



128 S Main St.  
PO Box 445  
Condon, OR 97823  
P: 541-384-2711  
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### Notice of Public Hearing

City of Condon's Historical Technical Advisory Committee (HTAC) will conduct a public hearing Thursday, April 25, 5:30 p.m. to consider a proposal of an art mural proposed by the Condon Arts Council at 216 S. Main Street, Condon, OR. Ordinance 2024-03 – Title II – Public Art provides for the application of a mural on a building in the Historic District that is to be reviewed for feasibility by the HTAC requiring extensive opportunities for public comment and review, and will give a recommendation for approval, recommendation with conditions or a denial to the Condon City Council. The Council will then have the opportunity to review the recommendation and give approval, approval with conditions or denial of the application.

The public is invited to attend the HTAC meeting and provide public comment either in person or in written form. Written comments are accepted by April 25, 4 p.m.

Mural plans and supporting documents are available on the city's website – [www.cityofcondon.com](http://www.cityofcondon.com). Questions of the process may be directed to City Administrator Kathryn Greiner 541-384-2711 or email [admin@cityofcondon.com](mailto:admin@cityofcondon.com).



128 S. Main St  
 PO Box 445  
 Condon, OR 97823-0445  
 Tel. (541) 384-2711  
 Fax (541) 384-2700  
 Email: [admin@cityofcondon.com](mailto:admin@cityofcondon.com)

## City of Condon Development Permit Application

CITY OF CONDON  
 Community Development Department  
 128 S. Main Street  
 P. O. Box 445  
 Condon, OR 97823

Date Issued \_\_\_\_\_  
 Building Permit Log # 664

TYPE OF LAND USE ACTION OR DECISION			
<input type="checkbox"/> Building Permit	<input type="checkbox"/> Variance	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Comprehensive Plan/Zoning Map Amendment			<input checked="" type="checkbox"/> Other

**APPLICANT**

Name Condon Arts Council  
 Address PO Box 874 Condon 97823  
 Telephone # (541) 256-6393  
 E-mail condonartscouncil@gmail.com

**LEGAL OWNER** (If Different than Applicant)

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone # \_\_\_\_\_

**PROPERTY INFORMATION**

Address 216 S Main St. Condon, OR 97823  
 Map & Tax Lot 4521E10CA TL 200  
 Zone District/Overlay Historic  
 Oregon State Highway access  [Yes]  [No]

If yes, property owner must obtain appropriate Permits from Oregon Dept. of Transportation.

**GENERAL INFORMATION**

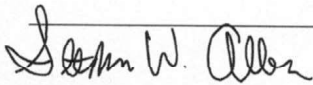
Describe current use of the property The CAC will have a mural painted at this location, pending approval.  
 Currently, the building hosts art activities. Art classes, an art studio, and community space are in planning phase.

Describe how proposal will change use of property The use of the property will not change.

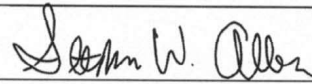
The mural will be painted on the South end of the building. It will provide recognition for the arts building.

**INFORMATION REQUIRED FOR  
Development Permit Application Review**

- 1 and 2 family residential development: *Scaled plot plan indicating property boundaries, setbacks, building location(s) with orientation(s), garage/carport/parking location and surface material Height of structures, street address, utility locations if known, and other information as required by Ordinance.*
- Multi-family, Conditional Use, Commercial or Industrial Development: *Detailed site plan, utilities, drainage, off street parking, landscaping, building footprints, outside lighting, proposed signs, and other information as required by Ordinance.*
- Other: Public Art ordinance 2024-03



3/20/24



03/20/24

Signature of Applicant

Date

Signature of Property Owner\*

Date

\*Notarized Owner Consent Letter may substitute for signature of property owner

**STAFF REVIEW:**

ZONE DISTRICT: \_\_\_\_\_ GEOHAZARD ZONE: \_\_\_\_\_

HISTORIC DISTRICT/STRUCTURE:  YES  NO

FLOOD DESIGNATION: \_\_\_\_\_

PREVIOUS PLANNING ACTIONS: \_\_\_\_\_

ARE THERE EROSION CONTROL ISSUES? ACCESS ISSUES? DOES THE PROPERTY HAVE ALL UTILITIES AND PUBLIC IMPROVEMENTS SUCH AS SIDEWALKS, SEWER AND WATER? ARE THERE ANY OTHER ITEMS THAT NEED ATTENTION?

\_\_\_\_\_  
\_\_\_\_\_

DATE OF THE SITE VISIT: \_\_\_\_\_ PLANNER: \_\_\_\_\_

PLANNING APPROVAL: \_\_\_\_\_

PUBLIC WORKS APPROVAL: \_\_\_\_\_

## Kathryn Greiner

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**From:** Condon Arts <condonartscouncil@gmail.com>  
**Sent:** Tuesday, March 26, 2024 6:42 PM  
**To:** Kathryn Greiner  
**Subject:** Re: Development Permit Application: Public Art mural  
**Attachments:** mural Condon.jpg

Hi Kathryn,

Here is the information for the mural:

- Application – submitted
- Dimensions – 22' height x 75' width on south side of building (216 S. Main St.)
- Materials – Oil-based paint
- Placement – 100% of south facing wall, facing the Gilliam SWCD building
- Complete picture of the proposed mural (print version attached)
- Fee - \$350 fee for holding two public meetings and notice requirements: will pay with check

Items that HTAC will review under Chapter 20.04 I b – so these items should be addressed in your response to these questions:

- Scale - the mural will show two native steelhead fish, which will take up a majority of the mural wall (photo attached)
- Context - Many people will look at fish on a wall and ask, "why steelhead in Condon?" In fact, steelhead fish have a rich history in Gilliam County and they continue to make an impact on our communities. Native peoples traveled extensively along Thirtymile Creek, Rock Creek, Hay Canyon, and the John Day River and relied heavily on steelhead meat. Later, pioneers and homesteaders fished for steelhead as they built our towns and society. Fishing for steelhead was a part of growing up in Gilliam County until very recently. In the past 25 years, the steelhead has become endangered and is on the federal Endangered Species list. But thanks to the Gilliam Soil and Water Conservation District (SWCD), the steelhead is making a return to Thirtymile and on the John Day River. Gilliam SWCD has gotten millions of dollars in funding for habitat restoration and has been a valuable partner for area landowners. Their work has been recognized across the country and the return of steelhead to Gilliam County creeks and rivers would not be possible without their efforts. As a tribute to Gilliam SWCD, the Condon Arts Council will commission a mural from a renowned muralist. For their part, Gilliam SWCD will erect an informational kiosk that explains the mural, the history of the steelhead in Gilliam County and in the John Day Basin, and the district's success in restoring habitat for the steelhead.
- Community Support - Gilliam SWCD has written a letter of support and commitment to signage and access. Gilliam SWCD will invite partners from EWEB and ODFW to the mural's opening. The Oregon Frontier Chamber of Commerce sees potential for promoting tourism and is also going to submit a support letter. Signatures in support from area businesses and community members will also be submitted. A community gathering will be held at the Gilliam SWCD parking lot and green-space when completed.
- Feasibility - An artist has committed to doing the full mural in a week's time.
- Media - The Times-Journal will cover the mural painting and will make the information available online.
- Structural Surface Stability - The surface of the building is made of cinder blocks, the paint will not disrupt the structure.
- Signed easement with business owner to the city - Does not apply

- Public Accessible, safety and lighting as outlined in ordinance - Gilliam SWCD will allow for public access to their parking lot, and the adjoining green space with picnic tables will be an ideal place to view the mural. No lighting will be placed on the mural.

Thank you,

Steve Allen  
CAC

On Thu, Mar 21, 2024 at 2:05 PM Kathryn Greiner <[admin@cityofcondon.com](mailto:admin@cityofcondon.com)> wrote:

Steve,

I am going through the ordinance and here is what I am going to need to move your mural request to the Historical Technical Advisory Committee:

- Application – which has been submitted
- Dimensions – this needs to include measurements not someone like “the side of the building” – what side? Length, height, etc
- Materials – what materials are going to be used on this mural. Allowed are listed in Chapter 20.04 C(b))
- Placement – Chapter 20.04C(c) – note requirements
- Complete picture of the proposed mural and send in a form that can be put on an 11” x 17” paper for the posting requirement.
- Fee - \$350 fee for holding two public meetings and notice requirements

Items that HTAC will review under Chapter 20.04 I b – so these items should be addressed in your response to these questions:

- Scale
- Context
- Community Support
- Feasibility
- Media
- Structural Surface Stability
- Signed easement with business owner to the city
- Public Accessible, safety and lighting as outlined in ordinance

Once I get the information requested above that is sufficient to determine it is ready to go to the HTAC, a meeting will be set with notice in the TJ 14 days prior to the meeting, posting requirements at site of the proposed mural, notices to people and entities outlined in the ordinance.

## ORDINANCE 2024-03

### AN ORDINANCE TO ADOPT PUBLIC ART MURAL CODE

#### Title II – Public Art

#### Chapter 20. Public Art Murals

##### 20.01 – Title of Code

##### 20.02 – Purpose

##### 20.03– Definitions

##### 20.04 – Public Art Murals

##### 20.06 – Prohibition of Compensation

##### 20.08 – Violations & Enforcement

#### Chapter 20.01 Title

This Ordinance shall be known as the Public Art Mural Ordinance.

#### Chapter 20.02 Purpose

The purpose of this title, and policy of the City of Condon, is to permit and encourage art murals under certain terms and conditions. Art murals comprise a unique medium of expression that serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include improve aesthetics; avenues for original works of 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. Art murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians and are retained for a period of five years or more.

#### Chapter 20.03 Definitions

Words used in this title have their normal dictionary meaning unless they are listed in this chapter or unless this title specifically refers to another title. Words listed in this chapter have the specific meaning stated or referenced unless the context clearly indicates another meaning.

**Application** – is the party that is primarily responsible for the design and installation of an art mural.

**Original art mural** – a hand-painted, hand tiled, metal, or digital image on the exterior wall of a building where the wall or surface is either on city-owned property or has a public art easement and is viewable from another property right-of-way.

**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 debts. “Compensation” does not include goodwill, or an exchange of value, that a building 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 building owner or leasehold, and where the building owner or leaseholder fully controls the consent of the art mural.

**Owner** – the entity(ies) that own(s) the real property that contains the building or structure upon which a public art mural is installed. In the case where a public art mural is installed in the right-of-way, the owner means the entity(ies) with jurisdiction over that right-of-way.

**Right-of-way** – an area that allows for the passage of people or goods. Right-of-way includes passageways such as pedestrian connections, alleys and all streets. Right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned.

**Ad Hoc Mural Committee** – the committee assembled, or assigned by the council, on an ad hoc basis to review and make a recommendation to the Condon City Council.

## Chapter 20.04 – Art Murals

### A. Standards for Public Art Murals

- a. Allowed Locations – Public art murals are only allowed on building or structures as described below:
  - i. Historic District
  - ii. Commercial Zones – only operating as a business not residential as described in Chapter 154.022
  - iii. Public/Open Spaces – Chapter 154.021
  - iv. Must be on a building not a stand-alone wall or billboard
- b. Prohibited locations –
  - i. .
  - ii. Historic District Restrictions – not on property designated as National Register, Primary/Contributing or Secondary/Contributing

### B. Public Ownership, Duration and Alteration

- a. Public Ownership – The mural must be on the surface of a building or structure that is either on property owned by the City of Condon or a building which a mural easement to the City of Condon has been granted.
- b. Duration & Alteration – The public art mural shall remain in place, without alteration for a minimum period of 5 years.
  - i. “Alterations” includes any change to a permitted mural, including, but not limited to any change to the image(s), materials, colors, or size of the permitted mural. “Alteration does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time.
  - ii. Minor changes to the permitted mural that result from maintenance or repair of the mural shall not constitute “alteration” Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

iii. Removal – Public art murals may be removed within the first 5 years of the date of registration, per the terms of the public art easement and under the following circumstances:

1. The property on which the mural is located is sold.
2. The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural.
3. The property undergoes a change of use authorized by the planning department.

C. Physical Standards

- a. Dimensions – A public art mural may not wrap around a wall or corner and/or extend above the wall. Public art mural may comprise 100% of flat wall surface.
- b. Materials – Public art murals may include the following: paint, painted wood or plastic surfaces affixed to a building or structure, mosaics of ceramic tile and/or glass, vinyl or pellon, metal, or similar materials. The Ad Hoc Committee may consider other materials in their review of a proposed public art mural.
- c. Placement – No new public art mural shall obstruct the functioning of any building opening, including but not limited to windows, doors and vents. Must be visible from public street.

D. Structural Permit – Public art murals that are affixed to a building, or contain elements that extend from the wall, shall require a structural permit approved as deemed necessary by the City of Condon planning department.

E. Lighting – No new or existing public art mural may consist of or contain electrical or mechanical components or changing images: ie. Moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message. Static illumination, which is turned off and back on not more than once every 24 hours, is permitted. Lighting may be required for safety or crime deterrent purposes with consideration to impacts to surrounding properties, as determined by the City planning department.

F. Application – An applicant shall initiate a proposal to place a public art mural by filling out an application with the City. The application shall be made on forms provided by the city, include the application fee for review of a public art mural, and include any accompanying materials deemed necessary by the city for review of the public art mural proposal (such as proposed designs, site photos, and building or structure elevation drawings). Any fees shall be in accordance with the city's fee schedule.

G. Administrative Review

- a. Upon submission of a completed application for a public art mural conforms with the standards in Section A of this form.
- b. Upon finding that the public art mural conforms with the standards in Section A of this ordinance, the City Administrator, or designee shall inform the applicant in writing that the proposed public art mural meets the standards. The City Administrator, or designee shall then provide the applicant with the materials to complete the public notice requirements.



- c. Prior to the Ad Hoc Committee review, the applicant shall provide documentation to the City Administrator, or designee, that they complied with the public notice requirements.

H. Public Notice

- a. Mailed Notice – mailed notice is intended as a courtesy to provide the public with a chance to review and discuss the proposal.
    - i. The City Administrator or designee shall mail a notice to landowners within 250 feet of the proposed public art mural, Gilliam County Historical Society and any art and chamber organizations that do business in Condon.
    - ii. The notice shall be mailed 14 days prior to the HTAC committee's review of the proposed public mural.
    - iii. The notice shall include instructions for submitting comments, the name and contact information for the applicant and owner, contact information for the City Administrator, or designee, and legibly sized color representation of the proposed public art mural.
  - b. Posted Notice – A notice shall be posted at the site of the proposed public art mural and conform to the following standards:
    - i. The notice shall be posted at least 14 days prior to the HTAC committee's meeting to review the proposed art mural. The city Administrator, or designee, shall provide the applicant with materials to be posted. If the notice is damaged or removed, the application shall replace the notice as soon as possible.
    - ii. The notice shall be durable and waterproof.
    - iii. The notice shall be clearly visible from the public right-of-way and be at least 11x 17 inches. The City Administrator, or its designee, may require more than one sign to be posted depending on the specific site characteristics.
    - iv. The notice shall include the name and contact information for the applicant and owners; contact information for the City Administrator, or designee; and a legibly-sized color representation of the proposed public art mural.
  - c. Public Distribution – Notice shall be posted on the city's website and may be linked with any community social media accounts. Notice must also be posted in the city's newspaper of record no less than 14 days prior to the HTAC review.
- I. Ad Hoc Review Committee – The Ad Hoc Review Committee will be assigned to the Historic Technical Advisory Committee (HTAC) as appointed in the Historic District Ordinance 154.024. The intent of the review is to explore the feasibility of the mural, evaluate the community support for the proposed mural, assess the mural given its context and its placement on either city building or a building with a public art easement, and to make a recommendation to the City Council for approval, approval with conditions, or denial of the public art mural application.
- a. Review process – The Ad Hoc Committee shall be convened by the City Administrator, or its designee and shall meet within 30 days of the submitted mural application being deemed complete.
  - b. Review criteria – as follows.
    - i. Scale – Appropriateness of scale to the wall upon which the mural will be painted/attached and to the surrounding physical features.
    - ii. Context – Architectural, geographical, sociocultural, and/or historical relevance to the site.
    - iii. Community Support – General support/advocacy from the building owner/user, surrounding neighborhood, adjacent businesses, historical society, and art community.

- iv. Feasibility – Demonstrated ability to complete the proposed mural on time and within budget.
- v. Media – Appropriate proposed media to ensure the mural’s longevity and durability.
- vi. Structural and Surface Stability – Commitment to repair the mural surface as necessary before painting and plan for mitigating graffiti through design and/or graffiti coating.
- vii. Signed Easement from Building Owner – Commitment to repair the mural surface as necessary before painting and plan for mitigating graffiti through design and/or graffiti coating.
- viii. Public Accessibility, Safety and Lighting – Compliance with city codes for safety, accessibility, and lighting.

J. Notice of Decision

- a. Authority -The Condon City Council will have the authority to determine if an application for public art mural substantially meets all the applicable requirements and to issue a final approval, approval with conditions or denial of the public art mural application.
- b. Notice of Decision – the City Administrator, or its designee, shall issue notice of its decision in writing. The decision shall include the following information:
  - i. A brief summary of the proposal.
  - ii. A description of the subject property is reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number and zoning designation.
  - iii. A statement of the facts that the review authority relied upon to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.
  - iv. The decision to approve or deny the application and if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.
  - v. The date upon which the decision rendered shall become final, unless appealed. The decision shall state the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal for the decision.
  - vi. A statement that the complete public art mural application file is available for review, including findings, conclusions and any conditions of approval. The decision shall list when and where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file.
- K. Appeals – A decision on the approval, approval with conditions, or denial of the public art mural application may be appealed by filing a written request to the City Administrator within 15 days of the date on the notice of decision. If the 15<sup>th</sup> date falls upon a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.
- L. Mural Maintenance – Public art murals shall be maintained by the property owner for 5 years and per the terms outlined in the public art easement.
- M. Violations & Penalties – It is unlawful to violate any provision of this title, any administrative rules adopted by the City of Condon pursuant to this title, or any representations made, or conditions or criteria agreed to, in an art mural permit application. This applies to any applicant for an art mural permit, the proprietor or a use or development on which a permitted art mural is located, or the owner of the land on which the permitted art mural is located.

- a. Notice of violation – the City Administrator, or its designee, must give notice of any violation to the property owner. Failure of the property owner to receive the notice of the violation does not invalidate any enforcement actions taken by the city.
- b. Responsibility for Enforcement – The regulations of this title, and the conditions of art mural permit approvals, shall be enforced by the City Administrator, or its designee.

**20.06 Prohibition of Compensation**

No compensation will be given or received for the display of art murals 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.

**Chapter 20.08 – Violation & Enforcement**

It is unlawful to violate any provision of this title; any administrative rules adopted by the City of Condon pursuant to this title; or any representations made or conditions or criteria agreed to, in an art mural permit application. This applies to any applicant for an art mural permit, the proprietor or a use or development on which a permitted art mural is located, or the owner of the land on which the permitted art mural is located.

- a. Notice of Violations. The City Administrator, or designee, must give notice of any violation to the property owner. The failure of the property owner to receive the notice of the violation does not invalidate any enforcement actions taken by the city.
- b. Responsibility for Enforcement. The regulations of this title, and the conditions of art mural permit approvals, shall be enforced by the City Administrator, or designee.

Ordinance was approved the \_\_\_ day of \_\_\_\_\_, 2023.

Vote – Yay \_\_\_ Nay \_\_\_ Abstain \_\_\_ Absent \_\_\_

\_\_\_\_\_  
Mayor Jim Hassing

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Kathryn Greiner City Administrator