

ORDINANCE NO. NS - 2400

AN ORDINANCE AMENDING BEND CODE (BC) CHAPTER 9.50, SIGNS UPDATING THE SIGN DISTRICT MAP AND ASSOCIATED TEXT

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 PLTEXT20210001, 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.

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, City Attorney

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.

Chapter 9.50
SIGNS

Sections:

- 9.50.010 Purpose and Applicability.**
- 9.50.020 Pre-Application Conference.**
- 9.50.030 Definitions.**
- 9.50.040 Permit Requirements and Sign Districts.**
- 9.50.050 Signs Exempt from Permit Requirements.**
- 9.50.060 Temporary Signs.**
- 9.50.070 Prohibited Signs.**
- 9.50.080 Sign District Regulations.**
- 9.50.090 Standards for Permanent Signs.**
- 9.50.095 Mural Sign Regulations.**
- 9.50.100 General Requirements.**
- 9.50.110 Procedures.**
- 9.50.120 Amendments.**
- 9.50.130 Formal Interpretation.**
- 9.50.140 Variance.**

9.50.150 Adjustment to Standards.

9.50.160 Appeals.

9.50.170 Sign Plan.

9.50.180 Historic Landmarks.

9.50.190 Nonconforming Sign.

9.50.200 Enforcement.

9.50.210 Severability.

Exhibit

9.50.030 Definitions.

Sign District means a specified boundary within the City, as designated by City Council and incorporated into the Sign District Map, ~~which is attached to and made a part of this chapter.~~ See Exhibit B Figure 9.50.040, Sign District Map.

9.50.040 Permit Requirements and Sign Districts.

A. Sign Permit Required. Unless exempted under this chapter or as authorized by BC 9.50.190, Nonconforming Signs, sign permits are required for:

1. New signs.
2. Alterations to an existing sign.
3. Relocation of a sign.
4. Mural signs.

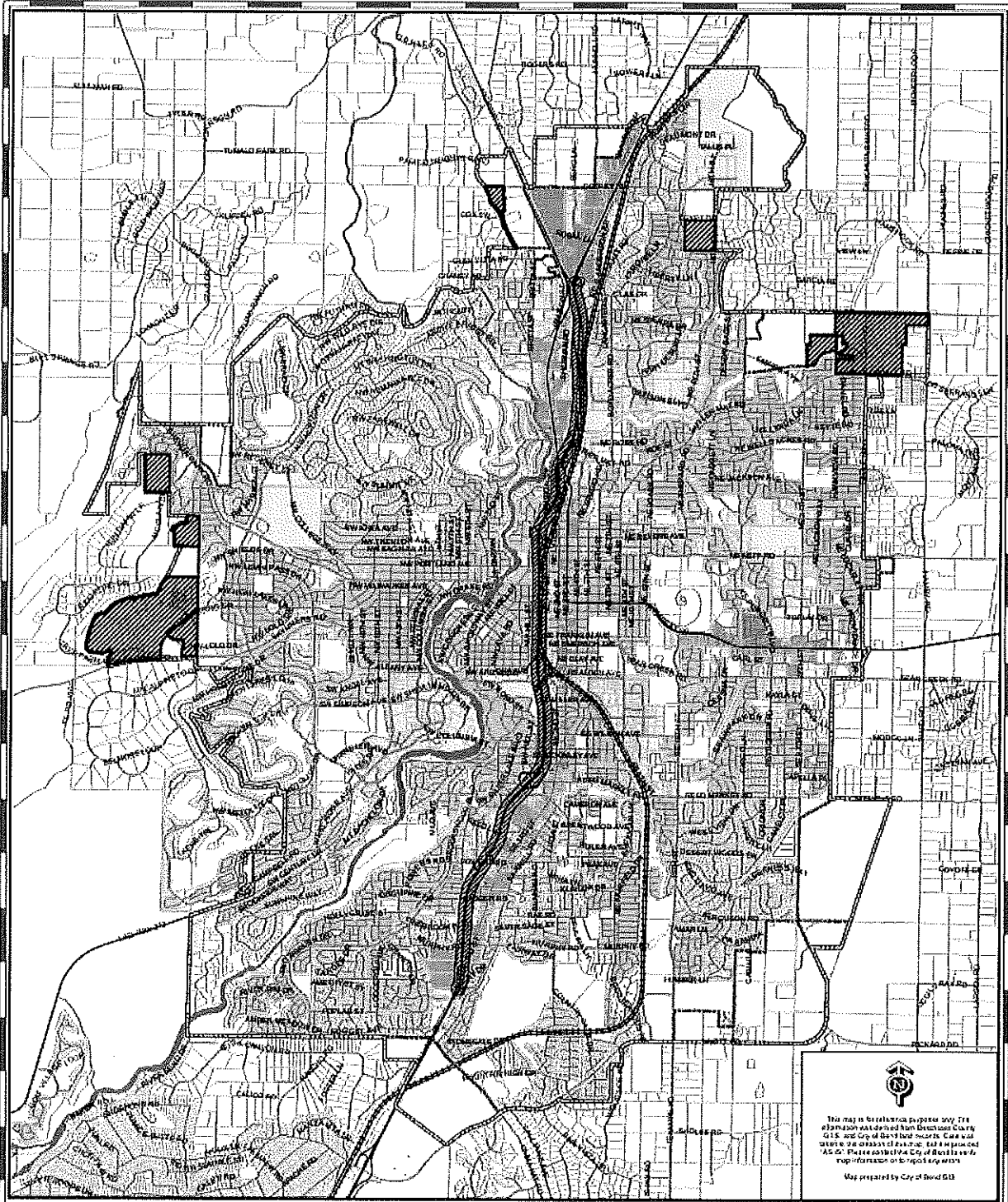
B. Sign Districts Boundaries.


1. Sign districts are shown on the map attached as Exhibit B identified in Figure 9.50.040, Sign District Map.
2. Sign district boundary lines are at the centers of public rights-of-way or the center of a river.
3. The following defines each sign district on Figure 9.50.040, Sign District Map:
 - a. Sign District 1. Primarily a highway commercial use area and 3rd Street.
 - b. Sign District 2. Primarily an industrial or commercial use area.
 - c. Sign District 3. Primarily the downtown business district area and mixed-use areas.
 - d. Sign District 4. Primarily commercial, mixed-use, industrial and institutional uses adjacent to residential areas.
 - e. Sign District 5. Primarily a residential use area.
 - f. Sign District 6. The Bend Parkway encompassing the area within a distance of 300 lineal feet as measured from either side of the Bend Parkway right-of-ways

C. Sign District Boundaries of Annexed Areas. On the date an annexation becomes effective, the Sign District Boundary Map will be automatically updated with the corresponding sign district defined in subsection 9.50.040(B)(3); the annexation ordinance will specify which sign district(s) will be assigned.

Figure 9.50.040

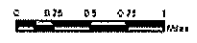
Sign District Map













 This map is for reference purposes only. The information was derived from Ordnance Survey GIS and City of Bend land records. Care will be taken to ensure the accuracy of the map. For more information, please contact the City of Bend at 503-325-4400 or visit our website at www.cityofbend.com.



Bend Sign Districts
 Proposed Map Amendments - January 8, 2021



- | | |
|---|--|
|  A1 (Highway Corridor) |  Proposed Sign District Overlay |
|  A2 (Central) |  Property Boundaries |
|  A3 (Central Business) |  Roads |
|  A4 (Neighborhood) | |
|  A5 (Residential) | |
|  A6 (Parkway Overlay) | |

**EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PLTEXT20210001**

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 update the sign district map (exhibit) and associated text.

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 APMENTS**

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 the Bend Sign Code is to regulate signs that are visible from streets or which are visible from one site to another to provide reasonable regulations

for the design, construction, placement and maintenance of signs in order to protect the public health, safety and general welfare of the community. The intent is not to regulate content, only the number, type, location, height and size of signs.

The Bend Sign Code has the following objectives:

- A. To ensure that signs are designed, constructed, installed and maintained to assure public and traffic safety;
- B. To reflect and support the desired character and development patterns of the community;
- C. To allow adequate and effective signs without dominating the visual landscape;
- D. To balance the needs of business with the desire to preserve and enhance the visual character of the City.

There are six sign districts that regulate signage in the City of Bend and they are identified on a map in the Sign Code. The last time the sign district map was updated was in 2011. Since then the sign district map has not been updated to include properties that have annexed into the City. The proposed amendments update the map and associated text to include these annexed properties and identify which sign district they are located in.

The amendments also include descriptions of the sign districts and adds a new subsection to clarify that when a property is annexed into the City, that the sign district map will automatically be updated with the corresponding sign district.

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 (DLCD) 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.

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 the Bend Sign Code is to regulate signs that are visible from streets or which are visible from one site to another to provide reasonable regulations for the design, construction, placement and maintenance of signs in order to protect the public health, safety and general welfare of the community. The intent is not to regulate content, only the number, type, location, height and size of signs.

The Bend Sign Code has the following objectives:

- A. To ensure that signs are designed, constructed, installed and maintained to assure public and traffic safety;
- B. To reflect and support the desired character and development patterns of the community;
- C. To allow adequate and effective signs without dominating the visual landscape;
- D. To balance the needs of business with the desire to preserve and enhance the visual character of the City.

There are six sign districts that regulate signage in the City of Bend and they are identified on a map in the Sign Code. The last time the sign district map was updated was in 2011. Since then the sign district map has not been updated to include properties that have

annexed into the City. The proposed amendments update the map and associated text to include these annexed properties and identify which sign district they are located in.

The amendments also include descriptions of the sign districts and adds a new subsection to clarify that when a property is annexed into the City, that the sign district map will automatically be updated with the corresponding sign district.

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: There are six sign districts that regulate signage in the City of Bend and they are identified on a map in the Sign Code. The Sign Districts provide specific standards for permanent signs and general requirements including illumination.

The last time the sign district map was updated was in 2011. Since then the sign district map has not been updated to include properties that have annexed into the City. The proposed amendments update the map and associated text to include these annexed properties and identify which sign district they are located in.

The amendments also include descriptions of the sign districts and adds a new subsection to clarify that when a property is annexed into the City, that the sign district map will automatically be updated with the corresponding sign district.

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: Sign districts regulate the types of signs that are permitted in the applicable district. The Bend Code sign district map and associated text must be updated to include all properties in the City of Bend in order to regulate their signage. Therefore, there is a public need for the amendments to update the map in order to regulate the signage within the district.

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.