

ORDINANCE NO. NS-2534

AN ORDINANCE OF THE CITY COUNCIL AMENDING BEND MUNICIPAL CODE CHAPTER 9.50 TO UPDATE STANDARDS FOR PORTABLE SIGNS AND MURALS, TO ALLOW ELECTRONIC SIGNS FOR CERTAIN SIGN TYPES, AND VARIOUS OTHER MINOR AMENDMENTS

Recitals

- A. Chapter 9.50 of the Bend Municipal Code regulates signs with the City and establishes standards for various types of signage within six different Sign Districts.
- B. The City Council directed staff to prepare amendments to standards for portable signs and murals, and to explore other potential amendments to update the Sign Code standards to allow more flexibility based on input staff has received from the community in recent years.
- C. 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.
- D. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on April 25, 2025.
- E. Notice of the June 9, 2025, Planning Commission public hearing was mailed on May 19, 2025, to all Bend Neighborhood District representatives. Notice was also published in The Bulletin on May 18, 2025.
- F. On June 9, 2025, the Planning Commission held a public hearing on these legislative amendments (PLTEXT20250226) 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.
- G. Notice of the June 18, 2025, City Council public hearing was mailed on May 19, 2025, to all Bend Neighborhood District representatives. Notice was also published in The Bulletin on May 18, 2025.
- H. The City Council held a public hearing on June 18, 2025, 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 standards for portable signs and murals, to allow electronic signs for certain sign types, and various other minor revisions.
- Section 2.** This ordinance will be effective on August 15, 2025, 30 days after adoption on July 16, 2025.
- 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 [or Development] Code remain unchanged by this ordinance and remain in effect.

First Reading Date: **June 18, 2025**

Second Reading and adoption by roll call vote: **July 16, 2025**

YES: Franzosa, Méndez, Norris, Perkins, Platt, Riley

NO:

 For

Melanie Kebler, Mayor

ATTEST:



Ashley Bontje, City Recorder's Office

Approved as to form:



Ian Leitheiser, City Attorney

Exhibit A

DRAFT Bend Code Update June 2, 2025

Note:

Text in underlined typeface is proposed to be added

Text in ~~striketrough~~ 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***

Chapter 9.50 SIGNS

9.50.030 Definitions.

Animated sign means any sign that incorporates movement by ~~electric~~, mechanical or kinetic means including, but not limited to, rotation, revolving or wind activation of all or a portion of sign; or incorporating flashing or intermittent light for sign illumination, including rotating or intermittent lighting in windows and on buildings.

...

Billboards are ~~only those~~ large freestanding sign structures which are limited to a specific number within the City as identified in Table 3-BC 9.50.090.B.7.

...

Electronic Sign means a sign with digital, LED screen, or similar electronically changeable content.

...

Freestanding sign means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground. Ground-mounted, monument and pole signs are subtypes of freestanding signs.

1. **Ground-mounted sign** means a freestanding sign ~~with a solid base directly and continuously connected to at least 50 percent of the sign face width or with two bases of at least 12 inches in width, measured at the narrowest dimension, each. The~~ where the lowest portion of the sign face in a ground-mounted sign is at least 12 inches, but is less than eight feet, above grade.

2. **Monument sign** means a freestanding sign that has a solid supporting base equal to or greater than the width of the sign face and at least 12 inches high with no separations between the sign and base. The sign and base may be one integrated unit. If not an integrated unit, the supporting base ~~shall~~ must be a minimum 12-inch vertical height.

3. **Pole sign** means a freestanding sign with the ~~lower~~ lowest edge of the sign face located ~~from one to eight feet or more~~ above grade and that is not a monument or a ground-mounted sign. ***[Redefined to differentiate shorter signs on poles or posts that could otherwise be allowed as a freestanding sign where pole signs under this definition are prohibited]***

...

~~**Model** means any three-dimensional object displayed for advertising purposes including, but not limited to, graphics, logos, models of people, bottles, animals, buildings, ships, and aircraft; sculpture; vehicles; hot air balloons.~~

...

~~**Mural signs** are a subcategory of a wall sign and consist of either paint applied directly to the exterior wall of a building, or the mural sign consists of paint applied directly on a structure and is not a sign type included in 9.50.080 Table 1. A mural sign may also be paint applied by hand directly on a flat display structure secured to a building's exterior wall.~~ Mural signs may not include any additional materials including, but not limited to, electrical components or lighting, dimensional structural elements, or automated methods that cause changes in the appearance of the mural.

...

Projecting sign, also referred to as a blade sign, means a sign that projects from and is supported by a wall of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

...

9.50.050 Signs Exempt from Permit Requirements.

The following signs are allowed in all sign districts without a sign permit or registration 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.

...

- F. Non-illuminated signs not greater than four feet in height with a sign area not exceeding six square feet per side and not discernible from a public right-of-way or private street with a public access easement. Signs on fuel pumps are included.

...

9.50.060 Temporary Signs.

- 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 non-illuminated. Temporary signs must be located on site except when allowed to be located in 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 BC 9.50.090, Standards for Permanent Signs.

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

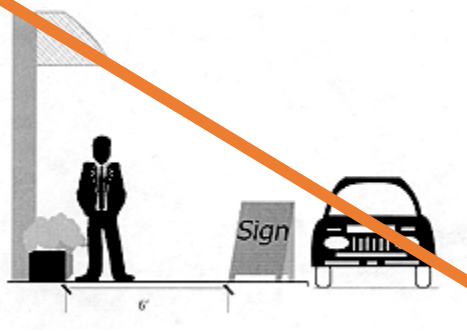
- ~~1. One window sign located on or below the first story with a maximum sign area of six square feet may be displayed for a period of up to 14 consecutive days with a maximum of four display periods per calendar year. **[9.50.090.B.4 allows window signs up to 25 percent on a permanent basis without a permit so this section is obsolete.]**~~
12. Temporary signs with a maximum sign area of six square feet and a maximum height of six feet in residential zones, and a maximum sign area of 16 square feet and a maximum height of eight 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.
- ~~23. Where a site is under construction with an active building permit, one on-site sign with a maximum sign area of six square feet and a maximum height of six feet in residential zones, and or 32 square feet and a maximum height of eight 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. Other types of Land Development signage are allowed with a sign registration under 9.50.060.C.1.~~
34. Where a site is offered for sale, rent or lease, one on-site sign with a maximum sign area of six square feet and a maximum height of six feet in residential zones, and 32 square feet and a maximum height of eight 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. In addition, portable signs under this section 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.

[Subsection 5 below is being combined into C.3 below]

- ~~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



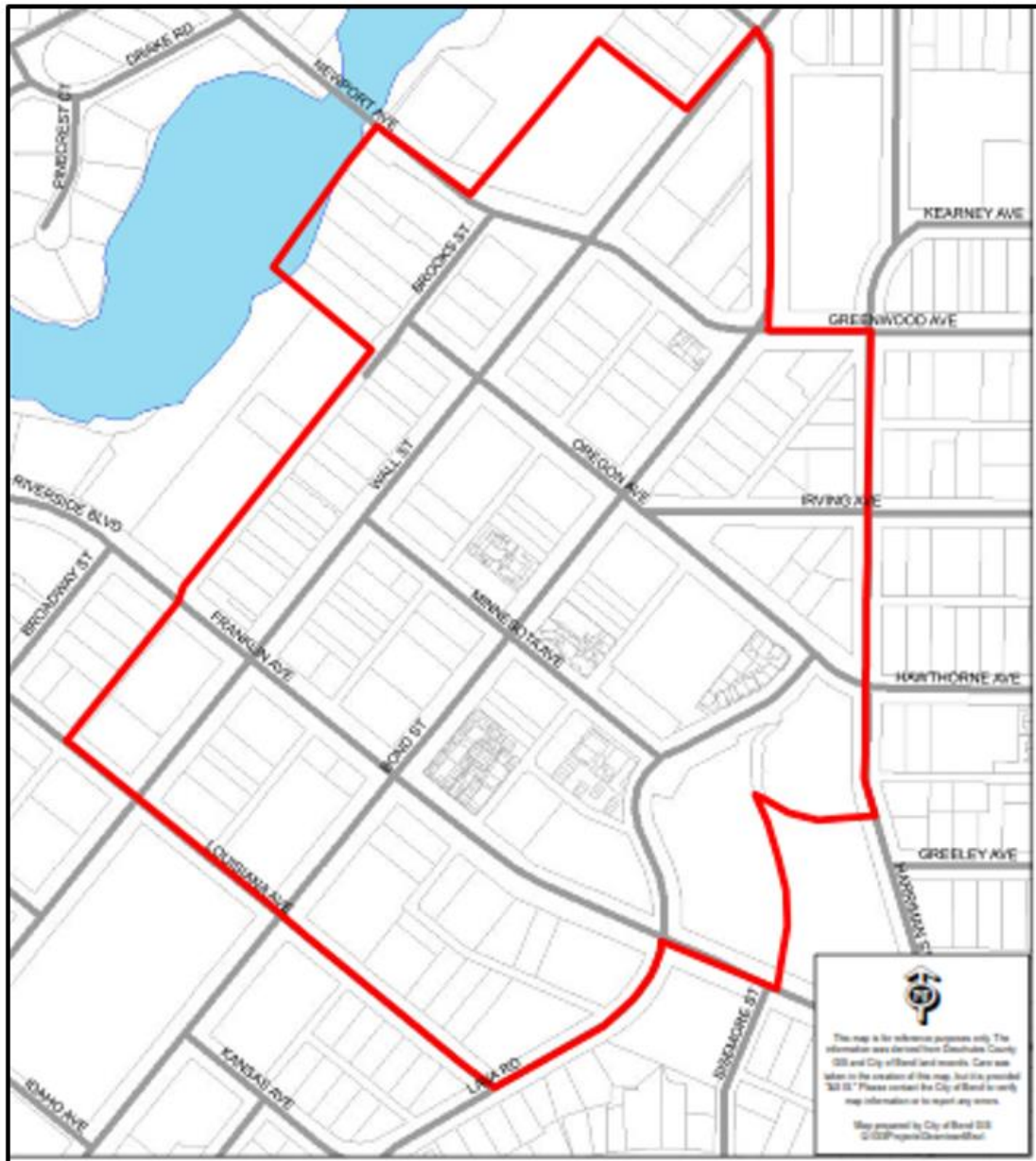
C. The following temporary signs are allowed if a sign permit registration is obtained. A separate registration is required for each sign under this section.:

1. **Land Development Sign.** 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 the 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.**
 - 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-floor 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.
3. Portable Signs. Portable signs under this section are only allowed for non-residential uses.
- a. Number and size of signs.
 - i. Each tenant space is limited to One nonilluminated portable sign, may be up to six square feet in area per side, with a maximum height of four feet and a maximum width of two feet. Illumination and electronic components are prohibited.
 - ii. Exception: In the Downtown Economic Improvement District, portable signs are limited to one per public storefront 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 per entrance. See Figure 9.50.060.A. **[This is consistent with current standards for portable signs in the Downtown Economic Improvement District – moved here from B.5 above.]**
 - ~~b. The portable sign may be displayed on a site for a maximum of 90 days per calendar year.~~
 - ~~c. Not more than two temporary portable sign registrations can be issued per site per year.~~
 - b. Portable signs must be displayed only during the hours the business is open to conduct business.
 - c. Portable signs must be spaced at a minimum of six feet apart from any other portable sign.
 - d. Portable signs must remain portable and not be attached to bike racks, street signs, utility poles, fire hydrants, benches, and other similar fixtures.
 - e. Attachments to the portable sign such as balloons and other extensions are prohibited.
 - f. Location.
 - i. On private property. Signs must be placed in a manner that does not impede a required accessible route, accessible parking, emergency access, or building entrances and exits or fire escapes.
 - ii. In the public right-of-way. A portable sign may be placed in the right-of-way directly abutting the site where the portable sign is registered. Signs may only be placed within a planter strip, or between tree wells for street trees, and must be a minimum of 2 feet from the curb when adjacent to on-street parking. Signs cannot impede the pedestrian sidewalk, accessible curb ramps, or transit stop areas and must be a minimum of 4 feet from bicycle racks.

- iii. Signs cannot be placed in any portion of a street such as vehicle travel lanes, medians, roundabouts, bike lanes, traffic islands, or on-street parking areas.
- iv. Signs cannot be placed within a clear vision area in accordance with BDC 3.1.500

Figure 9.50.060.A Downtown Economic Improvement District *[Moved here from B.5 above]*



9.50.070 Prohibited Signs.

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

- A. Fluttering, spinning, windblown or inflatable devices including ~~three-dimensional models~~, pennants, propeller discs and banners as permanent signs.

...

9.50.090 Standards for Permanent Signs.

A. Determining Building Sign Area Allowance.

1. Building signs include wall signs, window signs, projecting signs, awning and canopy signs. Each of these sign types have additional standards under subsection (B) Standards for Specific Signs. ~~include awning or canopy signs, directory signs, drive-through signs, projecting signs, suspended signs, wall signs and window signs.~~
[Changed to match the definition of building signs.]
2. The combined permitted sign area of all building signs, ~~excluding suspended signs, directory signs and drive-through signs,~~ must be limited to one and one-half square feet of sign area for each one lineal foot of width of the primary façade. Each individual sign is limited 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 except as otherwise approved through a 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 subsection (B)(4) of this section.~~

Table 2

Sign District	Maximum Sign Area	Minimum Sign Area
1	200 square feet	30 square feet
2	150 square feet	30 square feet
3	100 square feet	30 square feet
4	100 square feet	20 square feet
5	12 square feet	12 square feet
6	Special standards apply	

3. Sign area is computed based on the width of the principal building's primary facade in elevation view. The width is measured using a straight line beginning at the corner at one end of the side of the building and continuing to the other corner on the same side of the building. ~~If multiple entities occupy a single building, each entity may apply for a sign based on that entity's primary facade, and the total sign area may not exceed the total sign area for the entire building.~~ Screening walls, fences or other extensions are not included when calculating the building width. Accessory buildings are not used to calculate sign area allowance. ~~Sign area allowances shall not be transferred to other separate tenants or separate uses on the site.~~ **[Strike outs broken out in a. and b. below]**

- a. ~~If multiple entities tenants occupy a single building, each entity may apply for a sign based on that entity's primary facade, and the total sign area may not exceed individual tenant signs are deducted from the total sign area for the entire building. Screening walls, fences or other extensions are not included when calculating the building width.~~
 - b. ~~Sign area allowances shall cannot be transferred to other structures separate tenants or separate uses on the site.~~
4. Building signs may be installed on the primary facade or subordinate facades, except in Sign District 6 where special standards for sign number, size and placement apply.
 - a. Exception: Buildings located in Sign District 6 are limited to one sign on a subordinate facade visible to the Bend Parkway. The sign ~~shall~~ must not exceed 10 percent of the maximum sign area allowance. The sign area is deducted from the total sign area allowance, and the sign ~~shall~~ cannot be internally illuminated. All other building signs ~~shall~~ must comply with the underlying Sign District regulations.
- B. Standards for Specific Signs. Where allowed by BC 9.50.080, the following standards apply to specific types of signs:
1. *Awning and Canopy Sign.*
 - a. Awning and canopy signs are only allowed for non-residential uses. Awnings and canopies ~~shall~~ must be installed in compliance with current editions of adopted building codes and subject to permitting and inspection by the Building Safety Division.
 - b. Awning and canopy signs ~~may be~~ are permitted only as an integral part of the awning or canopy to which they are attached or applied. Signs ~~shall~~ cannot be attached on top of or project beyond the fascia of a freestanding canopy. Signs may be installed on top of a canopy that is attached to and supported by the building, provided the sign does not extend above the roofline or eaves of the building. The sign area ~~shall be~~ is deducted from the building sign area allowance.
 - c. Awnings and canopies ~~shall~~ cannot interfere with trees or traffic signs.
 - d. Awning and canopies attached to the building are allowed on the first story only. Attached awning or canopy structures ~~shall~~ must maintain a clearance of eight feet above a public right-of-way or finished grade. The valance ~~shall~~ must maintain a seven-foot clearance. An awning or canopy ~~shall~~ cannot extend within two feet from the street curb. Posts or columns beyond the property line are not permitted. Awning and canopies ~~shall~~ cannot project above the roofline.
 2. *Projecting Sign.*
 - a. Projecting signs are only allowed for non-residential uses.
 - b. Projecting signs ~~shall~~ cannot be installed on accessory structures ~~the primary use building~~. Multiple-tenant buildings may have one sign on each tenant's storefront that provides customer access.

- c. Projecting signs ~~shall~~ must be located on the first story except that a projecting sign may be installed on the wall of the second story, provided the sign and sign supports are installed no higher than the second-floor window opening or 24 feet above grade, whichever is lower. Projecting signs ~~shall~~ cannot extend above the roofline or roof eave or above the parapet of the building.
- d. Projecting signs ~~shall~~ cannot exceed 20 square feet in area and ~~shall~~ cannot be no more than 36 inches wide, ~~and have with~~ a maximum thickness of 18 inches. Projecting signs ~~shall~~ can extend no more than 42 inches from the building or within two feet of the curb, whichever is less. The sign area is ~~shall be~~ deducted from the building sign area allowance.
- e. A minimum clearance of eight feet between the bottom of the sign and the finished grade below the sign is required. At alleys, when no curb exists, a minimum height of 14 feet between the bottom of the sign and the finished grade below the sign is required.

3. Wall Signs.

- a. Wall signs are only allowed for non-residential uses.
- b. A wall sign may be painted, attached or pinned away from the wall. A wall sign ~~shall~~ cannot project from the surface upon which it is attached more than required for construction purposes and, in no case ~~event~~, more than 18 inches. A wall sign located over an alley ~~shall~~ must have a minimum 14-foot clearance unless it projects less than 12 inches from the building.
- c. One or more wall signs may be allowed. The total area ~~shall~~ will be deducted from the building sign area allowance.
- d. Wall signs ~~shall~~ must be located on the designated sign band except as allowed under subsections (e) or (f) of this section. ~~When a sign band does not exist, the sign shall be located between the first and second story of a multiple story building. The sign shall not be installed higher than the top of the second story window opening to which it is adjacent and shall not be more than 24 30 feet above grade.~~
- e. Wall signs installed on mansard roofs may be installed vertically when installed on the lowest portion of the sloped roof.
- f. Wall signs ~~shall~~ cannot extend above the roofline, eaves, wall or building façade, or be located more than 2430 feet above the finished grade ~~below~~ as measured to the top of the sign.
- i. **Exception: Buildings that are 40 feet in height or more, or are three stories or more, may install wall signs up to 38 feet above finished grade as measured to the top of the sign, provided the sign is a minimum of two feet below the top edge of the building where the sign is located. [This would replace the adjustment to standards height increase allowing the increase outright for taller buildings rather than requiring a separate adjustment application]**



Designated Sign Band



Signs located below second story window opening

4. Window Signs.

- a. Window signs, ~~in combination with temporary window signs,~~ are only allowed for non-residential uses.
- b. Window signs located on or below the first story are ~~permitted~~ allowed as follows:
 - i. Window signs 25 percent or smaller of the total window area are ~~permitted~~ allowed without a sign permit and do not count toward the maximum building sign area allowed under 9.50.090.A.
 - 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 is counted toward the maximum building sign area allowed under 9.50.090.A from the building sign area allowance in Table 2 in this section, Standards for Permanent Signs.~~ is counted toward the maximum building sign area allowed under 9.50.090.A
 - iii. Illuminated window signs must not exceed 15 percent of the total window area in which they are displayed.
- ~~cb.~~ Second story non-residential uses are allowed ~~only one non-illuminated window sign up to three square feet without a permit.~~

5. Suspended Signs.

- a. Suspended signs ~~shall~~ can only be placed ~~only~~ under an attached awning or canopy on the first story ~~facade~~ for non-residential uses with direct exterior pedestrian access.
- b. The sign ~~shall~~ cannot exceed six square feet ~~in area~~ and is not counted toward the maximum building sign area allowed under 9.50.090.A ~~in addition to the building sign area allowance.~~
- c. A minimum ~~seven-foot~~ clearance of seven feet ~~is required above finished grade below the sign is required.~~

- d. Only one sign ~~shall be~~ is allowed at each public entrance. ~~Tenant spaces with two separate elevations may install one sign on each elevation.~~
 - e. ~~Suspended signs shall cannot be internally illuminated except when the clearance is greater than eight feet.~~
6. Primary Freestanding Sign. Primary freestanding signs are allowed for non-residential uses, multi-unit developments of 10 units or more, or at the entrance of a subdivision with at least 10 lots.
- a. One primary freestanding sign is permitted per site. A second freestanding sign is allowed in the following situations:
 - i. On sites that are over six acres in size with street frontage on two or more ~~arterial~~ streets. The two signs cannot be located on the same street frontage and must be separated by a minimum of 300 feet measured along the street frontages.
 - ii. When included in a sign plan approved under BC [9.50.170](#). **[6.a. Relocated from 6.d below and reworded for clarity]**
 - b. Maximum Size. The maximum size allowed in each Sign District is as follows:
 - i. Sign Districts 1 and 2. A maximum of 80 square feet in area and a maximum height of 11 feet.
 - (B) Exception: On sites with a principal building over 30,000 gross square feet in area or on a site over six acres in size, the maximum size allowed is 120 square feet in area and a maximum height of 15 feet.
 - ii. Sign Districts 3 and 5: A maximum of 32 square feet in area and a maximum height of five feet.
 - iii. Sign District 4: A maximum of 40 square feet in area and a maximum height of eight feet. **[6.b is relocated from 6.g and reworded for better clarity]**
 - c. Electronic components. Up to a maximum of 25 percent of the area of a freestanding sign face may incorporate an electronic sign face in compliance with BC [9.50.100.D.4](#).
 - i. Electronic sign elements are allowed only on a monument sign or a ground-mounted sign.
 - ii. Only one contiguous electronic element is allowed on a sign face.
 - d. Primary freestanding signs cannot be located within the boundary of Sign District 6 as identified in Figure 9.50.040.
 - i. Exception: A freestanding sign is allowed where an intervening access street separates a site from the Bend Parkway, and that street serves as the primary access to the lot. **[6.d was relocated from original 6.e.i. below]**
 - ea. No portion of a freestanding sign shall ~~can~~ be located in, or project over, a public right-of-way.

- ~~fb.~~ The numerical address of the property must be included on the primary sign structure and must be clearly visible and legible from the street on which the property fronts. Numbers should The address text must be no less than six inches tall, and shall When the address is separated from the rest of the sign area, and the address text is not more than 10 inches tall, it is not be considered signage nor shall they be and is not included in the calculation of sign area.
- ge. Primary freestanding signs shall must be either a monument or ground-mounted type sign.
- i. ~~except~~Exception: in In Sign Districts 1 and 2 where a pole signs are permitted is allowed only where a freestanding monument or ground-mounted signs would be inconsistent with cannot be located anywhere on the site that complies with the clear vision clear vision standards of BDC 3.1.500 at intersections or driveway access points.
- d. ~~One primary freestanding sign is permitted per site. A second freestanding sign is allowed in either of the following situations:~~
- i. ~~In Sign Districts 1 and 2 on sites with street frontage on two or more arterial streets. The two signs shall be separated by a minimum of 300 feet measured along the street frontages.~~
- ii. ~~When included in a sign plan approved under BC 9.50.170.~~
- iii. ~~Multiple family dwellings of 10 units or more and subdivisions are allowed two monuments or ground-mounted signs located at the principal entrances to the site. **[Relocated as 6.a and reworded for better clarity]**~~
- he. The primary freestanding sign must be located within 20 feet of a front property line shall be located and oriented to the street. **[edited to be clear and objective]**
- i. ~~Exception: Freestanding signs on sites that abut the Bend Parkway shall be located and oriented to the street frontage farthest from the Bend Parkway and shall not be oriented to the Bend Parkway Overlay. Where an intervening access street separates a site from the Bend Parkway Overlay, and that street serves as the primary access to the lot, the freestanding sign may be installed and oriented towards the street consistent with the requirements of the underlying Sign District. **[Moved to new subsection 6.d and edited for better clarity]**~~
- if. Freestanding signs are not allowed within 10 feet of a lot line that abuts another site.
- g. ~~The maximum size allowed in each Sign District is as follows:~~
- i. ~~Sign Districts 1 and 2.~~
- (A) ~~Eighty square feet in area and a maximum of 11 feet in height on sites with a principal building 30,000 gross square feet in area or less or on a site less than six acres in size.~~
- (B) ~~One hundred twenty square feet in area and a maximum of 15 feet in height on sites with a principal building over 30,000 gross square feet in area or on a site over six acres in size.~~

ii. ~~Sign Districts 3 and 5: 32 square feet in area and a maximum of five feet in height.~~

iii. ~~Sign District 4: 40 square feet in area and a maximum of eight feet in height.~~
[Moved to be 6.b and reformatted for better clarity]

7. *Billboards.*

- a. Billboards require a specific billboard sign permit. No more than 43 billboard permits can be active at any one time within the City of Bend. The maximum number of billboards allowed within the City limits is 43. The inventory of billboards existing on the date of adoption of the ordinance codified in this chapter is included in Table 3. No new billboard may can be erected unless it replaces an existing billboard is removed. Billboards must have existed within the Bend Urban Growth Boundary as of December 18, 1985, in order to be included in the maximum number allowed.
- b. Before erecting any new billboard, a permit must be secured from the Building Official. Where applicable, evidence must be provided of a State-issued permit in accordance with the Oregon Motorists Information Act of 1971.
- c. All billboards moved after the effective date of this chapter ~~shall~~ must be located in Sign District 1 or 2 on commercial or industrial zoned properties only. Billboards are not permitted west of the Deschutes River.
- d. Billboards ~~shall~~ must be freestanding and ~~shall~~ cannot be installed on any building.
- e. All billboards ~~shall~~ must be spaced a minimum of 500 lineal feet apart.
- f. The sign face ~~shall~~ cannot exceed the maximum size permitted by the State-issued permit or 10.5 feet in vertical height and 24 feet in horizontal length, whichever is less. Extensions beyond the sign face ~~shall~~ are not be permitted.
- g. The billboard structure shall cannot exceed 24 feet in height, as measured from finished grade to the top of the sign face; however, if a variance is granted, the maximum height ~~shall~~ cannot exceed 35 feet.
- h. Internally illuminated and/or animated billboards are prohibited. External illumination ~~shall~~ must comply with the Lighting Ordinance. Electrical wiring to the billboard ~~shall~~ must be located underground.
- i. All billboards erected or moved ~~shall~~ must be installed behind the legal setback lines ~~of each parcel of property as determined~~ established in the Development Code for the zoning district in which the billboard is located.
- j. All structural supports for billboards ~~shall~~ must be constructed of steel.
- k. Only flat, single-faced or double-faced billboards ~~shall be~~ are permitted. As used in this section, **double-faced** means a billboard with two display surfaces visible to traffic from two directions of travel. A **single-faced** billboard means a sign with one display surface visible from one direction of travel.

Table 3. ~~Billboard Inventory as of May 17, 2011~~ [Remove Inventory Table from Code. Rather than having the list codified, these will be tracked through our

electronic permitting software and GIS data layers so changes do not require code amendments]

8. Directory Signs.

- a. Directory signs ~~shall be~~ are allowed for non-residential uses in addition to other freestanding or building signs; provided, that there is a minimum of three separate tenants.
- b. Directory signs ~~shall~~ must be located on the first story ~~facade~~ adjacent to a public entrance or adjacent to the parking lot. The sign ~~shall cannot be within 20 feet of a front property line oriented or intended to be legible from a public street or right-of-way.~~
[Reworded to be clear and objective]
- c. Not more than one freestanding directory sign may be displayed per site. One or more wall-mounted directory signs may be displayed.
- d. The maximum sign area is 20 square feet when installed on a building or 32 square feet and eight feet in height if freestanding. Directory signs are not counted toward the maximum sign area allowed for building signs or primary freestanding signs.
- e. Illuminated directory signs are not permitted in residential zones.

9. Drive-Through Signs. Drive-through signs are allowed only for businesses with approved drive-through facilities.

- ~~a. **Drive-Through Signs.** Drive-through signs are allowed only for businesses with drive-through services.~~
- ~~a~~b. **Type, Location and Orientation.** Drive-through signs may be wall-mounted or freestanding. Freestanding signs ~~shall~~ must be on the left side of and oriented to the drive-through lanes. Drive-through signs ~~shall~~ are not be intended to be legible from the public rights-of-way.
- ~~b~~c. **Maximum Number, Area and Height.** One sign of up to 45 square feet in area and eight feet in height is allowed per drive-through lane for up to two drive-through lanes.
- ~~c~~d. **One additional sign per site of up to 15 square feet in area and eight feet in height is permitted at the entry to the drive-through area. The signs allowed by this section shall must be located on the left side and oriented to the drive-through lanes.**
- ~~d. **Electronic Drive-Through Signs.** Electronic signs are allowed in lieu of static Drive-Through signs for quick-serve automobile-dependent restaurant uses with one or more drive-through lanes from which food is ordered and picked-up. Electronic Drive-Through Signs are subject to the following additional restrictions and must also comply with BC 9.50.100.D.4.~~
- i. **Electronic Drive-Through Signs must be single-sided and must not exceed 28 square feet in area and not more than seven feet in height.**

- ii. In addition to the Electronic Drive-Through Sign above, one additional single-sided sign not to exceed 14 square feet in area and not more than seven feet in height is permitted at the entry to the drive-through area.
- ii. Electronic Drive-Through Signs must be screened to buffer visibility from public and private streets.

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9.50.095 Mural Sign Regulations.

- A. *Standards for Mural Signs.* The following standards apply to mural signs in addition to the general requirements provided in BC 9.50.100:
1. Mural signs are allowed on properties designated as commercial, mixed-use, public facilities, or industrial on the Comprehensive Plan map, in addition to any other sign allowed on a property.
 2. Except for sites zoned Urbanizable Area (UA) District, mural signs are allowed in the residential Comprehensive Plan map designations in addition to any other sign allowed on a property when they comply with the following:
 - a. The mural sign is located on a developed site that abuts an arterial or collector street and the site does not include a residential use.
 3. Mural signs are not subject to size and height limitations. The structure for a painted mural sign secured to a building's exterior wall must comply with Building Code regulations. The maximum projection from the building's wall must not exceed four inches.
 4. Mural signs must be kept in good condition until they are removed.
 5. A permit is required for mural signs. All artists and owners of the property must sign the mural sign permit application. When a mural sign is part of a school or similar group project, the signature of a responsible official of the school or other group will be deemed signature by all artists. All artists and owners of the property must agree to the following:
 - a. The mural sign must remain in place, without alterations, for at least 12 months from the date of permit issuance, unless the property is transferred during that period.
 - i. Exception: Property owners may allow artists to alter or paint over an existing mural at any time provided the original mural location and dimensions remain the same, and if the property owner indicates on their initial application that the mural is subject to changes. Historic buildings are not included.
 - b. After 12 months the mural sign may be painted over, or at any time the mural sign becomes noncompliant with this code.
 6. Murals may be allowed on structures within the public ROW if authorized by City Council motion, following an establishment of a program for murals in the right-of-way.

9.50.100 General Requirements.

A. *Placement.*

1. Except in the public right-of-way as allowed elsewhere in this code, aAll signs and sign structures shall ~~must~~ be installed and attached on or within the site or property, cannot extend over the adjacent property lines, and must be behind any applicable setback or right-of-way. A plan stamped by a surveyor confirming the property line location along with the proposed structure distance to the property line may be required.

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D. *Sign Illumination.* The artificial illumination of signs, either from an internal or external source, ~~shall~~ must be designed to eliminate negative impacts on surrounding right-of-way and properties. The following standards ~~shall~~ apply to all illuminated signs:

1. No sign or light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Colored lights or colored sign faces ~~shall~~ cannot be used at a location or in a manner so as to be confused or construed as traffic control devices.
2. External light sources ~~shall~~ must be directed and shielded to limit direct illumination of any object other than the sign.
3. Internally illuminated signs and signs with exposed light sources are prohibited in all residential zoned properties and Sign Districts 4 and 5, except internally illuminated signs on the site of 24-hour emergency medical facilities and urgent care centers, during business hours.
4. Signs ~~shall~~ must not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color.
 - a. Exception: Electronic Signs, where allowed, must meet the following requirements. Electronic Signs are prohibited on all residential zoned properties and in Sign Districts 4 and 5.
 - i. Electronic Signs must have automatic dimming ambient light sensors. Screens must automatically dim to reflect ambient light conditions and prevent excessive light output.
 - ii. Screen content must not change more than three times per day.
 - iii. Screen content must change instantly, completed in less than one second.
 - v. Screen content must not consist of animated or special light effects, sequencing, video, or other movement.
 - vi. Installed default mechanisms are required and must automatically change the screen to all black in the event of malfunction.
5. Internally illuminated sign faces ~~shall~~ must be constructed to have an opaque background and translucent copy or a sign that has a translucent dark colored background and light colored copy. White, off-white, light gray, creams or yellow colors are not permitted as background colors.

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9.50.150 Adjustment to Standards.

- B. *Applicability*. Adjustment of up to 25 percent may be approved by the Community Development Director to each of the specific numeric standards in this code that regulate the following:
- ~~1. *Wall Sign Location*. Increase the maximum height on which a sign may be installed on a building wall. ***[Height of wall signs is covered with additional height allowed outright and new exception language in 9.50.090.B.3.f]***~~
 12. *Sign Dimension and Area*. Increase the maximum allowed size of individual signs or of the total allowed building sign area.
 23. *Sign Height*. Increase the maximum allowed height of on-site ground, monument or pole signs, ~~or of building or wall signs.~~ ***[Height of wall signs is covered with new exception language in 9.50.090.B.3.f]***
 34. Other numeric standards in this code except where an exception is expressly prohibited.
 45. *Legal Nonconforming Signs*. Allowing legal nonconforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location; provided, that the extent of nonconforming sign height or sign size is reduced.

**EXHIBIT B
FINDINGS OF FACT
BEND CODE (BC) AMENDMENT
PLTEXT20250226**

PROCEDURAL FINDINGS:

- 1. PUBLIC NOTICE AND COMMENTS:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on April 25, 2025. On May 19, 2025, notice of the Planning Commission hearing and City Council hearing was mailed and emailed to the representatives of each Neighborhood District, informing them of the proposed Bend Code text amendments. Notice of the Planning Commission hearing and City Council hearing was also published in The Bulletin on May 18, 2025. On May 30, 2025, copies of the proposed amendments were emailed to local sign companies in the City of Bend. Public comments can be viewed in the Online Permit Center Portal <https://cityview.ci.bend.or.us/Portal/Planning/Locator> by entering the project number PLTEXT20250226 in the search bar to find the project.
- 2. RECORD:** The documents in CityView for PLTEXT20250226 are made part of the record and placed before the Planning Commission and City Council for consideration during the proceedings on the legislative amendments. The documents are available for review and can be viewed in the Online Permit Center Portal at <https://cityview.ci.bend.or.us/Portal/Planning/Locator> by entering the project number PLTEXT20250226 in the search bar to find the project.
- 3. PROPOSAL:** The City Council directed staff to explore ways to provide more flexible standards for the number, location, and duration allowed for portable signs such as A-frames, as well as more flexibility as to how murals can be installed. Additionally, direction was given to explore other potential amendments to update the Sign Code standards to allow more flexibility based on input staff has received from the community in recent years.

For portable signs, there has been desire from the business community to allow signs for each tenant for multi-tenant sites which are currently restricted to two portable signs per site, and to allow them with a one-time registration and unlimited duration rather than limiting the signs to be displayed for up to 90 days per calendar year.

For murals, there has been desire from the business community to allow murals to be painted by hand directly on a flat display structure secured to a building's exterior wall, rather than only being painted directly on a building wall or structure.

Additionally, the business community desires an amendment to allow some types of electronic signs such as drive-throughs and service stations, so that they can easily be updated remotely with changes to menu items, pricing, and specials. Additionally, the proposal includes allowing up to 25% of the sign face area for freestanding signs to be electronic.

An increase in the height allowed for wall signs is also proposed, as increases to the current limitation of 24 feet are regularly approved through an administrative Adjustment to Standards application and review process. The amendment would increase the maximum height allowed from 24 feet to 30 feet, with additional height up to 38 feet allowed for buildings three stories or more, or over 40 feet in height.

Additional minor edits are proposed to some of the sign definitions, as well to allow more flexibility in other design standards such as what is or is not counted toward maximum allowed sign area.

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Code (Municipal Code)

- Chapter 9.50 Signs
 - 9.50.030 Definitions
 - 9.50.050 Signs Exempt from Permit Requirements
 - 9.50.060 Temporary Signs
 - 9.50.070 Prohibited Signs
 - 9.50.090 Standards for Permanent Signs
 - 9.50.095 Mural Sign Regulations
 - 9.50.100 General Requirements
 - 9.50.150 Adjustment to Standards

Bend Development Code (BDC)

BDC Criteria

- Chapter 4.6, Land Use District Map and Text Amendments
 - 4.6.200 Legislative Amendments

BDC Procedures

- Chapter 4.1, Development Review and Procedures
 - 4.1.500 Type IV Legislative Procedures

Bend Comprehensive Plan

- Chapter 1: Plan Management and Citizen Involvement
- Chapter 5, Housing
- Chapter 6, Economy
- Chapter 9, Community Appearance

FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA

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 recommended 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 proposed amendments do not affect State goals, Land Conservation and Development 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 are applicable to the proposed 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.

The proposed amendments include limitations to avoid impacts to public or traffic safety, such as requiring the pedestrian portion of the sidewalk to remain clear of signage, as well as

accessible ramps, medians, roundabouts, and required clear vision areas. Proposals for electronic signs will have size limitations and restrictions on the level of light output to minimize potential impacts to adjacent streets and properties.

The proposed amendments were initiated based on feedback from the business community, and notice was provided to the community to provide input on the proposed changes. There is minimal impact anticipated to the character or development patterns of the community from the proposed amendments.

Limitations on the number and spacing of the portable signs should allow adequate and effective signage without dominating the visual landscape.

Increasing the allowed maximum height of wall signs reflects the changing community development pattern to allow taller mixed-use buildings and certain use types that tend to have higher building plate heights.

The proposed amendments are intended to balance the needs of business with the desire to preserve and enhance the visual character of the City.

The amendments implement the Comprehensive Plan through effective, clear and consistent language that reflect the intent of the vision.

Policies:

Citizen Involvement

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 April 25, 2025. On May 19, 2025, notice of the Planning Commission hearing and City Council hearing was mailed to the representatives of each Neighborhood District. Notice of the Planning Commission and City Council hearings was also published in The Bulletin on May 18, 2025. Additionally, a copy of the proposed amendments was emailed to local sign companies on May 30, 2025.

Chapter 5: Housing

Goals:

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.

Policies

5-23 Of necessity, nonresidential uses may abut residentially planned and zoned areas in different parts of the community. In these instances, nonresidential uses will be subjected to special development standards such as setbacks, landscaping, sign regulations, and building design that harmonize and provide transitions consistent with the primary purposes of the adjacent zones.

FINDING: The sign code has limitations on the size of signs in various sign districts, with additional restrictions such as restricting internally illuminated signs and exposed light sources in residential zones and in Sign District 4 which is primarily commercial, mixed-use, industrial and institutional uses adjacent to residential areas, and in Sign District 5 which is primarily

residential areas. The proposed amendments will not significantly change any of the requirements for these districts that would impact residential neighborhoods.

Chapter 6: Economy

Goals:

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

Policies:

- 6-21** Industrial developments along highways will be subject to special development standards relating to setbacks, landscaping, signs, and outside storage.
- 6-22** Wherever industrial uses abut residential uses or residential zoning, special development standards relating to setbacks, screening, signs, and building height will be established for the industrial uses.
- 6-33** All commercial developments shall be subject to development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.

FINDING: The sign code is drafted to balance the needs of the business community for signage and advertising with the overall livability of the community as a whole. The varying regulations of each Sign District ensure that the needs of both businesses and residents are met. Sign Districts 4 and 5 minimize the impacts signs have in and near residential areas. Sign District 6 has additional restrictions for signs visible from the parkway. Other standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review apply to all sign districts to provide consistency and overall livability throughout the City. The proposed amendments will allow more flexibility for business signage in ways that will continue to meet these goals and have minimal additional impacts.

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: The proposed amendments do not significantly change what is currently allowed in the Sign Code, but rather allow more options in the manner signs are currently allowed to be displayed, such as the surface a mural is painted on, or allowing modern electronic menu boards and pricing mechanisms on service station signs. The amendments to portable signs would allow more signs per site for multi-tenant sites, and for longer duration, however these amendments were initiated at the request of the business community, and restrictions on the number, spacing and location of portable signs should minimize impacts to the appearance of the community.

Other amendments are proposed to streamline processes, such as the increase to the maximum height allowed for wall signs. Sign height increases currently require an administrative Adjustment to Standards application, which are approved on a regular basis. The amendment would still limit the maximum height in a similar manner, but without the additional application requirement of an adjustment.

Overall, the proposed amendments are in alignment with these goals.

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 proposed amendments will continue to limit the size, location, and number of signs in residential, mixed-use, commercial, institutional and industrial areas. The proposed amendments will not impact non-conforming signs as they are only applicable to new signage.

Based on the findings stated above, staff concludes that 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 proposed amendment is based on input and requests from the business community. The benefit to the business community is more flexibility in sign type, location, and duration, modernization in the type of signage allowed, and more balance for commercial sites with multiple tenants to be able to provide equity for all businesses to have portable signs. Other proposed amendments will provide benefits of streamlining processes to reduce the need for adjustments and extend the duration of certain types of sign permits and registrations.

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: 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.

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 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.

CONCLUSION:

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