

ORDINANCE NO. NS - 2292

AN ORDINANCE AMENDING THE BEND CODE CHAPTER 9.50, SIGNS

Findings:

- A. The application was processed in accordance with BDC 4.1.500. Timely and sufficient notice pursuant to Section 4.1.515 of the Bend Development Code was provided.
- B. The Planning Commission reviewed the proposed amendments to the Sign Code during a work session on March 13, 2017 and held a public hearing on March 27, 2017 to accept testimony on the request. At the conclusion of the hearing, the Planning Commission voted to recommend the proposed text amendments be approved by the City Council.
- C. Notice of the City Council public hearing was sent to the neighborhood associations on March 21, 2017, and published in the Bend Bulletin on March 26, 2017.
- D. The Bend City Council held a public hearing on April 19, 2017 to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council found that the text amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the amendments to BC Chapter 9.50, Signs, excluding the amendments to the BC 9.50.190 Nonconforming Signs.

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

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

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

First Reading: April 19, 2017

Second reading and adoption by roll call vote: May 3, 2017

YES: Casey Roats, Mayor
Sally Russell
Bill Moseley
Bruce Abernethy
Justin Livingston
Nathan Boddie

NO: NONE



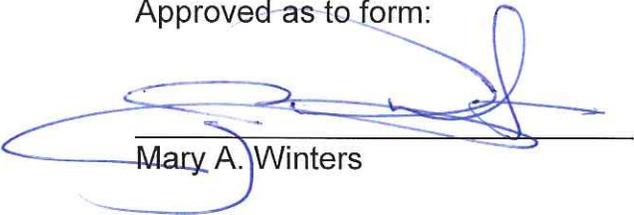
Casey Roats, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

EXHIBIT A

**Draft
Bend Code Update
May 3, 2017**

Prepared by:
City of Bend Planning Division

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***

Replace “dominant” with “primary” in Chapter 9.50, Signs

**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 ~~Exemptions.~~ Signs Exempt from Permit Requirements.
- 9.50.060 ~~Temporary Signs Requiring a Permit.~~
- 9.50.070 Prohibited Signs.
- 9.50.080 Sign District Regulations.
- 9.50.090 Standards for Permanent Signs.
- 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

9.50.010 Purpose and Applicability.

The purpose of this chapter 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. This chapter 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 sign standards are intended to allow for signs with adequate visibility to streets that abut the site but not necessarily to streets farther away.

All new signs must comply with the provisions of this Chapter in effect when the sign is installed or a permit is applied for.

9.50.030 Definitions.

The following definitions apply in this chapter:

Banner means a flexible material on which a sign or graphics may be displayed. Banners are temporary signs and do not include flags as defined in this section. Banners include tear drops flags and similar signs.

Discernable means the physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

~~**Dominant facade** means that portion of a building facade providing the primary public entrance into the primary use building and which may or may not face the public street, also known as a storefront. Multiple-tenant buildings may have individual dominant facades or share a common dominant facade. The dominant facade is located on the first story and provides pedestrian access into the building from sidewalks, parking lots, and/or other areas from the first floor. The dominant facade shall be the basis for determining the permissible sign area for building signs.~~ **(Renamed as "Primary Façade" and relocated alphabetically)**

Entrance sign means a sign not greater than four feet in height with a sign area not exceeding four square feet that is located at a driveway entrance to a commercial or industrial property. *(Relocated to standard.)*

Flag means a piece of fabric attached to a flag pole or other support on one side, excluding banners. The length at right angles to the support must be at least as long as the length of the attached side.

Interior signs means a sign not greater than four square feet in height with a sign area not exceeding four square feet and not visible from a public right-of-way. *(Relocated to standard.)*

Light pole means any luminaire set on a pole which raises the source of light off of the ground. The pole must be permanent and supported by a footing. New luminaires must comply with the Outdoor Lighting Ordinance.

Permanent sign means any sign that is ~~not a temporary sign~~, affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign.

Portable Sign means a movable sign that is not attached to a structure or the ground. Portable signs include A-frame signs, T-frame signs, and similar signs.

Primary facade means that portion of a building facade providing the primary public entrance into the primary use building and which may or may not face the public street, also known as a storefront. Multiple-tenant buildings may have individual primary facades or share a common primary facade. The primary is located on the first story and provides pedestrian access into the building from sidewalks, parking lots, and/or other areas from the first floor. The primary shall be the basis for determining the permissible sign area for building signs. *(Previously named "Dominant Façade")*

Recreational vehicle means a vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the Director of the Department of Consumer and Business Services. *(Same definition in the BDC).*

Temporary sign means any sign on structures constructed to remain in place for a limited period of time. Temporary signs include, but are not limited to, signs not permanently embedded in the ground, or not

~~permanently affixed to a building or sign structure that is permanently embedded in the ground, balloons used as signs, and banners. a sign that is intended to be placed for a brief time, and is not a permanent sign.~~

Wall sign means a single-sided sign that is attached to or painted on an exterior wall of a building, parapet or mansard so that the sign face is parallel or approximately parallel to and within 18 inches of a building wall, parapet or mansard. A mural sign is a subcategory of a wall sign and is defined as follows:

Mural sign means a sign that is painted directly on the surface of a building or retaining wall, without any sign structure or additional surface.

Window area means an individual pane of glass or a contiguous area of glass separated by nonstructural elements of dissimilar (non-glass) material or by structural materials.

Window sign means any sign applied, painted, or affixed to a window, or displayed inside the building within two feet of a window or building opening so that it is oriented to the window. Customary displays of merchandise behind a store window are not considered window signs. any sign viewable through and/or attached in any manner on a window, including windows within doors, and intended to be viewable from outside of the building.

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. Works of art, graphics and murals ~~on a building.~~
- B. Sign District Boundaries. Sign Districts are shown on the map attached as Exhibit B. Sign District boundary lines are at the centers of public rights-of-way or the center of a river.

9.50.050 Exemptions- 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.

- A. ~~Flags-~~ Flags mounted on a pole in the ground or on a building are exempt but are subject to Development Code height regulations and shall must be located and constructed so that, if the pole should collapse, its reclining length would be contained on the property on which it is installed, subject to the following limitations:
 - 1. Three flags per site under six acres are ~~exempt.~~
 - 2. Six flags per site over six acres are ~~exempt.~~
- B. Official Required or Authorized Signs. ***(Proposed revision will help address portable signs in the ROW in the downtown)***
 - 1. Official and legal notices required or authorized by a court or governmental agency;
 - 2. Signs placed in the public right-of-way by the entity responsible for administering the right-of-way, 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.
- 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.
- D. ~~Exempt Signs with Size and Number Limitations.~~
 - 4. ~~Changeable Copy Sign.~~ One nonilluminated wall or window sign located on or below the second story window opening for non-residential uses with a maximum sign area of three square feet or one nonilluminated sign located on-site in a residential zone with a maximum sign area of per site; the sign copy shall be manually changeable, such as a chalkboard or reader board. The sign shall not exceed three square feet in area and shall be located on or next to the building.
 - 2. ~~Nonilluminated public ball field interior fence signs less than 12 feet in height.~~ ***(Relocated to H)***
- E. 3. ~~One nonilluminated wall or window sign limited to two square feet in area per primary façade or below, except in Sign District 5 the sign must be nonilluminated.~~ ***(Will allow open/close signs.)***
- F. 4. ~~Interior signs located within five feet of an interior roadway. Signs not greater than four feet in height with a sign area not exceeding six square feet per side and not discernable from a public right-of-way or private street with a public access easement.~~ ***(Relocated from definition and revised standards – Interior Sign)***
- G. 5. ~~One entrance sign per driveway entrance to a commercial or industrial property. One permanent freestanding sign not greater than four feet in height with a sign area not exceeding four square feet located at a driveway entrance to a non-residential property.~~ ***(Relocated standards from definition– Entrance Sign.)***
- H. Signs located within a sports stadium or athletic field and oriented to the playing field or spectator areas.

~~E. Exempt Temporary Signs Requiring No Permit. The following temporary signs are allowed and are exempt from the requirements to obtain a sign permit. Nothing in this section dictates or limits the content of the signs allowed. Only the timing, size and placement of the sign are regulated. *(Relocated several of these to Temporary Signs and revised.)*~~

~~I. 4. Signs that are carried or worn by humans or animals are allowed at all times and in all districts while they are being carried or worn.~~

~~2. One nonilluminated sign with a maximum sign area of six square feet and a maximum height of six feet may be displayed on the site of a special event by the organizer of the special event for two weeks prior to, during, and one week after the special event is held.~~

~~3. Where a site is under construction, one on-site, nonilluminated sign with a maximum sign area of six square feet in residential zones and 32 square feet in other zones and a maximum height of six feet in residential zones and eight feet in other zones may be displayed for two weeks prior to construction, through construction and for one week after completion of construction. *(Moved to temporary signs.)*~~

~~4. Where a site is offered for sale, rent or lease, one on-site, nonilluminated sign with a maximum sign area of six square feet in residential zones and 32 square feet in other zones and a maximum height of six feet in residential zones and eight feet in other zones may be displayed while the property is for sale or rent and for one week after the transaction is finally completed and possession transferred. *(Moved to temporary signs.)*~~

~~5. Nonilluminated signs with a maximum sign area of six square feet in residential zones and 16 square feet in other zones and a maximum height of six feet in residential zones and eight feet in other zones may be displayed for the period starting 60 days before and ending seven days after any election date established by State statute. *(Moved to temporary signs.)*~~

~~J. 6. Light Pole Banner. Banners attached to light poles shall must comply with the following minimum standards:~~

~~1. a. Banners attached to light poles are allowed in for nonresidential zoning districts uses. Banners shall must not be located in or project over a street or right-of-way or be attached to a City-owned pole except as authorized by the City of Bend.~~

~~2. b. Not more than two banners shall are be permitted on a single light pole.~~

~~3. c. Banners shall must be vertically installed and shall must not project more than 36 inches from the light pole. Banners' sizes shall must not exceed 30 inches in width and 60 inches in length. Supporting~~

brackets shall must be attached to the top and bottom of the banner. The banner shall must be a minimum of eight feet above the finished grade below the sign, 16 feet when located above areas accessed by vehicles.

4. ~~d.~~ Stringing attachments or supporting devices between any two or more light poles or between light poles and other objects is prohibited.

5. ~~e.~~ Light pole banners shall be rotated or replaced every six months. must be maintained in accordance with Section 9.50.100(E)(2).

6. Light poles banners must be attached only on light poles that were legally installed.

K. Nonilluminated signs on an operable motorized vehicle that has a current registration or nonilluminated signs on an operable motorized vehicle or recreational vehicle on a property with an active vehicle dealer certificate.

9.50.060 Temporary Signs Requiring a Permit.

A. Temporary signs that meet the standards of this section are not included in the determination of the type, number, or area of permanent signs allowed. Temporary signs must be nonilluminated. Temporary signs must be located on-site except when allowed to be located the right-of-way by this section. Signs that do not meet the standards of this section are subject to the standards for permanent signs in Section 9.05.090 Standards for Permanent Signs. (Moved from exempt signs)

The following temporary signs are allowed if a sign permit is obtained:

A. ~~Signs on properties where a development project has received land use approvals or, if no land use approval is required, a building permit.~~

1. ~~Parcels less than four acres may display one nonilluminated sign up to 32 square feet in area and eight feet in height.~~

2. ~~Parcels over four acres may display a maximum of two nonilluminated signs. Each sign may be up to 64 square feet in area and eight feet in height.~~

3. ~~The signs may be installed up to two weeks prior to the start of construction project for which a permit has been issued and must be removed within seven days after the completion of the development project or within one year of issuance of the sign permit, whichever occurs first.~~

B. ~~Special Event Sign. (Relocated to a new banner section BC 9.50.060.C.2)~~

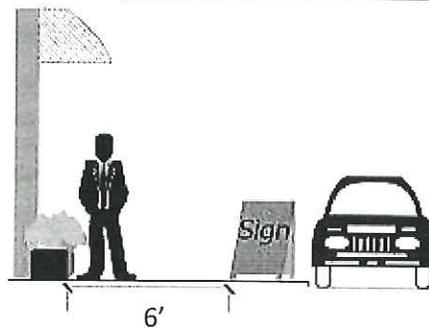
1. ~~One nonilluminated sign up to 32 square feet in area and not to exceed the maximum height allowed for freestanding signs in the applicable Sign District.~~
2. ~~The sign may be displayed a maximum of 30 continuous days up to 60 days per calendar year.~~
3. ~~Not more than two special event sign permits shall be issued per property per year.~~
4. ~~A special event sign may be a banner or a temporary freestanding sign.~~

B. The following temporary signs are allowed without a sign permit:

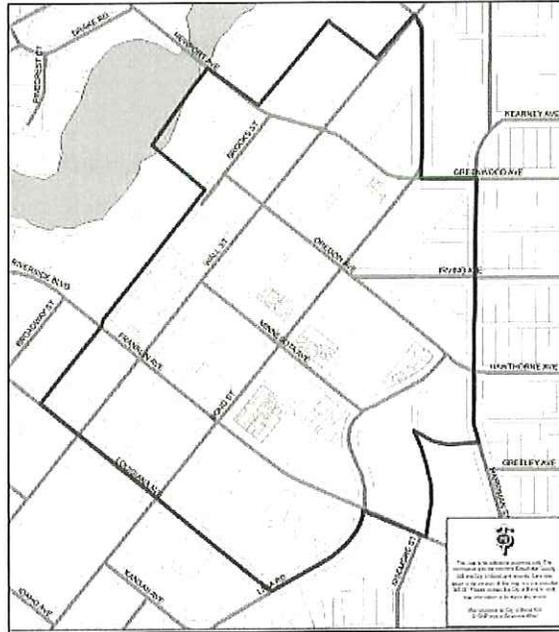
1. One window sign located on or below the first story with a maximum sign area of six square feet may be displayed for a period of up to 14 consecutive days with a maximum of four display periods per calendar year.
2. Temporary signs with a maximum sign area of six square feet in residential zones and 16 square feet in other zones and a maximum height of six feet in residential zones and eight feet in other zones may be displayed for the period starting 60 days before and ending seven days after any election date established by State statute. *(Relocated from exempt signs)*
3. Where a site is under construction, one on-site sign with a maximum sign area of six square feet in residential zones and 32 square feet in other zones and a maximum height of six feet in residential zones and eight feet in other zones may be displayed for two weeks prior to construction, through construction and for one week after completion of construction. *(Relocated from exempt signs)*
4. Where a site is offered for sale, rent or lease, one on-site sign with a maximum sign area of six square feet in residential zones and 32 square feet in other zones and a maximum height of six feet in residential zones and eight feet in other zones may be displayed while the property is for sale or rent and for one week after the transaction is finally completed and possession transferred. *(Relocated from exempt signs)* In addition, portable signs are allowed subject to the following:
 - a. Portable signs must be erected during daylight hours and must be removed the same day they are erected;
 - b. Portable signs may be up to four square feet in area with a maximum height of four feet and a maximum width of two feet;
 - c. Portable signs may be located on-site or may be located in the right-of-way not including sidewalks, medians, roundabouts, and streets; and
 - d. Portable signs must be placed to avoid conflict with parked vehicles.

5. Portable signs in the Downtown Economic Improvement District may be allowed subject to the following:
- a. One portable sign is allowed per public entrance in lieu of a merchandise display. If there are multiple tenants in a building, which share the same public entrance, only one portable sign may be displayed.
 - b. Portable signs may be up to six square feet in area with a maximum height of four feet and a maximum width of two feet.
 - c. Portable signs must be displayed only during the hours the business is open to conduct business.
 - d. Portable signs must be located in front of the public entrance's storefront.
 - e. Portable signs must be spaced a minimum of six feet apart from any other portable sign.
 - f. Portable signs must be placed to avoid conflict with parked vehicles.
 - g. Portable signs are prohibited at building exits or fire escapes.
 - h. Portable signs may be located on private property or may be located in the public right-of-way on the sidewalk when authorized by the entity responsible for administering the right-of-way. Portable signs must not adversely affect easements, nor restrict or impede pedestrians. Portable signs must be placed to conform to all relevant standards of the Americans with Disabilities Act, and maintain an accessible passageway no less than six feet wide.
 - i. All portable signs must be registered.

Placement of Portable signs



Downtown Economic Improvement District



C. The following temporary signs are allowed if a sign permit is obtained: *(Relocated section from above)*

1. The following temporary sign(s) may be located on a site where a development project has received land use approvals or, if no land use approval is required, a building permit.
 - a. Lot or parcels less than four acres may display one sign up to 32 square feet in area and eight feet in height.
 - b. Lots or parcels over four acres may display a maximum of two signs. Each sign may be up to 64 square feet in area and eight feet in height.
 - c. The signs may be installed up to two weeks prior to the start of construction project for which a permit has been issued and must be removed within seven days after the completion of the development project or within one year of issuance of the sign permit, whichever occurs first.

2. Banners. *(Similar to deleted special event signs)*
 - a. One banner up to 60 square feet in area.
 - b. Banners that are freestanding are limited to a maximum height of eight feet and banners that are placed on a building must be located on or below the first story at a maximum height of 14 feet.
 - c. One banner may be displayed on a site for a maximum of 60 days per calendar year.

9.50.070 Prohibited Signs.

The following signs or devices are prohibited and may neither be erected nor maintained:

I. Signs attached to trees.

9.50.090 Standards for Permanent Signs.

A. Determining Building Sign Area Allowance.

1. Building signs include awning or canopy signs, directory signs, drive-through signs, projecting signs, suspended signs, wall signs and window signs.
2. The combined permitted sign area of all building signs, excluding suspended signs, directory signs and drive-through signs, shall ~~shall~~ must be limited to one and one-half square feet of sign area for each one lineal foot of width of the ~~dominant~~ primary facade up to the maximum sign area allowed in each Sign District identified in Table 2, unless a different amount allocated to the building occupant is identified in an approved Sign Plan pursuant to BC 9.50.170. Sign area allowances for suspended signs, directory signs, and drive-through signs, where permitted, are allowed in addition to the building sign area allowance. For window signs, see BC 9.50.090.B.4.

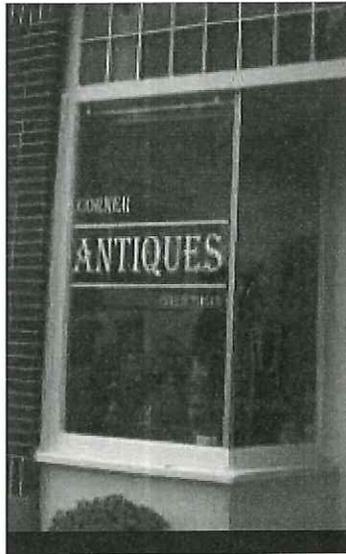
B. Standards for Specific Signs. Where allowed by BC 9.50.080, the following standards apply to specific types of signs:

4. Window Signs.

- ~~a. One or more window signs are allowed except that second-story nonresidential tenants shall be allowed one window sign. The sign area shall be deducted from the building sign area allowance.~~
- ~~b. Illuminated window signs shall not exceed 15 percent of the window area in which they are displayed.~~
- ~~c. Window signs installed on the exterior of the building shall not project more than four inches from the window.~~
- a. Window signs, in combination with temporary window signs, for nonresidential uses located on or below the first story are permitted as follows:
 - i. Window signs 25 percent or smaller of the total window area are permitted without a sign permit.

- ii. Window signs larger than 25 percent of the total window area require a sign permit and must deduct the total square footage of the window sign area from the building sign area allowance in Table 2 in BC 9.50.090, Standards for Permanent Signs.
- iii. Illuminated window signs must not exceed 15 percent of the total window area in which they are displayed.
- b. Second story nonresidential uses are allowed only one nonilluminated window sign up to three square feet without a permit.

Add photo below



Delete photo below



9.50.100 General Requirements.

E. Design, Construction, Inspection, and Maintenance.

1. Design. All signs and related structures shall must be designed, constructed, inspected and maintained in compliance with this chapter and current State of Oregon Structural Specialty Code including any applicable City, State and Federal code, rule, law or regulation.

**EXHIBIT B
FINDINGS OF FACT
BEND CODE UPDATE
AMENDMENT PZ 17-0116**

Procedural Findings

The application was initiated by the city in accordance with BDC 4.1.500. Timely and sufficient notice of the public hearings was provided pursuant to BDC 4.1.515. Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on February 17, 2017 and a revised notice was provided on March 20, 2017.

A notice of the Planning Commission public hearing was printed in the Bend Bulletin on March 5, 2017 and sent to the neighborhood associations on February 28, 2017. A notice of the City Council public hearing was printed in the Bend Bulletin on March 26, 2017 and sent to the neighborhood associations on March 21, 2017.

The Planning Commission held a work session on March 13, 2017 and a public hearing on March 27, 2017 and recommended approval of the proposed text amendments to the City Council. On April 19, the City Council held a public hearing and conducted the first reading to amend the BC Chapter 9.50, Signs, excluding the amendments to the BC 9.50.190 Nonconforming Signs and on May 3, 2017 they conducted the second reading.

Criteria of Approval

- (1) The Bend Area 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

Applicable Procedures

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

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 Bend Code involve broad public policy rather than 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 are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, and Goal 9: Economic Development.

Goal 1, Citizen Involvement, is satisfied through following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

Goal 2, Land Use Planning, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and Development Code as a basis for the decisions and actions related to the new regulations regarding signs and to assure an adequate factual base for these decisions and actions. The proposed amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. The last Sign Code update occurred in 2012 and after five years of operating under that updated Code there are issues pertaining to enforcement of temporary signs such as placing

portable signs in the right-of-way, and banners being hung without sign permits and being used for periods longer than allowed. Since May 2014, Code Enforcement has processed 1,451 sign code violation cases. Therefore, the proposed amendments are justified because they will help reduce code enforcement issues.

Goal 3, Agricultural Lands and Goal 4, Forest Lands, Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City of Bend. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6, Air, Water and Land Resources Quality is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

Goal 7, Areas Subject to Natural Hazards is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8, Recreational Needs is not applicable to the proposed Bend Code amendments because the amendments do not limit any recreational uses in any zone.

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9 which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. The proposed amendments create a section in BC Chapter 9.5, Signs that allows portable signs in the Downtown Economic Improvement District. The City worked with the Downtown Bend Business Association (DBBA) subcommittee to discuss the proposed amendments for the District which include time, place, and manner requirements for portable signs. The amendments also require portable signs to be registered, which was supported by the DBBA, since it helps regulate the signs. The proposed amendments for portable signs could increase commerce in the District and therefore compliance with Goal 9 is maintained.

Goal 10, Housing is not applicable to the proposed Bend Code amendments because the amendments will not reduce residential inventories.

Goal 11, Public Facilities and Services is not applicable because the City's acknowledged regulations implementing Goal 11 remain in effect with no change in applicability.

Goal 12, Transportation requires the City to provide and encourage a safe and convenient and economic transportation system. The proposed amendments are not site specific and therefore 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. Therefore, compliance with Goal 12 is maintained.

Goal 13, Energy Conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

Goal 14, Urbanization, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these proposed amendments and therefore compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the proposed Bend Code amendment.

Because the proposed code amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

Based on the above discussion, the proposed text amendments to the Bend Code are consistent with the statewide planning goals and therefore comply with the requirement that the amendment be consistent with state land use planning law.

2. The request is consistent with the applicable Bend Area 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.
- **Preserve and Enhance a Strong Active Downtown**

Bend's downtown continues to be an active focal point for residents and visitors with strong businesses, urban housing, civic services, arts and cultural opportunities, and gathering places. Parking downtown is adequate and strategically located. Planning in other areas continues to support a healthy downtown.

- **Promote Public and Civic Involvement**
Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an "evolving vision".
- **Create Clear and Consistent Implementing Ordinances**
Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

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.

During the City Council meeting on July 20, 2016, Councilor Campbell shared a letter from the DBBA committee asking for amendments to the temporary sign code. The City worked with the DBBA subcommittee to discuss proposed amendments that would allow portable signs in the Downtown Economic Improvement District year-round. The proposed amendments for portable signs will continue to preserve and enhance a strong active downtown due to the time, place, and manner requirements as well as a registration requirement.

A notice of the Planning Commission public hearing was printed in the Bend Bulletin on March 5, 2017 and sent to the neighborhood associations on February 28, 2017. A notice of the City Council public hearing was printed in the Bend Bulletin on March 26, 2017 and sent to the neighborhood associations on March 21, 2017. The notice was also emailed to sign companies on March 7, 2017 and on March 20, 2017 informing them about the proposed amendments and the dates of the Planning Commission work session and public hearing.

The Planning Commission held a work session on March 13, 2017 and a public hearing on March 27, 2017 and recommended approval of the proposed text amendments to the City Council. During the Planning Commission hearing, staff entered five emails

regarding the code update into the record. Two additional emails were submitted and entered into the record prior to the City Council hearing. The City Council held a public hearing on April 19, 2017 regarding the proposed amendments.

Chapter 6: The Economy and Lands for Economic Growth

Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.

FINDING: The proposed update will continue to promote a vital, diverse and sustainable economy, while enhancing the community's overall livability by allowing portable signs in the Downtown Economic Improvement District and for properties that are offered for sale, rent or lease, allowing larger banner signs, providing flexible standards for window signs, and prohibiting signs attached to trees. The amendments pertaining to portable signs, window signs and banners are more flexible and will continue to support economic development.

Chapter 9: Community Appearance

Goals

- To make a concerted effort to improve the appearance of the community, particularly in the commercial, industrial and multifamily areas.
- To initiate community action programs for the purposes of developing an awareness in the community's citizens of appearance-related issues, evaluating community appearance and developing specific improvement programs.
- 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.

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 amendments to the sign code continue to limit the size, location and number of signs. For example, the code update restricts the number and location of portable signs that can be placed in the Downtown Economic Improvement Districts. It also encourages smaller window signs by allowing them without a permit if they are 25 percent or smaller than the total window area.

In 2000, the sign code was significantly updated which created several non-conforming signs. For example, several pole signs became non-conforming because the permitted height was reduced from 30 feet to 15 feet. In 2012, the non-conforming sign section of the code was revised to remove content based regulations. Since then it has proven to be less than effective in continuing the effort to bring non-conforming signs into compliance when it is appropriate. The Planning Commission recommended the following changes to the City Council to help bring non-conforming signs into compliance with the Sign Code:

9.50.190 Nonconforming Sign.

- A. Any sign lawfully existing or lawfully permitted and constructed within the time allowed by the sign permit but which is made nonconforming by adoption or amendment of this chapter is a nonconforming sign.
- B. Nonconforming signs shall must be removed or brought into compliance if any of the following occurs:
 - 1. The sign or sign structure is moved, removed, replaced or structurally altered unless the moving is required by the City or other public entity to accommodate a public project. Changes in removable faces or panels are not structural alterations.
 - a. ~~Exception: When a nonconforming sign is damaged by causes beyond the control of the owner, the sign may be rebuilt to the same size and height, using the same types of original material. (*Delete to bring non-conforming signs into compliance*)~~
 - 2. The use of the property where the sign is located changes to a different use. For purposes of this section, a change in use includes situations in which services or goods offered or provided on the property are totally changed.

During the public hearing on April 19, 2017, the City Council approved the amendments to BC Chapter 9.50, Signs; however, they excluded the amendments to the BC 9.50.190 Nonconforming Signs. Following the hearing, City Council directed staff to work with the Bend Economic Development Advisory Board (BEDAB) regarding amendments for nonconforming signs since BEDAB is tasked with providing input and policy advice to the Council on issues relating to business development and economic growth which signs can contribute to. The Council was also interested in BEDAB's input on allowing portable signs citywide similar to the portable sign code amendments for the Downtown Economic Improvement District, and eliminating the registration process for all portable signs. In August, the City Council will review BEDAB's recommendations.

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

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

FINDING:

The proposed code update will help reduce code enforcement issues pertaining to signs. This will provide code enforcement staff more time to work on bringing other enforcement issues into compliance to protect the health and safety of the City's residents and visitors.

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 Bend Code text amendment is 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 text amendments meet all applicable criteria for adoption.

VI. RECOMMENDATION:

The Planning Commission recommended approval of the proposed text amendments to the City Council.