural application does not include any changes to the building that require Design Review under Chapter 6 of Title 10. The mural addition will not result in the building becoming more out of compliance with the architectural design criterion than it already is. The landscaping criteria as they relate to the previous 2017 approval are reviewed below.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

10-26-7: STRUCTURAL REVIEW: Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

The mural painting will be applied directly to the walls of the building. The proposal does include six lights installed on the building every 20 feet of its length. Electrical permits will be required. There are no structural elements proposed that require structural review. This criterion is met.

10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:

A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

The applicant shall contact the Community Development Director when the work is ready for inspection. The mural shall be in conformance with the application and the provisions of the FCC 10-26. (Condition 4)

B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.

The mural permit shall obtain inspection approval within 12 months of the date of this approval or the mural permit is considered expired. No further work may be performed on the mural prior to obtaining a new permit. (Condition 5)

C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

A one-time extension of 12 months may be requested and granted subject to the criteria of FCC 10-26-9-C. (Informational 2)

10-26-10: MAINTENANCE OF A PERMITTED MURAL: For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

The application includes a maintenance plan for the mural. It cites collaboration between the Art Inventory and Maintenance Planning Subcommittee and the property owner-Central Lincoln PUD, whom is also the applicant and building owner. The application also includes an Inter-Governmental Agreement between the City of Florence and Central Lincoln PUD that is effective for 10 years. It includes general provisions for City maintenance and specific abatement within 30 days due to condition, vandalism or damage. The City's nuisance code in FCC 6-1 requires graffiti removal within 5 days of written notice to remove. This criterion is met.

10-26-11: ALTERATIONS TO A PERMITTED MURAL: Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

10-26-12: REMOVAL OF A PERMITTED MURAL:

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

Thirty days prior to removal of the mural the property owner must submit notice to the Community Development Department. (Informational 3) No mounting hardware or adhesives are proposed for this mural project.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-6: ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon's traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

In applicable zoning districts such as Old Town and Mainstreet, the City Planning Official, the City Planning Official's designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

This criterion is included to address the Design Review reference in code section FCC10-26-6-I. No modifications to the storage building are proposed that require review under the architectural review criteria of Chapter 6 or Title 10. The building is located in the Mainstreet District that is subject to implementing the Florence Downtown Architectural Standards. They include strong emphases on creating and where it exists preserving the historical character of Florence and incorporating aspects of Oregon's traditional Northwest Architecture into new construction.

In context the mural is proposed to be placed on a large wall face that if built today would require architectural relief. The mural illustrates the Siuslaw Bridge a bascule bridge designed by Conde McCullough that includes elements reflecting the art deco period of its construction in 1936. The mural considers the historical character of Florence through its inclusion.

This criterion is not applicable.

TITLE 10: CHAPTER 27: MAINSTREET DISTRICT

10-27-5 Site and Development Provisions

B. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

Area "A" as shown on the following page: A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4' in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6' in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.

G. Lighting. Street lighting, building lighting and lighting of parking lots and walkways shall conform to the following lighting standards: 1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines. 2. Lighting shall be pedestrian scaled. 3. Refer to Section 10-37 of this Title for additional requirements. 4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.

J. General Provisions. 1. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Planning Commission.

B: The Central Lincoln PUD site received approval for an addition via Resolution PC 17 08 CUP 05. The approval included a landscape plan labeled Exhibit E. The landscape plan included proposed plantings along the southern and eastern walls of the storage building. Central Lincoln PUD knew as the time of their filing the potential for a mural to be installed and the landscaping to be revised. The applicant shall submit a revised landscape plan for the Central Lincoln PUD site that implements the conditions and findings of Resolution PC 17 08 CUP 05. Landscaping shall be installed in conjunction with the Mural Permit and concluded in advance of the required Mural Inspection by the Community Development Department. (Condition 6)

G: Six lighting fixtures are proposed to illuminate the mural. The schematics state they will be RAB floodlights rectangular in shape daisy chained every 20 feet and directed towards the building face. The schematic does not include the model number or enough detail (color, material) to determine whether they conform to the architectural guidelines. The lights are proposed to be installed less than 16 feet in elevation meeting the pedestrian scale criterion. The lights are proposed to be wired either under the eave in conduit or behind the walls. Code requires wiring to be underground. Underground for wall mount daisy chain lighting does not meet the intent of the code. Behind the walls meets the intent of not being visible. The lighting plan shall be revised to annotate lighting wiring to be behind the walls. Lighting plan shall include the color and material of the fixtures. (Condition 7)

J. The proposal includes the storage of mural construction materials on the CPUD site. No outdoor storage of material for sale is proposed. This criterion is met.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-3: Landscaping sets standards for and requires landscaping of all development sites. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in each land use district for specific types of development.

This criterion was reviewed in Resolution PC 17 08 CUP 05. The revised landscape plan required under the above condition will be required to meet the standards of FCC 10-34. This criterion is conditioned to be met.

TITLE 10: CHAPTER 37: LIGHTING

10-37-5: EXEMPTIONS:

- J. Lighting for public monuments, murals, and statuary providing lighting is properly aimed and shielded to contain light to the art feature and not shine glare into the public right of way or onto abutting or nearby properties.**

The lighting for the proposed mural is exempt from the requirements of Title 10 Chapter 37 if aimed and shielded to contain light to the wall and not shine glare onto the public right of way or nearby properties. The light fixtures shall be full cut off design and aimed to not shine glare into the right-of-way or onto nearby properties. (Condition 7)

TITLE 4: CHAPTER 7: SIGN REGULATIONS

4-7-25: ILLUMINATION – GENERAL RESTRICTIONS:

- A. No sign, light, lamp, bulb, diode, tube, or device shall be used or displayed in violation of this section.**
- B. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.**
- C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign, including light pollution of the night sky.**
- D. Except for holiday seasonal decorations, temporary signs shall not be illuminated.**
- E. Illumination from signs located within or adjacent to a Residential Sign District shall not exceed 25 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.**
- F. Illumination from signs located on any property in any sign district other than the Residential Sign District shall not exceed 125 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.**

This code section is referred to under Title 10 Chapter 26 Mural Section 4-C. Section D & E does not apply. The proposed lighting is not configured to be distracting or hazardous. The

lights are proposed to be on arms that include pivotable sections to direct the illumination to the wall. The applicant shall monitor the lighting arms to ensure the lighting does not shine in a manner to impair the road vision of vehicle drivers, pollute the night sky, or create a hazard to pedestrians or the general public. **(Condition 8)** A lighting inspection will be performed in conjunction with the Mural Permit inspection to ensure the requirements of Title 4 Chapter 7 Section 25-F are met. (Informational 4)

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 1: CITIZEN INVOLVEMENT

- POLICY 4.** **Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**
- POLICY 5.** **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**
- POLICY 6.** **Planning documents and background data shall be available to interested citizens.**

Citizen involvement was encouraged and facilitated during the public notice portion of the land use process. The City Council public hearing was well publicized and held at a regular time. The agenda provided the opportunity for comment both on this item and for general comment. Records of the meeting where an official action will take place will be kept at City Hall and made available on request. Documents are available to the public upon request. Policies 4 through 6 have been satisfied.

VI. CONCLUSION

The proposed application meets the requirements of City Code and the Florence Comprehensive Plan with conditions.

Exhibit B

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MAR 5 2019

By: DHH

StitchingTime, Weaving Cultures: Full Building Mock-up, 1



Exhibit B

Stitching Time, Weaving Cultures - Version 1

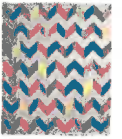


Excellent for "selfies". A person positioning themselves near the center, will appear to be amongst the falling flowers.

Florence Pitt Building Mural

Side Mural Concept

The background is patterned after the "Chevron" style American quilt pattern, (example on right.) In this mural, the pattern represents mountains and rivers of the coast range. The Rhodies honor the Rhododendron Festival. All aspects tie into the content of the main, front mural.



Version 1:

This version weaves in and out, examining concepts of time.

The full moon rises as a shift in time between the front mural in which the sun is represented. A breeze blows through the mountains, setting flowers into a whirl. The large silhouette of the bicyclist, is consistent with the silhouettes in the main mural. Because it is a silhouette, it does not distract from the background, but becomes integrated as if a piece of the fabric.

The value of this integration continues, giving consideration of the possible movement through past, present and future.

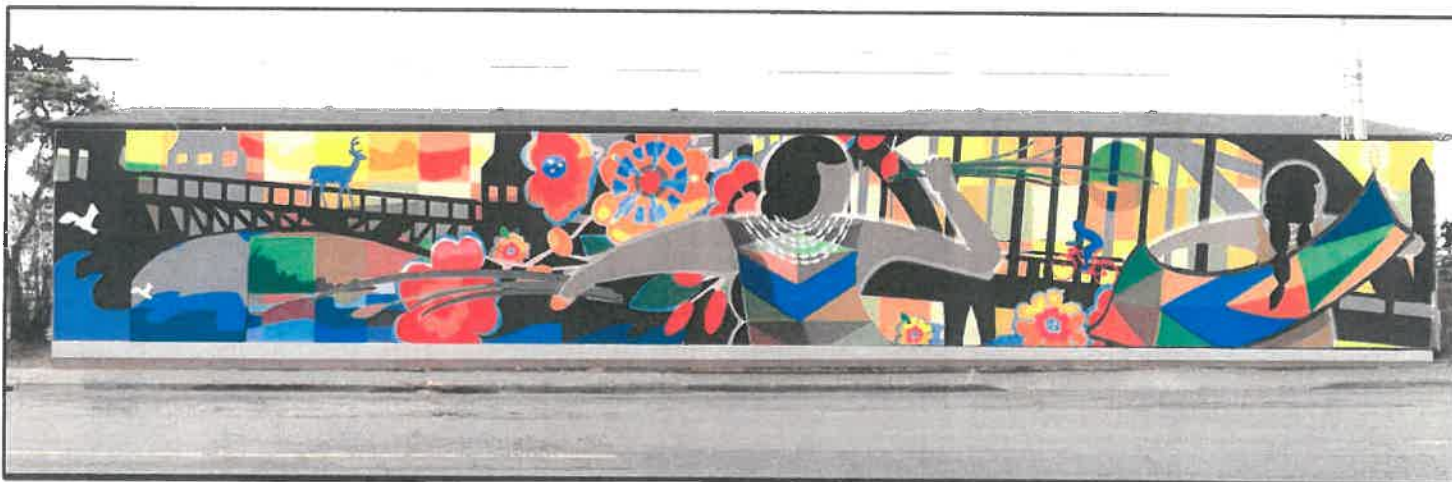
In the forefront, the idea of a sidewalk or ledge, ties the mural immediately to the present site. The vase of flowers, tips, or has been set askew from a bicyclist or unseen pedestrian that has just passed by, creating another movement in time. A vase of flowers is a relatable image to most people.



Stitching Time, Weaving Cultures - Version 1

Influences

Building's Architecture
Florence Area History
Siuslaw Bridge
First People and Americana
Folk Arts of Quilting, Embroidery,
Weaving, Applique, Sewing
Ethnobotany of Coastal Oregon



Concept: The mural celebrates folk arts and speaks to cultural interchange. In a contemporary and original manner, this mural also stitches together ideas that represent the Florence, Oregon area. The imagery is inspired by past and present folk arts of the sewing and weaving disciplines/practices of many cultures. Native flora and fauna, such as bear grass, cattails and fanned hides, were used to create clothing, flowers and other plants were used to create dyes by many people including the Kuitsh and Siuslaw People. In the mural, materials used in making clothing are represented by the cattails the center figure carries, bear grass flower carried by the second figure and the elk on the bridge. The backdrop of the mural represents quilting squares, the large flowers - applique/embroidery. The Siuslaw Bridge gives the sense of a time line and ushers in the more contemporary culture of bicycling. The bicycling culture continues on the back mural. Additionally the mural subjects tie into the "Home Arts" exhibit at the Florence Museum.

ARTIST'S NOTES: Changes - The mural committee asked for the wave action and seagulls (left front) be added to the final schematic and that the large flowers in front be changed from white to a different color. Jesse Beers, also suggested the white flowers be changed in color. They were changed to oranges similar in color to tiger lilies, a native plant. Jesse Beers also suggested that the fringe on the women's outfits and the long sleeves be removed and that beaded collars/necklaces be added.

*Special thanks to Jesse Beers, the Cultural Stewardship Manager, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

Florence PUD Building Moral
Sustainable Technology - digital

Stitching Time, Weaving Cultures

Woods Home Studios

February 7, 2019

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FEB 28 2019
By: DHH



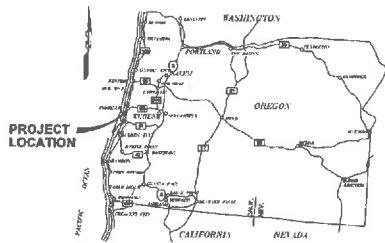
CITY OF FLORENCE LANE COUNTY, OREGON

SIUSLAW BRIDGE STEPS ART INSTALLATION

PROJECT NO. 1503-ART
FEBRUARY 2019



PRELIMINARY



LOCATION MAP



CENTRAL LINCOLN PUD SHOP WITH PROPOSED ARTWORK



VICINITY MAP
NOT TO SCALE



541-226-0801
www.civilwest.com
488 E Street
Coos Bay, Oregon 97403

REV.	DATE	DESCRIPTION	BY	CHKD BY

CITY OF FLORENCE
LANE COUNTY, OREGON

SIUSLAW BRIDGE STEPS ART INSTALLATION

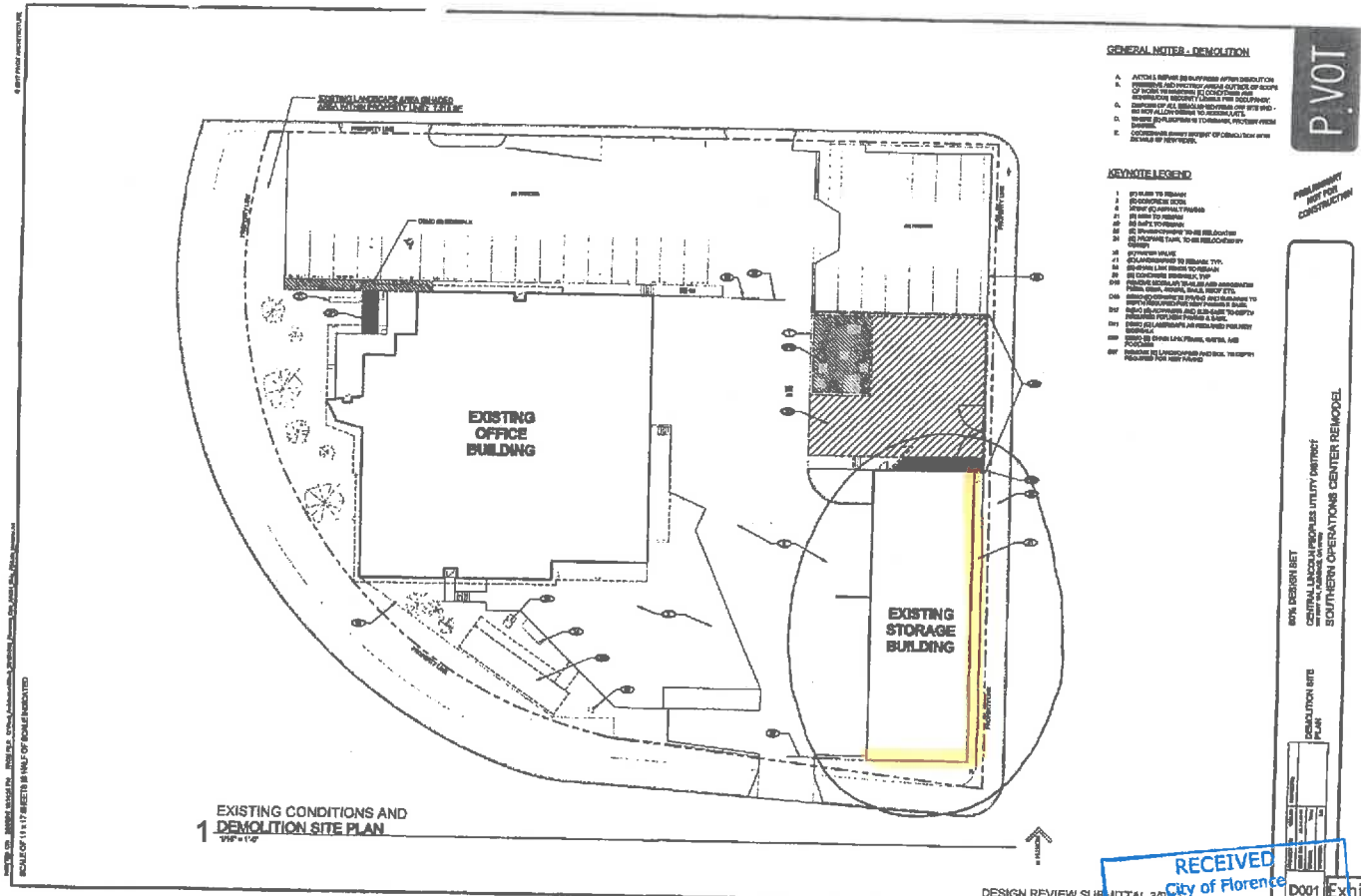
COVER SHEET

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City of Florence
MAR 5 2019
By: *DHA*

Exhibit C

1
FEBRUARY 2019

DATE PLANNED RECORDS: 04/25/2019 11:59:48 AM PROJECT: 1503-ART (Pre) FILED: 04/25/2019 11:59:48 AM PROJECT: 1503-ART (Pre) FILED: 04/25/2019 11:59:48 AM

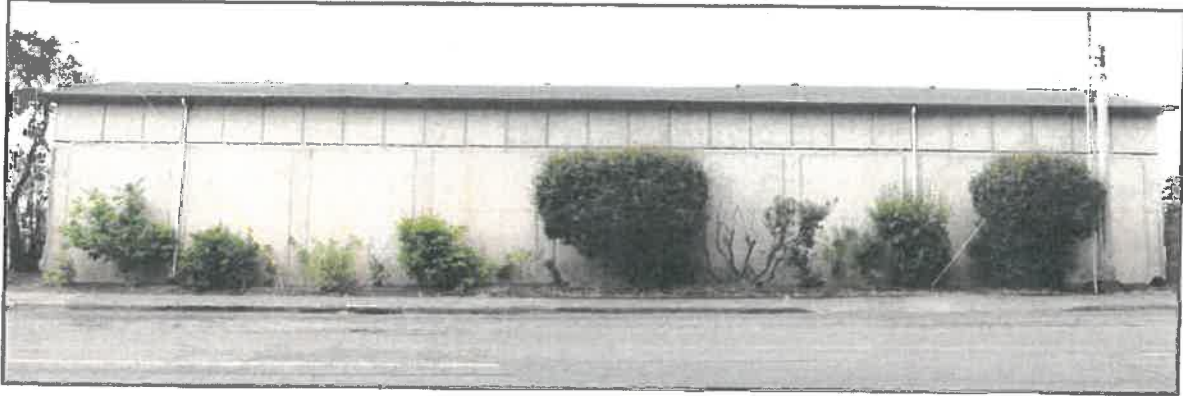


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MAR 8 2019
By: DHH

Exhibit D

Exhibit E

PHOTO APPENDIX: Please reach out to Sarah Moehrke if you would like more photos



East Facing Wall, 108 ft x 15.5 ft



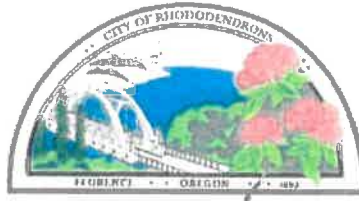
South Facing Wall, 37 ft x 15.5 ft



View from Eastern corner of Highway 126 and Quince St.

Exhibit E

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FEB 28 2019
By: DHH



City of Florence
A City in Motion

Public Art Personal Services Contract
Marino-Heidel Studios / Florence Urban Renewal Agency

This agreement is made and entered into as of December 1, 2018, by and between the Florence Urban Renewal Agency, hereinafter called "THE Agency", and Marino-Heidel Studios, an independent artist-team, hereinafter referred to as "ARTIST." It is mutually agreed as follows:

The term of this agreement shall commence **February 1, 2019** and continue until **December 30, 2019**.

The ARTIST's services under this agreement shall consist of the following:

Scope of Work

- Design, plan and install a mural as described in Exhibit A located on the South and East side of the Central Lincoln PUD Building at the corner of Quince Street and Highway 126 in Florence, Oregon (Tax lot: 1812263205700).
- All preparation of the wall including cleaning and priming will be completed by a licensed company and be completed and compensated by the Florence Urban Renewal Agency before work by the ARTIST can be started. All electrical work will be completed by a Licensed Electrician and completed and compensated by the Florence Urban Renewal Agency outside of this contract. All landscaping work will be completed by a licensed landscaper and completed and compensated by the Florence Urban Renewal Agency outside of this contract.
- Maintain proper communication with THE AGENCY, as appropriate.
- Secure and pay for City of Florence business license for which ARTIST is responsible for proper execution and completion of the artwork. ARTIST shall comply with all applicable laws, statutes and regulations in connection with the performance of this agreement.
- Be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the performance of the agreement.
- Keep the premises and surrounding area free from accumulation of waste materials or rubbish caused by operations under the agreement. At completion of the installation project the ARTIST shall remove from and about the Project waste materials, rubbish, the ARTIST's tools, construction equipment, machinery and surplus materials. If the ARTIST fails to clean up as provided in the contract, the Florence Urban Renewal Agency may do so, and the cost thereof shall be charged to the ARTIST.
- Erect and maintain, as required by existing conditions and performance of the agreement, required safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying the City of Florence and users of adjacent sites and utilities.
- Notify THE AGENCY of proposed installation timeline at least four (4) weeks in advanced of initial installation date.

- Provide the City of Florence with digital images of completed mural in a format agreed upon between THE AGENCY and ARTIST.

PAYMENT FOR SERVICES

THE AGENCY agrees to pay the ARTIST a fixed rate of \$30,000 to complete the scope of work. The ARTIST will submit a signed invoice to THE AGENCY for payment.

Payment Schedule:

Phase I: Design

Phase 1-A:

- Payment I begins the project and provides starting funds for design fees including labor, mockup materials, and printing
- An invoice describing the deliverables completed
- Artist returns signed contract and a copy of the Artist's W-9
- \$10,000 upon receipt of this phase

Phase 1-B:

- An invoice describing the deliverables completed
- Consent of Final Design by the Florence City Council and approval of a Mural Permit (FCC 10-26)
- \$10,000 upon receipt of this phase

Phase II: Construction

- An invoice describing the deliverables completed
- Installation of ARTWORK: *Stitching Time, Weaving Cultures* Completed.
- Receipt of the "Certificate of Substantial Completion" from THE AGENCY.
- Attendance and Participation in unveiling/ opening celebration at the completion of the project, as well as potential community events throughout the painting process as agreed upon by the Public Art Committee (PAC and the ARTIST)
- \$10,000 upon completion of this phase

Phase III: Post-Construction

- Participation in any marketing-related materials that the AGENCY would like to create, i.e. marketing videos and photographs, interviews with local press, etc. until the termination of this contract
- In the event that the AGENCY needs to do maintenance on the mural after construction has been completed and this contract has been terminated, the AGENCY and the ARTIST will negotiate terms outside of this contract to satisfy both parties

The ARTIST shall be solely responsible for any and all compensation of individuals providing services pursuant to this agreement, including but not limited to, federal and state withholding taxes, workers' compensation, and other fringe benefits required by law or contract.

INDEPENDENT ARTIST STATUS

- (A) The ARTIST is engaged as an independent ARTIST and is responsible for obtaining all assumed business registrations or professional occupation licenses required by state law or local government ordinances and for payment of any federal, state and local taxes and fees due on or as a result of any payments to ARTIST by THE AGENCY.
- (B) The ARTIST (and ARTIST's subcontractors and employees, if any) are not employees of the City of Florence and are not eligible for any benefits through the AGENCY, including without limitation federal

social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

- (C) The ARTIST is free from the direction and control over the means and manner of creating the Work of Art, subject only to the right of THE AGENCY to specify the desired results.
- (D) The ARTIST or ARTIST's subcontractors will furnish the tools or equipment necessary for the creation of the artwork, not including storage space for the ARTIST's tools and equipment and a scissor lift for the entire term of the painting, which will be supplied by the AGENCY.
- (E) The AGENCY will provide lodging accommodations for the ARTIST and their assistants for a maximum of eight (8) weeks while the installation of the mural takes place in Florence, Oregon; if the installation takes longer, the lodging costs will fall to the ARTIST.
- (F) The ARTIST has the authority to hire and fire employees and subcontractors to perform work on the Work of Art; and
- (G) As specified herein, payment for ARTIST's labor or services is to be made upon completion of the performance of specific portions of the project.

The ARTIST shall hold harmless, defend, and indemnify the AGENCY, and their officers, agents, and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the ARTIST's work or any subcontractor's work under this agreement. THE AGENCY shall hold harmless, defend, and indemnify ARTIST and ARTIST's officers, agents and employees, against all claims, demands, actions and suits (including attorney fees and costs) arising from any tortious conduct by THE AGENCY.

LIABILITY INSURANCE

The ARTIST shall or shall cause its subcontractors to maintain public liability and property damage insurance that protects the ARTIST, its subcontractors, the AGENCY, and their officers, agents, and employees from any and all claims, demands, actions and suits for damage to property or personal injury, including death, arising from the ARTIST's or the subcontractor's work under this Agreement. The insurance shall provide coverage for not less than \$1,000,000 for personal injury to each person, \$1,000,000 for each occurrence, and \$1,000,000 for each occurrence involving property damages; or a single limit policy of not less than \$2,000,000 covering all claims per occurrence. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the Agreement. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the AGENCY and their officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds of the policy. The insurance shall provide that the insurance shall not terminate or be canceled without thirty (30) days written notice first being given to the City of Florence. If the insurance is canceled or terminated prior to completion of the contract, ARTIST shall provide or cause its subcontractors to provide a new policy with the same terms. ARTIST agrees to maintain or cause its subcontractors to maintain continuous uninterrupted coverage, for the duration of the contract. ARTIST shall furnish or cause its subcontractors to furnish the AGENCY with a certificate of insurance evidencing such insurance coverage promptly following a request therefore.

MODIFICATION

Any modification of the terms of this agreement, including assignment of rights or obligations, shall be in writing and signed by all parties.

TERMINATION

Either party may terminate this agreement upon thirty (30) days written notice to the other party delivered by certified mail or in person. Termination of this agreement for any cause shall be without prejudice to any obligations or liabilities of either party accrued prior to or because of such termination.

OWNERSHIP/COPYRIGHT/NON-EXCLUSIVE LICENSE/CREDITS

- (A) **OWNERSHIP.** The WORK created under this agreement shall be the property of the AGENCY.
- (B) **COPYRIGHT.** The ARTIST shall retain copyright but shall make no exact duplications to full scale of the WORK at another location. All copyright and further reproduction rights to the WORK shall remain with ARTIST.
- (C) **NON-EXCLUSIVE LICENSE.** ARTIST shall grant a non-exclusive license to THE AGENCY to copy or reproduce the WORK for all standard collection purposes including specifically (but not limited to): exhibition and collections catalogues, THE AGENCY's website, handouts, brochures, didactic labels, magazines, journals, and newspapers; to transmit or otherwise communicate a display thereof by means of any device or process (examples include but are not limited to slides, film, and television) and to authorize others to do the same, but only on the condition that all such reproductions of said WORK bear a copyright notice as prescribed by the Copyright Law of the United States. This non-exclusive license, which does not transfer ownership of copyright to THE AGENCY shall endure for the entire term of the copyright in and to said WORK (to the extent permissible under the copyright laws of the United States) and shall survive all assignments of copyright.
- (D) **CREDITS.** The ARTIST also agrees that photographic reproductions of the WORK made by ARTIST for publicity purposes shall refer to the fact that the WORK is installed on the Central Lincoln PUD Building (Tax Lot: 1812263205700), Florence, Oregon.

WAIVER OF VISUAL ARTISTS RIGHTS ACT

Artist agrees to the terms of the Artwork Easement Agreement for the WORK to be installed for the Central Lincoln PUD Building Mural located on the south and east side of the Central Lincoln PUD building at the corner of Quince Street and Highway 126 (Tax lot: 1812263205700) in Florence, Oregon, expressly waives any rights under the federal Visual Artists Rights Act that would interfere with the performance of any rights under the Artwork Easement Agreement or that are otherwise contrary to the terms of the Artwork Easement Agreement.

PROMPT PERFORMANCE

All duties to be performed hereunder shall be performed as specified or, if not specified, in a prompt and timely manner. The ARTIST agrees to use ARTIST's best efforts to complete the project.

ARBITRATION

Claims and disputes between the parties arising out of or relating to this agreement shall be decided by arbitration in accordance with the arbitration rules of the American Arbitration Association then in effect, unless the parties agree to use other arbitration rules or services. Nothing in this paragraph shall prohibit or limit the parties' rights to mediate or negotiate any dispute.

If any proceeding is instituted by a party to enforce any terms of this agreement, the prevailing party in the proceeding shall be entitled to recover its reasonable attorney fees, costs, and expenses as fixed by the

arbitrator or court, whether incurred before the institution of the proceeding, in the prosecution of defense of the proceeding, or on appeal.

This agreement shall be governed by the laws of the state of Oregon.

For Marino-Heidel Studios:

Signature Angelina Marino-Heidel Date 01-19-2019

Angelina, Marino-Heidel, Marino-Heidel Studios
7331 SW Barbur Blvd. Portland, OR 97219
503-381-8614 | Angelina@artspa.us

For the Florence Urban Renewal Agency:

Signature ER Reynolds Date 2/6/2019

Erin Reynolds, City Manager
250 Highway 101, Florence, Oregon 97439
541-997-3437 | Sarah.Moehrke@ci.Florence.or.us

CONTACT PARTIES:

Sarah Moehrke, Community and Economic Development Assistant
541-997-3437 | Sarah.Moehrke@ci.Florence.or.us

Kelli Weese, City Recorder / Economic Development Coordinator
541-997-3437 | Kelli.Weese@ci.florence.or.us

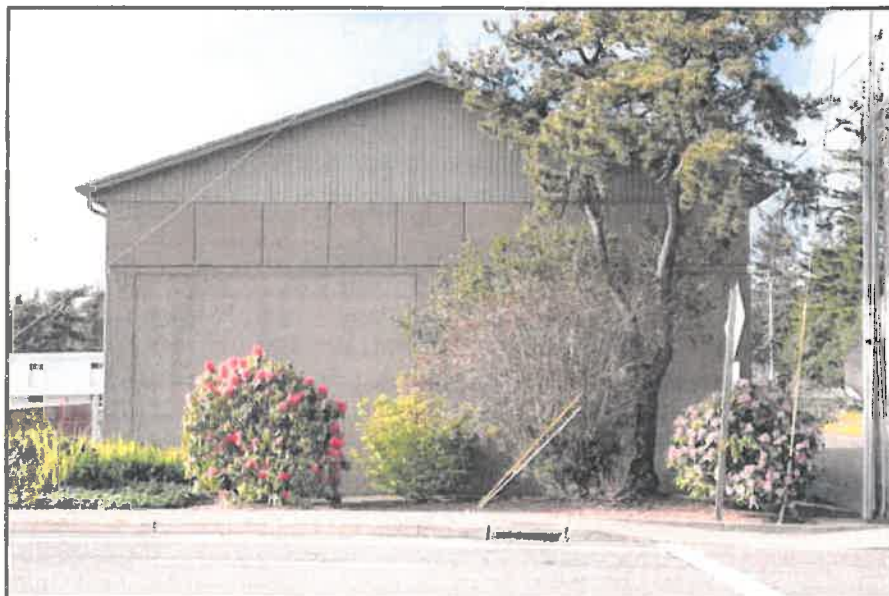
**Exhibit A
Central Lincoln PUD Mural
Site Photos**

Below are photos of the installation site for the mural for the Central Lincoln PUD Building located at the corner of Highway 126 and Quince Street (Tax lot: 1812263205700) in Florence, Oregon.

It is understood the ARTIST will make every effort to create the WORK in the spirit of the design, but that the necessity for continuous refinement and development may alter the final rendering. The ARTIST therefore, with the approval of THE AGENCY, which approval shall not be unreasonably withheld, may make necessary design modifications as the WORK progresses so long as general concept and materials remain the same.



East Facing Wall, 108 ft x 15.5 ft



South Facing Wall, 37 ft x 15.5 ft

**Exhibit B
 Marino-Heidel Studios
 Certificate of Liability Insurance**



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
 07/28/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hecht & Hecht Insurance Agency Inc. 425 NE Hancock St. First Floor Portland OR 97212-	CONTACT NAME: Joel Ankerich
	PHONE (A/C No., Ext): (503)542-1130 FAX (A/C No.): (503)288-6374 E-MAIL: joel@hechtins.com ADDRESS: joel@hechtins.com
INURED Angelina Marino-Heidel and Joel Heidel 7331 SW Barbur Blvd Portland OR 97219-	INSURER(A) AFFORDING COVERAGE: Hartford Ins
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

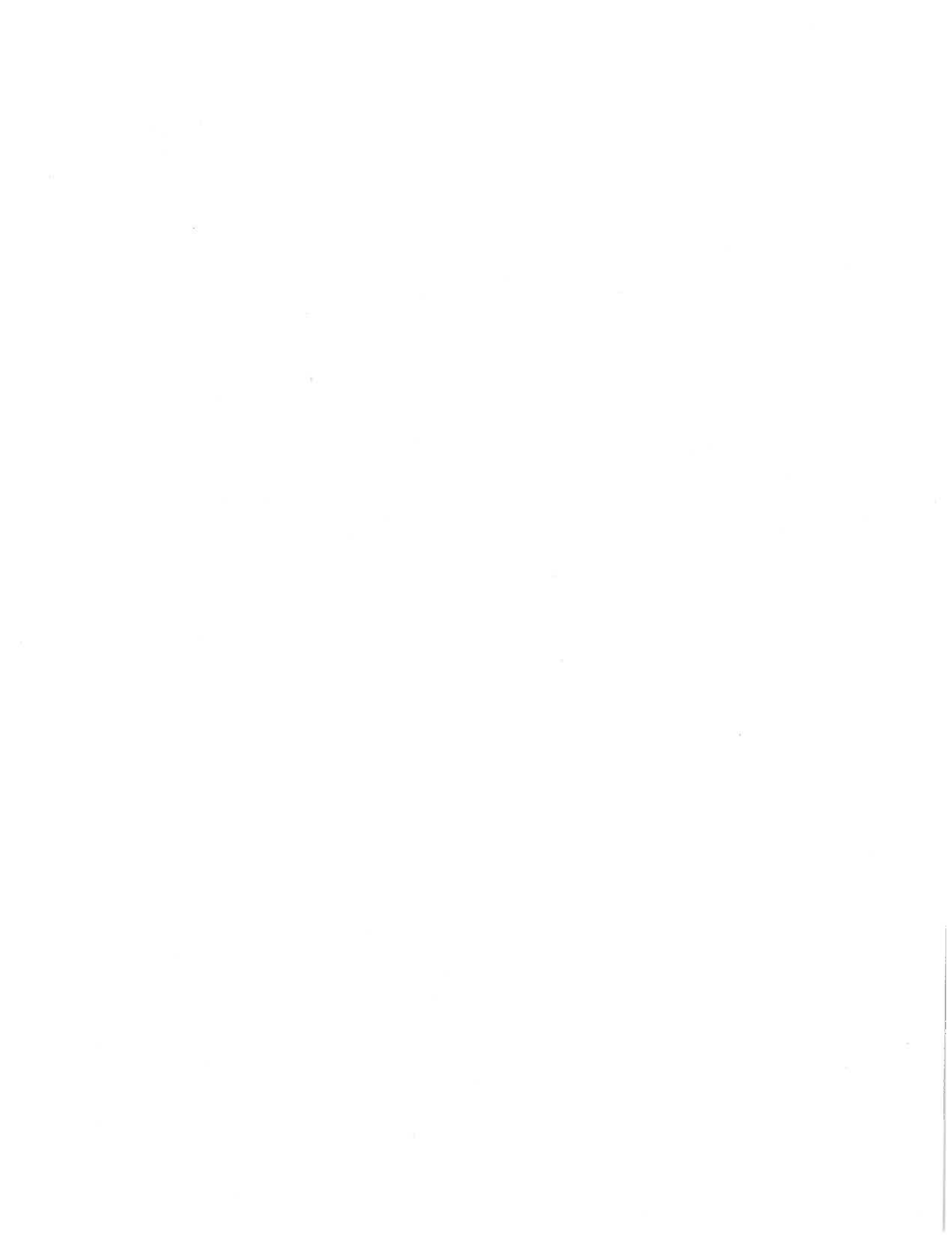
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	ADDL. SUBR	POLICY NUMBER	POLICY EFF	POLICY EXP	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> FREQ. <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		52SBATN7513	04/23/2016	04/23/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea. occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea. accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Ea. accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED. <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> EL EACH ACCIDENT \$ EL DISEASE - EA EMPLOYEE \$ EL DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER CANCELLATION AI 003809

Proof Only	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE



**INTERGOVERNMENTAL AGREEMENT FOR A PUBLIC ART INSTALLATION IN
THE CITY OF FLORENCE, OREGON**

This Intergovernmental Agreement is between the Central Lincoln People's Utility District ('District', property owner) and the City of Florence ('City').

I. RECITALS

- A. The City has adopted a process for the placement of public art in and on public and private locations throughout the City of Florence.
- B. District owns the property legally described in Exhibit A (attached hereto and incorporated herein) and is willing to make said property available to the City for placement of a mural and subsequent landscaping and lighting as appropriate.

II. AGREEMENT

Mural will be the property of the City of Florence public art collection and may be removed or terminated by either party per this agreement. The above recitals are incorporated into and made a part of this Agreement. In consideration of the recitals set out above, Agency and City agree as follows:

- A. Grant of Easement: District conveys, grants and warrants to the City, its successors and assigns, an easement for the purpose of installing, maintaining, operating and exhibiting a Mural on the real property described in Exhibit A, including removal and replacement of vegetation in front of wall described in Exhibit A. City agrees to maintain any vegetation it installs adjacent to mural.
- B. Approval Process: The Mural design shall be approved by the City of Florence's Public Art Committee per the Public Art Guidelines adopted by the Florence City Council. Prior to final approval of mural design, the Public Art Committee shall appoint a mural selection committee for the project, of which at least one representative from District will be encouraged to participate. The mural selection committee will then make a design recommendation to the Public Art Committee for final approval.
- C. Term of Intergovernmental Agreement: This easement shall be for a period of ten (10) years from the date of execution. Unless terminated as provided in section D or extended by mutual agreement.



D. Termination:

1. At any point during the term of the agreement, or during any extension of this agreement, the easement may be terminated by either of the parties. Notification of request to terminate the agreement must be submitted in writing to the other party. Such notice shall list one or more of the following reasons
 - a. Qualified reasons for early termination: Prior to the termination of the ten-year easement period, the easement may be terminated by either party for the following reasons:
 - (1) The property is sold and the buyer requires removal of the easement as a condition of the purchase and sale; or
 - (2) The property is to be substantially remodeled or altered in a way that precludes continued maintenance of the mural; or
 - (3) The mural has not been adequately maintained, or cannot continue to be adequately maintained, per Section F below.
 - (4) Circumstances have materially changed and the continued existence of the easement or maintenance of the mural substantially impedes reasonable use and enjoyment of the property.
 - (5) The mural places the District in a negative light, the determination of which is solely in the District's discretion. If the district determines the mural places the district in a negative light, the City has 30 days to perform the necessary maintenance to remedy the District's concerns to the District's satisfaction.
2. Immediate Termination Due to Damage and/or Safety Concerns: The City may remove the mural immediately from the property if in the judgement of the City, the mural is, or is being, excessively damaged, or is found to represent a danger to the health/safety of the public. Such determination may be made by the City Manager in consultation with the Public Art Committee Chairperson. In event the mural is to be removed due to damage, the City shall notify the District as soon as possible of the intended removal date / times. Upon removal and restoration of the property, this Agreement will be terminated.

- E. **Mural Removal:** District and City expressly agree and warrant that upon termination, the mural shall be removed at the City's expense and property restored to its prior condition, as shown in Exhibit A, or as agreed upon between the City and District at time of removal. Such removal shall occur within 75 days of the termination of the easement, unless this period is extended in writing by the District. Upon termination of the agreement, all property maintenance, including landscaping, shall revert to the District.
- F. **Mural Maintenance:** The City is responsible for the maintenance and if necessary repair of the Mural and surrounding landscaping and lighting as indicated in Exhibit A, during the term of the easement. Such maintenance shall adhere to the requirements of the Public Art Guidelines as adopted by the Florence City Council.
- G. **Right of Effect:** The City shall have the right to access the property described in Exhibit A for any and all of the purposes described in this agreement.
- H. **Binding Effect:** The easement granted in this agreement shall run with the land and be binding upon inure to the benefit of the District and the City, and their respective successors or assigns, and any person or entity acquiring any right, title, or interest in the property. At City's discretion and at City's expense, City may record this agreement, or a memorandum of this agreement, in the real property records for Lane County.
- I. **Contractual Relationship Assignment:** This agreement does not constitute either party as the agent or legal representative of the other for any purpose whatsoever. The parties are not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of the other or to bind the other in any manner whatsoever. The parties shall not assign this agreement without the prior consent of the other.
- J. **Notice:** Notice shall be made in writing to the following addresses, unless otherwise provided for:

City:
Florence City Hall
Attn: City Manager
250 Highway 101
Florence, OR 97439

District:
Central Lincoln People's Utility District
Attn: General Manager
2129 N. Coast Highway
Newport, OR 97365

- K. Amendments: The parties expressly reserve the right to modify this agreement, from time to time, by mutual agreement. No modification or amendment of the provisions of this agreement shall be effective unless in writing and signed by authorized representatives of the parties.
- L. Remedies: The rights under this agreement are cumulative. The failure to exercise on any occasion any right shall not operate to forfeit the right on another occasion. The use of one remedy shall not be taken to exclude or waive the right to use another. Nothing herein prohibits the district to act in any manner it deems necessary to protect its property, the safety of its employees, customers and the public, and its good will and reputation.
- M. Invalidity of Particular Provisions: Should any term, provision, condition or other portion of this agreement or the application thereof be held to be inoperative, invalid or unenforceable, the remainder of this agreement or the application of the term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.
- N. No Waiver: No waiver of full performance by any party shall be construed, or operate, as a waiver of any subsequent default or breach of any of the terms, covenants or conditions of this agreement.
- O. This Agreement shall become effective upon the date the Agreement is executed by both parties.

Central Lincoln People's Utility District

City of Florence

<p>By: </p> <p>Title: <u>Director</u></p> <p>Date: <u>4/10/18</u></p>	<p>By: </p> <p>Erin Reynolds</p> <p>City Manager</p> <p>April 17, 2018</p>
--	---

**Intergovernmental Agreement for Public Art Installation in the City of Florence Oregon
Exhibit A**

Property Description

Map & Tax Lot #: 18-12-26-32-05700

Property Owner:

Central Lincoln PUD

P.O. Box 1126

Newport, OR 97365

Location Map:



Property Description: Eastern and southern walls of Central Lincoln PUD utility and storage structure located at the northwest corner of the Intersection of Hwy 126 and Quince Street (see property map and property view images).



Property View: Quince Street facing West



Property View: Hwy 126 facing North



Exhibit H



City of Florence Central Lincoln PUD Mural Maintenance Plan

Primer:

The artist intends to use **Krill Primer Sealer from Miller Paints** to prime the wall before painting it. The primer will be applied 2-3 times before the artist starts painting the design.

Anti-Graffiti and Weather-Resistant Coating:

The mural will be coated with an anti-graffiti coating. It will be applied three separate times which warrants the project for 10 years. In 10 years, the project will be reassessed and recoated if agreed upon. The artist has recommended **TSW Acryli-Master Graffiti Resistant Coating** for anti-graffiti coating. This coating, if applied two or three times, will also act as a UV and Weather-proofing coating.

Art Inventory and Maintenance Planning Subcommittee:

The Public Art Committee also has a functioning Art Inventory and Maintenance Planning Subcommittee that will be in charge of the long-term maintenance of the mural. The good working relationship with the PUD that the committee has formed will also help foster the long-term viability of the mural.

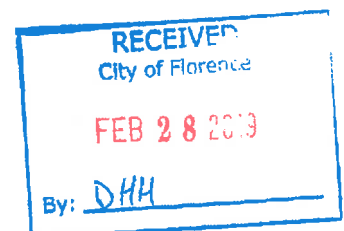
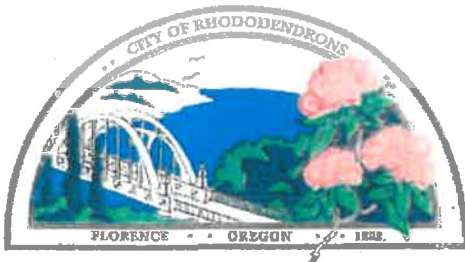


Exhibit H



City of Florence
 Community Development Department
 250 Highway 101
 Florence, OR 97439
 Phone: (541) 997 - 8237
 Fax: (541) 997 - 4109
www.ci.florence.or.us

Type of Request

THIS SECTION FOR OFFICE USE ONLY

Type I Type II Type III Type IV

Proposal: CC 19 03 MUR 01 - CLPUD Mural

Applicant Information

Name: Public Art Committee Phone 1:

E-mail Address: Phone 2: _____

Address: 250 Hwy 101, Florence, OR 97439

Signature: Date: 2/28/19

Applicant's Representative (if any): Erin Reynolds, City Manager, City of Florence

Property Owner Information

Name: Central Lincoln PUD Phone 1:

E-mail Address: Phone 2: _____

Address: 966 HWY 101, Florence, OR 97439

Signature: Date: 2/27/19

Applicant's Representative (if any): Mark Freeman, Director of Employee, Customer, and Community Services, Central Lincoln PUD

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

For Office Use Only:

Received
RECEIVED
 City of Florence
March 5, 2019
 By: DHH

Approved

Exhibit

Exhibit I

Property Description

Site Address: 966 Hwy 101, Florence, OR 97439

General Description: Storage Building in back SE corner of the property, at the corner of Highway 126 and Quince St.

Assessor's Map No.: 18 - 12 - 26 - 32 Tax lot(s): 005700

Zoning District: Main Street A

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): _____

Project Description

Square feet of new: 0 Square feet of existing: 0

Hours of operation: 9-5 Existing parking spaces: 0

Is any project phasing anticipated? (Check One): Yes No

Timetable of proposed improvements: 4/28/2019 - 6/16/2019

Will there be impacts such as noise, dust, or outdoor storage? Yes No

If yes, please describe: The artists will most likely have some outdoor storage, we are hoping that we will coordinate to keep it within the gates of the PUD.

Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

PAC has hired an artist-team out of Portland to come and paint a mural on the South and East side of the PUD shop building. The eastside of the mural will be 108 ft x 15.5 ft and the south side of the mural will be 37 ft by 15.5 ft. The proposed mural design is attached.

For Office Use Only:

Date Submitted: 3/5/2019 Fee: _____

Received by: DHK

Paid



City of Florence
Public Art Committee

Central Lincoln PUD Mural

"Stitching Time, Weaving Cultures"
By Marino-Heidel Studios
2019



RECEIVED
City of Florence
FEB 28 2019
BY: DKK



City of Florence
Oregon

PUD Building Mural Art Installation

PUD Building Mural

City of Florence
Public Art
ATTN: Kelli Weese
120 Highway 101
Florence, Oregon 97439

Contact Email: kelli.weese@ci.florence.or.us

Call Type: Public Art

Eligibility: Unspecified

State: Oregon

Entry Deadline: 9/7/18

Application Closed

REQUIREMENTS:

Media Images:20

City of Florence

Oregon

Call To Artists

PUD Building Mural

Art Installation

Introduction

The City of Florence and The City's Public Art Committee (PAC) are pleased to announce plans to create and install several high impact art projects. The PAC believes that these projects will generate community pride and connectivity, provide artist a creative outlet with high visibility, and benefit citizens with quality and meaningful public art while encouraging economic development and tourism.

The next project scheduled by the PAC is a large building mural. This call, however, is a two step process: stage one involves the artist submitting a portfolio of their work (large scale murals or other relevant installations). Upon review, PAC will select up to three artists. Then award those artist a stipend of \$750.00 to then submit 1-3 sketch/rendering of what they propose for the site. Then another review and selection process will convene to make a final selection.

Background

By creating public art, the Florence community can reap esthetic benefits, create conversations, introduce world class artists & join together to create a buzz. A city with a clear aesthetic vision attracts eco tourists, economic development & growth. The Oregon Coast is not only known for its natural beauty, now for the art that it inspires! The PAC's mission is to make everyday a celebration of the arts in Florence....and inspire all that witness.

The building mural will be located at the back of Central Lincoln PUD building located at the corner of Highway 126 and Quince Street and is the western gateway from Eugene in the valley to the Florence community on the coast. Across the street, there will be two vertical, Gateway monuments inviting traffic into the Historic Old Town District., which are part of a larger construction project that will change the entire Highway 126 corridor into Highway 101 and south to the Siuslaw Bridge. These aesthetic changes will be combination of widening sidewalks, burying utility lines and beautification enhancements including landscaping, public art and outdoor gathering plazas. The location of this mural is illustrated in various perspectives in the attached PDF or [higher quality site plan PDF](#). PAC's interest is to find an artist whose work is exciting, unique and creative. The entire eastern wall, 125 feet by 17 feet, is a smooth cement neutral colored surface with one two inch wide channel running the width of the building, two feet from the top. There are also various vertical lines, not as deep, approximately two inches wide ([see page 6 in pdf](#)). PAC will be responsible for preparing the surface accordingly as per the artist's needs. All the landscaping seen in the pictures will be removed and the artist may suggest what landscaping feel may be appropriate, selecting from our code approved indigenous plants. The artist may also recommend lighting. *The site plan uploaded in Cafe has lower quality images. If you need a higher quality image PDF see this [LINK: bit.ly/PUDMuralSiteInfo](https://bit.ly/PUDMuralSiteInfo).*

PAC's mission is to create art that is exciting, engaging, what we call the "wow factor." The art is not limited to the area or it's history. We are looking for an artist whose work could be at home anywhere in the world, not just the Oregon Coast.

Reasons to Apply & Participate

- Showcase your talent in a high visibility location
- Unique opportunity for creative expression
- Work with an art friendly community
- Media attention throughout the region and beyond
- Artist recognition
- Beautify everyday objects

General Application Process

- Application Submission via CallForEntry.org
- Artists must create a profile to apply for this call
- For more information on CallforEntry.org and creating a profile: callforentry.org/faq.phtml
- Progress of your application can be seen when logged into your profile
- Finalists will be selected by the City of Florence Public Art Committee and community panelists

Eligibility

- Artist must have Mural experience and submit a portfolio for review (1stage)
- All artists, over 18 years old are eligible
- Entries must be the original design and artwork of the entrant and suitable for viewing by all ages (see design guidelines)

Design Guidelines for Submission

- Designs should include the sidewalks, landscaping and lighting
- Art should be visible from a distance, and be engaging from multiple angles and perspectives
- Submitted artwork should exhibit excellent craftsmanship and show experience working with a natural landscape
- Artists should consider the longevity and maintenance of their designs as this is a long-term installation in an outdoor location exposed to the Coastal elements
- Submission must accurately represent the final design
- Designs must not include any breach of intellectual property, trademarks, brands, business names, corporate or organizational branding
- Designs must not include religious references, symbols or numbers, political or copyrighted material
- Selected artist/s must be willing to work with the PAC to adjust design, if necessary

Important Details

This area may or may not be lit at night, incorporating solar lighting or other alternative lighting is encouraged

Things to Consider

- The wall will be cleaned before the artist begins work
- The City will coordinate with the selected artist to schedule appropriate cleaning and start dates

- Artist will need to cover over functional areas (masking)
- PAC will prepare site and surface
- Drop cloths should be used at all times while painting
- City will coordinate the passage for pedestrians and show alternative routes when closed for work
- Blocking traffic or lanes of the street may be permitted when necessary. Depending on scope of project, a few parking spots may be blocked for specific use for this project
- Project completion date/s depend on type and scope of work being done, materials used, and community involvement
- Storage shed, dry locked for storage of materials, may be provided if needed
- The City and PAC will be promoting the project. Artist is expected to help and document their process
- The Artist is expected to participate in an unveiling/opening celebration/ribbon cutting at the completion of the project
- This activity will generate attention in the community and the artist should be comfortable engaging with the public during installation, if it does not unduly distract from the work or cause significant delays
- Work plans that include an element of community participation are preferred
- The selected Artist is required to furnish the city with a comprehensive plan for the long-term maintenance of their artwork

Budget

The artists is guaranteed a minimum fee of \$30,000. Installation, Landscaping, Lighting, Maintenance, Permitting, etc. will be covered separately by the PAC.

Deadline

- This call to artists will run from August 6, 2018 through September 7, 2018 - Applications close at 11:59 PM in Mountain Time Zone (Denver, CO, USA) on deadline date.
- Anticipated announcement of the selected artist(s) will be September 17 at the scheduled PAC meeting
- Anticipated installation to be completed by early Summer 2019

Evaluation Criteria

1. Demonstrates Excellence
 1. Exciting design concepts
 2. Creativity and innovation
 3. Good use of materials
 4. Visually compelling
 5. Innovative use of physical space
2. Meets Project Goals
 1. Compliments PAC vision; WOW factor!
 2. Includes a community "hands-on" activity during installation
 3. Has a realistic timeline and work plan
3. Artist Qualifications
 1. History of creative, successful large mural projects
 2. Experience meeting timelines and budgets
 3. Ability to work with community and PAC
4. Application Process
 1. Follows instructions carefully
 2. Completes all application requirements

Appendix/Artist Resources

- [City of Florence City Website](#)
- [City of Florence Public Art Committee](#)
- [City of Florence Safety Code](#)
- [Higher Quality Images for Site Plan in PDF Format](#)

LANDSCAPE ADDITION
 CENTRAL LINCOLN PUD / FUDENCE
 DESIGN BY LA WILSON-ORLANDO
 LABEL BY GARDENS AND LANDSCAPE

PLANT KEY

TREES

4	AP	5-6'	AUSTRIAN PINE
5	AP	5-6'	AUSTRIAN PINE
3	VM	10G	VINE SHAPER
1	AR	5G	ARCTIC STRAWBERRY TREE

SHRUBS

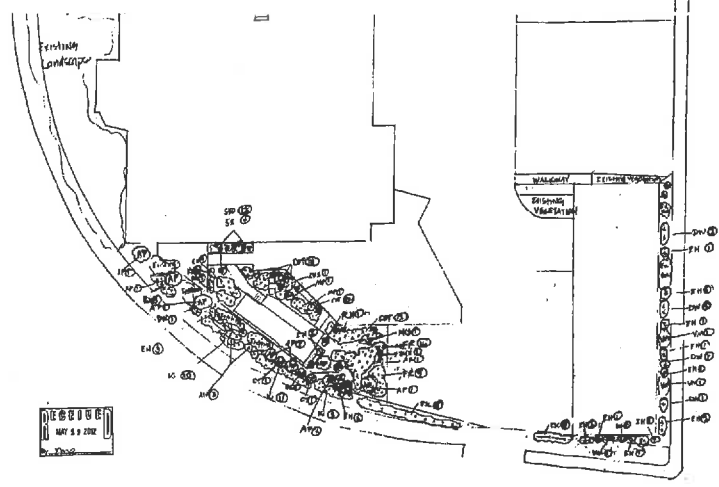
7	DW	2G	RED TWIG DOGWOOD
13	ESC	3G	ESCALONIA PINK PRINCESS
21	EM	2G	EVERGREEN HOLLYBERRY
6	EM	12G	EVERGREEN HOLLYBERRY
2	CT	3G	LODGEPOLE ANICULATUS
1	OS	3G	OSYRIS DELAVAYI
2	HP	2G	HUGHO PINE

PERENNIALS/GROUND COVER

3	MS	1G	MISCANTHUS 'LITTLE ENTEN'
1	SE	4"	CAREX
11	SED	4"	SEDUM VAR
3B	COT	4"	COTONCASTER DANMERE
10	LI	4"	LINUM CATENARIA
22	FR	4"	FRAGARIA WILD STRAWBERRY

SPECIFICATIONS

- ALL PLANTS INSTALLED WITH TOPSOIL/COMPOST BLEND
- 5-12" BOULDERS ADDED IN MODULAR AREA TO RETAIN SLOPE
- NATIVE ROSE ON PUD / FOOT AREA OUTSIDE OF FENCE CLEANED UP & WEEDED
- NEW PLANTINGS ADDED TO EXISTING DRIP SYSTEM
- LARGE TREES STAKED
- DISTURBED AREAS COVERED WITH MULCH UPON COMPLETION



CC 19 03 MUR 01

Central Lincoln PUD Mural

REFERRALS

Serving Portions of Coos, Douglas, Lane, and Lincoln counties on Oregon's Central Coast



2129 N. Coast Hwy • P.O. Box 1126 • Newport, Oregon 97365-0090 • 877-265-3211 • clpud.org

March 19, 2019

To Florence City Council,

I write on behalf of Central Lincoln People's Utility District (PUD) in support of the City of Florence's Public Art Committee's (PAC) application for a mural permit, as required by Florence City Code 10.26. We strongly support the application and hope to see the project move forward swiftly.

Since 2017, the Florence Public Art Committee and Central Lincoln PUD have been working together to install a mural at the corner of Quince Street and Highway 126. After signing the Intergovernmental Agreement in April of 2018, the Public Art Committee has been communicative and has included the PUD in as many steps as possible, including presenting to the Board of Directors on the project, inviting PUD staff to PAC meetings and including staff in the decision-making process.

Central Lincoln's Board unanimously approved the mural and is excited to see it happen. We are very pleased we are able to participate in creating a creative and impactful welcome for visitors to Florence.

Thank you,

A handwritten signature in blue ink, appearing to read "Mark Freeman", is written over a horizontal line.

Mark Freeman
Director of Employee, Customer & Community Services
Central Lincoln PUD

Exhibit L

From: [Freeman, Mark](#)
To: [planningdepartment](#)
Cc: [Sarah Moehrke](#)
Subject: Central Lincoln PUD Mural Support Memo
Date: Tuesday, March 19, 2019 3:54:06 PM
Attachments: [Central Lincoln PUD Mural Support Memo.pdf](#)

Hello,

Please find attached a memo from Central Lincoln in support of the permit for the mural on our building. Thanks.

Mark



From: [LUND Deborah R](#)
To: [Vevie McPherran](#)
Cc: [HENDRICKSON Jill M](#); [JOYCE Amy B](#)
Subject: FW: Referral - Central Lincoln PUD Mural - CC 19 03 MUR 01
Date: Monday, March 18, 2019 9:00:36 AM
Attachments: [PC 19 03 MUR 01 - NOH.pdf](#)
[377.710 Definitions.doc](#)
[377.715 - Basics & Not in ROW.doc](#)
[377.720 - Prohibited.doc](#)
[734-059-0030 Compensation.doc](#)

Good morning Vevie,

I am responding to the email you sent to Amy Joyce regarding the proposed mural at 966 Highway 101.

First let me thank you for providing ODOT with the opportunity to respond prior to the scheduled public hearing.

Based on the attached information this type of mural would be "exempt" from permitting requirements through the state provided there is "no compensation exchanged" for the right to place the mural at this location. It appears the mural will be visible to Hwy OR 126 primarily with partial visibility to Hwy 101. Since both sides will be visible to state highways, both sides will need to comply with the requirements mentioned below.

377.710 Definitions for ORS 377.700 to 377.840; rules.

(30)(a) "Sign" means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public.

Secondly, all signs including murals, regardless of whether permitted or not must still comply with safety regulations. For example, the mural could not contain anything that would resemble an official traffic control device such as directional arrows that would attempt to direct the flow of traffic. Additionally, if there will be lighting associated with the mural, it will need to be placed in such a way as it does not impact the motoring public.



I am including a brief overview of the outdoor advertising sign program for you records, along with statute and rule. It is a lot of information, and should you have any additional questions, please feel free to reach out with questions at any time.

THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expedious removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway apportionment**

ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control. I have included by attachment the official Oregon Revised Statute and Oregon Administrative Rule information which speaks to the legality of the state to operate and maintain the safety requirements of signage visible to a state highway which will provide additional clarification.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

All signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons.

These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed to be on or to overhang the state right of way.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things**:

- 1. Location**-signs not at the site of some type of business or activity that is open to the general public
- 2. Compensation**- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If either of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State.

Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or having moving parts. Sign messages must come all on and go all off at one time and must hold for at least 2 second. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway.

They may not direct, or appear to direct the movement of traffic. Signs may not obstruct the view of traffic control signs or devices or approaching or merging traffic.

The statutes and rules that regulate safety and prohibited signs are attached to this message, for your reference. They are ORS 377.715 and 377.720. Additionally, Oregon Administrative Rule (OAR) 734-060-0190 give requirements for new digital or LED signs, other than Outdoor Advertising Signs, that are visible to state highways.

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors377.html

The Oregon Administrative Rules for the program are on the Oregon Secretary State's webpage, and can be found at the following site:

http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_734/734_tofc.html

And, the Outdoor Advertising Sign Program website is at:

<http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx>

Kindly,

Debbie Lund

Oregon Department of Transportation

Outdoor Advertising Sign Program

Technical Leadership Center

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Voice: **503.986.3656** | Fax: **503.986.3625**

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

This message is intended only for the individual(s) named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

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) "Digital billboard" means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

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

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

(9) "Double-faced sign" means a sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

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

(11) "Federal-aid primary system" or "primary highway" means the federal-aid primary system in existence on June 1, 1991, and any highway that is on the National Highway System.

(12) "Freeway" means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

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

(14) "Interstate highway" or "interstate system" means every state highway that is a part of the National System of Interstate and Defense Highways established pursuant to section 103(c), title 23, United States Code.

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

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

(17) "Maintain" includes painting, changing messages on display surfaces, adding or removing a cutout or display surface of the same dimensions, replacing lights or the catwalk, making routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and allowing the sign to exist.

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

(19) "Motorist informational sign" means a sign erected in a safety rest area, scenic overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.840 to inform the traveling public about public accommodations, services for the traveling public and points of scenic, historic, cultural, scientific, outdoor recreational and educational interest.

(20) "Nonconforming sign" means a sign that complied with ORS 377.700 to 377.840 when erected, but no longer complies with ORS 377.700 to 377.840 because of a later change in the law or in the conditions outside of the owner's control. An unlawfully located or maintained sign is not a nonconforming sign.

(21) "Outdoor advertising sign" means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another's property.

(22) "Protected area" means an area located within 660 feet of the edge of the right of way of any portion of an interstate highway constructed upon any part of right of way, the entire width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion or segment does not traverse:

(a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject to municipal regulation or control; or

(b) Other areas where land use, as of September 21, 1959, is established as industrial or commercial pursuant to state law.

(23) "Reconstruct" means replacing a sign totally or partially destroyed, changing its overall height or performing any work, except maintenance work, that alters or changes a sign that lawfully exists under ORS 377.700 to 377.840.

(24) "Relocate" includes, but is not limited to removing a sign from one site and erecting a new sign upon another site as a substitute therefor.

(25) "Relocation credit" means a credit for future relocation of a permitted outdoor advertising sign issued in lieu of a relocation permit under ORS 377.767.

(26) "Relocation permit" means a permit to relocate a sign under ORS 377.767, whether issued in a lieu of a current sign permit or a relocation credit.

(27) "Rest area" means an area established and maintained within or adjacent to a state highway right of way by or under public supervision or control for the convenience of the traveling public, and includes safety rest areas, scenic overlooks or similar roadside areas.

(28) "Scenic byway" means a state highway or portion of a state highway designated as part of the scenic byway system by the Oregon Transportation Commission or Federal Highway Administration of the United States Department of Transportation.

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

(30)(a) "Sign" means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public.

(b) "Sign" includes the sign structure, display surface and all other component parts of a sign.

(c) When dimensions of a sign are specified, "sign" includes panels and frames and both sides of a sign of specified dimensions or area.

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

(32) "Sign plaza" means a structure erected and maintained by or for the department or the Travel Information Council, adjacent to or in close proximity to a state highway, for the display of motorist information.

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

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

(35) "State highway," "highway" or "state highway system" means the entire width between the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and the interstate system and the federal-aid primary system.

(36) "Tourist oriented directional sign" means a sign erected on state highway right of way to provide business identification and directional information for services and activities of interest to tourists.

(37) "Traffic control sign or device" means an official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the order of the department.

(38) "Travel plaza" means any staffed facility erected under the authority of the Travel Information Council to serve motorists by providing brochures, displays, signs and other visitor information and located in close proximity to a highway.

(39) "Tri-vision sign" means a sign that contains display surfaces composed of a series of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process and capable of displaying a total of three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

(40) "V-type sign" means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than 10 feet at the nearest point.

(41) "Visible" means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main traveled way of any state highway. [1971 c.770 §3; 1973 c.790 §1; 1974 c.33 §1; 1975 c.336 §1; 1977 c.265 §1; 1983 c.111 §1; 1987 c.336 §2; 1993 c.741 §54; 1999 c.877 §2; 2007 c.199 §5; 2009 c.463 §5; 2011 c.562 §1]

377.715 Application of ORS 377.700 to 377.840; prohibition against erection or maintenance of certain signs not in compliance with law. ORS 377.700 to 377.840, and the rules adopted pursuant thereto, apply to signs erected or maintained outside the right of way along state highways and visible to the traveling public from a state highway. A person may not erect or maintain a sign visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway, unless the sign complies with the provisions of ORS 377.505 to 377.540 and 377.700 to 377.840, and the rules adopted pursuant thereto. A person may not erect or maintain a sign on the right of way of a state highway, other than a traffic control sign or device. [1971 c.770 §8; 1973 c.790 §2; 1974 c.33 §2; 1975 c.336 §2; 1983 c.111 §2; 1987 c.336 §3; 1999 c.877 §3; 2007 c.199 §7]

377.720 Prohibited signs; exceptions. A sign may not be erected or maintained if it:

(1) Interferes with, imitates or resembles any traffic control sign or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of traffic control signs or devices or approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to:

(a) A traffic control sign or device.

(b) Signs or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control that are not outdoor advertising signs.

(c) A tri-vision sign, except that a tri-vision sign may not be illuminated by any flashing, intermittent, revolving, rotating or moving lights.

(d) A digital billboard, only if the digital billboard:

(A) Is not illuminated by a flashing light or a light that varies in intensity;

(B) Has a display surface that does not create the appearance of movement;

(C) Does not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of:

(i) 150 feet, if the display surface is 12 feet by 25 feet;

(ii) 200 feet, if the display surface is 10.5 feet by 36 feet; or

(iii) 250 feet, if the display surface is 14 feet by 48 feet;

(D) Is equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;

(E) Is designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction;

(F) If available where the digital billboard is located, uses renewable energy resources to power the digital billboard, including but not limited to the following:

(i) Wind energy;

(ii) Solar photovoltaic and solar thermal energy;

(iii) Wave, tidal and ocean thermal energy;

(iv) Geothermal energy; and

(v) The purchase of carbon credits; and

(G) If wind energy is used, as specified in subparagraph (F) (i) of this paragraph, uses moving parts for the purpose of generating the wind energy to power the billboard.

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

(6) Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

(7) Is not maintained in a neat, clean and attractive condition and in good repair.

(8) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

(9) Is on a vehicle or trailer that is located on public or private property. This subsection does not apply to a vehicle or trailer used for transportation by the owner or

person in control of the property. [1971 c.770 §15; 1973 c.790 §3; 1977 c.256 §2; 1981 c.392 §1; 1999 c.877 §4; 2007 c.199 §8; 2011 c.562 §2]

734-059-0030

Compensation Defined

(1) As used in OAR chapter 734, division 059, unless the context of the rule requires otherwise, compensation means the exchange of something of value. It includes, without limitation, money, securities, real property interest, personal property interest, barter of goods or services, promise of future payment, or forbearance of debt.

(2) Compensation does not include:

(a) Goodwill;

(b) The exchange of a de minimis value in relation to the benefit acquired. When an exchange of substantial value is for a purpose other than posting of a sign on the land, and a negligible amount of value is added for the sake of a sign as an accessory to that purpose, the Department may consider that a de minimis amount that does not constitute compensation for purposes of ORS 377.710(20).

(c) An exchange of value that a land owner (or other person with a right to possession of the land) provides to a sign company when:

(A) The compensation to the sign company is only for sign structure construction or maintenance on behalf of the land owner; and

(B) The land owner fully controls the content of the sign.

(3) In all cases the Department shall consider the totality of the circumstances, including without limitation, whether the compensation arrangement is reasonable and credible.

Stat. Auth: ORS 184.616, 184.619, 377.710,377.720

Stats. Implemented: ORS 377.710, 377.720

Hist.: HWD 5-2007(Temp), f. & cert. ef. 7-19-07 thru 1-14-08; HWD 8-2007, f. & cert. ef. 12-24-07

From: Kim Greenwood <kim.greenwood@ci.florence.or.us>
Sent: Monday, March 25, 2019 9:33 AM
To: John Pitcher <john.pitcher@ci.florence.or.us>
Subject: RE: Mural Referral

Data from 2012, 2013 and 2014 is not complete due to deep history being full in some categories, so the data only goes back so far, in some categories maybe only halfway into 2014, therefore any numbers I give you for those years won't be accurate.

Here is what I have:

Hwy 126 and Quince:

2012: 1
2013: 2
2014: none
2015: 3
2016: 3
2017: 5
2018: 3

Hwy 126 and Spruce:

2012 and 2013: could not access the data
2014: 2
2015: none
2016: 1
2017: 1
2018: none

Hwy 101 and Hwy 126:

2012: none
2013: 1
2014: 1
2015: 5
2016: 2
2017: 1
2018: 4

CC 19 03 MUR 01

Central Lincoln PUD Mural

TESTIMONY

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Hwy 101 & Hwy 126 proposed Mural at Quince & Hwy 126
Date: Friday, March 15, 2019 8:37:32 AM

From: Jeanne Barrett <barrett_jeanne@yahoo.com>
Sent: Tuesday, March 12, 2019 3:57 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Hwy 101 & Hwy 126 proposed Mural at Quince & Hwy 126

I have traffic safety concerns about locating this mural at the corner of Hwy 126 & Quince which has had numerous auto-pedestrian accidents this past year.

While the idea of painting a mural on this lovely blank wall is great, I am really concerned about adding another driving distraction to this dangerous traffic corner. Has this been discussed & what is being done to improve the pedestrian & auto safety at this corner?

Also, I really don't like the blocky modern artistic style of the proposed "mural". I actually thought it was oriental people and cherry blossoms until I read the documentation by the artist on the City of Florence website. I also didn't understand that the busy-ness of the mural is actually representing a stitched quilt. Is it possible to un-busy the mural by removing the quilt blocks and re-drawing this scene in a flowing more traditional artistic mural style like is being used in the Newport OR murals?

Florence is such a beautiful town filled with joyful artists and this blocky modernistic mural doesn't remind me of us

in Florence at all.

Thank you,
Jeanne L Barrett

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: PROPOSED MURAL
Date: Friday, March 15, 2019 8:28:04 AM

I love the proposed mural design! It's fresh. It's new. It's interesting. It's colorful. We don't need another mural like other coastal towns because we aren't like other coastal towns.

I can't imagine the design could be the cause of any sort of traffic mishap, as has been posited by folks who don't like it.

Thanks,
Dolly Brock
Florence, OR
541-590-3717

From: [Patricia Burke & Martin Huber](#)
To: [planningdepartment](#)
Subject: Mural
Date: Tuesday, March 12, 2019 9:00:56 AM

We live in Westlake, but spend a lot of time in Florence grocery shopping, dining out, recreating, volunteering and enjoying the city.

We have seen pictures of the proposed mural on Facebook. We don't believe it represents what Florence has to offer. Rather, it looks like something that would be appropriate in downtown Los Angeles - garish and distracting instead of gently reflecting the river, the dunes, the ocean, our rhodies and our wonderful Old Town.

We hope that local artists will be approached and that residents will be given another opportunity to voice their opinions. The mural, as proposed, has certainly gotten people's attention.

Thank you.

Patricia Burke
Martin Huber
82758 Cherry Street, Westlake 97493
541.590.3598

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Friday, March 15, 2019 8:32:51 AM

From: DK Childs <dnkchilds@gmail.com>
Sent: Thursday, March 14, 2019 1:51 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Dear Ms. Weese,
We disapprove of the design for the mural. Also the cost and plus the out of our area artist! So many locals are voicing their objections to this project that it can NOT be ignored. It's should be a local artist or a group of local artists, with a love for Florence history. A bridge, dunes, river, town, some scenes of our beautiful town. Please put this project on hold and listen to the people.

Sincerely,
Dick & Karen Childs

Serving Portions of Coos, Douglas, Lane, and Lincoln counties on Oregon's Central Coast



2129 N. Coast Hwy • P.O. Box 1126 • Newport, Oregon 97365-0090 • 877-265-3211 • clpud.org

March 19, 2019

To Florence City Council,

I write on behalf of Central Lincoln People's Utility District (PUD) in support of the City of Florence's Public Art Committee's (PAC) application for a mural permit, as required by Florence City Code 10.26. We strongly support the application and hope to see the project move forward swiftly.

Since 2017, the Florence Public Art Committee and Central Lincoln PUD have been working together to install a mural at the corner of Quince Street and Highway 126. After signing the Intergovernmental Agreement in April of 2018, the Public Art Committee has been communicative and has included the PUD in as many steps as possible, including presenting to the Board of Directors on the project, inviting PUD staff to PAC meetings and including staff in the decision-making process.

Central Lincoln's Board unanimously approved the mural and is excited to see it happen. We are very pleased we are able to participate in creating a creative and impactful welcome for visitors to Florence.

Thank you,

A handwritten signature in black ink, appearing to read "Mark Freeman", with a long horizontal flourish extending to the right.

Mark Freeman
Director of Employee, Customer & Community Services
Central Lincoln PUD

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Please vote against the proposed graffiti mural for the CLPUD building
Date: Friday, March 15, 2019 1:54:06 PM

From: Don Drozdenko <ddroz2@gmail.com>
Sent: Friday, March 15, 2019 1:14 PM
To: Erin Reynolds <erin.reynolds@ci.florence.or.us>; Joe Henry <joe.henry@ci.florence.or.us>; Joshua Greene <joshua.greene@ci.florence.or.us>; Ron Preisler <ron.preisler@ci.florence.or.us>; Woody Woodbury <Woody.Woodbury@ci.florence.or.us>; Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Please vote against the proposed graffiti mural for the CLPUD building

Dear Mayor, City Council Members and City Manager for Florence,

I thought you should know about my opinion and displeasure at the proposed graffiti mural for the CLPUD building. I urge you to vote against it.

I want you to be aware of the attached letter to the editor of the Suislaw News that will be published soon, perhaps in the March 16, 2019 issue. I hope it encourages others to step forward with their thoughts, especially to notify you in writing so that you can take action and vote against it. I am not alone in my view that the graffiti mural does not represent Florence.

Again, Councilor Lucio still does not have a contact email posted - you still have Susy Lacer listed and of course she is no longer on the City Council. Please forward this email to Councilor Lucio.

Regards,

Don Drozdenko
1601 Rhododendron Drive
Space 598
Florence, OR 97439
541-999-9228



Graffiti Mural Still Doesn't Represent Florence

I have become aware that there are and have been opportunities to be more informed about upcoming decisions per Florence City committees. I must confess I didn't pay much attention to the Siuslaw News issue of Dec. 22, 2018 which had an image of the proposed graffiti-style mural for the CLPUD building. Nor did I take an active interest in the PAC (Public Art Committee) efforts. I was busy with my job and other activities as many of you are. As I dug a bit more into the City of Florence PAC committee, I found published information that citizens of Florence need to review on the PAC's activities (and other committees & commissions).

There are other proposed "art" items that you should be aware of:

<https://www.ci.florence.or.us/boardsandcommissions>
<https://www.ci.florence.or.us/bc-pac>

<https://www.ci.florence.or.us/bc-pac/public-art-program>

You can also sign up for an email distribution list for the Public Arts Committee as well as apply to participate in any of Florence's commissions and committees. I don't know if there are more openings on the PAC committee or not. Now is the time to get involved - ask if you can participate.

I am sure the PAC committee members did their work diligently, but we only get to see the final choice of a small number of citizens. We just need to get more involved.

I am not on Facebook but according to what I have heard, there is a Florence Oregon page which has many negative comments about the proposed CLPUD mural. Social media is fine, but If you have contributed to those comments, please let **all** our city council members, our mayor and city manager know directly how you feel so they can make an informed decision whether to proceed with the project or not. Put your comments (positive or negative) in writing, either via email or handwritten letter.

According to Erin Reynolds, the land use hearing and Council vote on whether to proceed or not with the CLPUD graffiti mural will be held on April 1, 2019, at the Florence Events Center at 5:30 pm. Send in your comments to the City Council members as quickly as possible before that April council meeting.

Perhaps the citizens of Florence need to have their input as well, possibly to a vote on a ballot. Portland style graffiti does not belong in Florence.

Don Drozdenko
Florence



From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Friday, March 15, 2019 8:30:00 AM

-----Original Message-----

From: Sherri Ford-Mackey <sfmismee@gmail.com>
Sent: Thursday, March 14, 2019 6:23 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Dear Ms. Weese,

I am among the many Florence residents who are opposed to the proposed mural at HWY 126. It just doesn't represent the spirit and vibe of our peaceful, friendly city. Please consider other options.

Thank you for your time and attention to this matter.

Sent from my iPhone

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Monday, March 25, 2019 7:52:05 AM

-----Original Message-----

From: Michael Jacobson <the3jakes@earthlink.net>
Sent: Sunday, March 24, 2019 10:36 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Ms. Weese,

After posting a comment about the proposed mural design, several people suggested that I contact you about my objections to the design. More than 20 people indicated that they agreed with my comments, so I am passing them on to you for inclusion in the discussion at the meeting on Monday. My husband has a previously scheduled Dr. appointment in Portland on Monday, or I would have attended in person. Here is the text of what I said:

(I) think one of the things about the artwork that people are responding negatively to is the hard edged quality of the images. Florence doesn't consist of hard edges so much. With our sweeping river, shifting dunes, gorgeous sunsets, clouds and fog, curving bridge, and forests themselves, I would prefer an artwork that exhibited those qualities. Not to mention, the tribal dancer is truly awful to look at. Much too static, faceless, and numb. There are other artistic styles that better depict the grand sweep of our natural and man made beauty. The mural doesn't have to be a photographic style to capture that.

I did not alter this comment in any way from what the members saw on the Florence, Oregon Facebook page. As of Sunday morning, 21 people had posted a "Like" to my comments, and several others indicated agreement with me by their own replies and comments.

Thank you for your attention, and I hope that you will be able to read my comments to the meeting on Monday.

Sincerely,
Rose Ellen Jacobson

From: [Richard JARVIS](#)
To: [planningdepartment](#)
Subject: PUD MURAL
Date: Tuesday, March 19, 2019 1:41:23 PM

I am opposed to the placement of any large visual distraction at the intersection approach to highway 101 and 126 for the following reasons.

Motorist approaching from the East already have many directional signs to observe and select the directions they wish to go. There are seven possible turning points at the site of the proposed mural. The PUD Mural with its bright colors and graffiti type figures would pose an extreme visual distraction. In my opinion the style and graphic representations are not reflective of the spirit of Florence as seen in the other murals in town. In addition this section of highway 126 already has a problem area with the pedestrian crosswalk recently installed between Spruce and Quince Streets. I note the city has found it necessary to cover over the flasher buttons as they were too disruptive to traffic. While funds have been expended already on the mural the potential for the City being sued could well outweigh that cost. At the very least a well advertised public hearing should be held. I note there were hearings in December at the height of the Holiday season and during a time when much of the population of Florence was sick with a virus and was avoiding public contact. Lets really see what the population of Florence wants on this matter.

Bruce Jarvis
PO Box 2639
Florence, Or

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural
Date: Monday, March 18, 2019 8:19:06 AM

-----Original Message-----

From: Betty <bettymalone@charter.net>
Sent: Saturday, March 16, 2019 3:38 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Hello Kelli - we relocated to Florence in June 2018 from CA. In the midst of moving and settling in we were unaware of the proposed mural. Florence is such a beautiful place and a mural in that location would be welcoming - however the proposed design does not appear to represent the community. It appears to be very modern / obscure in design which may be just right for other communities but doesn't seem to fit with what Florence is all about. While undoubtedly lots of time and energy had already gone into the selection I hope that the design will be reconsidered and something more appropriate will be selected.

Thank you for your time - Betty Malone

MAR 18 2019

By: VMM
City Council

TO: Mayor Joe Henry and City Council

From: Gene Olson and Sylvia Stanton
FLORENCE

Subject: MURAL

We wish to register our displeasure with the content and location of the proposed mural of geometric style.

The history and beauty of Florence lends the artist and city an untapped variety of subject matter that can be drawn upon. The river and activities on the river date back to 1876 and include the original decorated boats of the Rhododendron Festival starting in 1908, life on the river and the hundreds of personal rowing and power boats, to lumber and log rafts and towing boats. Two of these boats are still abandoned along hwy 126 just past the North Fork. There were once rowing contests and swim contests as well as ice-skating near Mapleton.

We also have the beauty of the ocean and the sand dunes with hundreds of activities connected here. We have our beautiful sunsets and snow storms. We once had a fishing fleet here with its multitude of activity. We have Old Town along with its history - which is long.

Frankly there is unlimited material for reference. Another whale mural is not necessary!

Murals would be better located in Old Town or along 101. Such an expense on a little known or seen side street does not benefit the vast public. For instance the East side of B's in Old Town would be an excellent location.

Please do not approve the Heidel design and the mural location.
Thank you.

Gene Olson Sylvia L. Stanton

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: mural
Date: Friday, March 15, 2019 9:03:51 AM

From: jeannieframes@oregonfast.net <jeannieframes@oregonfast.net>
Sent: Tuesday, March 12, 2019 10:01 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: mural

Thank you Kelli for all you do for Florence. I would like to say that I also am not happy with the proposed mural. I have lived here for over 25 years and so appreciate the natural beauty of the area. Any town can have the proposed mural style. But I think we have something different here and we should never tire of "showing off" our sand dunes, surf, lighthouse, river, birds, woods, sunsets, Old Town and yes art. The proposed mural is an assault to my senses and I do not want to look at it every day. Also, if we want to support our many local artists, why not have one of them do the mural. Thank you for hearing the residents. Jeannie Owen

3-22-19

City of Florence Planning Dept.

RE: Mural Permit for CLPUD Storage Bldg.

We wish to submit testimony in opposition to the Mural permit for the proposed mural referenced above.

We own an office building at 1010 Hwy 101 currently occupied by Edward Jones Investments. We feel that the mural is not in keeping with our community aesthetic, that it would distract drivers unnecessarily just prior to a major highway junction, and generally be an eyesore for the surrounding area. Perhaps if the design would reflect the coastal beauty rather than a "graffiti circus" we would not be in opposition to the mural. It seems to be quite an unnecessary expense as well – perhaps the money would be better spent on filling potholes around town instead.

We like the original aesthetic of this town and see no reason to "Revision" it.

Sincerely,



Bob and Gini Read

P O Box 366

Florence, OR 97439

541-997-8020



From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Mural Design
Date: Monday, March 25, 2019 8:10:36 AM

-----Original Message-----

From: Sue Saubert <suesaubert@gmail.com>
Sent: Friday, March 22, 2019 10:51 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural Design

Dear Kelli,

I think murals are interesting and add personality to their locations. I just saw a picture of the proposed design of the mural for the PUD building. It would be a travesty to see such an inappropriate piece of art in our beautiful town.

The beauty and ambiance of our Florence area is the perfect coastal destination that travelers are looking for. In no way does the design of this mural depict the soul of our community. Our daily lives are rooted in the natural beauty of our area, great pride in our personal love for our heritage and appreciation that we are blessed to live here.

We are generous in sharing our hospitality to visitors. I love the idea of a mural but the designed proposed is not appropriate.

Thank you for your consideration,

Sue Saubert

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: The Mural
Date: Friday, March 15, 2019 9:48:22 AM

From: Kelli Weese
Sent: Friday, March 15, 2019 8:39 AM
To: planningdepartment <planningdepartment@ci.florence.or.us>
Subject: FW: The Mural

From: Kim Shields <ks.shiels@gmail.com>
Sent: Sunday, March 10, 2019 11:58 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Cc: Joshua Greene <joshua.greene@ci.florence.or.us>
Subject: The Mural

I am not sure if Council members or the Mayor are aware of all the dissatisfaction expressed on the Facebook page Florence, Oregon about the proposed mural on a building just off of Highway 126 here in Florence, but I encourage you all to take a look at all the negative comments.

It seems to me that the committee that chose the design overlooked a great opportunity to join other cities in Oregon that are a part of the Oregon Mural Trail. (See link below)

I am not opposed to a mural, but the proposed design seems inappropriate for Florence. I understand that it is difficult to please everyone, but I have not seen another issue that has generated so many negative comments. If it is possible, I am requesting that the Council reconsider this mural and ask the committee to come up with a better solution that isn't so controversial.

Thank you,
Kim Shields
10 Park Village Drive
Florence, Oregon
(541)997-5227

<https://traveloregon.com/things-to-do/events/visual-performing-arts-events/oregon-mural-trail/>

From: [Kelli Weese](#)
To: [planningdepartment](#)
Subject: FW: Proposed Mural
Date: Friday, March 15, 2019 8:31:10 AM

From: Belinda Shores <bekay67@gmail.com>
Sent: Thursday, March 14, 2019 3:08 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Mural

Good Afternoon,

First off thank you for taking the time to read my email. This email is regarding the proposed mural on Hwy. 126 and Spruce. I understand that there was a committee that took personal time and effort to decide which artist to commission and what look would be best for our wonderful community, but I do not believe they truly had the heart of our community in mind when they chose the design they did. I get we are a town full of artist and creative individuals, but we are SO MUCH more than that. Our history, our land and sea scape's, our recreational activities, the list goes on and I know you get my meaning. I will not waste any more of your time.

I am 100% opposed to the proposed mural and hope that what Susan McBride posted on Facebook is true, that you are reading every one of these emails and tallying them up to share with the City Counsel. From what I saw online, most of us are not happy with what the committee decided on.

Sincerely

Belinda Shores



THE AMERICAN RHODODENDRON SOCIETY

Members Worldwide

March 22, 2019

The Siuslaw Chapter of the American Rhododendron Society is one of the largest chapters in the nation and the only chapter that puts on two (2) Rhododendron shows a year. We are able to do this because we live in one of the few locations in the world that has an abundance of native rhododendrons along with thousands of hybrids. The residents of Florence have known this since the town was incorporated and it is also the reason that this is the 112th year of the Rhododendron Festival.

We are writing this letter to the council in regard to the mural to be located on the corner of Quince St. and Hwy126. Our membership has many opinions on the mural itself and it is not our intent to be for or against the mural itself. What we as an organization do object to, is the disregard for the history of Rhododendrons in this town. Whatever the flowers are on the mural, all we know is they are not even approximating anything close to our iconic Rhododendron and we ask the council to consider making a request for our City flower to be placed on the mural instead of the "poppies". Thank you on behalf of the Officers and Board Members of the Siuslaw Chapter of the American Rhododendron Society.

RECEIVED
City of Florence
MAR 25 2019
By: VMJM

RECEIVED
City of Florence
MAR 26 2019
By: VMJM

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Proposed Florence artwork
Date: Wednesday, March 27, 2019 12:18:33 PM

From: Ed_G <ed97439@gmail.com>
Sent: Wednesday, March 27, 2019 7:54 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Florence artwork

I want to express my dissatisfaction with the proposed mural for the CLPUD building. I shudder to think I will have to see that every time I return to town. It is too chaotic, too jumbled, too difficult to see the detail of meaning. It looks like a Picasso painting. If a mural is necessary it should express beauty and clarity and not leave visitors wondering what that was all about or if it was just a massive graffiti.

Edward Gallup
Florence

Sent from Ed's iPad

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: mural on spruce st
Date: Wednesday, March 27, 2019 12:19:02 PM
Attachments: [image001.png](#)

From: Teresa Lofy <tlofy@bmi.net>
Sent: Tuesday, March 26, 2019 3:18 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: mural on spruce st

Good afternoon Kelli

I would like to talk about the possible new mural on the corner of hwy 126 & spruce st I feel that this is not the right design for Florence we should be looking for something that has the bridge and rhododendron's on it, something like this



City of Florence
A City in Motion

Teresa Lofy

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Proposed Mural
Date: Wednesday, March 27, 2019 12:19:49 PM

From: Pamela Stimmell <pstimmell@yahoo.com>
Sent: Tuesday, March 26, 2019 10:14 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Mural

I am opposed to the proposed mural. I do not believe it represents our quaint little town and the reason My husband and I retired here. When I think of Florence It's like the best of both worlds. I feel like one minute I'm in the forest and then boom, I'm at the ocean. Bay Street by the port, with the fishing boats, eating out on the patio with the view of our beautiful bridge and an otter's head popping up out of the river. I also love all the beautiful Rhododendrons. I also think it is sad that we are not using any of our local artists. There is a lot of talent here without going to Portland.

I just think the proposed mural is too bold. It reminds me of a city mural not a mural for the coast. Nothing about that mural makes me think of Florence!

Thank you for hearing our concerns!
Alan & Pam Stimmell

[Sent from Yahoo Mail for iPad](#)

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Mural
Date: Wednesday, March 27, 2019 12:19:56 PM

From: Maynard Hanson <maynard5252@live.com>
Sent: Tuesday, March 26, 2019 10:07 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural

Just my opinion. I am not opposed to a Mural. Just not that one. Maybe with a few changes, it would be good. The lines should be softened, the Indian looks oriental, it needs bear, fishing, or fish. The flowers are too hard looking. Of course I love the Bridge idea. Just not in favor of that Mural. We should be able to vote on a Mural, instead of just one mural put to a vote. As far as where you want to put it, I have no opinion. Thank You for initiating this project. I love the idea.

Sent from [Mail](#) for Windows 10

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Mural input
Date: Wednesday, March 27, 2019 12:20:16 PM

From: Tai Bruce <indigomoon12@yahoo.com>
Sent: Tuesday, March 26, 2019 8:37 AM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Mural input

A member of the community has informed many of us who were not able to attend the meeting the following...

I went to the Mural Art Committee meeting today at 3:30 at City Hall. It was interesting to learn how the committee came into being. They checked out Santa Fe & Lake Oswego as examples of City Art that could be done in Florence. Most of the committee is made up of artist & gallery owners they said. They have been working on art for the City for 4 years and have selected locations for 16 more sights to place art. Either permanent or for a two-year stint before changing the art. The committee discussed the lack of public input they truly wanted to hear from. They said they covered the newspaper with news and updates to the public. They plan to begin about Rhoddy Week. The mural artist from Portland was discussed and her interpretation of what the art committee suggested as to the criteria for the mural. The public has different views of what is a fit for Florence but little public addressed the issue. kelli.weese@ci.florence.or.us is asking for the public to send her your written concerns to her email address. City Hall does no Facebook polling so comments there does nothing positive. Do include why you like or dislike this mural. Do include what you think is missing from the mural. Does the artist & the committee's interpretation FIT Florence? April 1 at the FEC no time yet. -DK Child.

This is the link to the Facebook Page Post of over 700 members comments on their input and opposition of the mural proposal.

<https://www.facebook.com/groups/florenceoregon/permalink/10156609529658113/>

I personally would be opposed to the current proposal. It's too loud for the city of Florence. We're vibrant, but we thrive in more mellow tones than these intense inner city primary colors. It seems to feel more graffiti like than a tasteful painting that sends off a calm natural vibe. Our city and it's members seek to have a much more toned down vision. Highlighting the lighthouse, sea life, the beautiful ocean, Sunsets, lakes, fishing, the iconic Florence Bridge, Rhody flowers, the many native Red Cedar trees, wild life such as the hundreds of black tailed deers, coastal bobcats, coyotes, birds and black bear. Even incorporate the Coast Gaurd. Since we are considered a Coast Gaurd City now.

Let's represent these men and woman who keep us safe all year round. These are the reasons we are who we are as a city. A coastal city with a rich native forest land and rolling sand dunes.

T. B.

indigomoon12@yahoo.com

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Proposed Mural
Date: Wednesday, March 27, 2019 12:20:38 PM

From: bcurtis@oregonfast.net <bcurtis@oregonfast.net>
Sent: Monday, March 25, 2019 11:24 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Proposed Mural

Hi Kelli,

I'd like to voice my opposition to the proposed mural. I see it as being harsh, garish, loud colors. It looks more like 'big city', not 'small town'. I really wish you had asked local artists to each submit their depiction of something representing Florence which would then be used in a collage. If the mural that has been selected is used, I will make it a point to drive out of my way to avoid driving past it.

Mary Curtis
815 North Marsh Court
Florence, OR 97439



Virus-free. www.avg.com

From: [Kelli Weese](#)
To: [Wendy Farley-Campbell](#)
Subject: FW: Quince st mural.
Date: Wednesday, March 27, 2019 12:20:48 PM

From: MICHAEL W SPINNER <JESTRR@msn.com>
Sent: Monday, March 25, 2019 10:35 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: Quince st mural.

First, thanks for taking the time to listen to others in town who can't get to the meeting that are at a really bad time.

Secondly, if you can, the city needs to start using social media to really get a feel for things like this.

Thirdly, As a Fire Captain with concerns about this intersection as one of the worst for accidents, I think a bright, rather confusing art piece would just make this intersection even more dangerous. I'm all for art in the town but I think it would be a big mistake to put it here. Maybe a more subtle piece would be more suitable for this corner.

Thanks,
Mike Spinner

**TITLE 10
CHAPTER 26**

MURAL REGULATIONS

SECTION:

- 10-26-1: Purpose, General Provisions
- 10-26-2: Definitions
- 10-26-3: Prohibited Murals
- 10-26-4: Exemption from Permit Requirement
- 10-26-5: Mural Permit Application
- 10-26-6: Mural Permit Criteria
- 10-26-7: Structural Review
- 10-26-8: Suspension or Revocation
- 10-26-9: Inspections and Expiration of Permit
- 10-26-10: Maintenance of a Permitted Mural
- 10-26-11: Alterations to a Permitted Mural
- 10-26-12: Removal of a Permitted Mural
- 10-26-13: Enforcement
- 10-26-14: Appeals

10-26-1: PURPOSE, GENERAL PROVISIONS: The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

10-26-2: DEFINITIONS:

ALTERATION	Any change to a permitted mural, including but not limited to any change to the image(s), materials, colors or size of the mural. "Alteration" does not include maintenance or repair of a permitted mural.
COMMUNITY DEVELOPMENT DIRECTOR	The Florence Community Development Director or his or her designee. For the ease of reference in this section, the Community Development Director shall be referred to by the term "Director."
MURAL	A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.
PERMITTED MURAL	A mural for which a permit has been issued by the City of Florence pursuant to this chapter.

10-26-3: PROHIBITED MURALS:

- A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:
1. Electrical or mechanical components; or
 2. Changing images.

10-26-4: PROHIBITED MURALS:

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

10-26-5: MURAL PERMIT APPLICATION:

- A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."
- B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:
 - 1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.
 - 2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.
 - 3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.
 - 4. A color image of the proposed mural with dimensions drawn to scale.
 - 5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.
 - 6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).

10-26-6: MURAL PERMIT CRITERIA: No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

- A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

- 1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.
- 2. The mural may reflect the diversity of the world.
- 3. The mural may reflect historic, cultural, or natural heritage.
- 4. The mural respects the original character of the building and surrounding buildings

- B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

1. The mural will not adversely dominate the building or surrounding area.
 2. The mural will not create traffic or safety hazards.
 3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.
- C. internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.
 - D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6") from the plane of the wall, unless approved by the City Council.
 - E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.
 - F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.
 - G. The creator/artist is under contract or other obligation to complete the Mural.
 - H. The Mural is an original work of art
 - I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

10-26-7: STRUCTURAL REVIEW: Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

10-26-8: SUSPENSION OR REVOCATION:

- A. The Director may suspend or revoke a permit issued under the provisions of Title 10. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked upon a finding that:
 1. The permit issued on the basis of incorrect information supplied by the applicant; or
 2. The permit is issued in violation of any provisions of Title 10.

10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:

- A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

- B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.
- C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.
1. The request for an extension is made in writing prior to expiration of the original approval.
 2. There are special or unusual circumstances that exist which warrant an extension.
 3. No material changes of surrounding land uses or zoning has occurred.

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

10-26-10: MAINTENANCE OF A PERMITTED MURAL: For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

10-26-11: ALTERATIONS TO A PERMITTED MURAL: Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

10-26-12: REMOVAL OF A PERMITTED MURAL:

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

10-26-13: ENFORCEMENT:

- A. Violations: It is unlawful to violate any provisions of this Chapter. This applies to any person undertaking an application for a Mural Permit, to the building tenant or owner of the Mural site. For the ease of reference in this section, all of these persons are referred by the term "operator".

- B. Notice of violations: The Community Development Director must give written notice of any violation of the City Code to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Responsibility for enforcement: The regulations of this Chapter may be enforced by the Director pursuant to Florence City Code 10-1-1-8.

10-26-14: APPEALS: Under this Chapter, any quasi-judicial decision of the City Council may be appealed to the Land Use Board of Appeals in accordance with state law.

Amended by Ordinance 6, Series 1999 effective 4-19-99

Amended by Ordinance 17, Series 1999 effective 1-7-2000

Amended by Ordinance, Series 2000 effective 7-21-2000

Amended by Ordinance 16 Series 2009 effective 10-12-2009

Section 10-26-6 Amended by Ord. No. 9, Series 2009

Sections 10-26-3-1, 10-26-3-2, 10-26-4, 10-26-5, 10-26-6, 10-26-7, 10-7-8 and 10-26-9 Deleted, and

Sections 10-26-1, 10-26-2, 10-26-3, and Title Amended by Ord. No. 4, Series 2011 effective April 22, 2011

Sections 10-26-1, 10-26-2, and 10-26-3 Amended, and Sections 10-26-4 through 10-26-14 Added by Ord. No. 5, Series 2011 effective April 22, 2011