

ORDINANCE NO. NS - 2399

AN ORDINANCE AMENDING BEND CODE (BC) CHAPTER 9.50, SIGNS CREATING A MASTER SIGN PLAN PROCESS

Findings:

- A. The application was processed in accordance with Bend Development Code (BDC) 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- B. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on January 4, 2021.
- C. A notice of the February 8, 2021, Planning Commission public hearing was printed in the Bend Bulletin on January 17, 2021, and was emailed to the neighborhood association on January 13, 2021, and it was mailed to the neighborhood associations on January 14, 2021. A notice of the March 3, 2021, City Council public hearing was printed in the Bend Bulletin on January 17, 2021, emailed to the neighborhood associations on February 2, 2021, and mailed to them on February 3, 2021.
- D. On January 25, 2021, the Planning Commission held a work session and discussed the amendments.
- E. On February 8, 2021, the Planning Commission held a public hearing on Project Number PLTEXT20200998, and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A.
- F. The City Council held a public hearing on March 3, 2021, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. After considering the evidence, testimony and Planning Commission's recommendation, as well as the planning staff presentation, the City Council finds that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and that the amendments to the Bend Code should be approved.
- G. The City Council further adopts the City Council Issue Summary from the Community Development Department as part of the City Council's background and findings to support the legislative decision.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Code is amended as depicted in attachment Exhibit A.

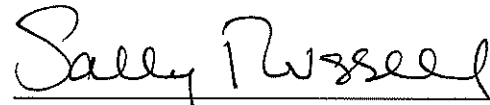
Section 2. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.

First Reading: March 3, 2021

Second reading and adoption by roll call vote: March 17, 2021

YES: Mayor Sally Russell
Mayor Pro Tem Gena Goodman Campbell
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg

NO: none


Sally Russell, Mayor

Attest:


Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

Exhibit A
DRAFT
Bend Code Update
March 17, 2021

Note:

Text in underlined typeface is proposed to be added

Text in strikethrough typeface is proposed to be deleted

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Staff comments are ***bold and italicized***. These notations are not intended to be included in the Code text

Chapter 9.50
SIGNS

9.50.030 Definitions.

Gateway Sign means a primary freestanding sign located at an entrance of a community master planned development.

Master Sign Plan means a coordinated and balanced plan for signage on a development site which specifies the size, type, illumination, height, design, location and number of signs for the new development or the redevelopment of a site. There are two types of Master Sign Plans (MSP): Minor Sign Plan and Major Sign Plan. See BC 9.50.170.

9.50.050 Signs Exempt from Permit Requirements.

B. Required or Authorized Signs.

1. Official and legal notices required or authorized by a court or governmental agency;
2. Signs placed in the public right-of-way or public access easement by the entity responsible for administering the right-of-way or public access easement, or by a governmental authority providing transit services within the right-of-way to the extent that the signs are part of a transit stop.

9.50.170 Master Sign Plan.

~~A Sign Plan is intended to integrate the signs proposed for a nonresidential development project with the overall site design.~~

~~A. Applicability. The submittal of a Sign Plan shall be optional.~~

~~B. Approval Process and Limitation. Sign Plans shall be reviewed through the Type II adjustment to standards process. An increase in sign height or sign area of more than 25 percent or an increase in the number of signs is not allowed.~~

~~C. Application Requirements. An application for a Sign Plan shall include filing fees and all plan views, building elevations, square foot sign area allowances, sign location areas and examples of appropriate building signs and freestanding signs.~~

A. Purpose. The purpose of a Master Sign Plan is to provide for appropriately sited and scaled signs to create a cohesive character that compliments the architectural design features of the development and surrounding environment.

B. Applicability. The types of development eligible for a Master Sign Plan include commercial, mixed-use, industrial and institutional uses, and community master planned developments. There are two types of Master Sign Plans:

1. Minor Master Sign Plan for a commercial, mixed use, industrial or institutional development that has less than 50,000 sq. ft. of ground floor area or sites less than 6 acres.
2. Major Master Sign Plan for a commercial, mixed use, industrial, or institutional development that has at least 50,000 sq. ft. of ground floor area or sites 6 acres or larger as well as a community master planned development 20 acres or larger.

C. Review Processes.

1. Master Sign Plans are reviewed through the Type II process as established in BDC Chapter 4.1, Development Review and Procedures.

2. For modifications to an approved Master Sign Plan, see BDC 4.1.1325, Modification of Approval.

D. Submittal Requirements. An application for a Master Sign Plan must include the following:

1. Filing fees and a completed application signed by the property owner or authorized representative;
2. Master Sign Plan document for the specific sign plan proposed. The submittal requirements are provided on the application.

E. Master Sign Plan Approval Criteria. The Review Authority must approve, approve with conditions, or deny an application for a Master Sign Plan based upon the criteria listed below.

1. The proposed signs do not adversely conflict with public and private streets, open spaces, utilities, easements, or rights-of-way.
2. The proposed signs do not impede the continued provision of services required by the City or other public agency.
3. The master sign plan includes regulations for the sign sizes, types, illumination, support structures, colors, lettering, height, design, number and location.
4. The Master Sign Plan complies with subsection (F) of this section, Adjustment Regulations.

F. Adjustment Regulations. The Master Sign Plan may include adjustments to the regulations of the Bend Sign Code. The regulations of the Master Sign Plan are supplemented by City of Bend regulations and codes in all areas not addressed in the Plan. All City of Bend ordinances and regulations remain in full effect except as adjusted by the Master Sign Plan. The Master Sign Plan adjustments must comply with the following:

1. Adjustments to temporary and prohibited sign regulations, devices and illumination are prohibited.
2. Adjustments to regulations for Billboard Signs, Directory Signs, Drive-through Signs, Free Standing Pole Signs and Mural Signs are prohibited.
3. Banners attached to light poles are allowed for residential uses in a community master planned development in compliance with the following:
 - a. BC 9.50.050(J), Light Pole Banner.
 - b. Light pole banners are not located on the perimeter of the community master planned development.
4. Minor Master Sign Plans.
 - a. An increase in sign height or sign area of more than 25 percent is not allowed.
 - b. One Primary Freestanding sign is permitted on a non-residential site. One additional sign is permitted when the site abuts an any combination of two or more arterial and or collector

streets, excluding the Bend Parkway. Each sign must be separated by a minimum of 300 feet.
(Amended by the Planning Commission on February 8, 2021)

5. Major Master Sign Plans.

a. Except for gateway signs, an increase in sign height or sign area of more than 25 percent for nonresidential uses and 50% for residential uses is not allowed.

b. Primary Freestanding Signs.

i. Nonresidential Uses. One Primary Freestanding sign is permitted on a non-residential site. One additional sign is permitted for every collector and/or arterials that abut the site, excluding the Bend Parkway. Each sign must be separated by a minimum of 300 feet from another nonresidential primary freestanding sign and set back a minimum of 10 feet from property lines or a special setback.

ii. Residential Uses in a Community Master Planned Development. One Primary Freestanding sign for residential uses in a community master planned development is allowed at each abutting arterial and/or collector street intersection with another arterial or collector street, excluding the Bend Parkway. Each sign must be separated from another residential primary freestanding sign, except for the Gateway Sign, by a minimum of 300 feet and set back a minimum of 10 feet from property lines or a special setback.

c. No more than one Gateway Sign is permitted within a community master planned development in compliance with the following:

i. The community master planned development is 100 acres or larger;

ii. The Gateway Sign is no larger than 64 square feet.

iii. The Gateway Sign does not exceed 7 feet in height.

iv. The Gateway Signs is set back a minimum of 10 feet from property lines or a special setback.

**EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PLTEXT20200998**

I. PROCEDURAL FINDINGS:

- (1) **PUBLIC NOTICE AND COMMENTS.** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on January 4, 2021. On January 21, 2021, staff emailed the draft to the Bend Development Code Update Group for their review. On January 25, 2021, the Planning Commission held a work session and discussed the proposed amendments.

A notice of the February 8, 2021, Planning Commission public hearing was printed in the Bend Bulletin on January 17, 2021, and was emailed to the neighborhood association on January 13, 2021, and it was mailed to the neighborhood associations on January 14, 2021. A notice of the March 3, 2021, City Council public hearing was printed in the Bend Bulletin on January 17, 2021, emailed to the neighborhood associations on February 2, 2021, and mailed to them on February 3, 2021.

- (2) **PROPOSAL:** Bend Code amendments to Chapter 9.50, Signs. The amendments create a Master Sign Plan process for commercial, mixed use, industrial and institutional developments as well as community master planned developments 20 acres or larger.

II. CRITERIA OF APPROVAL:

- (1) The Bend Comprehensive Plan
- (2) Bend Development Code
- (a) Chapter 4.6, Land Use District Map and Text Amendments;
Section 4.6.200(B), Criteria for Legislative Amendments

III. APPLICABLE PROCEDURES:

- (1) Bend Development Code
- (a) Chapter 4.1, Land Use Review and Procedures

IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

**CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6,
LAND USE DISTRICT MAP AND TEXT AMENDMENTS**

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended amendments to the text of the BC involve broad public policy rather than application to an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

1. The request is consistent with the applicable State land use law;

FINDING: The proposed amendments do not affect State goals, commission rules or land use statutes. Therefore, this criterion is not applicable.”

2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;

FINDING: The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

Chapter 1: Plan Management and Citizen Involvement

Goals:

- **Ensure Quality Design and Attractive Development**
Ensure that the “built environment” is as attractive as feasible.
- **Create Clear and Consistent Implementing Ordinances**
Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

FINDING: The purpose of a Master Sign Plan is to provide for appropriately sited and scaled signs to create a cohesive character that compliments the architectural design features of the development and surrounding environment.

The amendments implement the Comprehensive Plan through effective, clear and consistent language.

Policies

Citizen Involvement

1-15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

1-16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

FINDING: Notice of the amendments was provided to the Department of Land Conservation and Development (DLCDC) on January 4, 2021. A notice of the February 8, 2021, Planning Commission public hearing was printed in the Bend Bulletin on January 17, 2021, and was emailed to the neighborhood association on January 13, 2021, and it was mailed to the neighborhood associations on January 14, 2021. A notice of the March 3, 2021, City Council public hearing was printed in the Bend Bulletin on January 17, 2021, emailed to the neighborhood associations on February 2, 2021, and mailed to them on February 3, 2021.

On January 21, 2021, staff emailed the draft to the Bend Development Code Update Group for their review. The group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District, and Land Use Chairs of Bend Neighborhood Associations. On January 25, 2021, the Planning Commission held a work session and discussed the proposed amendments. On February 8, 2021, the Planning Commission held a public hearing and recommended approval of the amendments.

Therefore, compliance with Chapter 1 has been met.

Chapter 9: Community Appearance

Goals

- **To identify those characteristics that give the community its individual identity and to preserve and expand those characteristics as growth occurs.**

FINDING: The purpose of a Master Sign Plan is to provide for appropriately sited and scaled signs to create a cohesive character that compliments the architectural design features of the development and surrounding environment.

Policies

9-4 Sign regulations should limit the size, location, and number of signs in residential, mixed-use, commercial, institutional and industrial areas and have amortization provisions to remove non-conforming signs within a reasonable period of time.

FINDING: The master sign plan will include regulations for the sign sizes, types, illumination, support structures, colors, lettering, height, design, number and location. Adjustments to temporary and prohibited sign regulations, illumination and devices and adjustments to regulations for Billboard Signs, Directory Signs, Drive-through Signs, Free Standing Pole Signs and Mural Signs are prohibited.

Therefore, compliance with Chapter 9 has been met.

Based on the findings stated above, staff concludes that the amendments are consistent with the applicable Bend Comprehensive Plan Goals and Policies.

3. The applicant can demonstrate a public need or benefit for the proposed amendment.

FINDING: Master Sign Plans are a unique and appealing way of adding personality to a development rather than using typical signage as permitted in the Bend Sign Code. Therefore, there is a benefit to allowing Master Sign Plans.

Therefore, the amendments to the Bend Code meet this criterion.

4.6.500 Record of Amendments.

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

FINDING: In the event the amendments are adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the Bend Code available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The new text amends the Bend Code. The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore, the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

Based on the above Findings, the BDC amendments meet all applicable criteria for adoption.

VI. RECOMMENDATION:

The Planning Commission recommends approval of the amendments to the City Council.