



The future of public murals in Milwaukie?

Oct. 10, 2013

Public Meeting

Tonight's format

- 6:45pm—Introductions & Presentation
- 7:15pm—Q & A
- Please complete a comment card...





Introductions:

Please tell us your name and why you are interested in this topic.

Big Picture--Growth in Public Art

- The public art sector is growing across the country—even small cities have started public art programs to attract tourism & boost the economy (See Americans for the Arts (AFTA) report “Public Art: An Essential component of Creating Communities.”)
- Based on data from the US Bureau of Labor Statistics, researchers from the National Endowment for the Arts (NEA) estimate a nearly 17% increase in arts-related jobs between now and 2018.



Why public murals in Milwaukie?

The Arts Committee believes that public murals can:

- Enrich our public spaces;
- Enhance tourism and the economic potential of Milwaukie;
- Celebrate the diverse spectrum of heritage, traditions, and artistic expressions in the community.
- Mitigate graffiti.
 - Examples in the region from Estacada to Silverton to Portland support the above.



- The Arts Committee also believes that the arts are not just about ‘decoration’ but about engagement.
- Mural projects often function as community building projects. A lead artist will work with groups from design to install (youth, neighborhood associations, etc.)





"The Peace Wall" by Jane Golden, 1997
Philadelphia, PA



Why now?



- Several businesses and organizations currently want to place murals on their buildings.
- Murals are one way to help enhance community. This is particularly vital as Milwaukie sees big changes in the near future (Light Rail, Riverfront park, new residents moving in.)



Why are code changes needed?

- Currently murals fall under sign regulations which require a sign permit and limit size <20% of wall face.
- Staff has researched models in Oregon and the region.
- Legal battles between sign companies and the City of Portland have informed our understanding of how to permit murals legally and distinguish them from signs.
- Portland and Beaverton currently have models that work and have been developed with legal review.



Why a permit process?

- Art in the public realm should consider the public. Community members may have strong feelings about what they see every day.
- Community members have expressed a desire that public murals be reviewed and permitted.
 - 2012 survey results showed strong support for review process
- Permitting murals makes them legal and provides the artist with legal copyright.



Community feedback so far

- Feedback from 2012 Survey:
 - Murals can highlight the uniqueness of a community (95%); can offer a positive opportunity to feature niche businesses (88%); and murals can enhance public spaces (94%).
 - The majority of respondents agreed that Milwaukie should carefully balance the rights of property owners with the aesthetics of the community (85%).



Community feedback so far

- Majority said the City should exempt murals from the sign code which limits their size (77%).
- The majority of respondents said that even if a mural is not their taste, they support the freedom of expression (83%).
- Majority supported review by committee (72%).



How did we get here?

- **2006**: When the Planning Commission updated the Sign Code in 2006 no real model had been in place in Oregon that addressed certain legal issues.
 - Murals fell under sign regulations by default—this limits size
 - Since then, Portland has finalized two review and permit processes— one in 2005 and one in 2009 that have paved the path for other jurisdictions to adopt similar approaches.
- **September, 2011**: City Council gave staff the approval to start public outreach and to begin drafting public mural code language.



Public Outreach to Date

- February, 2012:
 - NDAs given update on the project at meetings.
 - Paper surveys distributed.
 - On-line survey was posted.
 - Public Q&A Meeting held—local experts shared experiences.
- April -May, 2012: Staff briefed City Council and Planning Commission at work sessions.



Public outreach to date

- November 6, 2012: Staff and the City attorney, provided a briefing to Council regarding legal issues raised by Article 1 Section 8 of the Oregon Constitution and the possible implications for reviewing and permitting murals:
 - Advised that an objective review would satisfy free speech laws.
 - Advised that discretionary review coupled with grant funding could satisfy free speech laws.



Where we are at today...

- In January, 2013 Council directed staff to finalize the code language and bring it forward for review.
- Two permitting options are being considered:
 - Objective review path with permit fee
 - Discretionary review path that may include some matching grant funds



What kind of murals are considered public murals?

- A mural placed on property that is viewable from another property or the public right of way.

Regulations will not apply to murals inside buildings, courtyards or on walls not viewable from another property or the public right of way.



Where would public murals be allowed?

- Industrial zones
- Commercial Zones
- Downtown zones
- Community Service Use Properties—such as schools, parks and religious buildings.
- Not proposed in residential zones (unless on CSU) and not allowed on buildings designated as historic.
 - Milwaukie’s historic buildings located in commercial zones include: Milwaukie Jr. High/Waldorf, Masonic Lodge, City Hall, Milwaukie High School (the part built in 1925—not the newer part), 4 other commercial buildings on Main St.



Planning Dept Program—Objective Review

- Grant funding is not provided and a permit fee is assessed
- Content of mural is not reviewed and standards are objective.
- Size and grade are limited.
- No public art easement form is required.
- Compensation to building/property owner is prohibited.

Arts Committee Program—Discretionary Review/Grant Program

- Some grant funding may be provided by the City (will not cover entire project cost)
- Content of mural is reviewed by committee (renderings required)
- Size and grade are not set in stone (but considered as part of the context)
- A public art easement form must be signed by building/property owner.
- Compensation to building/property owner is prohibited.

*See detailed hand out comparing review paths



Requirements

Objective path/permit

Every applicant must demonstrate that the proposed mural is:

- In an allowed zone and not on a historic building;
- Is $<$ or $=$ to 40% of the wall face;
- Is made of paint and no other medium;
- Must verify that no compensation is received for display of mural on their building by the property owner.
- Must agree to maintain mural for 5 years (with exceptions made if building sells or needs to be remodeled.)



Objective permit application process

Step #1

- Artist or property owner submits application to Planning Dept. that includes site information, size (<40%) and medium.
- Content is not reviewed.
- Permit is issued if all criteria are met.



Requirements— Discretionary path

Applicant must demonstrate that:

- In an allowed zone and is not on a historic building;
- Signed public art easement from property owner;
- No compensation is received for display of mural by property owner.
- Building owner maintains mural for 5 years
- Use media that ensures longevity and durability;
- Plan for vandalism and graffiti mitigation;
- Have a project budget and explain why additional funds requested;
- Not obstruct function of windows or doors;
- Involve the community and/or have demonstrated community support.



Discretionary/grant application & review process

Step #1

- Artists must talk with staff and community before submitting application.
- Artist or property owner submits application to Program Coord. that includes site information, renderings, medium, budget and demonstrates community support for project.
- Must demonstrate they have an easement commitment from the property owner.



Discretionary/grant application & review process

Step #2

- Ad Hoc committee reviews application:
 - 1-2 neighborhood representative(s)
 - 1 arts committee member
 - 1-2 visual artists (preferably muralists)
 - 1-2 public arts experts and/or staff
- Makes recommendation to Arts Committee



Discretionary/grant application & review process

Step #3

- Milwaukie Arts Committee makes final decision.
- Determines grant funding for project, as available. (Grant funding is 50% match or less. Will not fund entire project.)



From the community's perspective?

- Objective /permit process:
 - If the proposed mural meets all objective standards (size, location) the mural will be permitted. (Similar to other permits in City.)
- Discretionary /committee review process:
 - May allow for more “say” in what is placed around town.
 - Review committee will include neighborhood reps.
 - Committee review is primarily for artistic merit, safety , feasibility and context. Committee still has to bear in mind free speech laws.
 - Art is still subjective.



From the artist's perspective?

Objective /permit process:

Artists and/or property owners may prefer this path if they have funding readily available for their project; if on a tight timeline, or if a property owner does not want to sign a public art easement for the placement of the mural. They may also prefer this path if they are willing to do a smaller mural than is allowed through the discretionary process and limit the project to paint and no other medium.

Discretionary /committee review process:

Artists and/or property owners may prefer this path if they want to do a large scale mural or if they intend to use the project as a community building effort. They may also propose medium(s) other than paint such as vinyl, tile or other digitally produced images.



Timeline for implementation

- Winter 2013—Planning Commission and City Council review with public hearings leading to adoption.
 - Code language will be available for review.
 - Public testimony will be taken at PC & Council.
 - Public broadly notified about code changes and hearings.
- Council will determine budget for grant program—funding may be found from existing budgets and/or through fundraising (no new taxes are proposed.)
- Spring— Free workshop on process and tips on how to make a mural.



How Milwaukie compares...

- Portland
 - Discretionary/grant program—60 murals since 2005 and \$40K annual budget
 - Objective—27 murals since 2009
- Beaverton has 4 murals— about 10k from City
- Estacada has 18 public murals—no funding from City



Questions?

