

ORDINANCE NO. NS-2511

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE BEND DEVELOPMENT CODE ARTICLE XI, JUNIPER RIDGE OVERLAY ZONE, AND BEND MUNICIPAL CODE FIGURE 9.50.040

Recitals

- A. On July 24, 2024, the City submitted an application (PLTEXT20240439) for Type IV legislative amendments to the Bend Development Code, Article XI, Juniper Ridge Overlay Zone, and Bend Municipal Code Figure 9.50.040.
- B. On September 23, 2024, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend the Bend Development Code and Bend Municipal Code as shown in Exhibit A and Exhibit B.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of Bend Development Code 4.1.515. On August 30, 2024, notice was mailed by the Planning Division to all Neighborhood Association representatives in advance of the Planning Commission hearing. On September 25, 2024, notice was mailed by the Planning Division to all Neighborhood Association representatives in advance of the City Council hearing. On September 1, 2024, and September 22, 2024, notice of each public hearing was printed in the Bend Bulletin under Legal Notices stating the time and place of the hearing, alongside a statement describing the general subject matter of the ordinance under consideration. A Measure 56 Notice pursuant to of ORS 227.186 was mailed to all affected property owners on September 26, 2024.
- D. The Bend City Council held a public hearing on October 16, 2024, to consider the Planning Commission recommendation.
- E. The Development Code and Municipal Code amendments approved by this Ordinance meet all applicable Development Code criteria, policies of the Bend Area Comprehensive Plan, and Oregon Statewide Planning Goals.

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

- Section 1.** The Bend Development Code is amended as shown in Exhibit A, and the Bend Municipal Code is amended as shown in Exhibit B, as recommended by the Bend Planning Commission.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit C.
- Section 3.** 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 4. All other provisions of the Bend Development Code and Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading Date: October 16, 2024

Second Reading and adoption by roll call vote: November 6, 2024.

YES: Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Mike Riley
Councilor Megan Norris

NO: none



Melanie Kebler, Mayor

ATTEST:


Morgen Fry, City Recorder

Approved as to form:

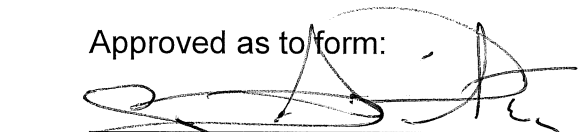

Mary A. Winters, City Attorney

Exhibit A
Bend Development Code Update
PLTEXT20240439
Draft: August 19, 2024
Prepared by:

Bend Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strike through~~ 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***

Article XI. Juniper Ridge Overlay Zone

2.7.2000 Juniper Ridge Overlay Zone.

2.7.2010 Purpose.

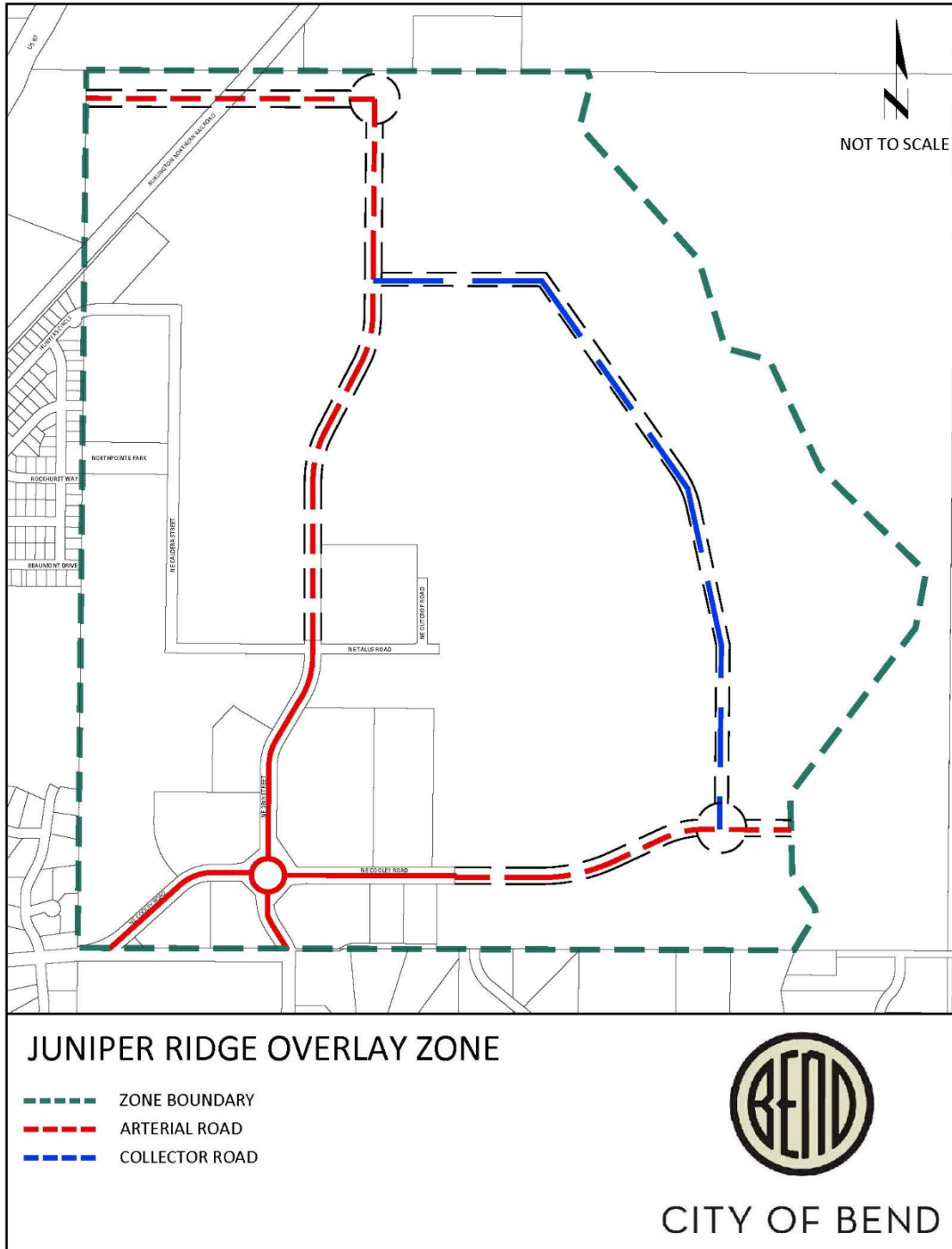
The purpose of the Juniper Ridge Overlay Zone is to promote economical, sustainable, and reasonable growth in Juniper Ridge by creating a unique overlay zone consisting of sub-districts that encourage employment-based commercial and industrial uses, and compatible residential, per the 2016 Bend Comprehensive Plan.

2.7.2020 Implementation.

A. The Juniper Ridge Overlay Zone consists of the area within the dashed line, approximately 500 acres in size, shown on Figure 2.7.2020, Juniper Ridge Overlay Zone Boundary Map.

Figure 2.7.2020. Juniper Ridge Overlay Zone Boundary Map

Delete Figure



2.7.2025 Juniper Ridge Overlay Zone Standards.

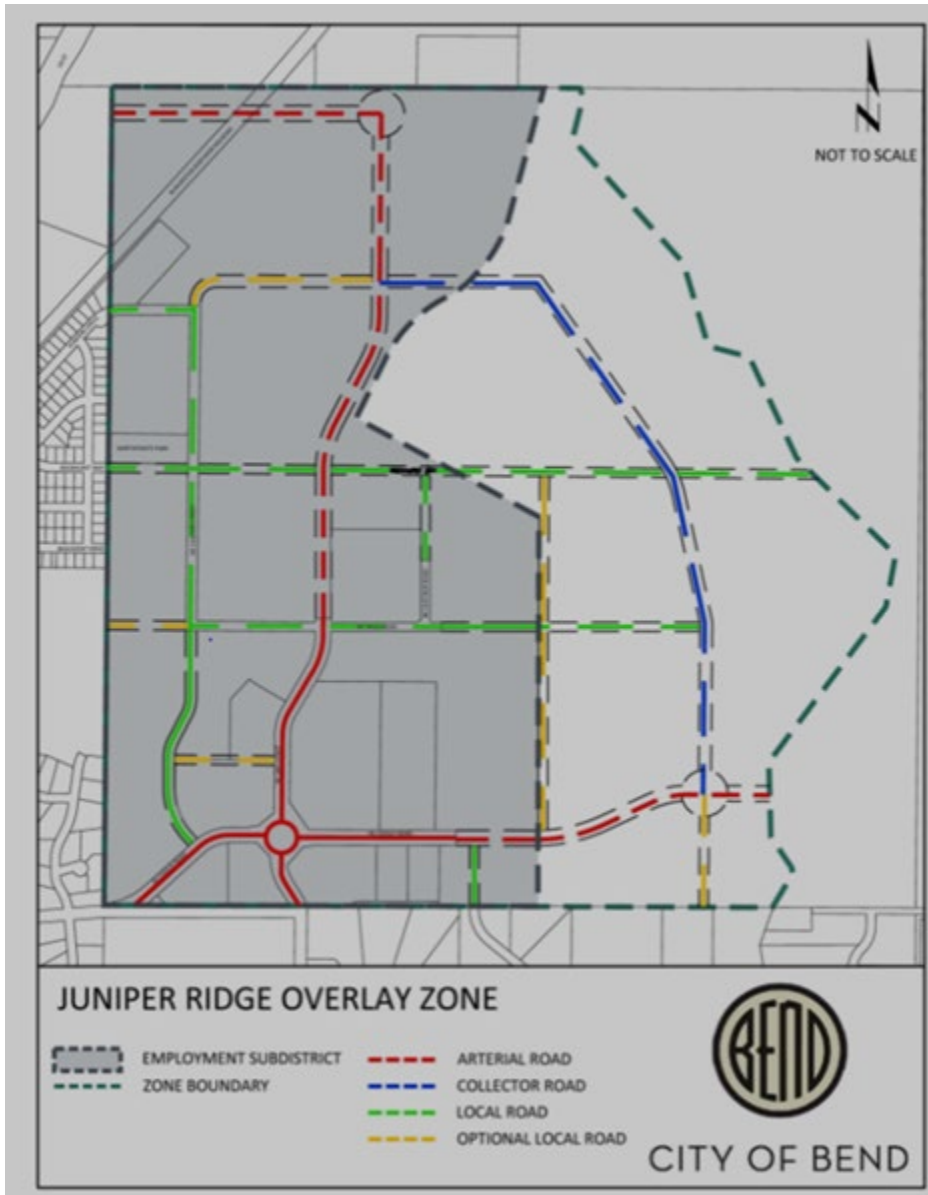
A. The following standards apply to the Juniper Ridge Overlay Zone:

1. *Block Length and Perimeter.* Figure 2.7.2025.A depicts the interconnected, multi-modal transportation network for the Juniper Ridge Overlay Zone. Therefore, the block length and perimeter standards of BDC 3.1.200 are not applicable in the Juniper Ridge Overlay Zone. If during development review it is determined that the street alignments shown in Figure 2.7.2025.A cannot be met due to topography, natural features or other development-related barriers, any development approval for such areas must provide walkways or access ways in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation.
2. *Access Standards.* Due to large block sizes and large lot sizes, multiple access points to each lot in the Juniper Ridge Overlay Zone will be permitted, including accesses to higher order transportation facilities, as long as the standards of this section are met. The following additional access standards supersede the vehicular access management standards of BDC Chapter 3.1.
 - a. The City may require directional restrictions (i.e., right-in/right-out only) for driveways onto arterials and collectors depending on the roadway's characteristics, including number of lanes, queuing at nearby intersections/driveways, and locations of signals or roundabouts, and locations of conflicting accesses. Directional restrictions will be determined in compliance with BDC Chapter 4.7, Transportation Analysis.
 - b. Lots may have multiple street access points, so long as minimum access spacing requirements are met and the total number of access points does not exceed three.
 - c. The City may require shared access.
 - d. Alternate access may be approved by the City Engineer if operations and safety of the public road system and AASHTO intersection sight distances are maintained as demonstrated in compliance with BDC Chapter 4.7, Transportation Analysis.
3. *Juniper Ridge Overlay Zone Street Alignments.* Figure 2.7.2025.A depicts the conceptual alignment of the Juniper Ridge Overlay Zone transportation network. Precise street alignments will be determined through the development review process. Alternate alignments may be approved in accordance with subsection (A)(1) of this section, or if it is demonstrated through the development review process that

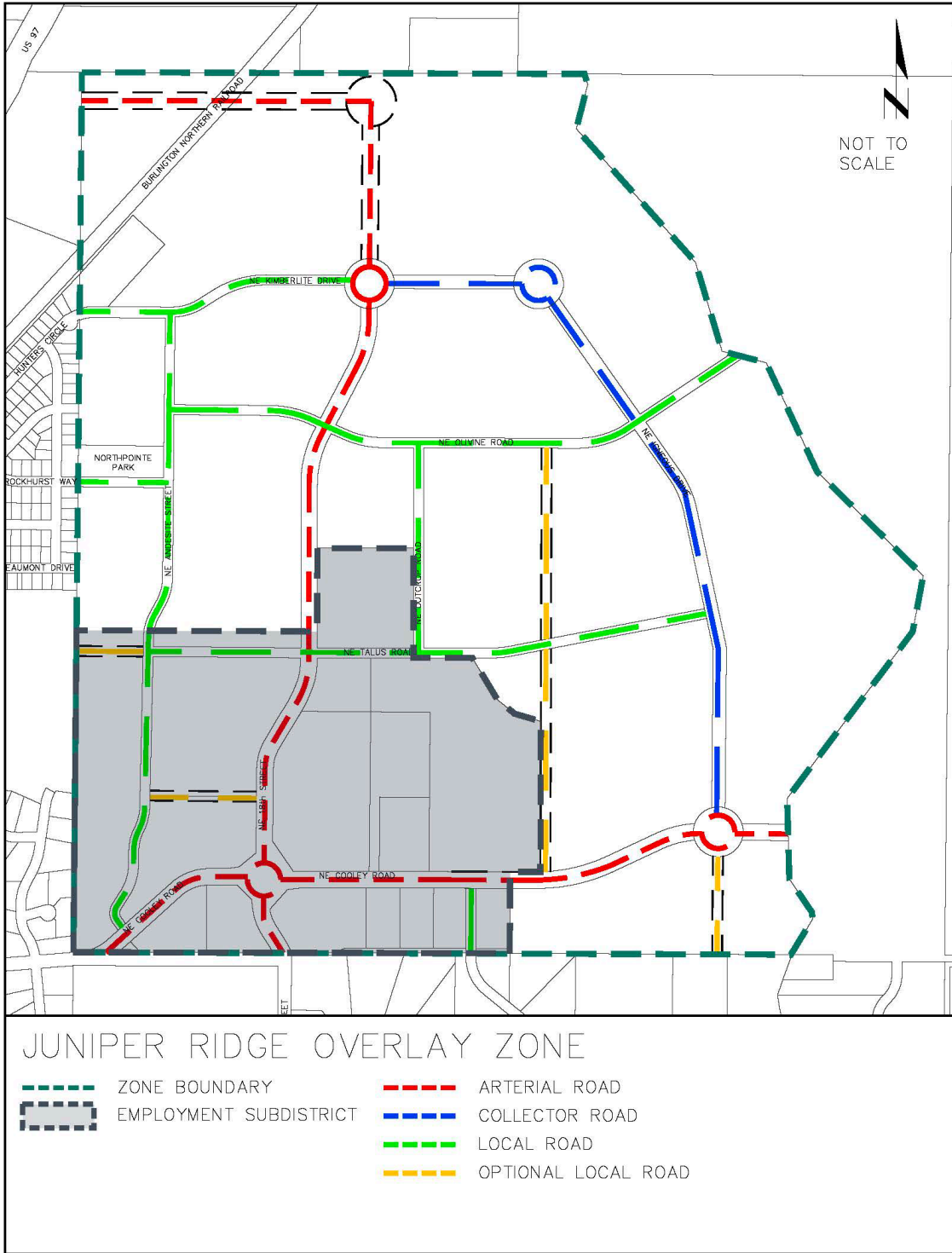
equivalent or improved safety and circulation will be achieved. To ensure consistency, amendments to street classifications in the TSP are incorporated into Figure 2.7.2025.A, i.e., if the TSP is amended to reclassify a collector street as an arterial, Figure 2.7.2025.A is equally amended.

Figure 2.7.2025.A. Juniper Ridge Overlay Zone Transportation Plan Map

Delete Figure

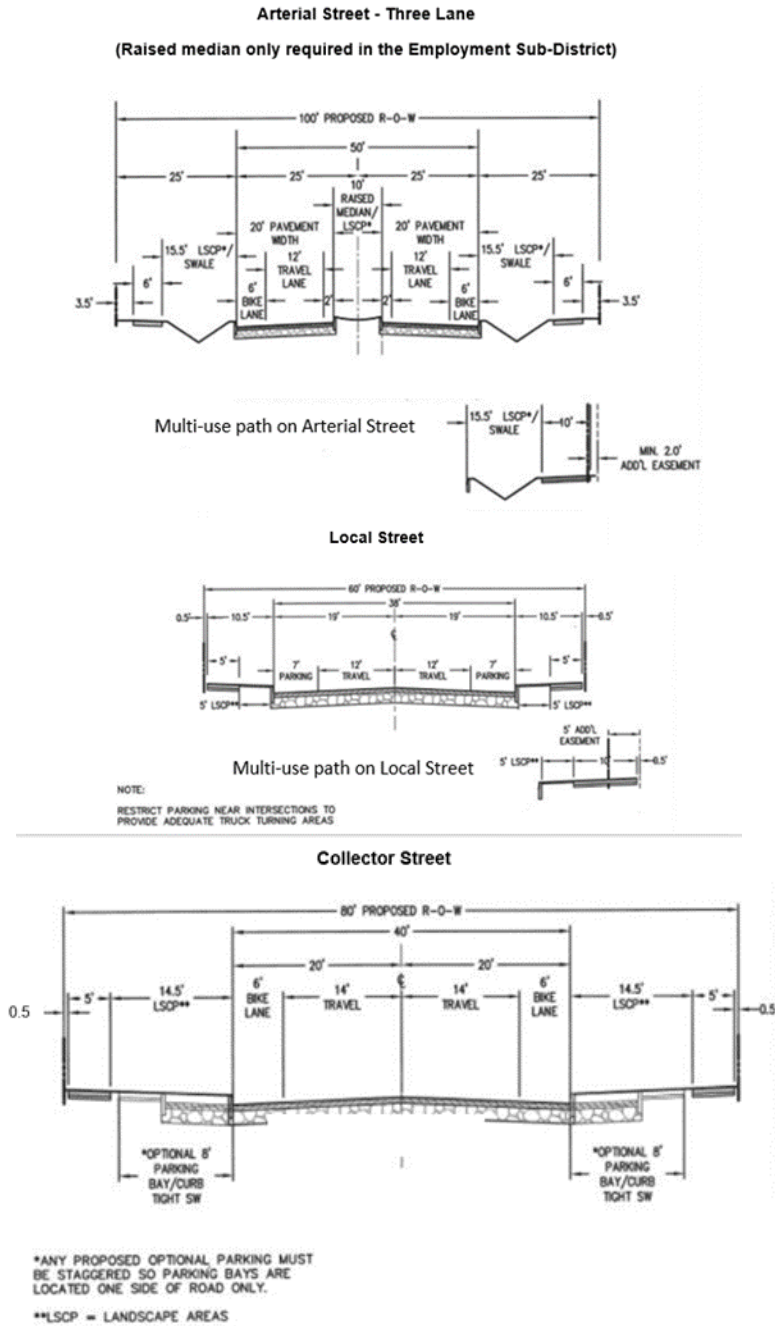


Add Figure

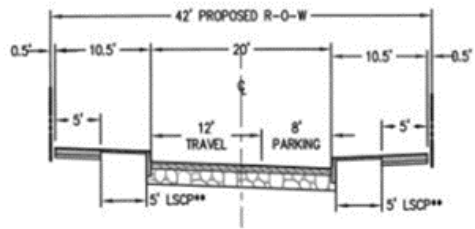


4. *Juniper Ridge Overlay Zone Street Cross-Sections*. Figure 2.7.2025.B depicts the typical street cross-sections in the Juniper Ridge Overlay Zone. Alternative cross-sections that respond to site-specific circumstances may be approved by the City Engineer through the development review process.

Figure 2.7.2025.B. Juniper Ridge Overlay Zone Street Cross-Sections

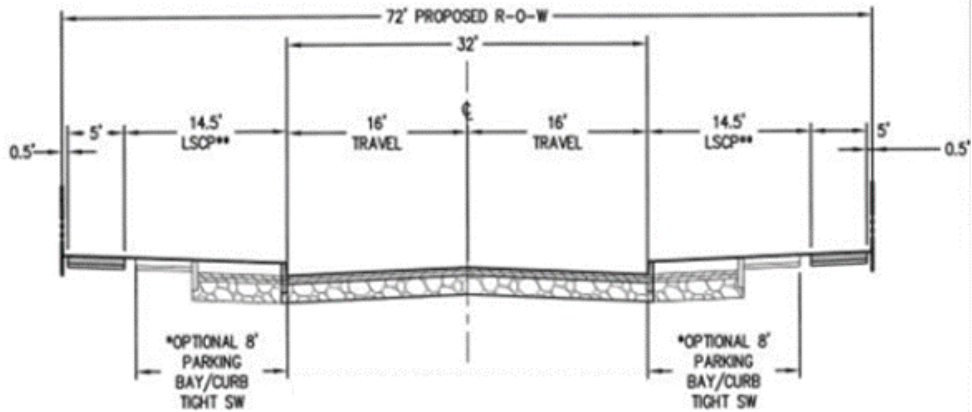


One-Way Park Boulevard



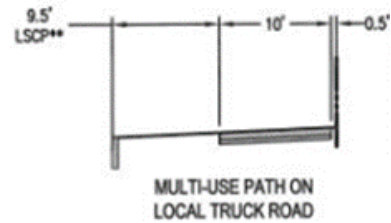
NOTE:
RESTRICT PARKING NEAR INTERSECTIONS TO
PROVIDE ADEQUATE TRUCK TURNING AREAS

Local Truck Road



*ANY PROPOSED OPTIONAL PARKING MUST
BE STAGGERED SO PARKING BAYS ARE
LOCATED ONE SIDE OF ROAD ONLY.

**LSCP = LANDSCAPE AREAS



MULTI-USE PATH ON
LOCAL TRUCK ROAD

2.7.2030 Employment Subdistrict.

A. *Purpose.* The Juniper Ridge Employment Sub-District is a 306-acre area that is intended to promote economical, sustainable, and reasonable growth by allowing a mix of light industrial and commercial uses that support employment. The Employment Sub-District will:

1. Provide a variety of employment opportunities.
2. Promote efficient use of the land.

3. Promote pedestrian and other multi-modal transportation options.
 4. Ensure compatibility of uses within the development and with the surrounding areas.
 5. Create an efficient, interconnected system of streets with standards appropriate to the intensity and type of adjacent use.
 6. Create safe and attractive streetscapes that will meet emergency vehicle access requirements and enhance pedestrian and bicycle access.
- B. *Applicability.* The Employment Sub-District Overlay applies to all lands that are zoned Industrial Light (IL) and within the boundaries of the Juniper Ridge Overlay Zone depicted in Figure 2.7.2030.A. The standards of this section supersede those of the underlying zone unless no special standards within the sub-district are provided.
- C. *Permitted and Conditional Uses.* The land uses listed in Table 2.7.2030.A are allowed in the Employment Sub-District, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.2030.A and land uses that are approved as “similar” to those in Table 2.7.2030.A may be allowed.
- D. *Determination of Similar Land Uses.* Similar use determinations are made in conformance with the procedures in BDC4.1.1400, Declaratory Ruling.

Add Figure

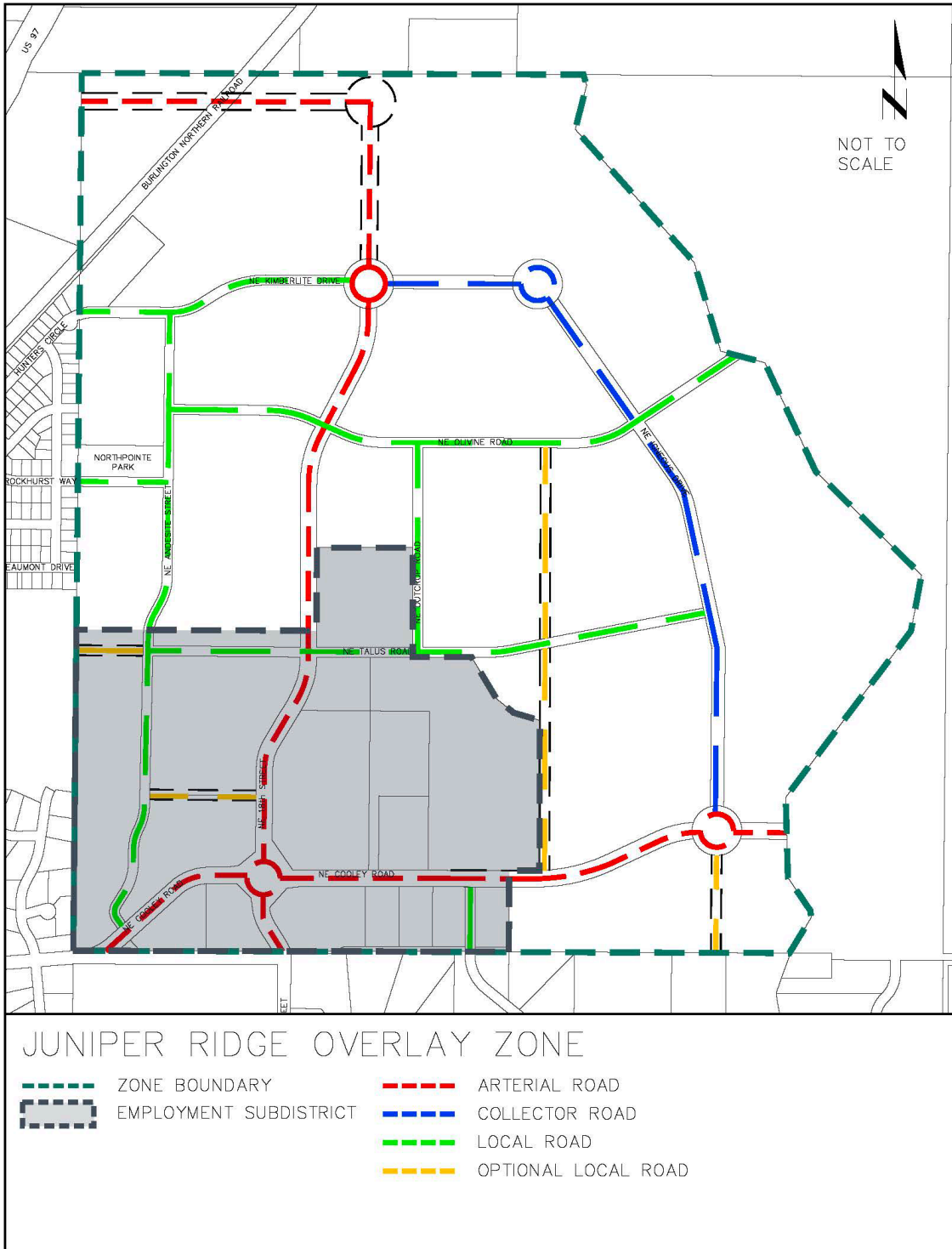


Table 2.7.2030.A Permitted Land Uses

Land Use	Employment Sub-District
Light manufacturing, fabrication, assembly and repair with incidental sales associated with a permitted use	P
Heavy manufacturing, assembly and processing of raw materials and recycling	C
Wholesale distribution, warehousing and storage	P
Industrial service (e.g., cleaning, repair)	P
Research and development facilities	P
Production office (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios/facilities.)	P
Wholesale processing uses (e.g., dry cleaning, laundry)	P
Retail fuel outlet	P
Fuel distribution	C
Vehicle, equipment and boat repair, rental, storage, service	P
Outdoor commercial uses (e.g., outdoor storage, building and garden supply)	P
Food and beverage processing and packaging	P
Medical and dental laboratories	P
Small-scale personal and professional services	P

<ul style="list-style-type: none"> • Within a freestanding or multi-tenant building, up to 10,000 square feet of gross floor area (e.g., coffee shop/deli, dry cleaners, barber shops and salons, copy centers, banks, financial institutions, and similar uses) are allowed • Childcare, no size limit 	
Corporate headquarters/regional corporate office	P
Trade, vocational, technical, professional, business schools including university programs serving industrial needs	P
Offices and clinics	P
Professional consulting services	P
Industrial and professional equipment and supply sales	P
Convention center/meeting rooms	P
Hospitals	P
*Utilities (above ground)	P
Public park and public recreation facility (not including private open space)	P
Recreation facility (privately owned)	P
Wireless and broadcast communication facilities	See BDC Chapter 3.7
Publicly owned buildings such as City Hall, County courthouse, administrative buildings, library, museum, fire station, public safety training facilities, and similar structures, but excluding correctional facilities	P

Government facilities where the public is generally not received (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)	P
Residential caretaker unit: 1 unit shall be permitted for each development	P
*Shelters, see BDC 3.6.600	P
*Mobility hub	P

Key to Permitted Uses

P = Permitted

C = Conditional Use

*Special standards in conformance with BDC Chapter 3.6, Special Standards for Certain Uses.

E. *Vehicle Trip Limit.* Development within the Employment Sub-District is limited to a maximum of 2,220 p.m. peak hour vehicle trips that will be allocated consistent with the terms of Intergovernmental Agreement No. 27115 and phased in accordance with the following mitigation table:

Table 2.7.2030.B Mitigation Improvements

PHASE	P.M. PEAK HOUR TRIPS	MITIGATION IMPROVEMENT
1	700	Empire Avenue/18th Street Roundabout
		Empire Avenue/US-97 Northbound Ramp Terminal
		Empire Avenue/US-97 Southbound Ramp Terminal

		Third Street to US-97
2	600	US-97 Improvements between Nels Anderson and Bowery Lane
3	580	18th Street Corridor Improvements Cooley Road to Empire Avenue
4	340	US-97 Southbound Improvements Empire Avenue to Butler Market Road
		Purcell Street Extension Cooley Road to Yeoman Road

1. The vehicle trip limit will be considered the Employment Sub-District Transportation Mitigation Plan and will apply to all land use applications that propose development that will generate peak hour vehicle trips. A p.m. peak hour trip is defined as a trip occurring between 4:00 p.m. and 6:00 p.m., as further defined by the Institute of Transportation Engineers Trip Generation Manual.
2. No land use application will be deemed complete unless it includes a Traffic Impact Analysis (TIA) that complies with the City of Bend standards for preparing a TIA identified in BDC Chapter 4.7, and includes an evaluation of Transportation Demand Management Measures (TDM) that will minimize peak hour vehicle trips generated by the proposed development.
 - a. Exception: Lots, parcels, tracts and other units of land are not required to include a TIA when reviewed under BDC 2.7.2070(C)(1).
3. The City must provide written notification to ODOT when a land use application is deemed complete at least 20 days before a decision is issued.
4. Peak hour vehicle trip allocations are committed upon City approval of the proposed land use action and will expire consistent with BDC 4.1.1310(B).
5. Land use applications in any phase that propose development that will generate peak hour trips that (a) exceed the peak hour trip thresholds identified in Table 2.7.2030.B, Mitigation Improvements, prior to the construction of local street improvements, or (b) prior to the execution of a Cooperative

Improvement Agreement for the construction of improvements on State highway facilities, or (c) exceed the cumulative total vested peak hour vehicle trips for the phase in which the application is submitted, may be approved only if they meet the requirements of OAR 660-012-0060.

The City will not grant site plan approval for any development proposal that exceeds a cumulative site total of 2,050 peak hour trips until all Phase 4 mitigation improvements identified in Table 2.7.2030.B, Mitigation Improvements, are constructed or agreed to be constructed in Cooperative Improvement Agreement(s) or Development Agreement(s).

F. Development Standards.

Table 2.7.2030.C Development Standards

Maximum Building Height	65 feet
Minimum Front Setback	10 feet
Maximum Front Setback on Primary Street Frontage	30 feet
Minimum Primary Street Frontage	50 feet
Minimum Side Setback	0 feet (400 <u>30</u> feet when abutting a Residential Zone)
Minimum Rear Setback	0 feet (400 <u>30</u> feet when abutting a Residential Zone)
Maximum Building Coverage	50 percent of total lot area

1. *Off-Street Parking and Loading.* Off-street parking and loading spaces must be provided as required in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. All off-street parking or loading areas and access drives must be paved and continually maintained.
2. *Parking and Loading Setback.* Where the Employment Sub-District abuts a Residential Zone, any off-street parking and loading areas must be set back at least 30 feet from the abutting residential property line and the setback area must be landscaped a minimum of 30 feet to provide a buffer along the adjoining residential property. Landscaping must be maintained by the property owner and conform to the standards in BDC 3.2.200, Landscape Conservation, and 3.2.300, New Landscaping.

3. *Maintenance of Undeveloped Property.* All undeveloped property on a developed site must be either left in a natural state, or landscaped and continually maintained according to the requirements and standards in BDC 3.2.200, Landscape Conservation, and 3.2.300, New Landscaping.
4. *Parking and Circulation.* No vehicle circulation or parking except for access driveways is permitted within any minimum front setback area.
5. *Corner Lots and Through Lots.* For buildings on lots with more than one street frontage or through lots, the minimum front setback standards in Table 2.7.2030.C must be applied to all street frontages. The maximum setback standard must be applied to only one of the frontages. Where the abutting streets are of different classifications, the maximum setback standard must be applied to the higher classification of street.
6. *Fencing and Screening.* The standards and exceptions set in BDC 3.2.500, Fences and Retaining Walls, apply, unless otherwise specifically stated below.
 - a. *Perimeter Fencing.* Lot perimeter fencing is only permitted within the Employment Sub-District under the conditions set forth in Table 2.7.2030.D, Fencing and Screening Conditions.
 - b. *Standard Fencing.* Standard nondecorative fencing may be installed in areas not visible from street rights-of-way or adjoining properties within the Employment Sub-District. Standard fencing also may be used as specified in Table 2.7.2030.D. A minimum quality of standard fencing must be black vinyl-coated chain link.
 - c. *Upgraded Fencing.* Upgraded fencing must be provided as specified in Table 2.7.2030.D. Upgraded fencing is intended to provide limited security, discourage trespass, and provide an informative demarcation between uses (e.g., public/private, institutional/private/public, etc.). Design considerations for upgraded fencing must include:
 - i. Simplicity as opposed to excessive ornamentation.
 - ii. Low maintenance/ease of landscape maintenance on each side.
 - iii. Respect for the design theme of established development on adjacent parcels.
 - iv. A clear relationship to the building's architecture.

v. Consideration of a standard design where a large property shares a common boundary with several smaller properties.

d. *Architectural Screen Walls.* Architectural screen walls must be used to screen service and loading areas; above-ground utilities such as transformers and generators, exterior material and equipment storage areas, work yards, and trash and/or recycling areas. Architectural screen walls may be used to screen other on-site amenities such as private patios and employee break areas. Architectural screen walls must be integrated into the overall building architectural statement, employing materials and colors drawn from the building design palette. The size of an area enclosed by an architectural screen wall must be the minimum necessary to accommodate the facility or operation that is to be screened.

Table 2.7.2030.D Fencing and Screening Conditions

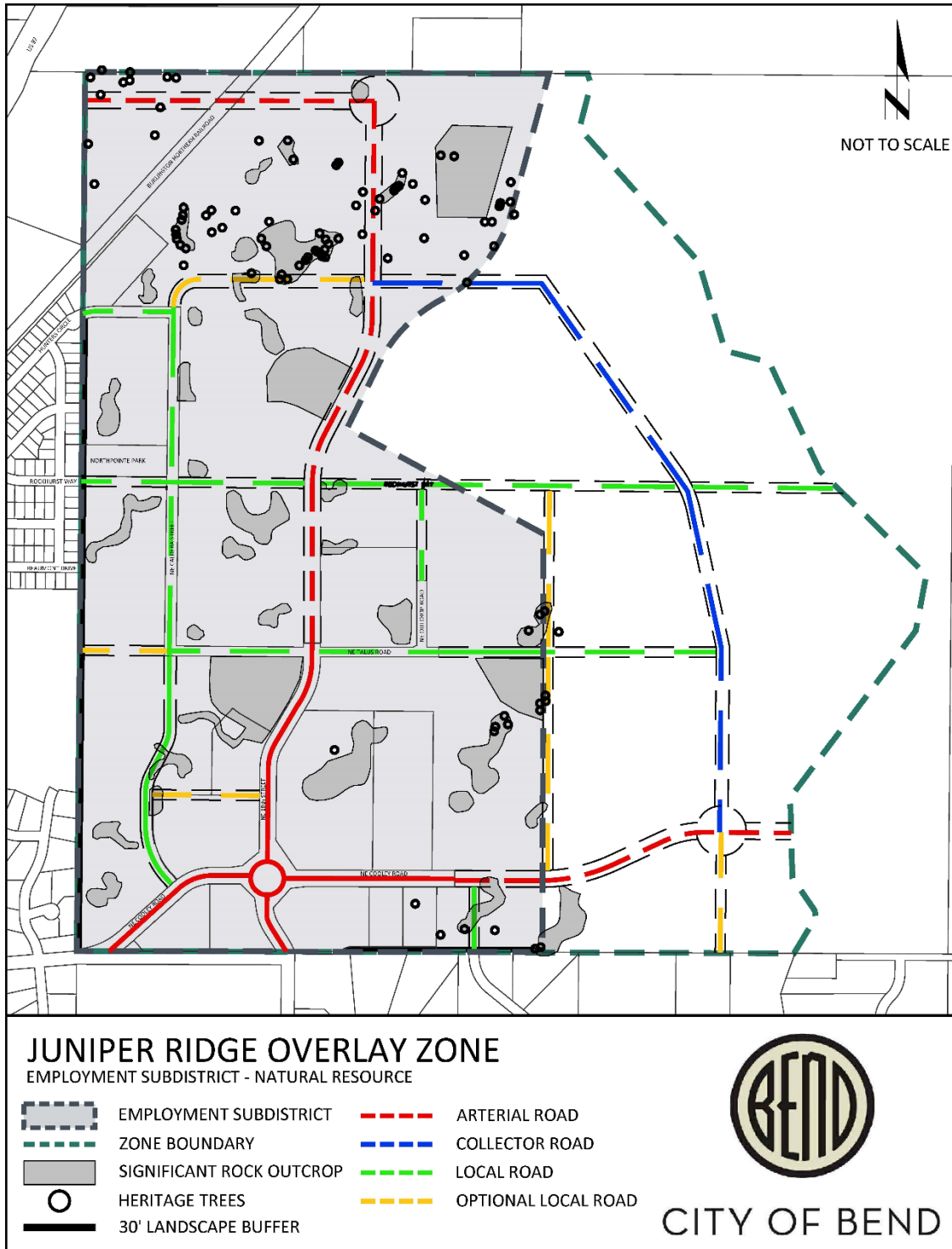
Condition	Subcondition	Required Treatment (Minimum Standard)
Property line adjacent to a public right-of-way	Improved right-of-way	Upgraded Fencing
	Unimproved right-of-way	No requirement prior to development
Property line adjacent to the railroad line across the northwest corner of the site		Standard Fencing
Property line on the west and south perimeter of Juniper Ridge Employment Sub-District	Adjacent to residential zoned property	Standard Fencing
	Adjacent to commercial zoned property	Standard Fencing
	Adjacent to permanent open space	Standard Fencing
	Adjacent to public facility zoned property	Standard Fencing

Property line shared between two abutting lots	When properties share a common property line	No fencing allowed if it interferes with shared access/parking; Standard Fencing if it does not interfere with shared access/parking; Architectural Screen Wall if exterior loading or storage
Property line abutting a park		Upgraded Fencing
Fencing/screening around a loading or exterior storage area	Visible from right-of-way	Architectural Screen Wall
	Not visible from right-of-way	Standard Fencing
Screening around a trash and/or recycling enclosure or exterior storage		Architectural Screen Wall

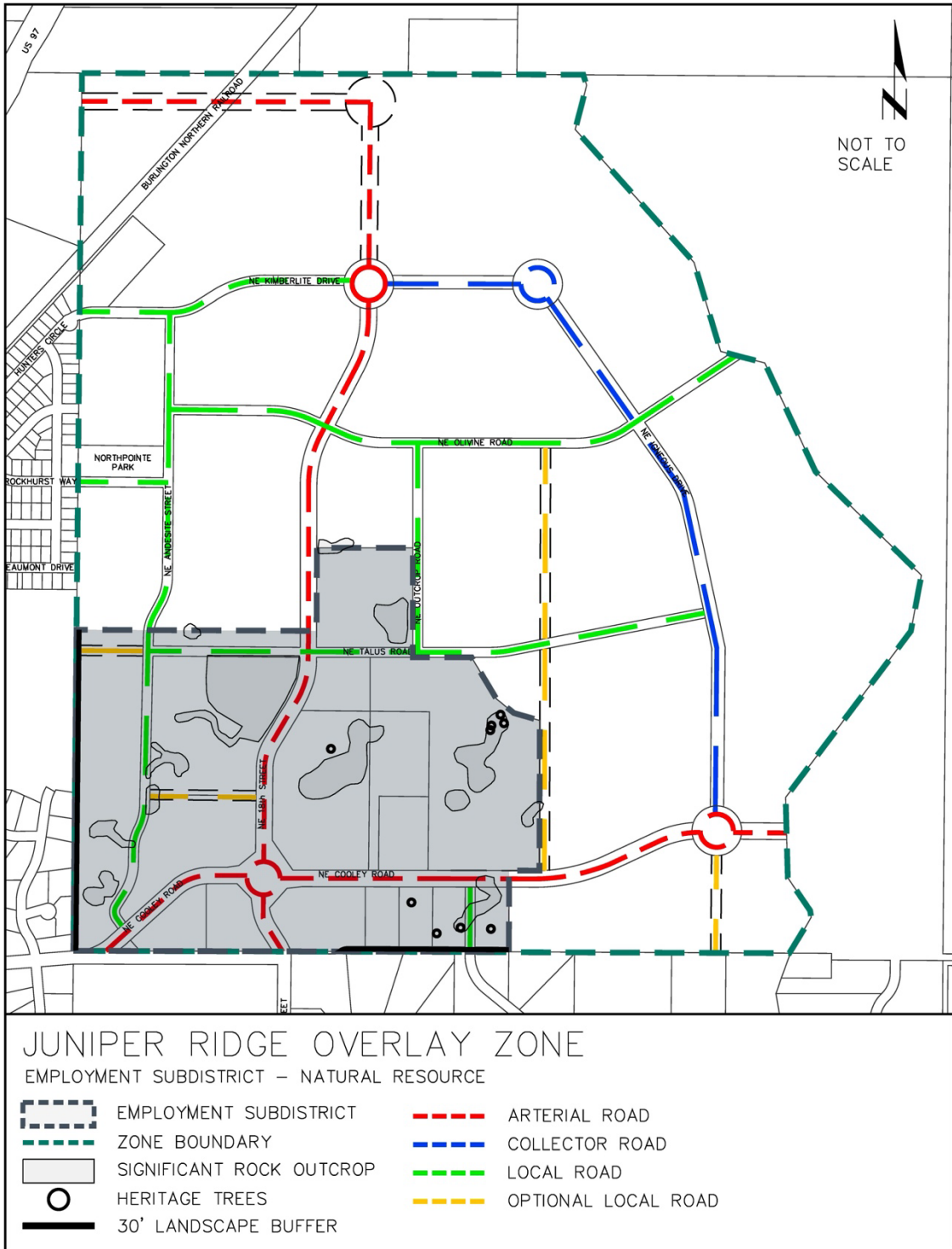
G. *Employment Sub-District Natural Resource Areas.* Heritage trees, significant rock outcrops, and natural landscape buffers within the Employment Sub-District are identified in Figure 2.7.2030.B, Employment Sub-District Natural Resource Identification Map. Natural landscape buffers are required to be maintained with native landscaping or, if they are disturbed by adjacent site development, to be revegetated with native landscaping. Heritage trees and significant rock outcrops are mapped solely with the intention of providing guidance to site design and site development, with the overall goal of preserving as many of these resources as is practicable. The City may allow one or more of the exceptions to development standards listed in BDC 3.2.200(D), if heritage trees and/or significant rock outcrops identified in Figure 2.7.2030.B are preserved by a proposed development. The identification of heritage trees in Figure 2.7.2030.B is based upon the Phase I: Juniper Ridge Ecological Site Assessment – Summary Report and Maps, prepared by Gene Hickman and Matt Shinderman, 2007.

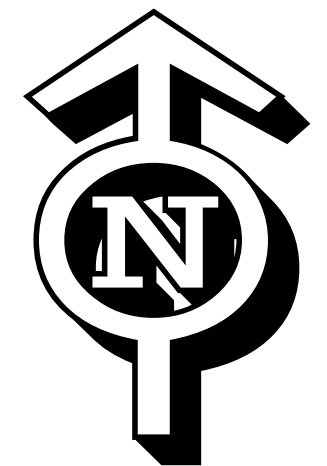
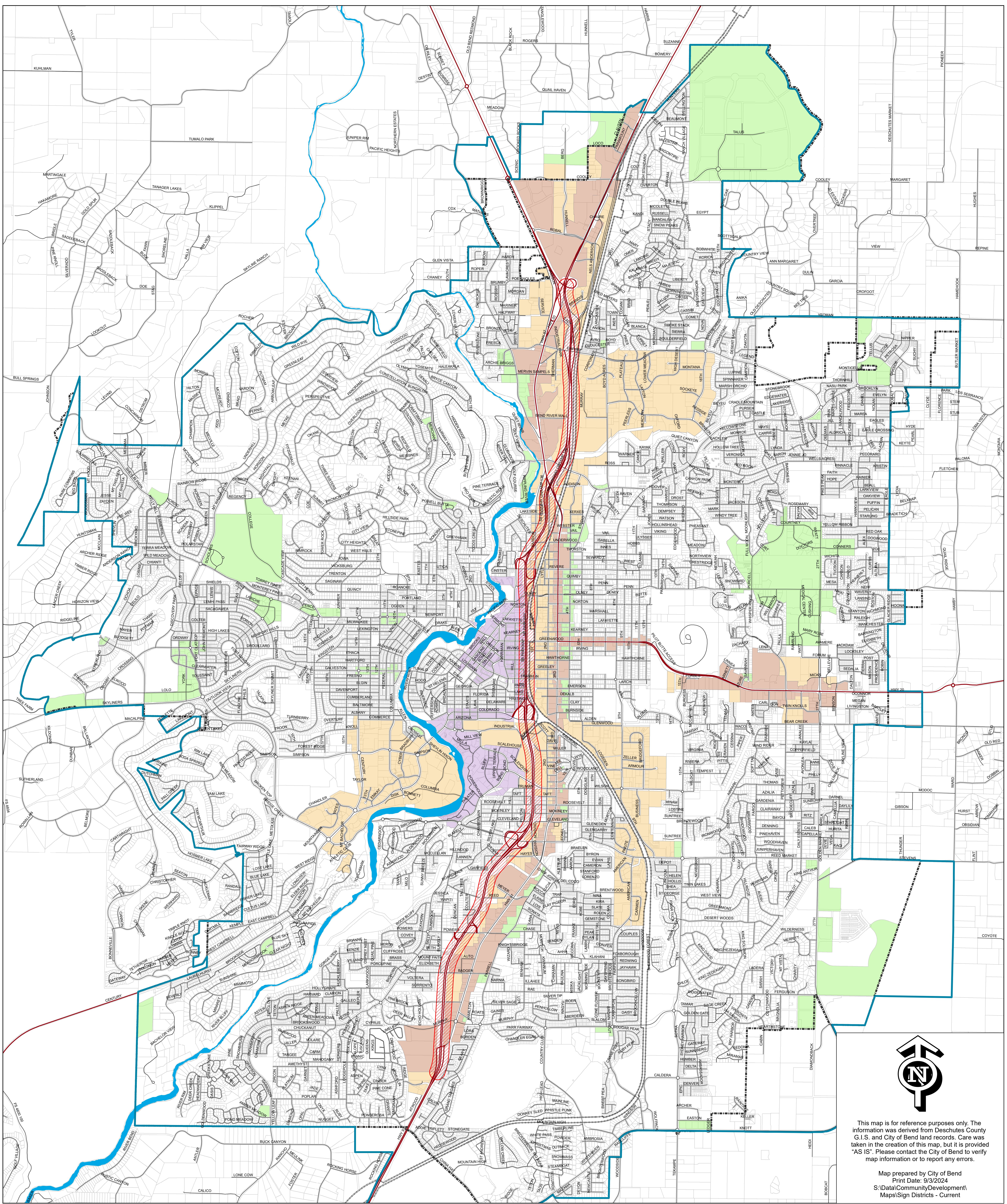
Figure 2.7.2030.B. Employment Sub-District Natural Resource Identification Map

Delete Figure



Add Figure





This map is for reference purposes only. The information was derived from Deschutes County G.I.S. and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Bend to verify map information or to report any errors.

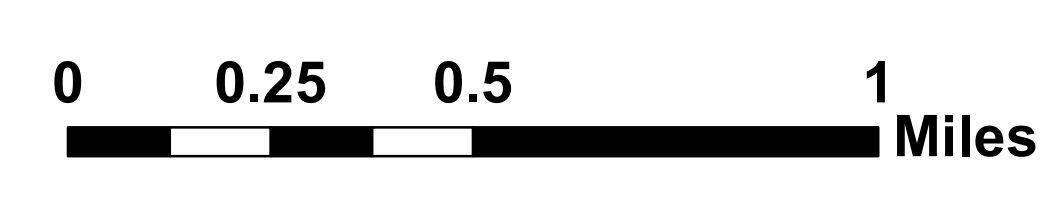
Map prepared by City of Bend
 Print Date: 9/3/2024
 S:\Data\CommunityDevelopment
 Maps\Sign Districts - Current



CITY OF BEND

City of Bend Sign Districts

August 2024



Sign Districts		Property Boundaries
 #1 (Highway Corridor)	 Roads	 Urban Growth Boundary
 #2 (General)	 City Limits	
 #3 (Central Business)		
 #4 (Neighborhood)		
 #5 (Residential)		
 #6 (Parkway Overlay)		

EXHIBIT C

CITY OF BEND PLANNING COMMISSION STAFF REPORT AND FINDINGS



COMMUNITY
DEVELOPMENT

PROJECT NUMBER: PLTEXT20240439 (Type IV Legislative Review)

HEARING DATE: September 23, 2024 at 5:30 p.m.
City of Bend Council Chambers (hybrid)
710 NW Wall Street, Bend, OR 97703

REPORT DATE: September 16, 2024

APPLICANT: Matt Stuart
City of Bend Real Estate & Facilities Director
710 NW Wall Street
Bend, OR 97703

LOCATION: Citywide

REQUEST: Bend Development Code & Municipal Code Text Amendments (BDC 2.7.2000; BMC 9.50.040) to amend the Juniper Ridge Overlay Zone and Sign District Map. (Type IV Legislative Planning Commission recommendation to City Council)

STAFF: Nicolas Lennartz, AICP, Associate Planner
(541) 330-4020; nlennartz@bendoregon.gov

I. APPLICABLE CRITERIA AND PROCEDURES:

Bend Development Code (BDC) and Municipal Code (BMC)

Approval Criteria

Chapter 4.6, Land Use District Map and Text Amendments
Section 4.6.200(B), Criteria for Legislative Amendments

Procedures

Bend Code Chapter 9, Signs
Section 9.50.120, Amendments
Bend Code Chapter 10, City of Bend Development Code
Chapter 4.1, Land Use Review and Procedures

Bend Comprehensive Plan Policies

Chapter 1, Plan Management & Citizen Involvement
Chapter 6, Economy
Chapter 7, Transportation Systems
Chapter 11, Growth Management

II. PROCEDURAL FINDINGS:

- 1. PLANNING COMMISSION REVIEW:** A hearing is being held in front of the Planning Commission on September 23, 2024. The Planning Commission is to issue a recommendation to the City Council regarding the proposed amendments per BDC 4.1.515. All legislative amendments must be adopted by ordinance per BDC 4.1.530.
- 2. PUBLIC NOTICE AND COMMENTS:** On August 30, 2024, the Planning Division mailed notice of the Planning Commission public hearing to the designated representatives of all Neighborhood Districts. The required notice to the Department of Land Conservation and Development (DLCD) was provided on August 19, 2024, more than the required 35 days prior to the first public hearing. On September 1, 2024, notice of the first evidentiary hearing was posted in the Bend Bulletin, a newspaper of general circulation under Legal Notices describing the nature of the application under review, and how to participate in the public review process for the proposed Legislative Amendments.

As of the date of this report, no public comment, or agency comment letters have been received by the Planning Division.

- 3. BACKGROUND:** Juniper Ridge represents approximately 500 acres of primarily city-owned land located within the northeast corner of the Bend city limits. The Juniper Ridge Overlay Zone is zoned Light Industrial (IL) on both the Bend Zoning Map and the Bend Comprehensive Plan Map, and contains a 306-acre Employment Sub-District.

In 2008, the Bend City Council created the first Juniper Ridge Management Advisory Board (JRMAB). The JRMAB was tasked with providing oversight and input on future developments involving Juniper Ridge. The first JRMAB eventually dissolved in 2014 due to a lack of private development interest.

In 2009, the Bend City Council approved the 306-acre Juniper Ridge Overlay Zone Employment Sub-District. The Employment Sub-District, a business-park style concept, is intended to promote economical, sustainable, and reasonable growth by allowing a mix of light industrial and commercial uses that support employment. The Employment Sub-District lists conditional and permitted uses, has fencing and screening requirements, requires a Transportation Management Association to meet the City's Transportation System Plan goals and policies, and references the Juniper Ridge Design Guidelines for site development and natural resource/landscaping purposes. The BDC contains building standards which include: height limits; front, side, and rear yard setbacks; and maximum building coverage for the Employment Sub-District.

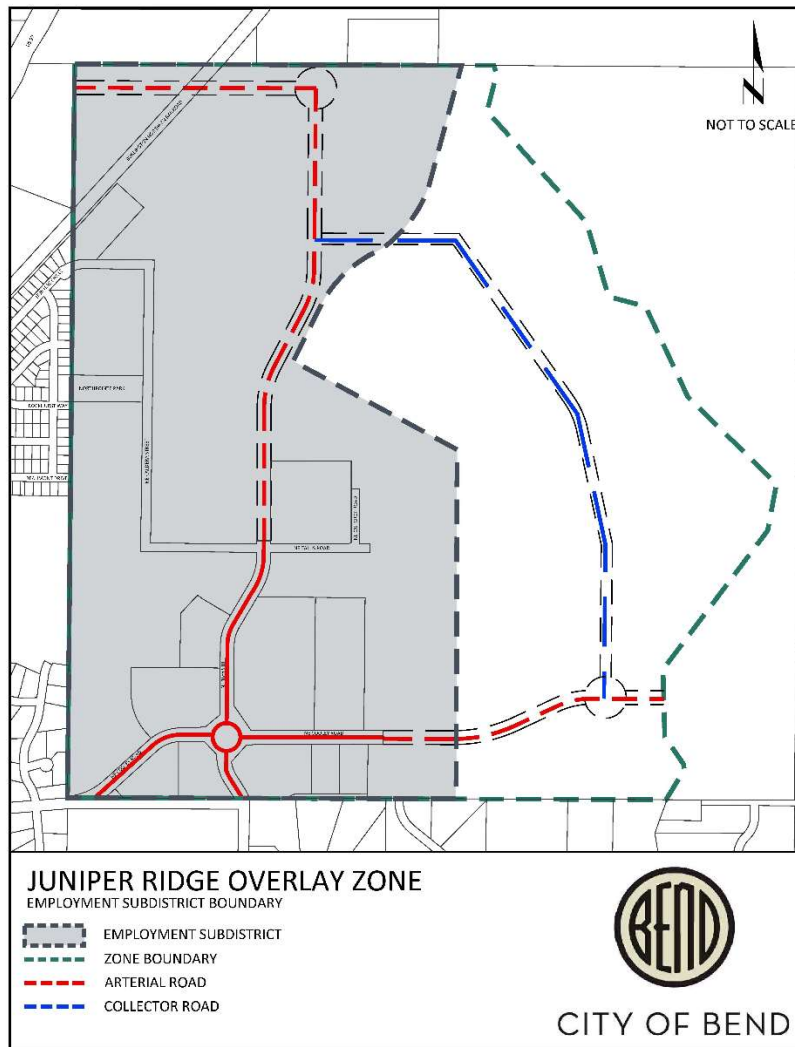


Figure 2.7.2030.A. Employment Sub-District Map

In 2010, the JRMAB recommended that the Council adopt Covenants, Conditions & Restrictions (CC&Rs), and Design Guidelines for the Juniper Ridge Overlay, which the City Council ultimately approved. The area subject to the CC&Rs is governed by the Juniper Ridge Owners Association (JROA), for design review and other private development matters. As the declarant and major property owner, the City holds a majority of votes on the JROA.

In early 2017, the sale of three (3) out of the seven (7) available lots occurred within the Employment Sub-District, generating renewed interest and prompting the Bend Economic Development Advisory Board (BEDAB) to create a Juniper Ridge Working Group (JRWG) to discuss the next steps for the Juniper Ridge area in light of said recent development interest and sales, and the challenges posed by interested parties for not closing on other properties. The JRWG developed a memo that was recommended by BEDAB and shared with City Council in 2018. The memo made the following recommendations:

- Assign a council-appointed advisory board with the ability to give input on the direct management of Juniper Ridge.

- Task this advisory board with creating an outcomes-based framework to guide the future development of Juniper Ridge.
- Allocate staff in the Economic Development Department to Juniper Ridge.

In 2018, City Council approved a Resolution that re-established the Juniper Ridge Management Advisory Board (JRMAB) and provided the Board with a list of specific tasks related to the future development of the City-owned industrial site and business park, including the development of a 24-month work plan for review, consideration, and adoption by Council. This work plan included:

- A vision, land disposition strategy, and framework plan for Juniper Ridge for Council consideration and adoption.
- Reviewing and recommending amendments and changes, as needed, to existing Juniper Ridge documents including the Employment Sub-District use table, CC&Rs, design guidelines, intergovernmental agreements, etc., after appropriate legal and planning review and any required consent of parties to existing agreements.
- An in-depth plan for the implementation on an approved Juniper Ridge vision and framework plan, including a subdivision plan timed to coincide with the construction timeline for the North Interceptor Sewer line.

Between June 2019 and October 2020, the JRMAB met a total of 11 times to review and develop a work plan for City Council review and approval. On November 18, 2020, City Council adopted the JRMAB recommended Juniper Ridge Work Plan, which is divided into three (3) phases and outlined the following considerations and action for City Council:

- Phase I: In order to foster development interest, address interest from businesses that may need to relocate to Juniper Ridge due to infrastructure improvements, and initiate the sale of existing platted property, the JRMAB recommends revisions to BDC Section 2.7.2000 – Juniper Ridge Overlay Zone, BDC Section 2.7.2030 – Employment Sub-District, and the Juniper Ridge Design Guidelines.
- Phase II: Supported by the market feasibility analysis from ECONorthwest and acknowledging the City’s capacity to develop, JRMAB recommends a development approach that limits City’s involvement in physical development outside of major infrastructure, and recommends the sale of parcels of approximately 20-50 acres in size to potential private developers. This would be accomplished by:
 - Solidifying a land disposition strategy the focusses on establishing infrastructure priorities;
 - Reconfiguration of BDC Section 2.7.2000 – Juniper Ridge Overlay Zone, to support large tract platting and development; and,
 - Reducing the applicable area of BDC Section 2.7.2030 – Employment Sub-District, the Juniper Ridge Design Guidelines, and the Covenant, Conditions, and Restrictions for Juniper Ridge Employment Sub-District (CC&Rs).

- Phase III: Understanding that future infrastructure considerations are being studied along the northern boundary of the Juniper Ridge Overlay Zone, as well the opportunity to reevaluate the 2016 Urban Growth Boundary in 2021, the JRMAB recommends evaluating the following actions to assist in long-term development of Juniper Ridge:
 - US 97 North Interchange Coordination;
 - Evaluate Residential needs in the Area; and,
 - Reevaluate 50-acre Large Lot Industrial requirement.

Between 2020 and 2024, staff have been working to execute the recommendations outlined in Phases 1 & 2 of the Juniper Ridge Work Plan, including amendments to BDC 2.7.2030 – Employment Sub-District on February 3, 2021, and platting large tracts in January 2024 to help facilitate future development.

In November 2023, the Juniper Ridge Owner’s Association voted to amend the Juniper Ridge CC&R’s boundary and reduce the applicable area from approximately 306 acres to approximately 126 acres. This is consistent with the actions recommended in the Juniper Ridge Work Plan. This legislative amendment proposes reducing the Juniper Ridge Employment Subdistrict boundary to match the CC&R area. This Legislative Amendment intends to reflect these changes in the Bend Development Code Juniper Ridge Overlay Zone in Title 2, and to update the Sign District Map in Bend Municipal Code (BMC) Title 9 concurrently. The reduced setback proposed to residential zones is added in order to greater balance the opportunities for development in the Overlay Zone with protections for nearby residential neighborhoods.

III. APPLICATION OF APPROVAL CRITERIA:

BMC Chapter 9.50, Signs

9.50.020 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.

FINDING: The amendments to the sign code follow identical procedures to the Development Code Text Amendments. Therefore, both the Juniper Ridge Code Amendments and the sign code figure and district updates are to be processed under the Legislative procedures of BDC 4.1.500.

BDC Chapter 4.6, Land Use District Map and Text Amendments

BDC 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 proposed amendments to the Juniper Ridge Overlay Zone and Sign Code concern broad public policy changes, and are not directed at a small number of properties. Therefore, the proposal must be processed under a Type IV process as detailed under BDC 4.1 Development Review and Procedures, Section 4.1.500 Legislative Procedures. The proposal must also conform with BDC 4.6.600, Transportation Planning Rule Compliance. These requirements are acknowledged and will be followed per the procedural obligations of this chapter.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a legislative amendment shall be based on all of the following criteria:

1. The request is consistent with the applicable State land use law;

FINDING: The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1 - Citizen Involvement, Goal 2 – Land Use Planning, Goal 9 – Economic Development, Goal 11- Public Facilities and Services and Goal 12 – Transportation. Specific details on consistency with these goals are reviewed below.

Goal 1, Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: Goal 1 involves adherence to an adopted and required public process. Conformance with Goal 1 is achieved in the City of Bend through *Chapter 1 – Plan Management and Citizen Involvement* of the Bend Comprehensive Plan and through the implementation procedures that have been adopted in the Bend Development Code, BDC 4.1.500 Type IV Legislative Procedures.

The procedural requirements of this Type IV application process will be followed in conformance with this section including solicitation of public involvement by several methods. Preceding public involvement with Juniper Ridge regulatory updates include the following:

- From July 2019 to November 2020, Juniper Ridge Management Advisory Board (JRMAB) met eleven (11) times to develop the work plan. All meetings were open to the public. All comments submitted were received and presented to the JRMAB to assist in the decision-making process.

- On March 4, 2020, the representatives of the JRMAB, along with staff, presented an update to City Council regarding preliminary findings and recommendations regarding Juniper Ridge and the direction of the work plan.
- On November 4, 2020, City Council received a presentation on the Draft Juniper Ridge Work Plan during Council Work Session from representatives of the JRMAB.
- On November 18, 2020, City Council adopted by Resolution, the Juniper Ridge Work Plan during the Council's regular meeting.
- On February 3, 2021, City Council held a public hearing to review and adopt proposed amendments to BDC 2.7.2000 – Juniper Ridge Overlay Zone and BDC 2.7.2030 – Employment Sub-District consistent with Phase 1 & 2 of the Juniper Ridge Work Plan.

Regarding these amendments, by following the notice and review procedures contained within the Bend Development Code, Goal 1 will be satisfied. Notices of the proposal and first public hearing have been sent to all Neighborhood District representatives and the Department of Land Conservation and Development. On September 1, 2024, notice of the first evidentiary hearing was posted in the Bend Bulletin, a newspaper of general circulation under Legal Notices describing the nature of the application under review, and how to participate in the public review process for the proposed Legislative Amendments. The opportunities for public participation that conform to the adopted processes ensure consistency with this goal.

Goal 2, Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: As stated above, this proposed amendments are being processed in accordance with the legislative procedures in BDC 4.1.500, which has established a process for reviewing all changes concerning broad public policy based on factual analysis. The proposed text amendments are within a Development Code and Sign code that are consistent with the relevant Bend Comprehensive Plan (BCP) policies. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions. By following the adopted Development Code review procedures as outlined herein, the review of this application will be consistent with Statewide Planning Goal 2.

Goal 3, Agricultural Lands

To preserve and maintain agricultural lands.

Goal 4, Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

FINDING: There are no designated agricultural or forest lands within the area affected by these amendments. Therefore, Goals 3 and 4 do not apply.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The contemplated changes to the text of the Development Code and Municipal Code will not directly impact any property or structure identified or listed as containing a Goal 5 resource for the City of Bend, and therefore, Goal 5 is not applicable to the proposal.

Goal 6, Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

FINDING: The proposed text amendments do not directly impact any air, water or land resources within the City of Bend. Subsequent development on any affected lands will be reviewed for conformance with all applicable standards, however, this goal is not applicable to the proposed changes.

Goal 7, Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Goal 8, Recreational Needs

To satisfy the recreational needs of citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts..

FINDING: Goals 7 and 8 are not applicable to the proposed Development Code or Sign Code Text Amendments.

Goal 9, Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The Juniper Ridge Overlay Zone is an industrial and business park. Per BDC 2.7.2010, ‘*The purpose of the Juniper Ridge Overlay Zone is to promote economical, sustainable, and reasonable growth [...] by creating a unique overlay zone consisting of sub-districts that encourage employment-based commercial and industrial uses.*’ The proposal will increase the viability of redevelopment and/or development of lands currently within the City of Bend where economic development is encouraged on employment lands. The City of Bend has been working since 2009 to facilitate development in this area, including the multitude of projects directed by the City Council as recommended by the JRMAB with the goal of increased economic vitality in the Overlay Zone. The amendments under consideration provide more accurate transportation information for prospective developers, reduce the area of lands subject to certain special standards, and reduce the residential setback for remaining lands in the Employment Sub-District from 100 to 30-feet. These changes, in conjunction with the update to the Sign District Map to establish all of the Overlay Zone in District #4, work to increase opportunities for redevelopment in the area by reducing barriers and clarifying requirements. Therefore, the proposal can be consistent with Goal 9.

Goal 10, Housing

To provide for the housing needs of the citizens of the state.

FINDING: The requested code amendments do not directly involve housing, but affordable housing is allowed on publicly owned lands zoned for industrial uses that are adjacent to lands zoned for residential uses, and within an urban growth boundary, pursuant to ORS 197A.445. The proposed amendments include a reduction in the required setback for new developments when abutting residential zones from 100-feet down to 30-feet, which could promote development of affordable housing in conformance with this state statute on applicable lands within the Juniper Ridge Overlay Zone. Therefore, the proposed amendments are consistent with Goal 10.

Goal 11, Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The proposed amendments to BDC Chapter 2.7 intend to update the overlay zone standards to reflect recent development patterns, street extensions and alter certain standards for development thereto. Overall, the amendments clarify requirements and obligations for future development to be compliant with transportation standards and required street connections, and alter the Employment Sub-District’s boundary scope in order to make additional lands more flexible for development. Removing a portion of lands from the Employment Sub-District reduces regulatory barriers to development. Furthermore, the change in the residential setback standards (from 100 to 30-feet) serves to increase the opportunities for redevelopment on those lands adjacent to residential neighborhoods to the west. The changes therefore improve the orderly and efficient arrangement of public facilities. Therefore, the proposal remains consistent with Goal 11.

Goal 12, Transportation

To provide and encourage a safe, convenient and economic transportation system.

FINDING: Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12-0060, in addition to local land use regulations. The City of Bend Transportation System Plan (TSP) is implemented through adopted policies of the Comprehensive Plan, along with the standards and criteria of the Bend Development Code. Future development/redevelopment of any properties utilizing the proposed Development Code changes would be required to follow the established processes for entitlement, which will at that time consider compliance with site-specific requirements for transportation mitigations based on anticipated and demonstrated impacts. Therefore, the proposal remains consistent with Goal 12.

Goal 13, Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

FINDING: The proposal does not directly impact energy conservation efforts.

Goal 14, Urbanization

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.

FINDING: The properties affected are located within the Urban Growth Boundary and City Limits, and concern increasing the availability and efficiency of development on employment lands. No changes are proposed to the urban growth boundary or City limits. The proposal therefore remains in alignment with the goal of providing efficient transitions from rural to urban land uses by facilitating greater development within the identified growth area for efficiency in land use, and subsequently increasing opportunities for livable communities.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

FINDING: Goals 15 through 19 are not applicable to the proposed amendments because the properties affected by these code amendments do not include any of the noted features and are not located within the coastal or Willamette Valley regions.

[BDC 4.6.200.B. continued]

- 2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;**

FINDING: The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

Chapter 1, Plan Management and Citizen Involvement

Refinement Plans (see definition in Glossary and related policies in Chapter 5)

- 1-9 The City may prepare land use refinement plans for neighborhoods or other discrete geographic areas.***
- 1-10 The area to be included in a refinement plan study shall be approved by the City Council, and the boundary of a study area shall be shown on the zoning map until the study is complete.***
- 1-11 A refinement plan, including detailed maps, policies, and text, when adopted by the city, shall become part of the Zoning Ordinance.***
- 1-12 Refinement plans shall, at a minimum, provide plans for the development of sanitary sewer, water, and transportation systems and criteria by which to evaluate proposed amendments to an adopted refinement plan.***
- 1-13 Refinement plans may evaluate the need for, and designate the location of, schools and park facilities, public and private open space, future neighborhood commercial or convenience commercial uses, residential, and mixed use areas.***
- 1-14 Refinement plans may include site and building design regulations and alternative street standards.***

FINDING: The Juniper Ridge Overlay Zone is a type of refinement plan for a discrete geographic area in the northeast quadrant of the City of Bend limits. The proposed amendments to the overlay zone do not alter the exterior boundary, but only the Employment Sub-District to reduce the area from over 300-acres to approximately 126 acres. The Juniper Ridge Overlay Zone provides special standards for street sections in the Bend Development Code, and through the CC&R’s, special building design standards that are not reviewed through the Planning process but are reviewed and enforced privately. No changes are proposed to the overall extension of sanitary sewer and water facilities, however, the transportation system previously adopted and codified in BDC 2.7 is proposed to be updated per the latest development approvals. Particularly, the platting of large-lot industrial tracts in the north and east portions of the Juniper Ridge Overlay Zone have updated the circulation plans, and therefore, updating the figures of the code to reflect these changes is appropriate. No zoning changes are proposed. In sum, the proposed amendments are found consistent with the refinement plan policies and goals of the Comprehensive Plan.

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.***

FINDING: The Juniper Ridge Management Advisory Board was established in accordance with this policy in order to create an in-depth plan to implement the Juniper Ridge vision and framework plan. The members were selected by an open process and were widely representative of the community. This advisory board ultimately approved a three-phase plan of implementation for the Juniper Ridge area, where the proposed amendments are a part of this implementation plan. Therefore, the proposal is consistent with this policy.

Chapter 6, Economy

General Policies

6-11 *The City will periodically review existing development and use patterns on industrial and commercial lands. The City may consider modifying Comprehensive Plan designations and zoning to better respond to opportunities for redevelopment and revitalization of employment lands in underutilized areas.*

6-16 *The Juniper Ridge District inside the Bend UGB will be used to help meet the long-term need for future industrial and employment development.*

6-19 *The community will attempt to diversify its industrial base.*

FINDING: The City, by considering the amendments, is responding to redevelopment and revitalization opportunities on employment lands within the Juniper Ridge Overlay Zone. The Juniper Ridge Overlay Zone is generally underutilized, and is in the process of urbanizing with large-lot industrial tracts, and commercial and industrial developments on smaller properties. The Juniper Ridge Owner's Association has approved the reduction in area of the Employment Sub-District in order to facilitate prospective development on identified lands within the area. Reducing the acreage of lands subject to those special standards reduces regulatory and additional entitlement barriers to redevelopment by enabling the underlying zoning, Light Industrial (IL), and its development standards, uses, and design standards to prevail. It also allows standard residential buffer setbacks (typically 20-feet, increasing with building heights above 35-feet) to prevail in lieu of the greater setback of the Sub-District. The amendments therefore support the diversification of the industrial base and subsequent employment opportunities afforded by future developments on these sites.

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.*

FINDING: The proposed amendments include a reduction in the required setback for new industrial developments and potential residential developments when abutting residential zones from 100-feet down to 30-feet, and the inclusion of the entirety of the Juniper Ridge Overlay Zone in Sign District #4 which applies to commercial, mixed-use, industrial and institutional uses adjacent to residential areas. Affordable Housing is allowed on publicly owned lands zoned for industrial uses that are adjacent to lands zoned for residential uses, and within an urban growth boundary, pursuant to ORS 197A.445. The change in setback is desired in order to provide a more balanced approach to development that avoids unduly burdening industrial users as intended by the Juniper Ridge Overlay Zone, but also remaining reasonably protective of livability standards for nearby residential neighborhoods. The 100-foot setback is considered excessive, and a lesser setback of 30-feet when combined with screening, lighting and other site orientation standards, would achieve similar results mitigating industrial impacts to nearby neighborhoods. In summary, while the setback standards are proposed to be reduced, they remain adequate and consistent to provide special development standards in accordance with this policy.

Chapter 7, Transportation Systems

7-8 *The City will improve connectivity and address deficiencies in the street network with the understanding that connectivity needs and conditions may vary based on an area's existing and planned land uses and street network (e.g., large lot industrial areas may have different needs than residential areas).*

FINDING: The proposed amendments include updating transportation system figures in the Juniper Ridge Overlay Zone, figures 2.7.2020, 2.7.2025.A., and 2.7.2030.A., to reflect the latest development pattern and large-lot industrial tracts. Therefore, the planned transportation system accounts for the unique demands of this area, and establishes a transportation and connectivity network that aligns with the demands and needs of the contemplated development. This proposed amendments aims to update the code in order to better inform subsequent development in the Juniper Ridge Overlay Zone. Therefore, the amendments align with this policy.

Chapter 11, Growth Management

Policies for Employment Districts

11-31 *The City will periodically review existing development and use patterns on industrial and commercial lands. The City may consider modifying Comprehensive Plan designations and Zoning to better respond to opportunities for redevelopment and revitalization of employment lands in underutilized areas.*

FINDING: The proposed amendments intend to better respond to opportunities for redevelopment and revitalization of employment lands in the Juniper Ridge Overlay Zone. While the land within the Juniper Ridge Overlay Zone will remain with an Industrial use designation and zoning, the reduction in area of the Employment Sub-District is intended to facilitate prospective development on identified lands within the area. The Employment Sub-District applies special setback buffer requirements and screening/fencing requirements, along with trip generation limitations and related mitigations that have largely been constructed. Reducing the acreage of lands subject to these special standards would reduce certain restrictive standards, which may facilitate additional development. As mentioned above in this report, the area is actively urbanizing and at this stage is generally underutilized. If approved, the updated code would provide more accurate information for prospective development, while also providing more flexibility for those lands adjacent to Residential Zones. Therefore, the proposed amendments are consistent with this policy.

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

FINDING: The market demands for employment lands originally conceived by the Juniper Ridge Overlay Zone Employment Sub-District have changed since the initial approval in 2009. The JRMAB recommended and the JROA approved amendments to the CC&R's in order to better meet these demands. The changes are reflected in the reduction of the acreage of the Employment Sub-District as proposed in these amendments from 306 to 126 acres. As demonstrated by the recommendations of the JRMAB and approval of the JROA, greater flexibility for industrial development and redevelopment, and greater accuracy in implementation of transportation improvements is desired, and this code amendment intends to address these needs.

The updated figures to the Employment Sub-District not only reduce the area of the Sub-District, but illustrate the most recent street extensions created by plat to better inform prospective development by codifying the established rights of way. In particular, the updated alignments of NE Talus Road, NE Andesite Street, NE Kimberlite Drive, NE Olivine Road are shown in the updated figures, along with alteration of the location of one optional roadway that has since been dedicated (NE Kimberlite Drive). Furthermore, by reducing the area of the Employment Sub-District, those lands (primarily to the north) may develop subject to the base Overlay Zone standards and IL zone standards, which apply standard setback and screening requirements. Lastly, by updating the sign districts map to establish all of Juniper Ridge inside District #4, there is clarity on signage requirements for all development in the area. Sign District #4 applies to commercial, mixed-use, industrial and institutional uses adjacent to residential areas, which is an appropriate designation to account for these employment lands with residential zones to the west. Therefore, there is considered a public benefit to the proposed amendments.

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: If approved, the BDC and BMC amendments will be adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the BDC and BMC 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 include an update to transportation figures of the Juniper Ridge Overlay Zone, but do not alter any mitigation thresholds or requirements as codified by BDC Table 2.7.2030.B., which detail the trip maximums tied to each phase of off-site transportation improvements. The proposed changes to the Bend Development Code and Bend Municipal Code do not include a Comprehensive Plan amendment nor annexation. Therefore, the Transportation Planning rule does not apply.

IV. CONCLUSION: Based on the findings throughout this report, the proposed amendments to the Bend Development Code Chapter 2.7 Article XI, and Bend Municipal Code Figure 9.50.040 meet all applicable criteria for City Council adoption.

V. RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of the proposed Bend Development Code and Bend Municipal Code amendments to the City Council.