

## ORDINANCE NO. NS-2513

### AN ORDINANCE OF THE CITY COUNCIL AMENDING BEND MUNICIPAL CODE (BMC) CHAPTER 9.50, SIGNS, SPECIFICALLY AMENDING THE BOUNDARY OF SIGN DISTRICT 6

#### Recitals

- A. Chapter 9.50 of the Bend Municipal Code regulates signs within the City and establishes six different Sign Districts.
- B. Sign District 6 is an overlay that includes properties within a certain distance of the Bend Parkway.
- C. The alignment of the Bend Parkway was recently altered by the Oregon Department of Transportation's completion of the North Corridor Project and, therefore, Sign District 6 needs to be amended to match the realigned roadway.
- D. The amendments were 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.
- E. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on September 10, 2024.
- F. Notice of the October 14, 2024, Planning Commission public hearing was mailed on September 18, 2024, to all Bend Neighborhood District representatives, and to the affected property owners in accordance with Measure 56 and ORS 227.186. Notice was also published in The Bulletin on September 22, 2024.
- G. On October 14, 2024, the Planning Commission held a public hearing on these legislative amendments (PLTEXT20240451) to receive public testimony and deliberate on the proposed amendments. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A.
- H. Notice of the November 6, 2024, City Council public hearing was mailed on October 17, 2024, to all Bend Neighborhood District representatives. Notice was also published in The Bulletin on October 20, 2024.
- I. The City Council held a public hearing on November 6, 2024, 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 Municipal Code should be approved.

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

**Section 1.** Bend Municipal Code Chapter 9.50 Signs is amended as proposed in Exhibit A, to update Sign District 6 based on recent changes to the alignment of the Bend Parkway, and to extend Sign District 6 to the north and south boundaries of the Bend city limits.

**Section 2.** This ordinance will be effective on December 20, 2024, 30 days after adoption on November 20, 2024.

**Section 3.** In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.

**Section 4.** If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.


**Section 5.** All other provisions of the Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading Date: **November 6, 2024**

Second Reading and adoption by roll call vote: **November 20, 2024**

YES: Mayor Melanie Kebler  
Mayor Pro Tem Megan Perkins  
Councilor Barb Campbell  
Councilor Ariel Méndez  
Councilor Megan Norris  
Councilor Mike Riley

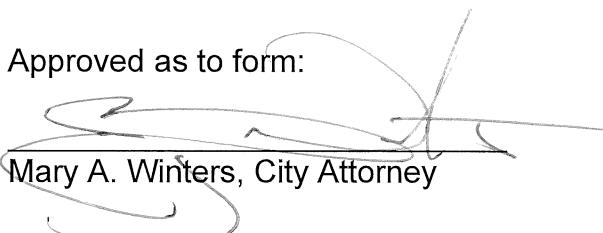
NO: None

  
\_\_\_\_\_  
Melanie Kebler, Mayor

ATTEST:

  
Morgen Fry, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney

**Exhibit A**  
**DRAFT**  
**Bend Code Amendment**  
**October 14, 2024**

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**

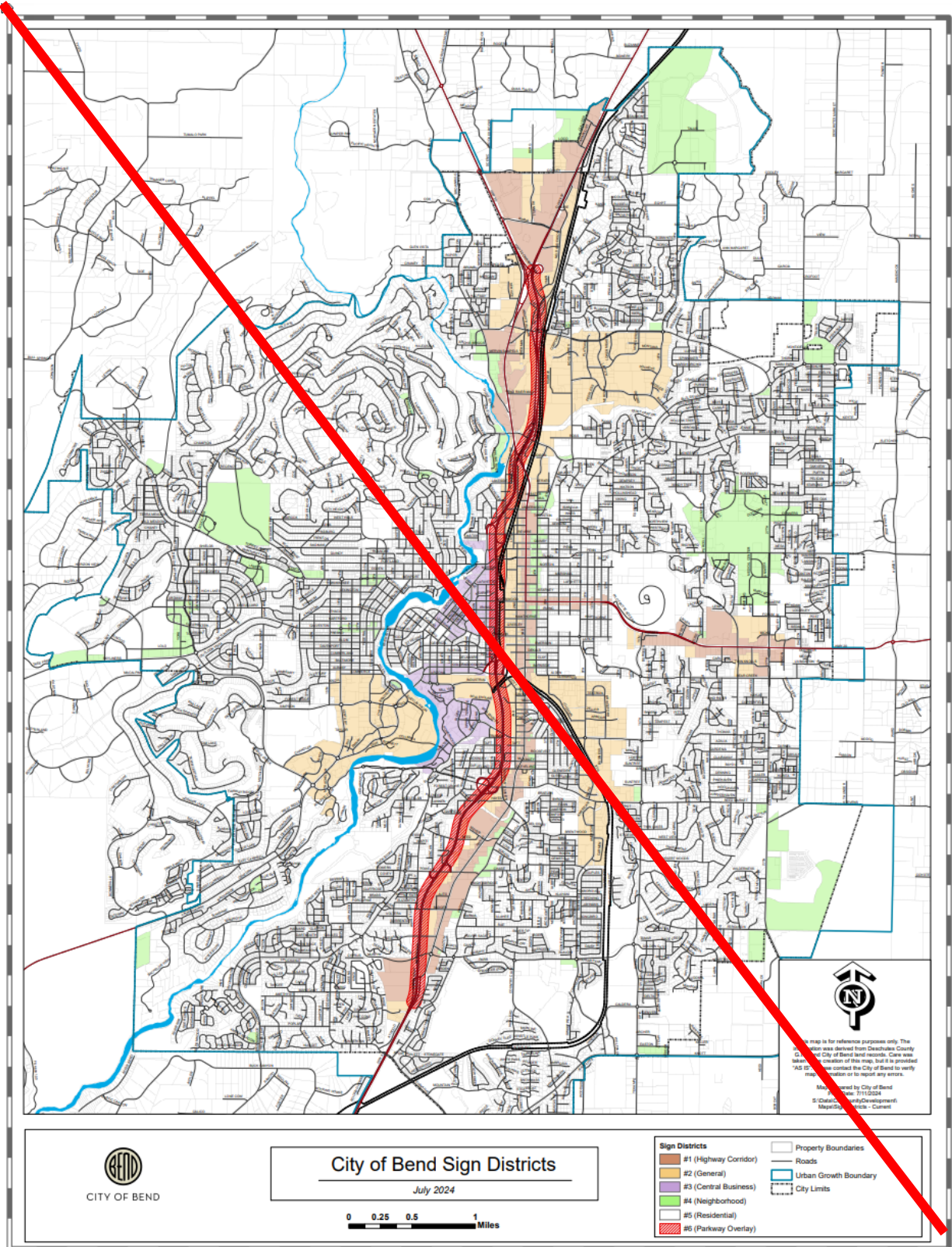
**9.50.040 Permit Requirements and Sign Districts.**

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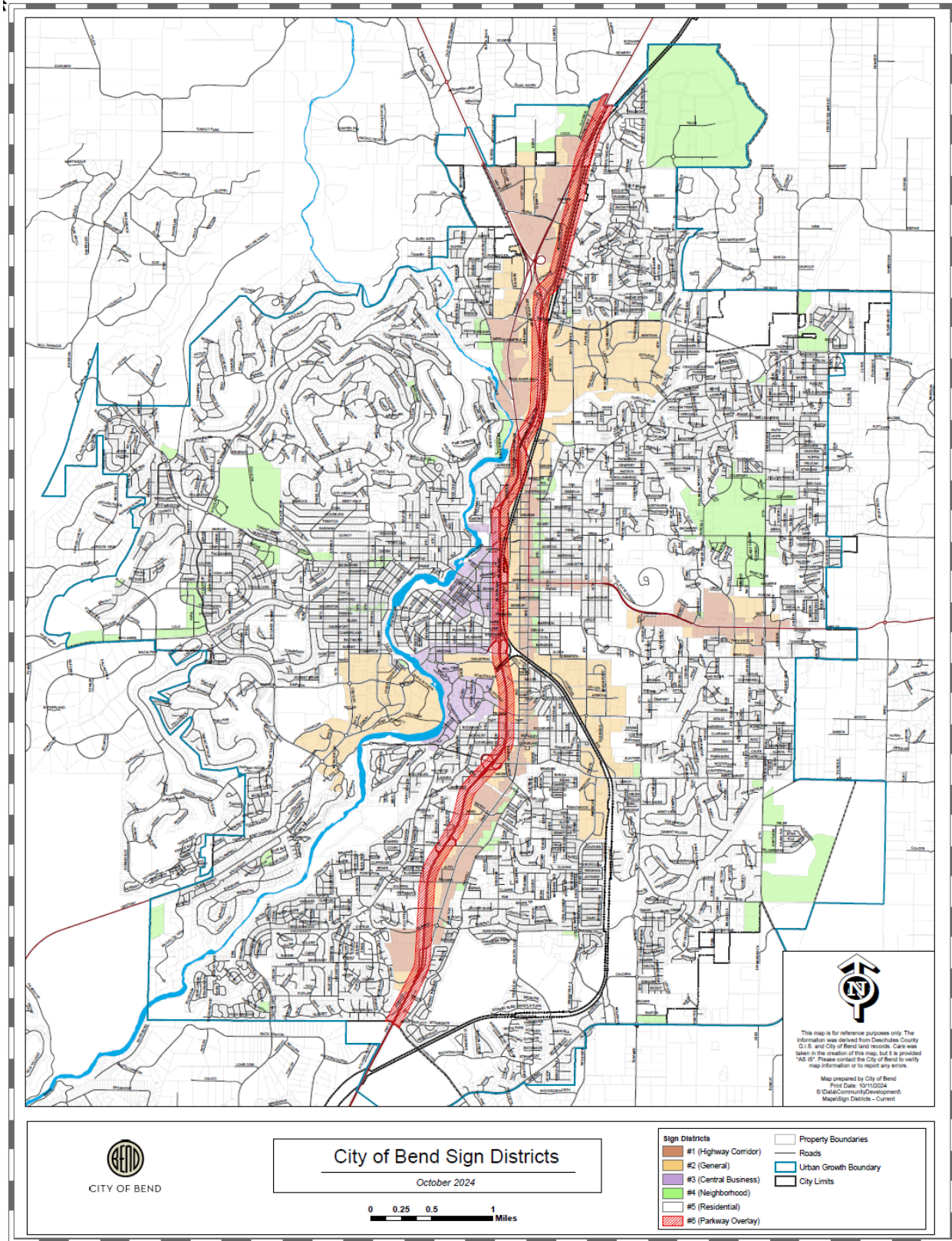
B. Sign Districts.

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 3<sup>rd</sup> 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 t~~The area within a distance of 300 lineal feet as measured from either side of the centerlines of the northbound and southbound sections of the Bend Parkway right-of-ways

Figure 9.50.040 Sign District Map  
(Delete figure below)



(Replace with figure below with new Sign District 6 alignment)



**EXHIBIT B**  
**FINDINGS OF FACT**  
**BEND CODE (BC) TEXT AMENDMENT**  
**PLTEXT20240451**



**APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

**CITY OF BEND**

**Bend Development Code (BDC)**

**BDC Criteria**

Chapter 4.6, Land Use District Map and Text Amendments

**BDC Procedures**

Chapter 4.1, Development Review and Procedures

**Bend Code (Municipal Code)**

Chapter 9.50 Signs

**PROCEDURAL FINDINGS:**

- 1. PUBLIC NOTICE:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on September 10, 2024. On September 18, 2024, notice of the Planning Commission hearing was mailed to each of the Neighborhood District representatives, and to the affected property owners in accordance with Measure 56 and ORS 227.186, informing them that the text amendments may affect the permissible signs allowed on their properties, which could impact the value of their property. Notice of the Planning Commission hearing was also published in The Bulletin on September 22, 2024.

On October 17, 2024, notice of the City Council hearing and first reading of the ordinance was mailed to each of the Neighborhood District representatives. Notice of the City Council hearing and first reading of the ordinance was also published in the Bulletin on October 20, 2024.

- 2. BACKGROUND:** Bend Code Chapter 9.50 defines six different Sign Districts under 9.50.040.B Sign Districts. Sign District 6 is defined as follows:

*9.50.040.B.3.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.*

Sign District 6 is illustrated as the hatched red area on Figure 9.50.040 Sign District Map. Figure 9.50.040 currently does not show Sign District 6 continuing along the Bend Parkway all the way to the north and south boundaries of the Bend city limits.

With the completion of the Oregon Department of Transportation (ODOT) Bend North Corridor Project, it is necessary to amend Figure 9.50.040 to show the boundary of Sign District 6 based on the new alignment, continuing all the way to the north boundary of the Bend city limits. Figure 9.50.040 also needs to be updated to show Sign District 6 extended to the south boundary of the Bend city limits along the current alignment of the Bend Parkway.



**Accommodation Information for People with Disabilities**

To obtain this information in an alternate format such as Braille, large print, electronic formats, etc. please contact the Staff Reviewer listed above; Relay Users Dial 7-1-1.

The text of 9.50.040.B.3.f. states that the area of Sign District 6 is measured from either side of the Bend Parkway rights-of-way. However, the width of the Bend Parkway rights-of-way vary significantly throughout town, and there are areas where the Parkway rights-of-way widen to accommodate on and off-ramps, or where the right-of-way is significantly wider than the Parkway improvements, such that measuring the boundary from the right-of-way is not always feasible or accurate. There are also several sections of the Bend Parkway where city public rights-of-way blend with ODOT Parkway rights-of-way, such that it is not possible to easily determine where one ends and the other begins.

For these reasons, the text of 9.50.040.B.3.f is being amended to provide a clear, consistent boundary. The text amendment defines Sign District 6 as encompassing the area within a distance of 300 lineal feet as measured from the centerlines of the northbound and southbound sections of the Bend Parkway. This more accurately reflects the intent of area Sign District 6 is meant to encompass.

## **APPLICATION OF CRITERIA AND FINDINGS:**

### **Bend Code**

#### **Chapter 9.50 Signs**

##### **9.50.120 Amendments**

**Amendment to this chapter shall be processed in accordance with the procedures and criteria contained in the Bend Development Code for map and text amendments.**

### **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 BDC Chapter 4.1, Development Review and Procedures, and shall conform to BDC 4.6.600, Transportation Planning Rule Compliance. A legislative amendment may be approved or denied.**

**FINDING:** The amendments to the text of the Bend Code 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 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 Bend Comprehensive Plan goals and policies of are applicable to the Sign Code amendments.

**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 proposed amendments are specific to Sign District 6, which is an overlay district applicable to properties along either side of the Bend Parkway.

*9.50.040.B. Sign Districts.*

- 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.*

With the completion of the Oregon Department of Transportation (ODOT) Bend North Corridor Project, it is necessary to amend Figure 9.50.040 to show the boundary of Sign District 6 based on the new alignment, continuing all the way to the north boundary of the Bend city limits. Figure 9.50.040 also needs to be updated to show Sign District 6 extended to the south boundary of the Bend city limits along the current alignment of the Bend Parkway.

The text of 9.50.040.B.3.f. states that the area of Sign District 6 is measured from either side of the Bend Parkway rights-of-way. However, the width of the Bend Parkway rights-of-way vary significantly throughout town, and there are areas where the Parkway rights-of-way widen to



accommodate on and off-ramps, or where the right-of-way is significantly wider than the Parkway improvements, such that measuring the boundary from the right-of-way is not always feasible or accurate. There are also several sections of the Bend Parkway where city public rights-of-way blend with ODOT Parkway rights-of-way, such that it is not possible to easily determine where one ends and the other begins.

For these reasons, the text of 9.50.040.B.3.f is amended to provide a clear, consistent boundary. The text amendment defines Sign District 6 as encompassing the area within a distance of 300 lineal feet as measured from the centerlines of the northbound and southbound sections of the Bend Parkway. This more accurately reflects the intent of area Sign District 6 is meant to encompass.

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 (DLCDD) on September 10, 2024. On September 18, 2024, notice of the Planning Commission hearing was mailed to the representatives of each Neighborhood District, and to the affected property owners in accordance with Measure 56 and ORS 227.186, informing them that the text amendments may affect the permissible signs allowed on their properties, which could impact the value of their property. Notice of the Planning Commission hearing was also published in The Bulletin on September 22, 2024.

On October 17, 2024, notice of the City Council hearing and first reading of the ordinance was mailed to each of the Neighborhood District representatives. Notice of the City Council hearing and first reading of the ordinance was also published in the Bulletin on October 20, 2024.

## **Chapter 9: Community Appearance**

### **Goals:**

- **To make a concerted effort to improve the appearance of the community, particularly in the commercial, industrial and multi-unit areas;**
- **To identify those characteristics that give the community its individual identity and to preserve and expand those characteristics as growth occurs.**
- **To significantly improve the appearance along the state highways and other transportation corridors as one means of recapturing the individual and distinct identity of the Bend area.**

**FINDING:** As stated above, 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 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.

Sign District 6 specifically regulates signs within 300 feet of the Bend Parkway, which is a state highway. The amendments are necessary to reflect recent changes to the alignment of the Bend Parkway, and to ensure consistency in how the boundary of Sign District 6 is applied.

**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 amendments are specific to Sign District 6, to reflect recent changes to the alignment of the Bend Parkway, and to ensure consistency in how the boundary of Sign District 6 is applied. Sign District 6 is different than other sign districts, in that it is an overlay district with additional sign standards that are applied to properties within 300 feet of the Bend Parkway. Specifically, there are additional limitations on signs that are oriented to the Bend Parkway.

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

**BDC 4.6.200.B Criteria for Legislative Amendments (continued)**

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

**FINDING:** The need for the amendment is based on recent changes to the alignment of the Bend Parkway, to update Figure 9.50.040 to extend Sign District 6 along the Bend Parkway all the way to the north and south city limits. The benefit of the amendment is to implement the goals and policies of the Bend Comprehensive Plan related to community appearance, specifically relating to signage and improving the appearance along our highway corridors.

**BDC 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:** 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.

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

**CONCLUSION:**

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