

**ORDINANCE NO. NS - 2454**

**AN ORDINANCE AMENDING BEND MUNICIPAL CODE (BMC) CHAPTER 9.50,  
SIGNS BY UPDATING THE SIGN DISTRICT MAP**

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 June 23, 2022.
- C. A notice of the August 22, 2022, Planning Commission public hearing was printed in the Bend Bulletin on July 31, 2022, and was mailed and emailed to the neighborhood association on July 28, 2022. A notice of the September 7, 2022, City Council public hearing was printed in the Bend Bulletin on July 31, 2022, and was mailed and emailed to the neighborhood associations on August 9, 2022.
- D. On August 22, 2022, the Planning Commission held a public hearing on Project Number PLTEXT20220450 and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A.
- E. The City Council held a public hearing on September 7, 2022, 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 Municipal 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: September 7, 2022

Second reading and adoption by roll call vote: September 21, 2022

YES: Mayor Gena Goodman-Campbell      NO: none  
Mayor Pro Tem Anthony Broadman  
Councilor Barb Campbell  
Councilor Melanie Kebler  
Councilor Megan Perkins  
Councilor Stephen Sehgal

  
Gena Goodman-Campbell, Mayor

Attest:

  
Robyn Christie, City Recorder

Approved as to form:

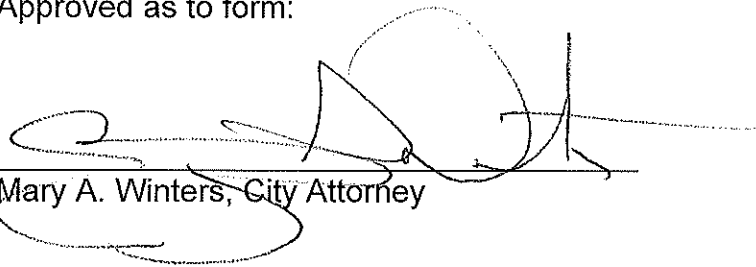
  
Mary A. Winters, City Attorney

Exhibit A

DRAFT  
Bend Code Update  
August 22, 2022

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**

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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.**

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**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 Sign, 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.*

1. Sign districts are 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.

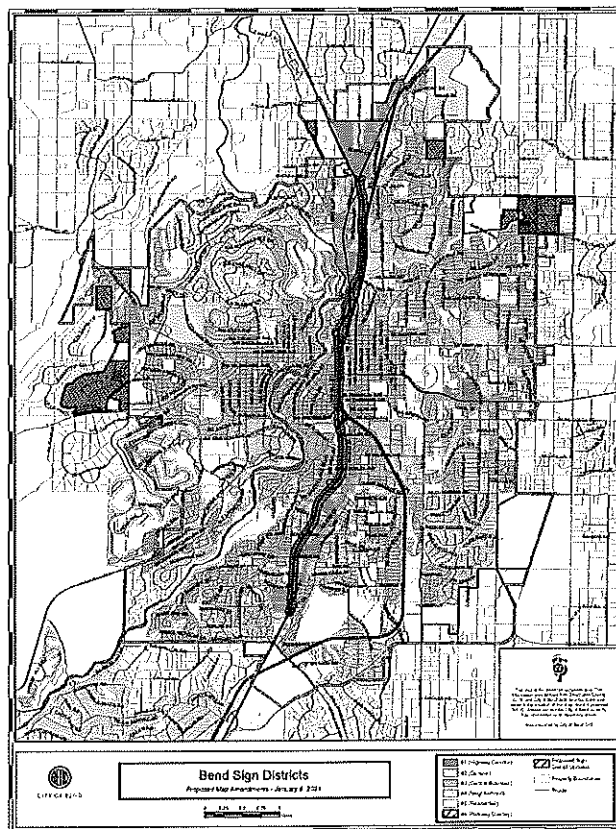
- c. *Sign District 3.* Primarily the downtown business district area and mixed-use areas.
- d. *Sign District 4.* Primarily commercial, mixed-use, industrial and institutional uses adjacent to residential areas.
- e. *Sign District 5.* Primarily a residential use area.
- f. *Sign District 6.* The Bend Parkway encompassing the area within a distance of 300 lineal feet as measured from either side of the Bend Parkway rights-of-way.

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 (B)(3) of this section; the annexation ordinance will specify which sign district(s) will be assigned.

**Figure 9.50.040.**

**Sign District Map**

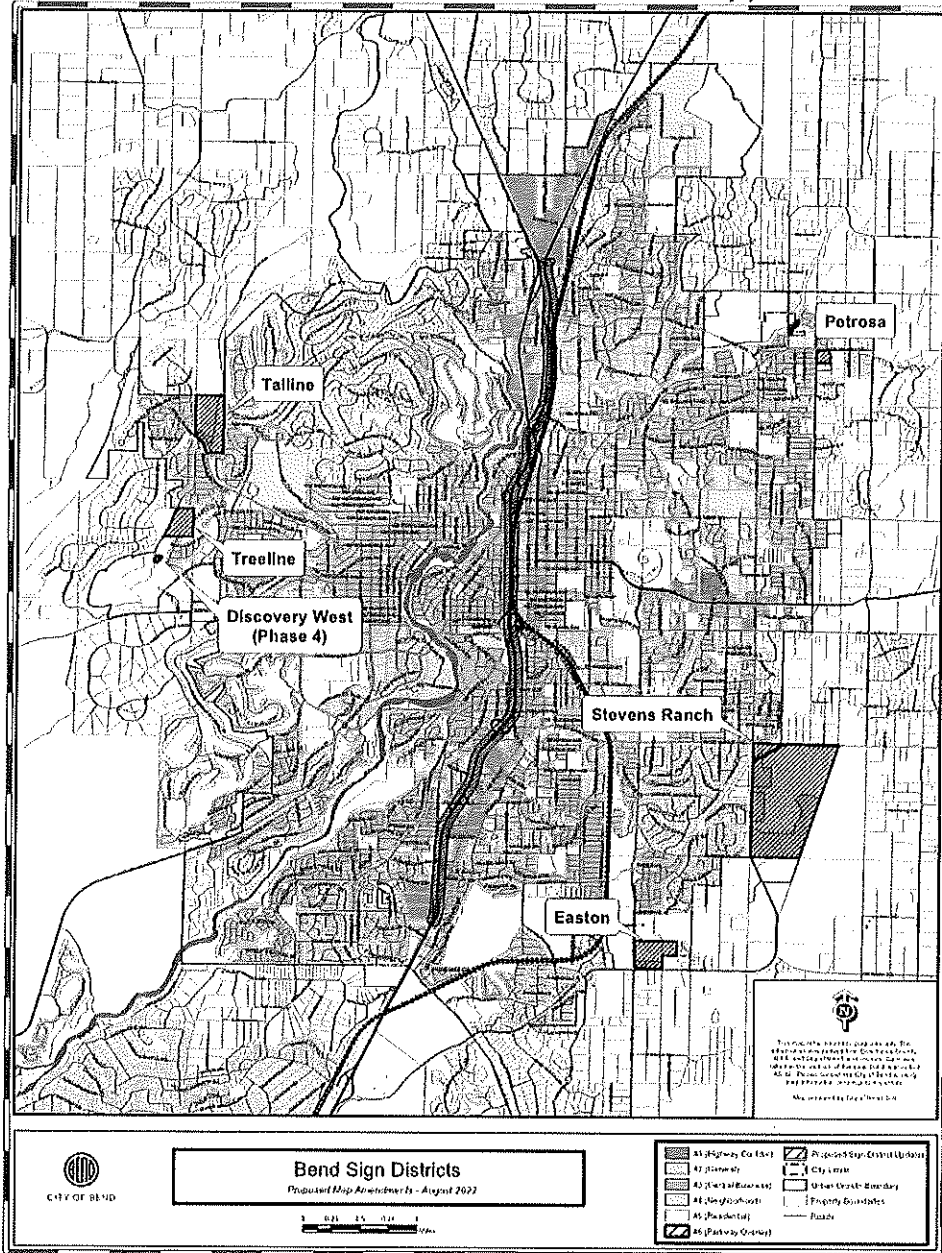
**Delete Figure Below**



\*\*\*

Add Figure Below

(Codified legend will not include the text "Proposed Sign District Update" or the black and white hatching and annexed area names on the map.)



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**EXHIBIT B  
FINDINGS OF FACT  
BEND CODE (BC) UPDATE  
AMENDMENT PLTEXT20220450**

**I. PROCEDURAL FINDINGS:**

**(1) PUBLIC NOTICE AND COMMENTS.**

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on June 23, 2022. On June 24, 2022, staff emailed the draft to the Bend Development Code Update Group for their review. A notice of the August 22, 2022, Planning Commission public hearing was printed in the Bend Bulletin on July 31, 2022, and was mailed and emailed to the neighborhood association on July 28, 2022. A notice of the September 7, 2022, City Council public hearing was printed in the Bend Bulletin on July 31, 2022, and was mailed and emailed to the neighborhood associations on August 9, 2022.

**(2) PROPOSAL:** Amendments to Bend Code Chapter 9.50, Signs. The amendments update the sign district map (Figure 9.50.040). The amendments are attached as Exhibit A.

**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 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 Figure 9.50.040, Sign District Map in BC Chapter 9.5, Signs. The following defines each sign district:

- 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 rights-of-way.

The last time the map was updated was on April 16, 2021. Since then several master plans (Treeline, Easton, Petrosa, Stevens Ranch and Talline) have annexed into the city; however, the sign district map has not been updated to include them. The proposed amendments update the map to include these properties and identify which sign district they are located in. The amendments also include identifying lots 134-144 of Discovery West, Phase 4, as Sign District 4 since they will be live/work townhomes and a commercial plaza.

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 proposed amendments was provided to the Department of Land Conservation and Development (DLCDC) on June 23, 2022. On June 24, 2022, 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, staff from COBA, Oregon LandWatch and Bend Park and Recreation District, members of the Neighborhood Leadership Association, and the Land Use Chairs of Bend Neighborhood Associations.

A notice of the August 22, 2022, Planning Commission public hearing was printed in the Bend Bulletin on July 31, 2022, and was mailed and emailed to the neighborhood association on July 28, 2022. On August 22, 2022, the Planning Commission held a public hearing and recommended approval of the amendments.

A notice of the September 7, 2022, City Council public hearing was printed in the Bend Bulletin on July 31, 2022, and was mailed and emailed to the neighborhood associations on August 9, 2022. On September 7, 2022, the City Council held a public hearing and conducted the first reading approving the amendments and on September 21, 2022, the Council conducted the second reading adopting 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.

The Bend Sign Code regulates the types and sizes of signs that are allowed on a site based on which sign district they are located in. There are six sign districts that regulate signage in the city of Bend and they are identified on Figure 9.50.040, Sign District Map in BC Chapter 9.5, Signs. The last time the map was updated was on April 16, 2021. Since then the sign district map has not been updated to include properties that have annexed into the City (Treeline, Easton, Petrosa, Stevens Ranch and Talline). The proposed amendments update the map to include these properties and identify which sign district they are located in.

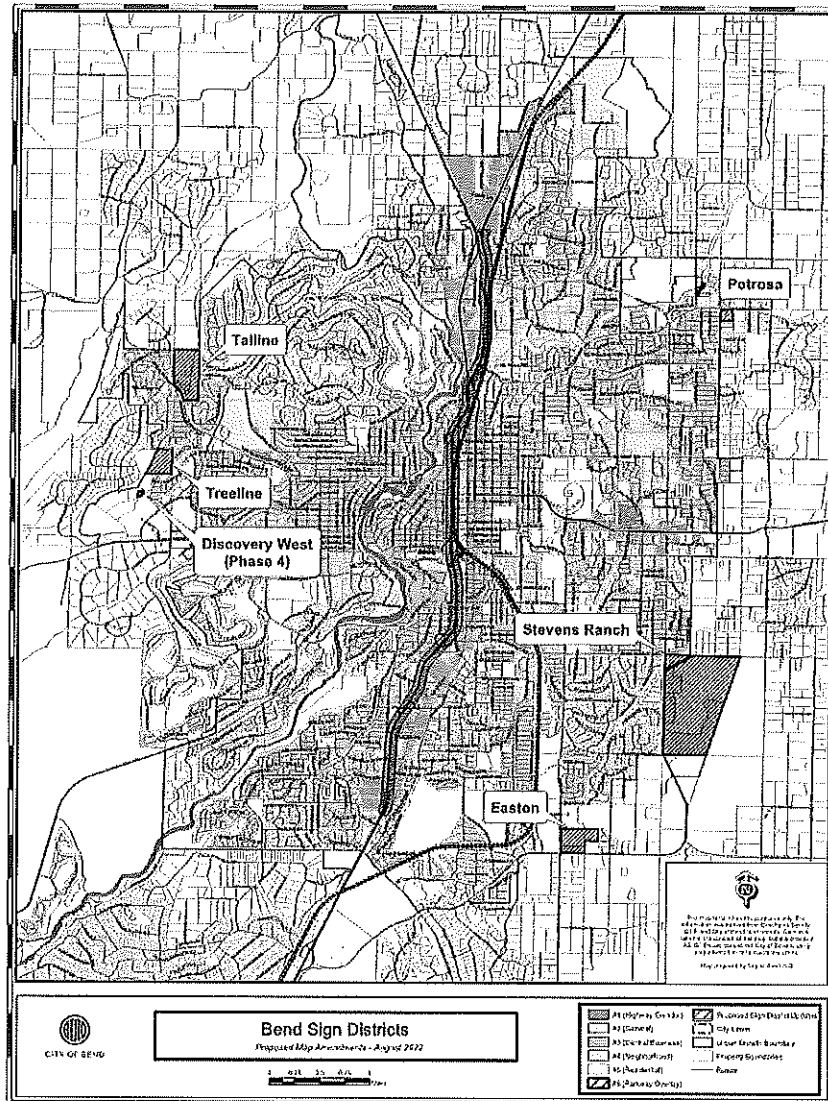
In addition, the proposed amendments include identifying lots 134-144 of Discovery West, Phase 4, as Sign District 4 since they will be live/work townhomes and a commercial plaza. Allowing adequate signage will be key to businesses in the commercial spaces of the live/work townhomes and will help provide a vibrant center and visibility to Skyline Ranch Road.

## **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 Bend Sign Code regulates the types and sizes of signs that are allowed on a site based on which sign district they are located in. There are six sign districts that regulate signage in the city of Bend and they are identified on Figure 9.50.040, Sign District Map in BC Chapter 9.5, Signs. The last time the map was updated was on April

16, 2021. Since then several master plans (Treeline, Easton, Petrosa, Stevens Ranch and Talline) have annexed into the city; however, the sign district map has not been updated to include them. The proposed amendments update the map to include these properties and identify which sign district they are located in. The proposed amendments also include identifying lots 134-144 of Discovery West, Phase 4, as Sign District 4 since they will be live/work townhomes and a commercial plaza.



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 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 city of Bend.

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 Bend Code amendments meet all applicable criteria for adoption.

**VI. RECOMMENDATION:**

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

