



Oregon

Theodore R. Kulungoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/18/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 31, 2009

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Cynthia Smidt, Deschutes County
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Deschutes County Local file number: TA-08-12
 Date sent to DLCD: 12-10-09 mail Electronic in person Date of Adoption: 12-7-09
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? No If yes, when: 6-26-09
 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: Sign Ordinance Amendment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This amendment updated, clarified, and addressed some signage issues identified by staff through the application of the code. Improve signage for commercial properties abutting state highway (but no access). Allow more signage for drive thru service establishments; and other minor changes.
 Does the Adoption differ from proposal? Please describe. If no proposal submitted, check here:
somewhat. Added change to remove ~~an~~ out dated references to Uniform Building Code, Uniform Sign Code, and County Roadway Network and provide either a generic reference or updated reference. Otherwise fairly ~~same~~ similar as proposed.

Plan Map Changed from: N/A to: _____
 Zone Map Changed from: N/A to: _____
 Address of Property: N/A Acres Involved: _____
 Specify Density: Previous: N/A New: _____

Applicable statewide planning goals:
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO
 Did DLCD receive a Notice of Proposed Amendment...
 45-days prior to first evidentiary hearing? Yes No
 If no, do the statewide planning goals apply? Yes No
 If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 004-09 (17659) [15883]


Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: _____ Phone: _____ Extension: _____
Address: _____ City: _____ Zip: _____
Fax Number: _____ E-mail Address: _____

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** Go to: <http://webserver.lcd.state.or.us/upload2/uploadForm1.php>
Enter the number of files to be uploaded and then browse to locate files and when all files are found, press submit and your files will be sent to DLCD. At least **one** hard copy must be sent by mail or delivered in person. If you would like help with electronic submittals, please call Mara Ulloa at (503) 373-0050 extension 238.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Deschutes County Code Chapter *
15.08 To Make Technical Changes to the * ORDINANCE NO. 2009-023
Deschutes County Sign Regulations and *
Declaring an Emergency.

WHEREAS, the Deschutes County Planning Division initiated a text amendment to Deschutes County Code (DCC) Chapter 15.08, Sign Ordinance, to correct errors, update and clarify awkward text, and address signage inconsistencies; and

WHEREAS, the Planning Commission held a public hearing on August 27, 2009, and forwarded to the Board of County Commissioners ("Board") a recommendation of approval as proposed with minor changes; and

WHEREAS, the Board considered this matter after a public hearing on September 28, 2009 and October 26, 2009 and concluded that the public will benefit from changes to the County Sign Ordinance; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC Chapter 15.08, Signs, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. FINDINGS. The Board adopts as its findings Exhibit "B", attached and incorporated by reference herein.

///

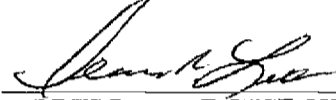
Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect immediately

Dated this 7th of Dec., 2009

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

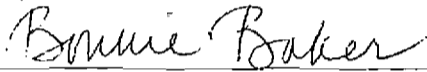


TAMMY BANEY, CHAIR



DENNIS R. LUKE, VICE CHAIR

ATTEST:



Recording Secretary



ALAN UNGER, COMMISSIONER


Date of 1st Reading: 7th day of Dec., 2009.

Date of 2nd Reading: 7th day of Dec., 2009.

Record of Adoption Vote				
Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 7th day of Dec., 2009.

ATTEST:



Recording Secretary

Chapter 15.08. SIGNS

- 15.08.010. Short Title.
- 15.08.015. Bend Urban Area Sign Code.
- 15.08.020. Purpose.
- 15.08.030. General Definitions.
- 15.08.040. Specific Definitions.
- 15.08.050. Interpretation.
- 15.08.050. Sign Permit.
- 15.08.070. Administration.
- 15.08.080. Exceptions.
- 15.08.090. Repealed.
- 15.08.100. Exempt Signs.
- 15.08.110. Temporary Signs.
- 15.08.120. Prohibited Signs.
- 15.08.130. Wall Signs.
- 15.08.140. Freestanding Signs.
- 15.08.150. Ground-Mounted Signs.
- 15.08.160. Monument Signs.
- 15.08.170. Outdoor Advertising Signs.
- 15.08.180. Awnings and Canopy Signs.
- 15.08.190. Marquee Signs.
- 15.08.200. Resource Zones.
- 15.08.210. Residential Zones.
- 15.08.220. Resort Facilities and Destination Resorts.
- 15.08.230. Restricted Commercial Zones.
- 15.08.240. General Commercial Zones.
- 15.08.250. Businesses Not Classified in a Shopping Center or Business Complex.
- 15.08.260. Shopping Center Complexes.
- 15.08.270. Business Complexes.
- 15.08.280. Unincorporated Community Zones.
- 15.08.290. Industrial Zones.
- 15.08.300. Airport Development Zone.
- 15.08.310. Existing Signs-Conformance Required.
- 15.08.320. Special Requirements.
- 15.08.330. Compliance.
- 15.08.340. Repealed.
- 15.08.350. Abandoned Signs.
- 15.08.360. Removal of Unsafe Signs.
- 15.08.370. Sign Measurement.
- 15.08.380. Permitted Materials.
- 15.08.390. Illumination Standards.
- 15.08.400. Maintenance.
- 15.08.410. Design.
- 15.08.420. Wind Loads.
- 15.08.430. Seismic Loads.
- 15.08.440. Combined Loads.
- 15.08.450. Allowable Stresses.
- 15.08.460. Anchorage and Supports.

- 15.08.470. **Electric Sign Construction.**
- 15.08.480. **Clearance from High Voltage Power Lines.**
- 15.08.490. **Clearance from Fire Escapes, Exits or Standpipes.**
- 15.08.500. **Variance.**
- 15.08.510. **Repealed.**
- 15.08.520. **Conditions.**
- 15.08.530. **Inspection.**
- 15.08.540. **Enforcement.**
- 15.08.550. **Violation Declared a Nuisance.**
- 15.08.560. **Violation.**

15.08.010. Short Title.

DCC 15.08 shall be known as the "County Sign Ordinance No. 81-009," and may be cited and pleaded. (Ord. 81-009 §1, Exhibit A, §1.010, 1981)

15.08.015. Bend urban Area Sign Code.

Notwithstanding any other provision of DCC 15.08, this chapter shall not apply to those lands lying outside the City limits of Bend and within the Bend Urban Growth Boundary, as that term is defined in that certain intergovernmental agreement entered into between the City of Bend and the County dated February 18, 1998. The City of Bend Sign Code Ordinance, No. NS-1495, as adopted by the Board as DCC 15.08A, and as may be amended from time to time, shall apply in that geographic area instead. (Ord. 98-052 §1, 1998)

15.08.020. Purpose.

The purpose of DCC 15.08 is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. Promote a neat, clean, orderly and attractive appearance within the County;
- C. Improve the effectiveness of signs in identifying and advertising businesses and facilities;
- D. Eliminate signs that demand, rather than invite public attention;
- E. Provide for reasonable, orderly and effective display of outdoor advertising compatible with their surroundings;
- F. Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the County and its citizens;
- G. Provide effective signing to meet the anticipated differing needs of various areas in the County.

(Ord. 81-009 §1, Exhibit A, §1.020, 1981)

15.08.030. General Definitions.

For the purposes of DCC 15.08, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structure other than sign structure. (Ord. 81-009 §1, Exhibit A, §1.040, 1981)

15.08.040. Specific Definitions.

For the purposes of DCC 15.08, unless otherwise apparent from the context, certain words and phrases used in DCC 15.08 are defined as set forth in DCC 15.08.040.

"Animation" means any form of movement by electric, mechanical or kinetic means including, but not limited to, rotation, revolving or wind activation of all or a portion of a sign, or incorporating flashing or intermittent light for sign illumination.

"Arterial" means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication and so designated on the County ~~Roadway Network~~ Transportation System Plan.

"Awning" means a structure made of cloth, metal or similar material with rigid frames attached to a building, projecting over a thoroughfare or entrance when the same is so erected as to permit its being raised to a position flat against the building when not in use.

"Board" means the Board of County Commissioners of the County.

"Business" means all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to, service, commercial and industrial uses and fraternal, benevolent, educational and social organizations.

"Business complex" means one property ownership with the property owner and one or more business tenants as occupants or two or more business tenants as occupants of the property. In a business complex, business tenants include executive or administrative services including medical clinics and accessory pharmacies, professional offices and personal service establishments which perform personal services on the premises and similar uses.

"Canopy" means a permanent roofed structure which may be freestanding or partially attached to a building for the purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean completed enclosed structure.

"Clear vision area" means a triangular area two sides of which are measured from the corner intersection of the street right of way for a distance of 30 feet, or where lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, the third side of which is a line across the corner of the lot adjoining the nonintersection ends of the other two sides.

"County" means the County of Deschutes, State of Oregon.

"Cutout" means a display in the form of letters, figures, characters or other representations in cutout or irregular form attached to or superimposed upon an advertising sign.

"Display surface" means the area made available by the sign structure for the purpose of displaying a message thereon.

"Erect" means to construct, paint, place, affix or otherwise bring into being.

"Frontage, building" means that facade of a building which faces and is parallel to, or most nearly parallel to the public street which provides the primary direct vehicular access to the building.

"Frontage, street" means a lot line fronting on a public street. Unless the premises has only one such frontage, the width along such lot line must be at least 50 feet to qualify as a frontage. An access easement shall not qualify as a frontage.

"Incombustible material" means a material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at that temperature. The test for an incombustible material shall be conducted as specified in the ~~Uniform Building Code~~ state adopted building code.

"Maintain" means to allow to exist or continue.

"Marquee" means a permanent roofed structure attached to or supported by a building, but does not mean a canopy as defined in DCC 15.08.040.

"Nonstructural trim" means a molding, batten, cap, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

"Person" means an individual, corporation, partnership, association, joint venture or other legal entity.

"Planning Director" and "Building Official" mean the Planning Director and Building Official, respectively, of the County.

"Roof line" means the line which marks the highest point of the vertical front of a building in the case of a false front, or the line where the roof is joined to the vertical front wall of the building in other cases.

"Shopping center" means a premises planned and developed as a unit with an undivided, nonsegregated parking area and is advertised as a center or mall and has multiple occupancy by business or service firms.

"Sign" means any identification, display, description or illustration which is affixed to or otherwise represented directly or indirectly upon a building or outdoor surface or piece of land and which is used or intended to direct attention to an object, product, place, activity, person, institution or business and includes, where applicable, the sign structures, display surface and all other components of the sign.

- A. "Building directory sign" means a sign giving the name, address number or location of the occupants of a building or buildings.
- B. "Directional sign" means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, motor vehicle route, telephone or similar place, service or route.
- C. "Freestanding sign" means a sign supported by one or more uprights or braces and not attached or only incidentally attached to any building or structure but does not include ground-mounted signs.
- D. "Ground-mounted sign" means a sign which is not attached to any structure or building, and has a support which places the bottom thereof less than four feet from the ground.
- E. "Internally illuminated sign" means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
- F. "Motor vehicle directional sign" means a sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.
- G. "Nonconforming sign" means a sign erected prior to the adoption of the ordinance codified in DCC 15.08 which does not conform to the provisions contained in DCC 15.08.
- H. "Outdoor advertising sign" means a sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
- I. "Projecting sign" means a sign which extends perpendicular or nearly perpendicular from the building face to which it is attached.
- J. "Roof sign" means a sign located on or above the roof of any building, not including a false mansard roof or other fascia.
- K. "Temporary sign" means a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, sheet metal, plywood or similar materials and intended to be displayed for a limited period of time.
- L. "Wall sign" means a sign painted or otherwise affixed to the face of a building, marquee or roof overhang in a plane parallel to such face and extending not more than 18 inches therefrom.
- M. "Monument sign" means a sign which has its base affixed to or set on the ground with no other visible means of support.

~~"Uniform Building Code" means the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County and which is referred to as "Uniform Building Code" in DCC 15.08.~~

~~"Uniform Sign Code" means the Uniform Sign Code published by the International Conference of Building Officials.~~

"Zone" means a zoning district established pursuant to the zoning ordinance.

(Ord. 2009-023 §1, 2009; Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §§1.030 and 1.050, 1981)

15.08.050. Interpretation.

Where conditions imposed by the provisions of DCC 15.08 are less restrictive than comparable conditions imposed by any other provisions which are more restrictive, the more restrictive shall govern.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, § 1.470, 1981)

15.08.060. Sign Permit.

Except as provided in DCC 15.08.070, no sign shall be erected, structurally altered or relocated until a sign permit has been issued.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, § 1.070, 1981)

15.08.070. Administration.

A. Applications for a sign permit shall be made in writing upon forms furnished by the Planning Director. Such application shall include a scale drawing of the sign including dimensions, height and materials and showing its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted which indicates the location of proposed signing relative to street and property lines. Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign. The Planning Director or Building Official may require other pertinent information where in their opinion, such information is necessary to determine compliance with the provisions of DCC 15.08.

B. The Planning Director shall issue a permit for a sign covered by application duly made unless the sign is in violation of the provisions of DCC 15.08. Sign permits mistakenly issued in violation of DCC 15.08 are void.

C. A sign permit may be revoked if the Planning Director finds that there was a material and misleading false statement of fact in the application for the permit.

D. A sign permit shall be null and void if work for which the permit was issued has not been completed within a period of one year of the date of issuance of the permit.

E. Where an electrical permit for a sign installation is required, it shall be obtained from the community development department, prior to making the final electrical connection from the sign to the electrical power source.

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 95-062 §1, 1995; Ord. 81-009 §1, Exhibit A, § 1.0801, 1981)

15.08.080. Exceptions.

The following signs or procedures shall not require a sign permit but are subject to all other applicable requirements of DCC 15.08:

A. Exempt signs listed in DCC 15.08.100.

B. Temporary signs listed in DCC 15.08.110.

C. The changing of advertising or message on an approved painted or printed sign or sign specifically designed for the use of replaceable copy, except for changing the name of the business or use advertised.

D. The painting, repainting, cleaning and normal maintenance and repair of an existing sign unless a substantial structural change is made.

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, § 1.090, 1981)

15.08.090. (Repealed by Ord. 97-067, 1997.)

15.08.100. Exempt Signs.

The following types of signs are exempted from the provisions of DCC 15.08 except as specifically noted:

- A. Public signs of a noncommercial nature erected by a public authority including, but not limited to, safety signs, trespassing signs, memorial plaques and historical markers.
- B. House or building numbers limited to eight inches in height for dwellings of three or less families and one foot in height for other buildings.
- C. Christmas or seasonal decorations as customarily used.
- D. Nonilluminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum dimension of four feet and a sign area of eight feet.
- E. Small signs not exceeding three square feet in area, attached flat against a building, nonilluminated and announcing only the name and occupation of the building tenant.
- F. Interior signs designed primarily to be viewed from a sidewalk or street when maintained inside a building, including but not limited to, signs attached to or painted on the inside of a window; provided, however, the permitted area for such signs shall be subject to the area requirements for wall signs and that such signs conform to the illumination requirements of DCC 15.08.
- G. Garage sale signs posted on the premises of which the sale is to be held, limited in size to eight square feet in area, and removed at the end of the sale.

(Ord. 97-067 §1, 1997; Ord 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.110, 1981)

15.08.110. Temporary Signs.

The following signs shall be allowed as temporary signs and shall be subject to the provisions of DCC 15.08, except as specifically noted:

- A. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with construction or renovation of a building. Such sign shall be located on the site of construction, shall not exceed 32 square feet in area and shall be removed within 14 days of the beginning of the intended use of the project;
- B. Real estate firm or owner-erected signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of 32 square feet. Such signs shall be at least 10 feet from a property line and shall be removed within 14 days of the sale, rental or lease;
- C. Open house directional signs for the purpose of directing the public to open house events providing for sale, rental or lease of the premises other than upon which the sign is located, provided such signs shall be erected only during daylight hours and shall be removed the same day they are erected. The signs shall not be located in such a manner as to cause a public safety hazard or nuisance, and shall not exceed an area of eight square feet;
- D. Political campaign signs, if located on private property with the consent of the legal possessor of the premises and not located on utility poles, trees or rocks. Political signs shall not exceed a sign area of 32 square feet and may be displayed for 30 days before and five days after the election for which they are used. The provisions of DCC 15.08.110 are not intended to apply to outdoor advertising signs;
- E. Signs identifying or advertising a nonprofit civic, charitable or benevolent event. Such signs shall be removed within five days after the event;
- F. Street banners advertising a public event. Street banners may be displayed during and for 14 days before and five days after an event;
- G. Farm products signs in agricultural zones which refer to agricultural products grown on the farm where the sign is located. Signs shall be confined to the farm or residential premises, shall not exceed 16 square feet and shall be removed within five days of the termination of sale activities;

H. Land development project signs pertaining to the sale, lease, rent or development of a subdivision, office complex, shopping center, industrial park or similar use are allowed for a period of one year upon issuance of a permit by the Planning Director. The size of signs shall be controlled by the following schedule:

Project Size	Total Number of Signs	Maximum Area Per Sign (Square Feet)
4 acres or less	1	32
Over 4 acres	1	96

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.120, 1981)

15.08.120. Prohibited Signs.

No sign shall be constructed, erected or maintained which:

- A. Uses pennants, streamers, valances, propellers or similar wind-activated or attention-attracting devices;
- B. Advertises an activity, business, product or service which is no longer provided, sold, manufactured or distributed on or from the premises or facilities on which the sign is located;
- C. Contains or includes or is illuminated by any flashing, intermittent, revolving, rotating or moving lights, or moves, or has any animated moving parts; however, this does not apply to traffic-control signs or signs providing public service information such as time, date, temperature, weather or similar information;
- D. Extends or is erected (such as a roof sign) above the roof line of the building to which it is attached;
- E. Creates confusion with, or interferes with the effectiveness of traffic signs or signals;
- F. Is placed on, affixed to or painted on a motor vehicle, vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by DCC 15.08;
- G. Is not supported by a sign structure in the ground, nor attached to or erected against a building or structure, and is capable of being moved about the premises;
- H. Is placed on, painted on or affixed to any utility pole, tree or rock;
- I. Benches with advertising thereon;
- J. Is a projecting sign as defined in DCC 15.08;
- K. Is not otherwise in conformance with the provisions of DCC 15.08.

(Ord. 97-067 §1, 1997; 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.130, 1981)

15.08.130. Wall Signs.

Unless otherwise specified in DCC 15.08, the following criteria shall be applicable for attached wall signs:

- A. Wall signs shall not project more than 18 inches from the wall to which they are attached. A wall sign located on an alley frontage may not project from the face of the building below a clearance of 12 feet.
- B. Wall signs shall not project above the eave line, roof line or top of a parapet wall.
- C. Wall signs attached to the end of the face of a marquee shall not exceed a height of 30 inches. The lower edge of such sign shall not extend below the marquee.
- D. A wall sign shall not project beyond the ends of the wall to which it is attached.
- E. ~~Except as provided elsewhere in DCC 15.08, wall signs shall not be located on a building facade which faces a street frontage that does not provide direct vehicular access to the building the sign identifies.~~
- F. Wall signs shall be located on that building facade which is used for determining sign area.

(Ord. 2009-023 §1, 2009; Ord. 2006-006 §1, 2006; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.200, 1981)

15.08.140. Freestanding Signs.

Unless otherwise specified in DCC 15.08, the following criteria shall be applicable to all free standing signs:

- A. Freestanding signs may be 16 feet in height plus one additional foot for each 20 feet of street frontage over 100 feet which abut the project, not to exceed a maximum height of 24 feet. Such signs may contain one square foot of sign area for each one lineal foot of street frontage which abuts the project for the first 100 feet, plus one-half square foot of sign area for each two lineal feet of street frontage which abut the project over 100 feet, not to exceed a maximum area of 150 square feet.
- B. Freestanding signs shall not be located in a side yard common to another lot or within a rear yard. A freestanding sign may extend to the street right of way within a front yard subject to a minimum clearance of eight feet. ~~In the case of a double frontage lot, a freestanding sign shall be located only on that frontage which provides direct vehicular access to the site.~~
- C. No freestanding sign shall project or extend into any clear vision area. One or two sign poles supporting a freestanding sign may be located within a clear vision area if they are necessary for the support of the sign, provided they do not exceed a combined total width of 12 inches and provided no other portion of the sign is located within the clear vision area beneath eight feet in height.

(Ord. 2009-023 §1, 2009; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.210, 1981)

15.08.150. Ground-Mounted Signs.

The following criteria shall be applicable for a ground-mounted sign:

- A. A ground-mounted sign shall not be located within 10 feet of any other sign or side lot line, within five feet of any street right of way or within any clear vision area.
- B. No more than one ground-mounted sign shall be permitted for each individual structure. Unless otherwise specified in DCC 15.08, ground-mounted signs shall have maximum overall dimensions and area not exceeding any of the following:
 - 1. A maximum height of 10 feet;
 - 2. Fifty square feet of area;
 - 3. A maximum width of 16 feet.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Ex A, 1981)

15.08.160. Monument Signs.

The following criteria shall be applicable to all monument signs:

- A. A monument sign shall not be located within 10 feet of any street right of way, any other sign or side lot line, or within any clear vision area.
- B. A monument sign shall have maximum overall dimensions and area not exceeding any of the following:
 - 1. A maximum height of 12 feet;
 - 2. A maximum width of 30 feet at the base;
 - 3. A maximum area of 150 square feet. When two monument signs are located at the same entry the total area of both signs added together shall not exceed 150 square feet.

(Ord. 98-061 §1, 1998; Ord. 97-067 §2, 1997)

15.08.170. Outdoor Advertising Signs.

The following criteria shall be applicable for all outdoor advertising signs:

- A. Outdoor advertising signs shall only be permitted in the following locations:
 - 1. On property zoned commercial or industrial which adjoins a roadway designated as a principal arterial within the urban growth boundaries of Bend and Redmond;
 - 2. On property zoned commercial which adjoins a roadway designated as a principal arterial within the La Pine Urban Unincorporated Community.

- B. All such signs shall be spaced a minimum of 500 feet apart. Outdoor advertising signs in existence on the date of adoption of the ordinance codified in DCC 15.08 shall not be considered as nonconforming signs and are not subject to the provisions of DCC 15.08.310.
 - C. No outdoor advertising sign shall exceed a maximum height of 30 feet.
 - D. The face size of any outdoor advertising sign shall not exceed 12 feet in vertical height or 24 feet in horizontal length.
 - E. All outdoor advertising signs shall be installed outside of the highway right of way.
 - F. All structural supports for outdoor advertising signs shall be constructed of steel.
 - G. Evidence must be provided showing the obtaining of a state permit in compliance with the Oregon Motorist's Information Act of 1971, where applicable.
- (Ord. 97-067 §1, 1997; Ord. 96-003 §13, 1996; Ord. 95-065 §1, 1995; Ord. 81-009 §1, Exhibit A, § 1.230, 1981)

15.08.180. Awnings and Canopy Signs.

The following shall be applicable for signs on awnings and canopies:

- A. No advertising shall be placed on any awning or canopy, except the name of the owner, business or industry conducted within the premises.
- B. The area of a sign on an awning or canopy shall be deducted from the wall sign permitted within the respective zone in which the building is located.
- C. Posts or columns beyond the building line will not be permitted for awnings.
- D. Lettering shall be painted or otherwise permanently placed in a space not exceeding 16 inches in height on the front and sides of the awning.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.240, 1981)

15.08.190. Marquee Signs.

The following criteria shall be applicable for signs under marquees:

- A. Signs may be located under a marquee if a vertical clearance of seven feet is maintained between the bottom of the sign and the grade below.
- B. Vertical height of signs shall not exceed 18 inches and shall not exceed a sign area of eight square feet.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.250, 1981)

15.08.200. Resource Zones.

DCC 15.08.200 applies to all signs in the following zones: exclusive farm use (EFU), forest use (F), open space and conservation (OS&C), research and development (R&D), floodplain (FP) and surface mining (SM) in DCC Title 18; surface mining (SM) in DCC Title 19; and park reserve-open space (OSPR) in DCC Title 20. No signs shall be permitted in these zones except as provided in DCC 15.08.200.

- A. Sign Area. One sign shall be permitted, not to exceed 32 square feet in area and 10 feet in height, for a use not in a platted subdivision or in a platted subdivision in which the average lot size is greater than three acres. For a use within a platted subdivision in which the average lot size is less than three acres, one sign shall be permitted not to exceed three square feet in area and four feet in height.
- B. Context. Signs in these zones shall be identity signs only, containing information directly pertaining to the permitted use.
- C. Location. Signs shall be erected no closer than five feet from a street right of way, shall be a minimum of 25 feet from an adjacent lot and shall be placed on the property upon which the use is located.
- D. Illumination. No sign permitted in DCC 15.08.200 shall be illuminated, except that any illuminated sign existing on the effective date of the ordinance codified in DCC 15.08 may continue to be illuminated.

E. Exempt and Temporary Signs. Exempt and temporary signs shall be as provided in DCC 15.08.100 and 15.08.110.
(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.140, 1981)

15.08.210. Residential Zones.

DCC 15.08.210 applies to all signs in unincorporated communities as specified in DCC 15.08.280 and to all signs in the following zones: rural residential (RR) and multiple use agriculture (MUA) in DCC Title 18; suburban low density residential (SR), suburban high density residential (RL), urban standard residential (RS), urban medium density residential (RM), urban high density residential (RH) and urban area reserve (UAR) in DCC Title 19; and limited residential (R-1), limited residential-planned (R-2 and R-3), general residential (R-4) and urban high density residential (R-5) in DCC Title 20. No signs shall be permitted in these zones except as provided in DCC 15.08.210.

- A. Individual Dwelling Units and Home Occupations. One nameplate or home occupation sign for each dwelling unit. Such signs shall not exceed three square feet in area and shall be a flat wall sign.
- B. Multiple-family Dwellings. For multiple-family dwellings, one sign not to exceed 32 square feet in area shall be permitted per project. Such signs shall be a wall or ground-mounted type.
- C. Subdivisions and Mobile Home Parks. For subdivisions and mobile home parks, one ground-mounted sign not to exceed 50 square feet in area shall be permitted.
- D. Buildings and Uses Other Than Dwellings. For a building other than a dwelling one wall or ground-mounted sign with a maximum sign area of 20 feet shall be permitted.
- E. Medical and Dental Clinic. A medical or dental clinic in a residential zone may have one sign not to exceed 75 square feet in area and may have a building directory sign, provided the area of such sign does not exceed one square foot per occupant of the building.
- F. Illumination. No sign in a residential zone shall be illuminated, except that any illuminated sign existing on the date of the ordinance codified in DCC 15.08 may continue to be illuminated.
- G. Location. Signs shall be no closer than five feet from a street right of way and shall be placed on the property upon which the use is located.
- H. Exempt and Temporary Signs. Exempt and temporary signs shall be as provided in DCC 15.08.100 and 15.08.110.

(Ord. 2006-006 §1, 2006; Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.150, 1981)

15.08.220. Resort Facilities and Destination Resorts.

DCC 15.08.220 applies to all signs for resort facilities, including resort, community and recreation buildings and uses, and destination resorts.

- A. Entry sign. One monument, ground-mounted or freestanding sign at each primary entrance from a public road shall be allowed. In accordance with DCC 15.08.160(B), A ~~an second~~ additional monument sign at each primary entrance, shall be allowed as long as the total area of both signs at each entrance together is no more than 150 square feet.
- B. Directional signs. Directional signs, as defined in DCC 15.08.040 shall be a monument or ground-mounted type with a maximum sign area of 20 square feet.
- C. Motor vehicle directional signs. Motor vehicle directional signs shall be allowed for resorts with more than one primary entrance from a public road to direct visitors to resort facilities. The following criteria shall be applicable:
 - 1. A maximum of two signs for each primary entrance shall be allowed.
 - 2. A motor vehicle directional sign shall be a monument or ground-mounted type located on-premise, at least five feet from any street right of way and outside any clear vision area.
 - 3. Each sign shall not exceed 32 square feet in area or eight feet in height.

- D. On-premise signs. On-premise signs not visible from a public right of way or adjacent properties shall not require a sign permit but are subject to all other applicable requirements of DCC 15.08.
- E. Illumination. All signs may be illuminated, subject to the requirements of DCC 15.08.390 and DCC 15.10.

(Ord. 2009-023 §1, 2009; Ord. 98-061 §1, 1998; Ord. 97-067 §2, 1997)

15.08.230. Restricted Commercial Zones.

DCC 15.08.230 applies to all signs in unincorporated communities as specified in DCC 15.08.280 and to all signs in the following zones: neighborhood commercial (CN) in DCC Title 19 and special-service commercial (C-3) in DCC Title 20. No signs shall be permitted in these zones except as provided in DCC 15.08.230.

- A. Wall Signs. A business may have a sign area not to exceed 32 square feet or two percent of the total square footage of the front building fascia, whichever is greater.
- B. Freestanding Signs. No freestanding signs shall be permitted in these zones.
- C. Ground-mounted Signs. In addition to the allowable sign area provided in DCC 15.08.230(A), one ground-mounted sign with a maximum area 32 square feet shall be permitted for each building.
- D. Residential Use. Signs for residential use within these zones shall be subject to the provisions of DCC 15.08.210.
- E. Exempt and Temporary Signs. Exempt and temporary signs shall be permitted as provided in DCC 15.08.100 and 15.08.110.

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.160, 1981)

15.08.240. General Commercial Zones.

DCC 15.08.240 applies to all signs in unincorporated communities as specified in DCC 15.08.280 and to all signs in the following zones: limited commercial (CL), convenience commercial (CC), general commercial (CG) and highway commercial (CH) in DCC Title 19 and zones designated strip service commercial (C-1), central business district commercial (C-4) and tourist commercial (C-5) in DCC Title 20. No signs shall be permitted in these zones except as provided in DCC 15.08.240 and DCC 15.08.250, 15.08.260 and 15.08.270.

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.170 (part), 1981)

15.08.250. Businesses Not Classified in a Shopping Center or Business Complex.

Signs for businesses not in a shopping center or business complex shall be subject to the following requirements:

- A. Wall Signs. The maximum sign area permitted on a building shall not exceed six percent of the area of the front building facade if such facade is located less than 250 feet from the street right of way. The permitted area may be increased by 40 percent provided no freestanding signs are utilized on the property. The maximum sign area permitted shall not exceed 10 percent of the area of the front building facade if such facade is located 250 feet or more from the street right of way. In no case shall the maximum permitted area exceed 500 square feet.
- B. Secondary Signs. A business may have a secondary wall sign where the facade of a business has frontage on a second street which provides vehicular access to the site. The additional area for a secondary sign shall not exceed 25 percent of the total sign area permitted under DCC 15.08.250(A) and shall be located on that building facade which faces the second street.
- C. Freestanding and Ground-mounted Signs. In addition to the requirements of DCC 15.08.250(A), one freestanding or ground-mounted sign shall be permitted per lot subject to the requirements of DCC 15.08.140 and 15.08.150 respectively.

- D. Directional Signs. On-premises directional signs designed to be read by a person on the premises on which the sign is located and used to identify or locate an entrance, exit or drive-up window, limited to four square feet in area and four feet in height.
 - E. Motor Vehicle Service or Drive-up Window Signs. ~~For a~~A motor vehicle service or drive-up window, ~~may have sign area shall be limited to one~~ ground-mounted sign not to exceed 12 square feet in area. Notwithstanding the preceding, a business housed in a permanent structure with a drive-up window service may have another ground-mounted sign for that drive-up window service subject to DCC 15.08.150.
 - F. Building Directory Signs. Building directory signs not to exceed three square feet per occupant.
 - G. Alley Signs. An alley sign limited to six square feet used to identify the business. Such sign shall be located at the service entrance of the business and shall not be located on the same facade as any other sign.
 - H. Exempt and Temporary Signs. Exempt and temporary signs shall be as provided in DCC 15.08.100 and 15.08.110.
- (Ord. 2009-023 §1, 2009; Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.170(1), 1981)

15.08.260. Shopping Center Complexes.

Signs permitted in DCC 15.08.260 shall be the only signs permitted in a shopping center complex.

- A. Wall Signs. The maximum area permitted for a business having a public entrance on a street or parking area shall not exceed six percent of the area of that portion of the front building facade which adjoins the floor area of the business, provided such building facade is located less than 250 feet from the street right of way. The maximum area permitted for a business having a public entrance on a street or parking area shall not exceed 10 percent of the area as specified in DCC 15.08, provided such building facade is located 250 feet or more from the street right of way. In either case, the permitted sign area shall not exceed a maximum of 500 square feet.
- B. Secondary Signs. A business may have a secondary wall sign where the business has a public entrance on a second street or parking area. The additional area for a secondary sign shall not exceed 25 percent of the sign area permitted under DCC 15.08.260(A) and shall be located on that building facade where the secondary public entrance is provided.
- C. Freestanding and Ground-mounted Signs. In addition to the requirements in DCC 15.08.260(A), one freestanding or ground-mounted sign shall be permitted for each street frontage providing direct vehicular access into the complex. Such sign shall identify the name of the shopping center complex and may identify specific businesses within the center. Such signs shall be subject to the requirements of DCC 15.08.140 and DCC 15.08.150 respectively.
- D. Directional Signs. On-premises directional signs not to exceed four square feet in area and four feet in height used to identify or locate an entrance, exit or drive-up service window.
- E. Motor Vehicle Service Entrance or Drive-up Window Signs. ~~For a~~A motor vehicle service entrance or a drive-up window, ~~limited to~~ may have one ground-mounted sign not to exceed 12 square feet in area. Notwithstanding the preceding, a business housed in a permanent structure with a drive-up window service may have another ground-mounted sign for that drive-up window service subject to DCC 15.08.150.
- F. Building Directory Signs. A building directory sign shall be limited to three square feet per occupant.
- G. Alley Signs. An alley sign shall be limited to six square feet used to identify the business. Such sign shall be located at the service entrance of the business and shall not be located on the same facade as any other sign used to identify the business.
- H. Exempt and Temporary Signs. Exempt and temporary signs shall be as provided in DCC 15.08.100 and DCC 15.08.110.

(Ord. 2009-023 §1, 2009; Ord. 98-061 §1, 1998; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.170(2), 1981)

15.08.270. Business Complexes.

- A. Signs permitted in DCC 15.08.270 shall be the only signs permitted in a business complex.
1. Ground-mounted Signs. A business complex may have one ground-mounted sign for each street frontage which provides direct vehicular access into the complex. Such sign shall be used to identify the name of the complex. In lieu of a ground-mounted sign, the business complex may have a wall sign not to exceed 40 square feet for each street frontage which provides direct vehicular access into the complex.
 2. Wall Signs. An individual business within a business complex which is located on the ground floor of the business complex and has direct pedestrian access to a street or parking area shall be permitted one sign with a maximum sign area not to exceed 10 percent of the area of the facade of the individual business which faces such street or parking area.
 3. Building Directory Signs. A building directory sign shall be limited to three square feet per occupant.
 4. Exempt and Temporary Signs. Exempt and temporary signs shall be as provided in DCC 15.08.100 and 15.08.110.
- B. Signs for residential and institutional uses shall be subject to the requirements of DCC 15.08.210. (Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.170(3), 1981)

15.08.280. Unincorporated Community Zones.

DCC 15.08.280 applies to all signs within the unincorporated community zones, including urban unincorporated communities, rural communities, rural service centers, rural commercial and resort communities as identified within DCC Title 18. No sign shall be permitted in these zones except as provided in DCC 15.08.280.

- A. For those retail businesses or service establishments with a street frontage ~~providing vehicular access to~~ on a roadway designated as an arterial on the County Roadway Network Transportation System Plan, the requirements of DCC 15.08.240 through 15.08.270 shall apply.
- B. For those retail businesses or service establishments without ~~direct vehicular access to street frontage on~~ a roadway designated as an arterial on the County Roadway Network Transportation System Plan, the requirements of DCC 15.08.230 shall apply.
- C. All signs for agricultural or forest uses shall be subject to the requirements of DCC 15.08.210.
- D. All signs for residential uses shall be subject to the requirements of DCC 15.08.210.
- E. All signs for resort, community and recreation uses shall be subject to the requirements of DCC 15.08.220.
- F. All signs for industrial uses shall be subject to the requirements of DCC 15.08.290.
- G. All signs for airport uses shall be subject to the requirements of DCC 15.08.230.
- H. All signs for utility uses shall be subject to the requirements of DCC 15.08.230.

(Ord. 2009-023 §1, 2009; Ord. 97-067 §1, 1997; Ord. 96-003 §14, 1996; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.180, 1981)

15.08.290. Industrial Zones.

DCC 15.08.290 applies to all signs in unincorporated communities as specified in DCC 15.08.280 and to all signs in the following zones: rural industrial (RI) in DCC Title 18; industrial park (IP), light industrial (IL) and general industrial (IG) in DCC Title 19; and zones designated light industrial (M-1) and heavy industrial (M-2) in DCC Title 20. No signs shall be permitted in these zones except as provided in DCC 15.08.290.

- A. Wall Signs. For each permitted or conditional use in an industrial zone, the maximum permitted sign area on a building shall not exceed five percent of the area of the front building facade; provided, however, such sign does not exceed a maximum area of 500 square feet. The signing shall only be located on that facade which faces the street where access is obtained.
 - B. Ground-mounted Signs. In addition to the provisions of DCC 15.08.290(A), one ground-mounted sign shall be permitted for each street frontage which provides direct vehicular access into the site, subject to the requirements of DCC 15.08.150.
 - C. Freestanding Signs. In lieu of a ground-mounted sign as permitted in DCC 15.08.290(B), an industrial building may have one freestanding sign not to exceed 50 square feet in area and shall be located adjacent to the street frontage providing direct vehicular access into the project. The maximum height of a freestanding sign shall not exceed 20 feet.
 - D. Directory Signs. A building directory sign limited to three square feet per occupant.
 - E. Exempt and Temporary Signs. Exempt and temporary signs shall be as provided in DCC 15.08.100 and 15.08.110.
 - F. Content. Signs permitted in this zone shall be identity signs only.
- (Ord. 2009-023 §1, 2009; Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.190, 1981)

15.08.300. Airport Development Zone.

DCC 15.08.300 applies to all signs within the airport development (A-D) zone as identified in DCC Title 18. No signs shall be permitted in this zone except as set forth in DCC 15.08.300. For signs identifying uses within the A-D zone, the requirements of DCC 15.08.230 shall apply.
(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.195, 1981)

15.08.310. Existing Signs-Conformance Required.

Except as provided in DCC 15.08.310, signs in existence on the date of enactment of the ordinance codified in DCC 15.08 which are not in conformance with the provisions of DCC 15.08 shall be regarded as nonconforming signs and must be removed, altered or replaced so as to conform within five years of said date. Signs in violation of any prior code or requirement must conform immediately.
(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.260, 1981)

15.08.320. Special Requirements.

A nonconforming sign which is structurally altered, relocated or replaced shall immediately conform to the requirements of DCC 15.08 except that:

- A. A sign may be removed from its sign structure for the purpose of repair, maintenance or a change of copy within the dimensions of the existing sign.
 - B. Signs may be structurally altered where such alteration is necessary for the public safety.
 - C. Such signs may be reconstructed if they are moved for construction or repair of public works or public facilities and such reconstruction is completed within one year.
 - D. Such signs may be reconstructed if they are damaged by fire, natural disaster or other casualty, provided such damage does not exceed 50 percent of the cost of reconstruction of the entire sign, and provided that such sign is reconstructed within 90 days of the date the sign is damaged.
- (Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.270, 1981)

15.08.330. Compliance.

A change in use or occupation of a site shall require full compliance with the provisions of DCC 15.08.
(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.280, 1981)

15.08.340. (Repealed by Ord. 97-067, 1997.)

15.08.350. Abandoned Signs.

- A. A sign shall be removed within 30 days by the owner or lessee of the premises upon which the sign is located when the advertised business is no longer conducted on the premises. Abandoned signs may be removed and costs may be collected as provided in DCC 15.08.350.
- B. Outdoor advertising signs where a person has merely leased or contracted advertising space need not be moved in accordance with DCC 15.08.350.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.300, 1981)

15.08.360. Removal of Unsafe Signs.

If the Building Official determines that the supports, braces, grip anchors, etc. are not kept in good repair or safe condition, or if the sign presents an immediate and serious danger to the public, he may, without prior written notice, order its immediate removal or repair within a period of time he may specify. The Building Official may authorize the removal of such signs in the event that the person responsible for such sign cannot be found, or after notification, such person fails to repair or remove it. The owner of the sign and the owner of the building, structure or premises upon which the sign is located are jointly and severably liable for its removal or repair as provided in DCC 15.08.330.

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.310, 1981)

15.08.370. Sign Measurement.

- A. Measurement Specifications. The following criteria shall be used in measuring a sign to determine compliance with DCC 15.08:

- 1. Area or Sign Area. The area of a sign shall be measured within lines drawn between the outermost edges of a sign including nonstructural trim, facing, announcement and display, but exclusive of essential structural supports. Where a sign is of three-dimensional shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area. Where open area is employed between sections, modules, characters or words forming the display surface, sign area shall be the smallest outline which encloses the entire group. For a two-faced sign with sign faces parallel and not more than three feet apart, only one face is measured for determining sign area. For a V-type sign with not more than three feet between display surfaces at the farthest point, only one face is measured for determining sign area.
- 2. Clearance. Clearance of a sign is measured from the average grade at the base of the sign to the lowest point of the sign.
- 3. Height. Height is measured from the average level of the existing grade at the base of the sign to the highest point of the sign.

- B. Area of Front Building Facade. When the area of the front building facade is used to determine sign area, such area shall be computed by multiplying the width of the building frontage or portion thereof by the height of the building or portion thereof which is devoted to the particular business. False fronts and mansard roofs may be included when calculating the area of the building facade.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.060, 1981)

15.08.380. Permitted Materials.

- A. Materials for construction of signs and sign structures shall be the quality and grade as specified for buildings in the ~~Uniform Building Code~~ state adopted building code.
- B. In all sign and sign structures, the material and details of construction shall, in the absence of specified requirements, conform to the following:

1. Structural steel shall be of such quality as to conform with the ~~Uniform Building Code Standard~~ state adopted building code standard. Secondary members in contact with or directly supporting the display surface may be forged of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the ~~Uniform Building Code Standard~~ state adopted building code standard and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall not be less than No. 24 thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. Minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch except that if galvanized, such members shall not be less than one-eighth inch thick. Steel pipes shall be of such quality as to conform with the ~~Uniform Building Code Standard~~ state adopted building code standard. Steel members may be connected with one galvanized bolt provided the connection is adequate to transfer the stresses in the members.
 2. Wood anchors and supports, when embedded in the soil, shall be pressure-treated with an approved preservative. Such members shall be marked and branded by an approved agency recognized by the ~~Uniform Building Code~~ state adopted building code.
 3. Nonstructural trims, signs under marquees and portable display surfaces may be of wood, metal, approved plastics or any combination thereof.
 4. Display surface may be of any approved material except glass. Glass may be used in any neon tubing and incandescent lamp and tube.
 5. The Planning Director may require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use.
 6. No combustible material other than approved plastics shall be used in the construction of any electric sign.
 7. Wood may be used in signs subject to the requirements of the County's building and fire codes.
 8. Wood signs shall be supported by a minimum four-inch by four-inch nominal post.
- (Ord. 2009-023 §1, 2009; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.420, 1981)

15.08.390. Illumination Standards.

Illuminated signs shall meet the applicable provisions of DCC 15.10, Outdoor Lighting Control. In addition:

- A. No sign shall be erected or maintained which, by use of lights or illumination, creates an unduly distracting and hazardous condition to a motorist, pedestrian or the general public. In addition:
- B. No exposed reflective type bulb, or incandescent lamp, which exceeds 25 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
- C. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for any colored tubing.
- D. When fluorescent tubes are used for the internal illumination of a sign, illumination shall not exceed illumination equivalent to 800 milliamperes rating tubing behind a plexiglass-faced space at least nine inches, center to center.
- E. No sign may be internally illuminated if the wall of the building on which the sign is displayed directly abuts a residential zone.
- F. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.
- G. No sign may be erected or maintained if it contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or lights, or moves, or has any animated or moving

parts; however, this does not apply to a traffic-control sign or portions thereof providing only public service information such as time, date, temperature, weather or similar information.
(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, § 1.430, 1981)

15.08.400. Maintenance.

- A. All signs together with all of their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.
- B. No person shall scatter, daub or leave any paint, paste or glue or other substances used for painting or affixing a message to the display surface of any sign or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth or materials of whatsoever kind removed from a sign on any public street, sidewalk or private property.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.340., 1981)

15.08.410. Design.

- A. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof.
- B. The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.352, 1981)

15.08.420. Wind Loads.

Signs shall be designed and constructed to withstand wind loads as set forth in the ~~Uniform Building Code~~ state adopted building code.

(Ord. 2009-023 §1, 2009; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.350, 1981)

15.08.430. Seismic Loads.

Signs shall be designed and constructed to resist seismic forces as specified in ~~chapter 23 of the Uniform Building Code~~ state adopted building code.

(Ord. 2009-023 §1, 2009; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.360, 1981)

15.08.440. Combined Loads.

- A. Wind and seismic loads need not be combined in the design of signs and only that load producing the larger stresses need be used.
- B. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.370, 1981)

15.08.450. Allowable Stresses.

- A. The design of wood, concrete, steel or aluminum members shall conform to the requirements of ~~chapters 25, 26, 27 and 28 of the Uniform Building Code~~ state adopted building code. Loads, both

Page 17 of 20 – Exhibit “A”: to Ordinance 2009-023

Chapter 15.08

(12/7/2009)

vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in ~~chapter 29 of the Uniform Building Code~~ state adopted building code.

- B. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

(Ord. 2009-023 §1, 2009; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.372, 1981)

15.08.460. Anchorage and Supports.

- A. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force of 25 percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than the frost line.
- B. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
- C. Unless such wall is designed in accordance with the requirements specified in ~~chapter 23 of the Uniform Building Code~~ state adopted building code, no anchor or support of any sign or wall facade for signs shall be connected to, or supported by an unbraced parapet wall.
- D. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

(Ord. 2009-023 §1, 2009; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.380, 1981)

15.08.470. Electric Sign Construction.

- A. The enclosed shell of electric signs shall be weather-tight, excepting that service holes fitted with tight covers shall be provided for each compartment of such sign.
- B. All electrical equipment used in connection with such signs shall be installed in accordance with the Uniform Electrical Code, with state amendments.
- C. Every electric sign shall have painted on the surface of the sign the name of the erector and the date the sign was erected. Such name and date shall be of sufficient size and contrast to be visible from a reasonable distance.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.410, 1981)

15.08.480. Clearance from High Voltage Power Lines.

- A. Signs shall be located not less than eight feet horizontally and 12 feet vertically from overhead electrical conductors which are energized in excess of standard service load as determined by the utility company providing the service.
- B. The term "overhead conductors" as used in DCC 15.08.480 means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.390, 1981)

15.08.490. Clearance from Fire Escapes, Exits or Standpipes.

No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of incombustible material or approved plastics.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.400, 1981)

Page 18 of 20 – Exhibit "A": to Ordinance 2009-023

Chapter 15.08

(12/7/2009)

15.08.500. Variances.

An applicant for a sign permit may seek a variance to the provisions of DCC 15.08. A variance may be granted upon a finding by the appropriate review body that all of the following criteria are satisfied:

- A. The request is not contrary to the public interest or the intent and purpose of DCC 15.08 and particularly the zone involved.
- B. The variance will not cause a substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.
- C. The variance relates only to property that is under control of the applicant.
- D. Circumstances or conditions for which the variance is requested shall not have resulted from any act of the applicant, or his or her predecessors or agents, subsequent to the adoption of the particular zoning regulations from which relief is sought, and thereby be used as justification of issuance of a variance.
- E. The request is the minimum variance necessary to alleviate the hardships or practical difficulties.
- F. There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property that do not generally apply to either properties or uses in the same zoning district.
- G. The variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district and where such variation would result in comparatively trivial detriment to the neighborhood, and such variation of DCC 15.08 is clearly outweighed by benefits to the neighborhood or to the public safety, convenience or general welfare.

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 86-028 §1, 1986; Ord. 81-009 §1, Exhibit A, §1.440, 1981)

15.08.510. (Repealed by Ord. 97-067, 1997.)

15.08.520. Conditions.

In determining a variance, the review body may approve all or a portion of a variance request and may attach such conditions as are necessary to achieve the purposes of DCC 15.08.

(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.440 (part), 1981)

15.08.530. Inspection.

The Planning Director and Building Official may inspect signs periodically to determine their conformance with DCC 15.08.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.320, 1981)

15.08.540. Enforcement.

The Planning Director is authorized and directed to enforce the provisions of DCC 15.08.

- A. Removal of illegal signs. The Planning Director may order the removal of any sign erected without a sign permit or otherwise in violation of DCC 15.08. Except as provided in DCC 15.08.360, the Planning Director shall give 30-day written notice to the owner of the sign or the owner of the building, structure or premises upon which the sign is located to remove the sign or bring it in compliance with the provisions of DCC 15.08.
- B. If the owner of the sign, building, structure or premises upon which the sign is located has been notified pursuant to DCC 15.08.540 and fails to comply or remove the sign, the Planning Director may order the removal of such sign at the expense of the owner of the sign, building, structure or premises on which the sign is located and such costs and expenses including, but not limited to, the notification, efforts to secure compliance, sign removal, storage and transportation, may be a lien against the land or premises.

on which the sign is located and may be collected or foreclosed in the same manner as liens are entered in the lien docket of the County.

- C. Any sign removed by the Planning Director shall be stored for a period of 30 days from the time the person responsible for the sign is notified as provided in DCC 15.08. At the expiration of the specified time, if the person responsible for the sign has not reclaimed the sign as provided for in DCC 15.08.540(D), the Planning Director may destroy the sign or dispose of it.
- D. To reclaim a sign removed by the Planning Director, the person shall pay to the County as directed, an amount equal to the entire cost incurred by the Director as provided for in DCC 15.08.540(B).
(Ord. 97-067 §1, 1997; Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.330, 1981)

15.08.550. Violation Declared a Nuisance.

The location, erection, construction, maintenance, repair, alteration or use of a sign in violation of DCC 15.08 is declared a nuisance.

(Ord. 95-063 §1, 1995; Ord. 81-009 §1, Exhibit A, §1.480, 1981)

15.08.560. Violation.

Violation of any provision of DCC 15.08 is a Class A violation.

(Ord. 2003-021 §32, 2003; Ord. 95-063 §1, 1995; Ord. 83-025 §1, 1983; Ord. 81-009 §1, Exhibit A, §1.460, 1981)

FINDINGS

The Deschutes County Board of Commissioners (Board) held a public hearing on September 28, 2009 on Ordinance 2009-023, amending the County's sign regulations, and continued the hearing to October 26 and November 9. The Board closed the hearing on November 9. On December 7, 2009, the Board chair conducted the first and second reading by title only and adopted the ordinance, declaring it an emergency.

BACKGROUND

Planning Division staff initiated the text amendment that proposes to change existing text and add new text to the Deschutes County Code Sign Ordinance to allow for updating, clarifying, and addressing signage issues identified by staff through the application of the code. This text amendment consists of improving signage capabilities for properties regardless of vehicular access to a designated arterial roadway, allowing additional signage for businesses that have a drive-thru service, and miscellaneous changes to the sign ordinances that will update and/or clarify permitted signage. Planning staff solicited comments from impacted agencies and businesses, including but not limited to, City of La Pine, Oregon Department of Transportation, Carlson Sign Company, and the Central Oregon Association of Realtors.

This text amendment was initiated by staff based on historical records of requested variances related directly to specific provisions of the sign ordinance and because the code has become outdated. Since 1995, of the approximate 14 sign variances processed in CDD, 11 of them were directly related to the restrictive provisions set by Section 15.08.280 (or earlier versions of this section) and its cumulative effects.¹ In several, these variances reflect changes to access requirements onto state highways for commercially zoned properties.

PROPOSED TEXT AMENDMENT

This proposed text amendment was staff initiated. The amendments to the sign ordinance are outlined in the attached exhibit. The amendment is shown as underlined for new language and shown as ~~strikethrough~~ for deleted language.

ANALYSIS

Section 15.08.280, Unincorporated Community Zones

The sign ordinance was adopted on April 29, 1981. At that time, the provisions were referred to as Section 1.180, *Signs Permitted in Rural Service Centers*. This section was codified as the current day section of 15.08.280 of Title 15; however, the text has changed very little from its initial adoption in 1981. Section 15.08.280 applies to all signs within unincorporated community zones, which includes rural communities, rural service centers, resort communities, and urban unincorporated communities.

¹ Prior to 1995, a majority of sign variances requested involved properties in and around the City of Bend with little or no variance requests relating to the earlier versions of section 15.08.280.

Subsections 15.08.280(A) and (B) differentiate between commercial businesses with street frontage *providing vehicular access* to an arterial (highway) roadway and those with frontage but *no direct vehicular access*. [Emphasis added] These provisions allow larger signs and more signage for properties with frontage and access to the highway than is allowed for property without direct highway access. Subsection (B) refers businesses without direct arterial access to DCC 15.08.230 which in turn limits signage in size, location, and quantity.

The provisions that linked maximum sign area to street frontage and access to an arterial roadway (highway) were adopted in 1981. The reason for this is not clear; however, it may have been assumed that commercially zoned properties with highway frontage would have direct access to the roadway. Possibly, in 1981 the existence of such access was synonymous with commercial zoning or had some other significance. Signs are an expected and necessary component of development. Business signs must be readily visible when adjacent to high traffic, higher speed roads to be effective. The Code recognizes the need for larger, more noticeable signs along designated arterial roads as DCC 15.08.280(A) currently permits. Unfortunately, when the sign code was written in 1981, it may have been assumed that such commercially zoned and located properties would have direct access to the arterial road. Subsequently, Oregon Department of Transportation (ODOT) changed their access standards onto our local state highways, in some cases removing old accesses. In any case, new access onto the highway is extremely difficult now. Because access standards have changed, staff recommended corrective action to modify the code by eliminating the division based on access to an arterial roadway. Initially, staff recommended compressing the two-tier standard into one. However, this change leads to some unintended effects. Later, staff recommended a revised two-tier standard. This change goes as follows.

- A. *For those retail businesses or service establishments with a street frontage providing vehicular access to on a roadway designated as an arterial on the County Roadway Network-Transportation System Plan, the requirements of DCC 15.08.240 through 15.08.270 shall apply.*
- B. *For those retail businesses or service establishments without direct vehicular access to street frontage on a roadway designated as an arterial on the County Roadway Network-Transportation System Plan, the requirements of DCC 15.08.230 shall apply.*

Together with the above-recommended changes, staff recommended further simplification in other sections to coincide with the changes made in 15.08.280 and thus reducing the need for future variances. These additional sections of code include 15.08.130 *Wall Signs*, 15.08.140 *Freestanding Signs*, and 15.08.290 *Industrial Zones*.

Section 15.08.130, Wall Signs

Based on the changes made above in the Wall Signs section of the sign ordinance, Kevin Wells of Carlson Sign Company recommended additional changes. Planning staff proposed to modify DCC 15.08.130(E) by eliminating the criterion that requires a wall sign to be located only on a wall that faces a "roadway providing vehicular access." Staff proposes to eliminate only the "vehicular access" portion of the requirement. This recommendation requires the wall sign be located on the wall that faces the roadway. However, Mr. Wells, recommended the entire subsection E be removed from the code because building orientation does not always face the roadway, if a roadway exists. This change also allowed for self-regulation and signs will be placed where businesses believe it will be located to the best interest of the business. Staff found Mr. Wells's recommendation logical and suggested the Board consider the modification and the Board adopted that modification.

15.08.130. Wall Signs.

Unless otherwise specified in DCC 15.08, the following criteria shall be applicable for attached wall signs:

- A. Wall signs shall not project more than 18 inches from the wall to which they are attached. A wall sign located on an alley frontage may not project from the face of the building below a clearance of 12 feet.*
- B. Wall signs shall not project above the eave line, roof line or top of a parapet wall.*
- C. Wall signs attached to the end of the face of a marquee shall not exceed a height of 30 inches. The lower edge of such sign shall not extend below the marquee.*
- D. A wall sign shall not project beyond the ends of the wall to which it is attached.*
- ~~*E. Except as provided elsewhere in DCC 15.08, wall signs shall not be located on a building facade which faces a street frontage that does not provide direct vehicular access to the building the sign identifies.*~~
- F. Wall signs shall be located on that building facade which is used for determining sign area.*

Businesses with Drive-Thru Service.

Sign Ordinance Sections 15.08.250 *Businesses Not Classified in a Shopping Center or Business Complex* and 15.08.260 *Shopping Center Complexes*, limit signs related to a drive-thru service to 12 square feet in size. In addition, the sign ordinance limits businesses to one freestanding or one ground-mounted sign (see DCC 15.08.250(C) and 15.08.260(C)). Staff proposed to revise this section because fast food restaurants need to have large menu board signs to list all items available to their patrons. The 12 square foot drive-thru window sign size may have been standard in the 1980's; however, today's menu boards list more food items than their predecessors. Current research of numerous fast food restaurants show drive-thru menu boards ranging in size from 32 to 44 square feet.² County records show a sign variance in 1995 (see file no. V-95-17) indicating that menu boards were increasing in size 14 years ago. After further discussions with a representative from a fast food restaurant chain, the Drive-up Window Sign standard is for promotional signage at the pay and/or pick-up window or is for smaller menu boards located at the window (e.g. drive-thru coffee huts). Staff concurred, and based on review of the criteria in the sign ordinance, staff determined that a fast-food restaurant should be allowed an *additional* ground-mounted sign for a menu board without changing the Drive-up Window Sign standard. This change will allow such businesses to be in alignment with current menu board signage.

The Planning Commission was concerned about how to differentiate the size of a fast food restaurant. A fast food restaurant could be interpreted as small or large, a McDonalds serving burgers and fries or a small coffee hut serving hot drinks and baked goods. The Planning Commission believed that the menu board recommended in the text amendment should be permitted only if the restaurant is a large-scale, fast food restaurant such as a McDonalds, Taco Bell, or Carl's Junior. Most recently, staff revised the text to allow additional signage for fast food restaurants that have drive-thru service. County Legal Counsel expressed concern regarding the inclusion of content-based regulations, probably prohibited by the United States and Oregon constitutions, such as the term "menu board" and its associated definition. Furthermore, Commissioners Tammy Baney and Dennis Luke expressed interest in broadening

² Fast food restaurants in Bend were reviewed by a party of interest, Larry Kimmel, and included McDonalds, Arby's, Carl's Junior, Taco Bell, Wendy's, and Sonic. Furthermore, a representative of McDonalds contributed official menu board dimensions used worldwide.

the type of businesses that could benefit from the additional signage and not limit it to food establishments. For reference, the current code states the following.

Motor Vehicle Service or Drive-up Window Signs. For a motor vehicle service or drive-up window, sign area shall be limited to one ground-mounted sign not to exceed 12 square feet.

Based on these comments and concerns, staff proposed three alternatives. Please note that all three options do restrict size of the sign by applying DCC 15.08.150.

Option	Proposed Code	Comments
Option 1	<p><i>Motor Vehicle Service Entrance or Drive-up Window Signs. For a A motor vehicle service entrance or a drive-up window, sign area shall be limited may have one ground-mounted sign not to exceed 12 square feet in area. <u>Notwithstanding the preceding, another ground-mounted sign may be allowed subject to DCC 15.08.150, provided the sign is a menu board for drive-up window service of a non-mobile food establishment as defined in OAR 333.</u></i></p>	<ul style="list-style-type: none"> • Included with this option, but not shown here, is the definition of "menu board." • Legal Counsel expressed concern with the inclusion of content-based regulations such as the term "menu board" and its associated definition.
Option 2	<p><i>Motor Vehicle Service Entrance or Drive-up Window Signs. For a A motor vehicle service entrance or a drive-up window, sign area shall be limited may have one ground-mounted sign not to exceed 12 square feet in area. <u>Notwithstanding the preceding, another ground-mounted sign may be allowed subject to DCC 15.08.150, provided the sign is for drive-up window service of a non-mobile service establishment.</u></i></p>	<ul style="list-style-type: none"> • Replaces "food establishment" with "service establishment" to broaden the types of businesses. • Removes the reference to "menu board," which is a content-based regulation. • Removes proposed definition of "menu board" • Includes a slight content-based regulation by requiring that the sign be for the drive-up window service. • Difference of opinion on what "for drive-up window service" means. • The term "service establishment" is not defined although used throughout the sign code.

Option	Proposed Code	Comments
Option 3	<p><i>Motor Vehicle Service Entrance or Drive-up Window Signs. For a A motor vehicle service entrance or a drive-up window sign area shall be limited may have one ground-mounted sign not to exceed 12 square feet in area. Notwithstanding the preceding, a business housed in a permanent structure with a drive-up window service may have another ground-mounted sign for that drive-up window service subject to DCC 15.08.150.</i></p>	<ul style="list-style-type: none"> • Close to a content neutral regulation. • Remove the last "drive-up" reference for a more content neutral regulation. • A sign location restriction could be added to better assure that the sign is drive-up service related without actually regulating the content of the sign. • However, not all drive-thru services have menu boards close to building. • Staff believes setback requirements set forth in DCC 15.08.150 are adequate.

Staff recommended that the Board of County Commissioners review and decide on what option is best for this proposed text amendment. The Board adopted Option 3, mentioned above.

Additional Changes to Sign Ordinance

This text amendment incorporates several changes in the sign ordinance by updating and clarifying various sign code standards. One section of the sign ordinance that requires a minor change is in Section 15.08.220 *Resort Facilities and Destination Resorts*. In subsection (A), the second sentence speaks of a second monument sign permitted. However, staff believed the sentence was confusing. After review of Ordinance 98-061, staff believed that the intent was to permit a second entry sign, which must be a monument sign considering that the first entry sign is also a monument sign. Ordinance 98-061 addressed this issue in this section of the sign code and in Section 15.08.160 *Monument Signs*. Staff recommended and the Board agreed to reword the sentence for clarification to the reader. The proposed changes are below.

Entry sign. One monument, ground-mounted or freestanding sign at each primary entrance from a public road shall be allowed. In accordance with DCC 15.08.160(B), an additional A second monument sign at each primary entrance, shall be allowed as long as the total area of both signs at each entrance together is no more than 150 square feet.

The Rural Commercial zone is not a zone listed in the County Sign Ordinance. Since 2000, staff has processed a few sign permits for businesses in the Rural Commercial zone. Two of the permits were reviewed in *Unincorporated Community Zones*, Section 15.08.280 and another permit was reviewed in *Restricted Commercial Zones*, Section 15.08.230. The *Unincorporated Community Zones* of Section 15.08.280 include unincorporated communities, rural communities, rural service centers, and resort communities. Staff believed and the Board agreed that the Rural Commercial zone best fits in this section. Including this zone to the list of other zones allows for clarification of the sign ordinance to staff and the public.

The Planning Commission requested updating the "Uniform Building Code" reference as used in the county sign ordinance. Staff recommended to the Board that "Uniform Building Code" be replaced with the current title of "Oregon Structural Specialty Code." However, to avoid amendments to the sign ordinance in the future, the Board recommended providing a more

general term. Based on this recommendation, staff modified all references to the "Uniform Building Code" to "state adopted building code." Furthermore, staff removed the definition of "Uniform Building Code" completely (earlier version of this was revised to Oregon Structural Specialty Code specifications) and recommended and the Board agreed with deleting the reference to the Uniform Sign Code, which is only found in the definition section of the sign ordinance. Lastly, staff recommended and the Board agreed with the references to "County Roadway Network Plan" change to "County Transportation System Plan." The Board concurs with the staff's recommendations.

PLANNING COMMISSION RECOMMENDATION

At the public hearing on August 27, 2009, the Planning Commission public hearing, testimony was heard, alternative text was presented, and the Planning Commission recommended approval of the proposed text amendment with minor changes, as indicated in this report, to the draft text amendment.

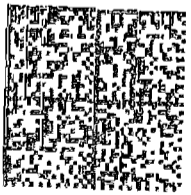
The Planning Commission made another recommendation regarding the sign ordinance that is not reflected in this text amendment. The Commission recommended to the County Commissioners the need to revise the sign ordinance in its entirety. The recommendation encourages a complete sign ordinance update be included in the Planning Division's work plan. Because no notice was provided for such a large undertaking, it was not included in this amendment.

REVIEW CRITERIA

The proposed amendment revises Deschutes County Code, Title 15, by changing existing text and adds new text to the Deschutes County Code in order to improve signage throughout the county. Deschutes County lacks specific criteria in DCC Titles 15 or 23 for reviewing a legislative text amendment. Therefore, the County must determine that the proposed Title 15 text amendments are consistent with state statute, and other provisions of the County's Comprehensive Plan. The parameters for evaluating these text amendments are based on whether there are adequate factual findings that demonstrate this consistency.

Deschutes County Comprehensive Plan

The Deschutes County Comprehensive Plan, Chapter 23 does not specifically address signs. However, it contains policies addressing economic development, as well as, specific commercial and industrial development policies for rural communities within the county. The plan includes policies to diversify and improve economic development in the county. Design standards for new commercial and industrial development encourage compatibility with the rural character of the community and surrounding rural area. The plan advocates enhancing and maintaining existing commercial and industrial areas in the county. Staff notes that signage is an expected and necessary component for commercial and industrial development. Under various sections of rural communities, the restriction of highway access of commercial and/or industrial lands is emphasized. However, regarding the proposed changes to DCC 15.08.280, the sign ordinance contradicts the policy because it penalizes commercial and industrial businesses if they have frontage but not access to a highway. Staff believes the proposed amendments to the sign ordinance would be consistent with the County's goals and policies for economic development and those directly related rural communities (for example, Tumalo, Terrebonne, and La Pine).



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