



Public Art Mural Program Guidelines

Updated January 2022



Mural at 502 Center Street.

Overview

Public art is a powerful tool for creating a sense of place and meeting the City of Oregon City's goals. Memorable public places strengthen our community. Such places attract us to various areas of the community, enliven our neighborhoods, enhance our experiences in parks, inform us about the history and peoples of our place, and celebrate our ethnic and cultural diversity.

As recognized by Oregon City's Tourism Strategic Plan, murals can be an integral part of any public art program. Murals increase community identity, beautify the city, serve as a tourist attraction and can provide an avenue for involving youth and others in artistic expression. Murals can also provide a reduction in the incidence of graffiti and other crime. To better serve these aspirations, the City of Oregon City has created the Oregon City Public Art Mural Program.

The City of Oregon City's Mural Program is administered by the Economic Development Department. Applications for new public art murals are initially reviewed by staff, with approval issued by a designated governing body or the Oregon City Arts Commission, an advisory commission that promotes arts and culture throughout the city.

Murals approved through this program are exempt from the City sign code.

Eligibility - General

1. Any individual or organization wishing to create an outdoor mural in the City of Oregon City must submit their application for review by the Economic Development Department, regardless of the funding source. Applicants may be:
 - An Individual
 - A For-Profit Business Tenant (with written approval from the building's owner)
 - A Commercial Building Owner
 - A 501 (c)(3) not-for-profit organization,
 - A City-recognized neighborhood association
 - A Church
2. Public art murals shall only be permitted within approved zoning districts.
 - a). Approved zoning districts include:
 - i. General Commercial
 - ii. Mixed Use Downtown
 - iii. Mixed Use Corridor 1
 - iv. Mixed Use Corridor 2
 - v. Willamette Falls Downtown District
 - vi. Institutional
 - b). Any use that is listed under permitted uses in the Institutional district in 17.39.020 but located in a non-Institutional Zone
3. Public art murals shall be in a manner that is visually accessible to the public.

4. The approval and acceptance of each public art mural shall be contingent upon the conveyance of a public art mural easement to the City from the owner of the building upon which the mural will be located. The terms of the easement:
 - a) shall grant the right to create the public art mural on the wall of the building;
 - b) provide that the person granting the easement will maintain and restore the public art mural in its original condition for the period of the easement; and
 - c) state that upon termination of the easement, the mural shall be removed, and the building restored to its prior condition.
5. Have a written plan for painting the mural that ensures the safety of painters and the public, and that does not impede public access.
6. In the event that the safety plan submitted is not being adhered to, and the City has identified a safety risk to either the artist and/or the public, the City has the right to stop work until such time that safety issues or concerns are addressed by the artist.
7. The owner of the structure that the Mural is being affixed to shall obtain commercial liability insurance naming the City of Oregon City as an additional insured party during the period that the mural is being initially affixed to the building and at any point that the mural is being maintained, altered, and/or removed.
8. Public art murals shall remain in place, without alteration, for a period of not less than five (5) years, except as may be specified by a designated governing body or by the Arts Commission in the conditions of approval.

Mural Requirements - Specific

1. The public art mural:
 - a) shall be painted; or
 - b) if ceramic, glass tiles, tesserae, or metal, must be applied directly onto the surface of a building that ensures longevity, durability, and structural and surface stability;
 - c) shall not exceed the height of the structure to which it is tiled, painted, or affixed;
 - d) shall not be mechanically reproduced, or computer generated;
 - e) shall not be printed on a base that will attach to the wall, such as, by the way of illustration but not limitation, images digitally printed on vinyl;
 - f) shall be able to mitigate or withstand the impacts of weather and vandalism by using an approved graffiti/UV coating on the finished mural;
 - g) shall use high-quality materials that will last a minimum of five years, and are resistant to weather and ultraviolet deterioration;
 - h) shall be the original work of the artist, with no violation of copyrights; and
 - i) meet standards of Oregon City Historic Overlay, if applicable.

2. The public art mural shall not:
 - contain electrical components;
 - have three dimensional structural elements;
 - employ electrical lights as part of the image;
 - feature moving structural elements;
 - have flashing or sequential lighting;
 - contain interior lighting elements;
 - provide any automated method that causes movement; and
 - feature any method that causes periodic changes in the appearance, image, or message of the public art mural.

Program Prohibitions

No public art murals shall be allowed

- a) on single-family dwellings,
- b) on duplexes,
- c) on 3-4 plexes,
- d) designated historic structures that were originally constructed as a residential use
- e) on multifamily dwellings
- f) on the exterior surface of any opening of a building in a manner that prohibits use of the opening, including its windows, doors, and vents.

**Note: single-family dwellings, duplexes, 3-4 plexes, or multi-family dwellings do not include mixed-use buildings which contain a single-family dwelling, duplex, or multi-family dwellings.*

**Note: Applicant must certify in writing that no compensation will be given or received for the display of public art murals or for the right to place the mural on another's property.*

Mural Administrative Review Process

1. Applicant meets with Economic Development Department staff for an initial review of the proposed location, imagery, artist's qualifications, funding sources and building owner's approval.
2. Applicant submits a fully completed Public Art Mural Application and permit fee.
3. The applicant to the mural arts program shall obtain a Certificate of General Liability Insurance in the amount of \$1,000,000, naming the City of Oregon City as an additional insured. The Certificate of General Liability shall be in effect during the mural installation period and re-instated again when the Mural is either being refurbished or removed. The initial Certificate of General Liability must be in effect prior to the applicant receiving a permit to move forward with the disposition of the mural.

4. Economic Development Department staff will communicate with the applicant on code noncompliance issues or other issues that may impact either approval or denial of the proposal.
5. Economic Development Department staff will confirm in writing that there are no outstanding compliance issues with the City's Municipal Code.

Public Hearing

1. Public art murals shall be approved by the Oregon City Arts Commission at a public hearing based on the criteria in the Oregon City Municipal Code.
2. Notice of the application and the hearing date shall be published online and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred (300) feet of the proposed mural location.
3. Notice shall be issued at least twenty (20) days pre-hearing, and the staff report shall be available at least seven (7) days prehearing.
4. At the evidentiary hearing held before the Arts Commission, all issues shall be raised and addressed. ***Failure to raise an issue at the hearing will preclude review on that issue.***
5. If the proposal is approved without objection, staff sends the applicant an official "Letter of Approval" and a notice to proceed.
6. If the proposal is approved with objection from non-applicant parties, staff advises the applicant in writing if there will be an appeal held before the City Commission.
7. In the case that a mural is not approved, Economic Development Department staff will communicate to the applicant in writing the reasons for the decision of the designated governing body or Arts Commission. The applicant may address the concerns of the designated governing body or Arts Commission by submitting a revised proposal or appeal the decision to the City Commission.

****Note: Applications altered after initial review without staff approval and prior to public hearing will not be advanced to the public hearing.***

Appeal Hearing

1. Notice of the Appeal shall be received in writing by the Economic Development Department within fourteen (14) calendar days from the date the challenged decision is provided to those entitled to notice.
2. The appropriate fee of appeal fee of must be accompany the Notice of the Appeal
3. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
4. Failure to include the appeal fee within the appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal filed.

If a City-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Oregon City Municipal Code Section 17.50.290.C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.

5. All of the following elements shall be included as part of the notice of appeal:
 - a. the City file number and date the decision to be appealed was rendered;
 - b. the name, mailing address and daytime telephone number for each appellant;
 - c. a statement of how each appellant has an interest in the matter and standing to appeal; and
 - d. a statement of the specific grounds for the appeal.

6. **The City Commission decision on appeal is the City's final decision.**

No person shall commence creation of any public art mural without first obtaining approval from the City and executing an easement pursuant to section 15.28.090.(B).11. Murals that are created without approval through the aforementioned process that are not otherwise exempt pursuant to this chapter or are inconsistent with the conditions of approval from the City's decision shall not be deemed public art murals.

****NOTE: Only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision. Grounds for appeal are limited to those issues raised in writing before the close of the public record. No new evidence shall be allowed.***

Alternations, Removal or Extension of Murals

1. Within 30 days of the end of the Mural's easement period, the public art mural shall be removed unless a new approval is granted.
2. Alterations or removal of the mural must be initially reviewed by the staff of the Economic Development Department before being approved by the Arts Commission.
3. Alterations to or removal of, the mural within the first five years of the date of completion are permitted under the following circumstances:
 - o The building on which mural is located is sold; or
 - o The building or property is substantially remodeled or altered in way that precludes continuance of mural.
4. Prior to the conclusion of the 5-year Easement Agreement, Applicant and the Economic Development Department staff will review the condition of the mural and file an extended Easement Agreement or approve plans by the building owner or artist to remove the mural.

For Questions, contact:

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