

From: Kim Voos <kvoos@bendoregon.gov>
Date: July 11, 2019 at 4:26:59 PM PDT
To: Kaycee Anseth <kaycee.anseth@gmail.com>
Cc: Colin Stephens <cstephens@bendoregon.gov>
Subject: RE: Meeting about Project Underpass

Hi Kaycee,

It has taken some time but it has been confirmed that the tunnel located under the railway overpass, within the Franklin Avenue right-of-way, is a structure owned by Burlington-Northern/ Santé Fe Railway (BNSF). Therefore, BNSF has the authority to allow signs within the structure. And, a sign permit from the City of Bend is not required for signs that are exempt per Bend Code, Chapter 9.50 Signs, Section 9.50.050 Signs Exempt from Permit Requirements.

***Bend Code, Chapter 9.50 Signs,
9.50.050 Signs Exempt from Permit Requirements.***

The following signs are allowed in all sign districts without a sign permit and are not included in the determination of the type, number, or area of permanent signs allowed. All signs, even those exempt from permitting, must comply with sign placement and maintenance requirements.

C. Signs which are placed inside a building or structure and which are either not visible through window or building openings or are not intended to be visible from outside the building or structure.

Based on our discussion you are proposing to paint a mural inside the tunnel owned by BNSF, which is a fully enclosed structure except at the entrance/exit openings. You stated that the mural will be painted so that it is not intended to be visible from outside the structure, through an opening. Therefore, and unless otherwise intended or placed, the proposed sign qualifies as an exempt sign which does not require a sign permit.

So, you are allowed to proceed with your project without a permit from the City of Bend, if approved by BNSF. It is important to note that the mural must be inside the tunnel only, it is not permitted outside the tunnel. Please contact me if the scope of work changes, or if the sign does not meet the qualifications as an exempt sign per Section 9.50.050.

Best wishes for a safe and joyful summer.



CITY OF BEND

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