

RESOLUTION 2023-13

A RESOLUTION APPROVING THE ORIGINAL ART MURAL POLICY

WHEREAS, the Coburg Main Street Arts Committee works to enhance the cultural and aesthetic quality of life in Coburg by serving to preserve, promote, and develop public access to the arts; and

WHEREAS, per request from the City Council, the Coburg Main Street Arts Committee promulgated a City Mural Policy (Policy) to encourage murals in the community; and

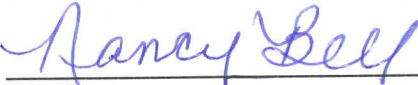
WHEREAS, the Coburg Main Street Art Committee sought the input of the Park | Tree Committee as well as the Heritage Committee for a Mural Policy; and

WHEREAS, the Policy intends the mural theme to be representative of the history, culture, or location of the community and be respectful of the greater context of the community.

THE CITY OF COBURG RESOLVES AS FOLLOWS:

1. That the City Council hereby adopts the "Original Art Mural Policy" as attached in EXHIBIT A.

Adopted by the **City Council** of the **City of Coburg**, Oregon, by a vote of 4 for and 1 against, this 8th day of August, 2023.



Nancy Bell, Mayor

ATTEST: 

Sammy L. Egbert, City Recorder



Original Art Mural Policy

Purpose

The purpose of this Policy is to permit and encourage Original Art Murals (also referred to as “murals”) on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

Where These Regulations Apply

The regulations of this Policy apply to all Original Art Murals installed within the City of Coburg on:

- Public property
- Private property

Applications for Original Art Murals installed on public property in Coburg must follow the Policy on Donations to be Placed in Public Spaces in addition to the regulations set forth in this Policy.

Definitions

Words listed in the definition section have the specific meaning stated or referenced unless the context clearly indicates another meaning. Words not defined in this Policy have their normal dictionary definition.

Alteration. Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. “Alteration” does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural shall not constitute “alteration” of the Permitted Original Art Mural within the meaning of this Policy. This can include slight and unintended

deviations from the original image, colors or materials that occur when the Permitted Original Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.

Compensation. The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include:

1. goodwill; or
2. an exchange of value that a property owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the property owner or leaseholder, and the property owner or leaseholder fully controls the content of the mural.

Historic District. A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development as set in Ordinance A-226.

Original Art Mural. A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building or structure. Original Art Mural does not include:

1. mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or
2. murals containing electrical or mechanical components.

Permitted Original Art Mural. An Original Art Mural for which a permit has been issued by the City of Coburg pursuant to this Policy.

Allowed Original Art Murals

A. Except as provided in Section B. below, Original Art Murals that meet all of the approval criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements.

B. In the Historic District, murals are allowed on buildings or structures that have been identified as contributing or non-contributing structures to the Historic District, except on historic brick (or other manufactured clay materials) walls. Murals on historic structures are encouraged to comply with the historic building guidelines in the Approval Criteria section.

Permit Required

A permit issued by the City of Coburg is required prior to installation of an Original Art Mural on a building or structure within the City of Coburg. The permit application process will follow a Type I Procedure. Applications for Original Art Murals installed on public property must follow the Policy on Donations to be Placed in Public Spaces in addition to the regulations set forth in this policy. A mural attached to a building or structure must also obtain a building permit, where required.

Prohibited Original Art Murals

The following are prohibited:

- A.** Murals on sites developed with residential buildings with fewer than five dwelling units on the site.
- B.** Murals on historic brick or other historic manufactured clay materials. Historic brick was never intended to be painted and modern paints on that surface will negatively affect the behavior of that brick. Brick and the mortar joints need to be allowed to breathe so that moisture can evaporate from within brick walls. When the exterior is covered in paint, the pores (voids) within the brick and mortar cannot release the moisture. The longer the moisture sits within the system the more saturated the brick gets. Eventually it will deteriorate the structure integrity of the brick and break the clay back down to its most simple form, clay.
- C.** Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
- E.** Murals which would result in a property becoming out of compliance with the provisions of the Coburg Zoning Code or other ordinances, or land use conditions of approval for the development on which the mural is to be located.

Application Process and Approval Criteria.

Application Process

The mural design, size and location shall be reviewed and approved by the Planning Official before work commences. The Planning Official may require review and approval of the application by an existing citizen committee when deemed appropriate.

- A.** Follow a Type I Land Use Review Procedure. Type 1 Land Use Application requires:
 - a. Legal property description
 - b. Site Plan
 - c. Narrative addressing all applicable approval criteria (see Approval Criteria section below)
 - d. Title Report | Proof of ownership
 - e. Applications must be signed by applicant and property owner
 - f. Be accompanied by the required fee
- B.** Include a long-term maintenance plan for periodic touch up or repainting.
- C.** Submit your complete packet including application and accompanying materials, any letters of support, and proposed mural design/description to the City of Coburg.
- D.** All Land Use Applications are processed by the Planning Department

- E. Applications for Original Art Murals installed on public property must follow the Policy on Donations to be Placed in Public Spaces in addition to the regulations set forth in this policy.

Approval Criteria

All mural applications must follow a Type I Land Use application process to ensure conformance with all applicable land use regulations. In addition, murals [must meet the following criteria](#):

- A. **Colors:** Colors should be consistent with the surrounding area. Colors should be harmonious with the exterior colors of the building. The City will offer assistance in selecting colors and reviewing the design if requested by the property owner.
- B. **Size:** No part of the mural shall exceed 30 feet in height. The mural shall not extend more than 6 inches from the plane of the surface upon which it is tiled or painted or to which it is affixed. The Planning Official or applicable committee may recommend restricting the size of the mural to ensure that it blends in with the surrounding area.
- C. **Materials:** durable, graffiti resistant and weather resistant materials.
- D. **Workmanship:** any support/attachments must be approved by a professional structural engineer; work on site must be supervised and approved by artist. Any mural attached to a structure must obtain a building permit as required.
- E. **Themes:** consistent with surrounding area. Consideration will be given to themes that are of artistic expression. Themes such as nature, landscapes, or agriculture are encouraged. The City reserves the right to reject proposals for murals on City-owned property based on the themes or messages expressed, as permitted by applicable First Amendment law.

Conditions of Permit

A. The mural shall be designed as a permanent artwork installation, and shall remain in place, without alterations, except in limited circumstances including:

1. Change in ownership of the property;
2. Building reconstruction, rehabilitation and/or updates;
3. Building change in use;
4. Natural damage to the mural that leaves it substantially compromised.

B. Unless otherwise agreed by the City Council, it is the responsibility of the permittee to maintain the mural in good repair. If the mural is defaced and/or not repaired, maintained, preserved and/or conserved to the satisfaction of the City of Coburg, the City has, in its sole discretion, the authority to repair, maintain, preserve, and/or conserve the mural, or alternatively, the authority to remove, alter, or destroy the mural. The City's authority includes the abatement processes as established in the City's Nuisance Ordinance.

C. Murals shall not serve as an advertisement sign in violation of City Ordinances.

Murals on historic structures are encouraged, but not required, to comply with the following historic building guidelines:

Historic Building Guidelines

New murals for historic structures should be designed with respect to the building's size, character and features. Significant historic materials and features should be preserved. The new mural should not compromise the historic character or integrity of the original resource. Care should be taken when preparing the surface of the building for painting in order to prevent damage to the structure.

Placement

1. New murals should respect the size, scale and design of the historic building. They should be located on the side, interior or rear walls of existing commercial buildings, and have minimal impact on surrounding buildings, views and vistas.
2. New murals should not obscure significant features of the historic building, and should not be painted over identified historic murals or signage.

Neighborhood Involvement Process

Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed original art mural.

Violations and Enforcement

A. Violations. It is unlawful to violate any provision of this Policy or any representations made or conditions or criteria agreed to in an Original Art Mural permit application. This applies to any applicant for an Original Art Mural permit, to the proprietor of a use or development on which a permitted Original Art Mural is located, or to the owner of the land on which the permitted Original Art Mural is located. For the ease of reference in this Policy, all of these persons are referred to by the term "operator."

B. Notice of Violations. The City of Coburg must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City of Coburg.

C. Responsibility for Enforcement. The regulations of this Policy, and the conditions of Original Art Mural permit approvals, shall be enforced by the Planning Department under direction of the City Administrator.

Relationship of Permitted Original Art Mural to other Regulations

Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the City of Coburg, including but not limited to the Coburg Zoning Code.

Exceptions to this Policy

Exceptions to the regulations of this Policy are prohibited unless granted by the City Council.