

ORDINANCE NO. NS-2152

AN ORDINANCE AMENDING THE CITY OF BEND DEVELOPMENT CODE SECTION 2.7.2030, JUNIPER RIDGE OVERLAY ZONE EMPLOYMENT SUB-DISTRICT

Findings

- A. The City of Bend initiated a legislative Development Code text amendment on September 9, 2010.
- B. The application was submitted in accordance with Chapter 4.1 of the Bend Development Code. Timely and sufficient notice of public hearing, pursuant to Section 4.1.515 of the Bend Development Code, were provided.
- C. On October 25, 2010, the City of Bend Planning Commission conducted a public hearing to accept testimony on the request. Following its deliberations, the Planning Commission voted to recommend that the Bend City Council approve the requested text amendment to the Juniper Ridge Overlay Zone Employment Sub-District. The Planning Division staff report and recommendation together with the testimony of the persons testifying at the hearing have been considered and are part of the record of this proceeding.
- D. On November 3, 2010 the Bend City Council conducted a public hearing, considered the testimony, the record, and the Planning Commission's Recommendation, and found that the request satisfies the applicable approval criteria Section 4.6.200 of the Development Code, the goals and policies of the Bend Urban Area General Plan, and Statewide Planning Goals. This general finding is supported by the specific findings contained in the Planning Commission Recommendation to the City Council; file number PZ 10-288.

Based on these findings, the City of Bend ordains as follows:

- Section 1. Section 2.7.2030 of the Bend Development Code is amended as shown in Exhibit A.
- Section 2. In addition to the findings set forth above, the City adopts the Planning Commission Findings and Conclusion attached as Exhibit B as findings supporting this amendment.

First Reading: November 3, 2010

Second Reading: November 17, 2010

Adopted by roll call vote on November 17, 2010.

YES: 6

NO: 0

ABSTAIN: 0

Authenticated by the Mayor on November 17, 2010.




Kathie Eckman, Mayor

Attest:



Patricia Stell, City Recorder

Approved as to form:



City Attorney's Office

Exhibit A

Proposed Text Amendment 2.7.2000 Juniper Ridge Overlay Zone

Sections:

- 2.7.2010 Purpose**
- 2.7.2020 Implementation**
- 2.7.2030 Employment Sub-District**
- 2.7.2040 Town Center Sub-District - reserved**
- 2.7.2050 Educational Sub-District - reserved**
- 2.7.2060 Residential Sub-District - reserved**

2.7.2010 Purpose

This chapter applies to all development within the Juniper Ridge Overlay Zone. The purpose of the Juniper Ridge Overlay Zone is to promote economical, sustainable, and reasonable growth in Juniper Ridge by creating unique overlay zoning sub-districts for residential, commercial, educational and industrial uses.

2.7.2020 Implementation

- A. The Juniper Ridge Overlay Zone consists of the area within the dashed line shown on Figure 2.7.2020 - Juniper Ridge District Map.

Figure 2.7.2020
Juniper Ridge District Map

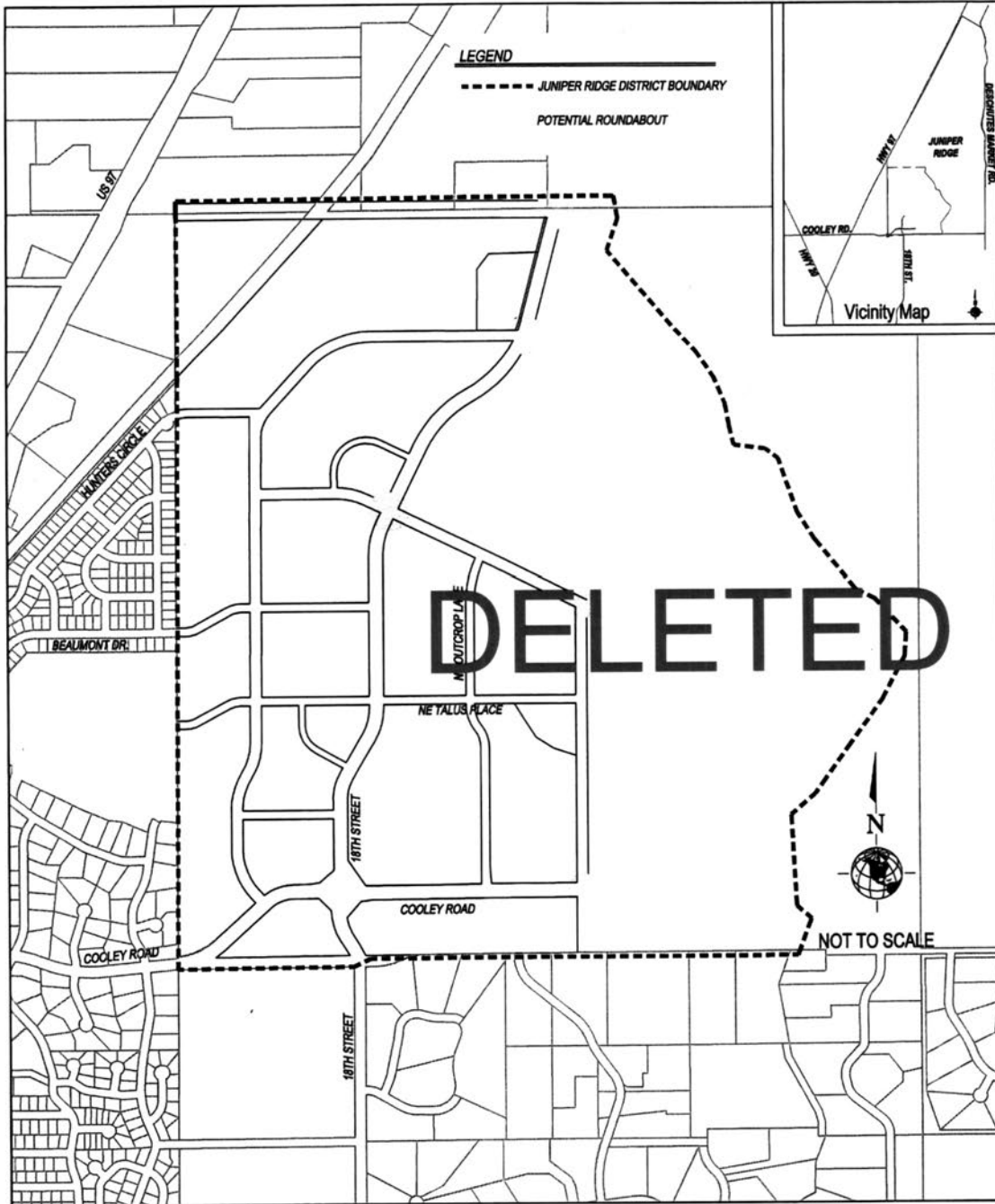
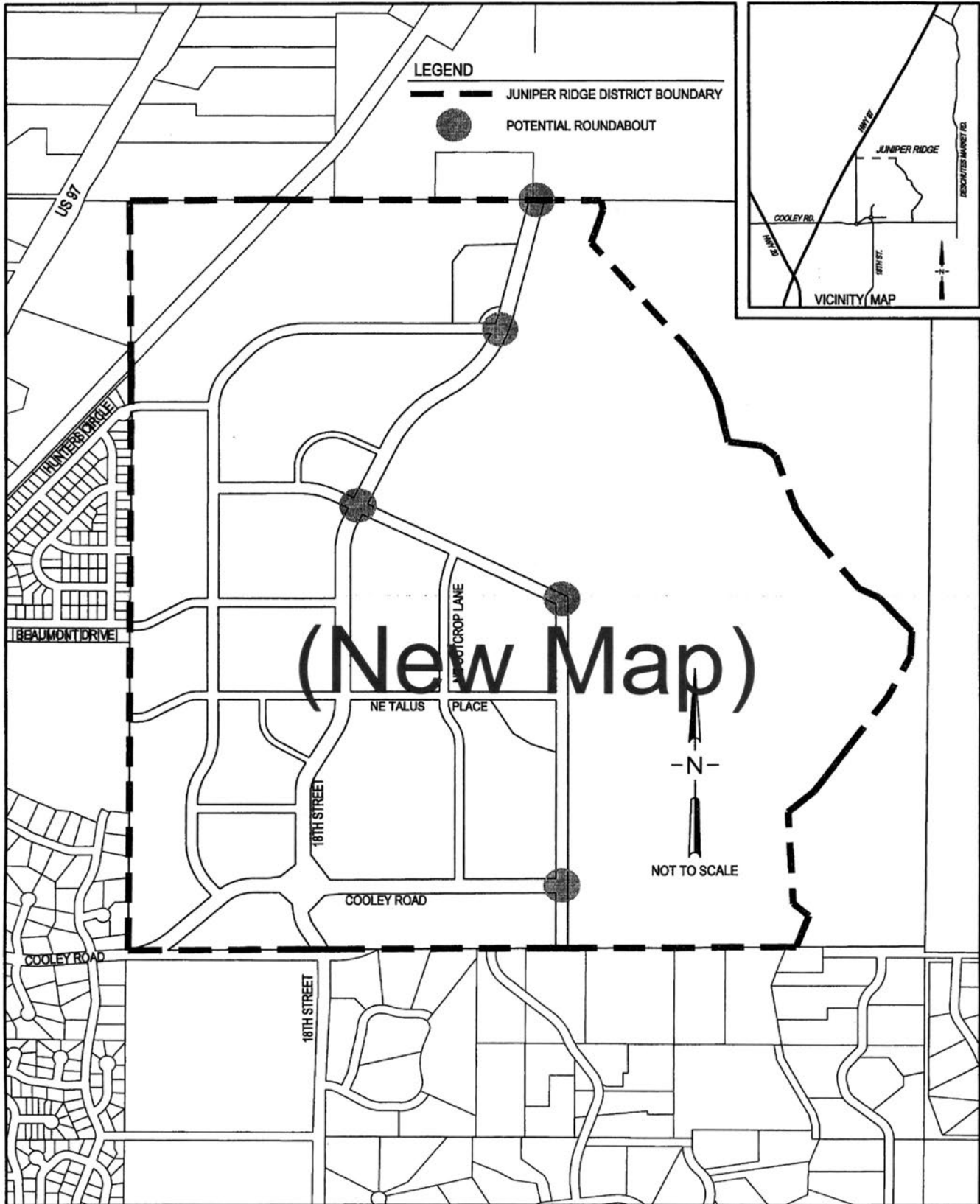


FIGURE 2.7.2020
JUNIPER RIDGE DISTRICT MAP



2.7.2030 Employment Sub-District

- A. Purpose.** The Juniper Ridge Employment Sub-District is a 320 306 acre area that is intended to promote economical, sustainable, and reasonable growth by allowing a mix of light industrial uses, offices for research and development, corporate and regional headquarters and accessory uses to serve the needs of these primary uses. The Employment Sub-District will:
- Provide a variety of employment opportunities
 - Promote efficient use of the land
 - Promote pedestrian and other multi-modal transportation options
 - Ensure compatibility of uses within the development and with the surrounding areas
 - Create an efficient, interconnected system of streets with standards appropriate to the intensity and type of adjacent use
 - 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 shall apply 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 shall supersede those of the underlying zone unless no special standards within the sub-district are provided.
- C. Infrastructure Implementation.** Development within the Employment Sub-District shall not occur unless adequate public facilities are in place to serve the property prior to occupancy.
- D. Transportation Management Association (TMA).** A TMA organized to operate in a manner that is consistent with the Transportation Demand Management goals and policies in the City's Transportation System Plan and Section 4.7.500 will be developed for the Employment Sub-District. All site development review applications within the Employment Sub-District that are subject to review under Chapter 4.2 shall demonstrate conformance with Employment Sub-District TMA program requirements.

Figure 2.7.2030.A
Employment Sub-District Map

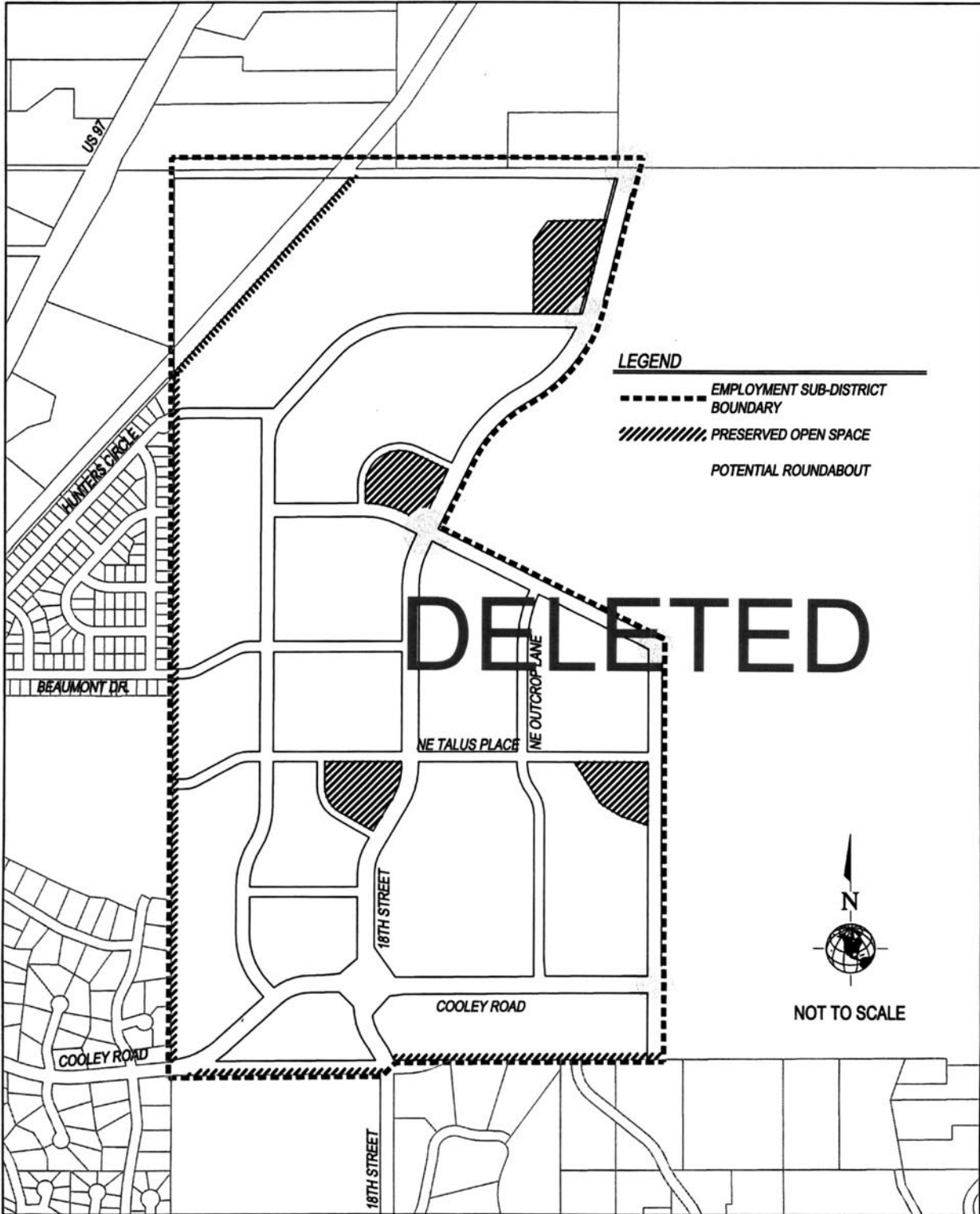
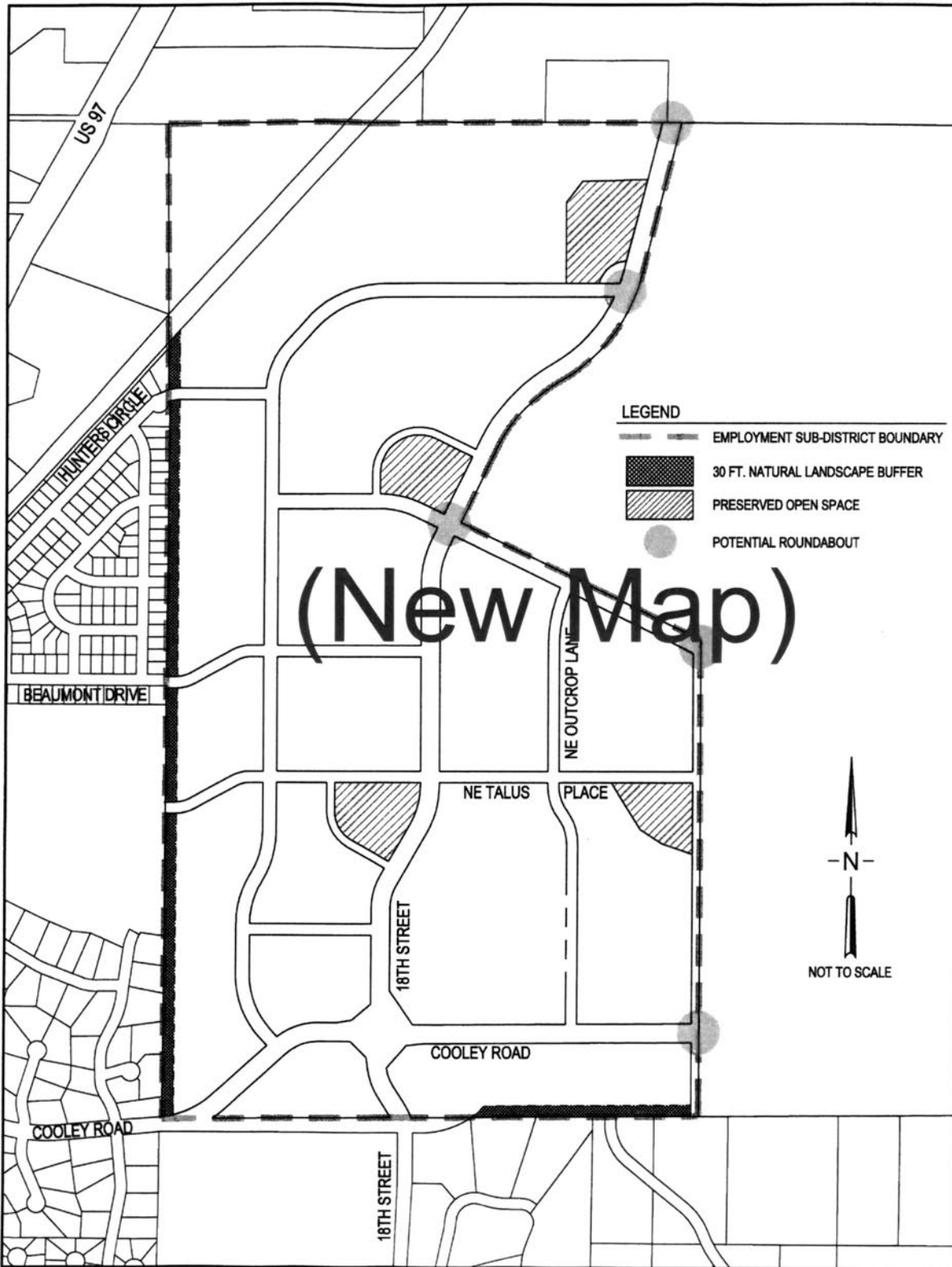


FIGURE 2.7.2030.A
EMPLOYMENT SUB-DISTRICT MAP



- E. 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.
- F. Limitations on Permitted Uses.** Small scale personal and professional service uses shall be limited to an aggregate area total within the Employment Sub-district not to exceed 30,000 square feet.
- G. Determination of Similar Land Uses.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.1.1400, Declaratory Ruling.

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
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)	C
Food and beverage processing and packaging	P
Medical and dental laboratories	P
Small-scale personal and professional services <ul style="list-style-type: none"> • Within a freestanding or multi-tenant building, up to 2,500 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)^{1*} shall be allowed • Within a freestanding or multi-tenant building, up to 10,000 square feet for child care, fitness center and similar uses shall be allowed when a site has frontage and/or direct access to an Arterial or Collector street 	P
Corporate Headquarters/Regional Corporate Office	P
Trade, vocational technical, professional, business schools including university programs serving industrial needs	P
Professional consulting services.	P
Industrial and professional equipment and supply sales	P
Professional office accessory to a primary use, in the same building, up to 30% of the floor area of the primary use.	P
*Utility Facilities (e.g., natural gas, electricity, telephone, cable, telecommunication and similar facilities).	P
Public Park and Recreation Facility (not including private Open Space)	C

Key to Permitted Uses

- P = Permitted; subject to Chapter 4.4
 C = Conditional Use, subject to Chapter 4.4

^{1*} In conformance Special Standards in conformance with Section 2.4.800, Special Development Standards

H. **Vehicle Trip Limit.** Development within the Employment Sub-District shall be limited to a maximum of 2,220 PM peak-hour vehicles 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	PM PEAK HOUR TRIPS	MITIGATION IMPROVEMENT
1	700	Empire Avenue / 18 th 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 & Bowery Lane
3	580	18 th 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 shall be the considered the Employment Sub-District Transportation Mitigation Plan and shall apply to all land use applications that propose development that will generate peak hour vehicle trips. A PM Peak Hour trip is defined as a trip occurring between 4:00 PM and 6:00 PM, as further defined by the Institute of Transportation Engineers Trip Generation Manual.
2. No land use application shall 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 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.
3. The City shall 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 Section 4.1.1310B of this Code.
5. Land use applications in any phase that propose development that will generate peak hour trips that (i) exceed the peak hour trip thresholds identified in Table 2.7.2030.B Mitigation Improvements prior to the construction of local street improvements, or (ii)

prior to the execution of a Cooperative Improvement Agreement for the construction of improvements on state highway facilities, or (iii) 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 shall 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 the above Table 2.7.2030.B Mitigation Improvements are constructed or agreed to be constructed in Cooperative Improvement Agreement(s) or Development Agreement(s).

IH. Development Standards

Table 2.7.2030.B Development Standards

Maximum Building Height	65 feet
Minimum Front Yard Setback	10 feet
Maximum Front Setback on Primary Street Frontage	30 feet
Minimum Primary Street Frontage	50 feet
Minimum Side Yard Setback	10 feet (100 feet when abutting a Residential Zone)
Minimum Rear Yard Setback	15 feet (100 feet when abutting a Residential Zone)
Maximum Building Coverage	50 percent of total lot area

Ji. Additional Development Standards

1. **Off-Street Parking and Loading.** Off-street parking and loading spaces shall be provided as required in Chapter 3.3, Vehicle and Bicycle Parking. All off-street parking or loading areas and access drives shall be paved and continually maintained.
2. **Block Length and Perimeter.** Figure 2.7.2030.B depicts the interconnected, multi-modal transportation network for the Employment Sub-District. Therefore, the block length and perimeter standards of Section 3.1.200 are not applicable in the Employment Sub-District. If during development review it is determined that the street alignments shown in Figure 2.7.2030.B cannot be met due to topography, natural features or other development-related barriers, any development approval for such areas shall provide walkways or access ways in conformance with the provisions of Section 3.1.300, Pedestrian Access and Circulation.
3. **Parking and Loading Setback.** Where the Employment Sub-District abuts a residential zone, any off-street parking and loading areas shall be set back at least 30 feet from the abutting residential property line and the setback area shall be landscaped a minimum of 30 feet to provide a buffer along the adjoining residential property. Landscaping shall be maintained by the property owner and

shall conform to the standards in Sections 3.2.200, Landscape Conservation and 3.2.300, New Landscaping.

4. **Maintenance of Undeveloped Property**. All undeveloped property on a developed site shall be either left in a natural state, or landscaped and continually maintained according to the requirements and standards in Sections 3.2.200, Landscape Conservation and 3.2.300, New Landscaping.
5. **Prohibition of Nuisance Activities**. All development shall be designed and constructed so that operation of the uses on the property will not create a nuisance or hazard on any adjacent property or right of way from noise, vibration, heat, glare, dust, or odorous, toxic or noxious matter.
6. **Parking and Circulation**. No vehicle circulation or parking except for access driveways shall be permitted within any minimum front yard setback area.
7. **Corner Lots and Through Lots**. For buildings on lots with more than one street frontage or through lots, the minimum front yard setback standards in Table 2.2.2030.B shall be applied to all street frontages. The maximum setback standard shall be applied to only one of the frontages. Where the abutting streets are of different classifications, the maximum setback standard shall be applied to the higher classification of street.
8. **Fencing and screening**. ~~Continuous lot perimeter fencing shall not be allowed within the Employment Sub-District. Architectural screen walls shall be used to screen service, loading, and exterior material and equipment storage areas, and may be used to screen other on-site amenities such as private patios and employee break areas. Non-decorative fencing may be used to screen areas not visible from rights of way or adjoining properties.~~
 - a. **Perimeter Fencing**: Lot perimeter fencing is only permitted within the Employment Sub-District under the conditions set forth in Table 2.7.2030.C, Fencing and Screening Conditions.
 - b. **Standard Fencing**: Standard non-decorative fencing may be installed in areas not visible from street rights of way or adjoining properties within the Employment Subdistrict. Standard fencing also may be used as specified in Table 2.7.2030.C. A minimum quality of standard fencing shall be black vinyl-coated chain link.
 - c. **Upgraded Fencing**: Upgraded fencing shall be provided as specified in Table 2.7.2030.C. 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 shall include:
 - Simplicity as opposed to excessive ornamentation.
 - Low maintenance / ease of landscape maintenance on each side.
 - Respect for the design theme of established development on adjacent parcels.

- A clear relationship to the building's architecture.
 - Consideration of a standard design where a large property shares a common boundary with several smaller properties.
- d. Architectural Screen Walls: Architectural screen walls shall 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 shall 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 shall be the minimum necessary to accommodate the facility or operation that is to be screened.
- e. Fencing and Screening on Steep Slopes: Properties with more extreme variations in topography (e.g., substantial slopes adjacent to relatively flat areas) shall employ fencing and/or screening design approaches that are thoughtfully integrated with the site's unique characteristics while fulfilling the overall functional intent of these features. Stair-step fence profiles shall be avoided.

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 Subdistrict	Adjacent to Residential zoned property	Standard Fencing
	Adjacent to Commercial zoned property	Upgraded Fencing
	Adjacent to permanent open space	Upgraded 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; Upgraded Fencing if it does not interfere with shared access/parking; Architectural Screen Wall if exterior loading or storage
Property line adjacent to a		Upgraded Fencing

park or open space		
Property line on the east perimeter of the Employment Sub-District	Adjacent to Residential or mixed use	Upgraded Fencing
	Adjacent to higher education land uses	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
Fencing around a secure parking lot	Visible from right of way	Upgraded Fencing
	Not visible from right of way	Standard Fencing

KJ. Employment Sub-District Street Alignments. Figure 2.7.2030.B, the Juniper Ridge Employment Sub-District Transportation Plan Map, depicts the conceptual alignment of the Sub-District transportation network. Precise street alignments shall be determined through the development review process. Alternate alignments may be approved in accordance with 2.7.2030.1.2, or if it is demonstrated through the development review process that equivalent or improved safety and circulation will be achieved. The final multi-use path alignment shall be established prior to either the associated land division or Site Development Review, whichever occurs first. To ensure consistency, amendments to street classifications in the TSP, are incorporated into Figure 2.7.2030.B, i.e. if the TSP is amended to reclassify a collector street as an arterial, Figure 2.7.2030.B is equally amended.

LK. Employment Sub-District Street Cross Sections. Figures 2.7.2030.C.1 and 2.7.2030.C.2 depict the typical street cross-sections in the Employment Sub-District. Alternative cross sections that respond to site-specific circumstances may be approved by the City Engineer through the development review process.

ML. Employment Sub-District Access Standards. Due to large block sizes and large lot sizes, multiple access points to each lot in the Employment Sub-District will be permitted, including accesses to higher order transportation facilities, as long as the standards of this section are met. The following access standards supersede the vehicular access management standards of Chapter 3.1.

- 1) Minimum Access Spacing
 - a. Access points on local streets shall be a minimum of ten feet (10') apart as measured from edge of driveway to edge of driveway.
 - b. Access points on Collector Streets shall be a minimum of three hundred feet (300') apart as measured from centerline of access to centerline of access.
 - c. Access points on Arterial Streets shall be a minimum of three hundred feet (300') apart as measured from centerline of access to centerline of access.
- 2) Additional Access Standards
 - a. Driveways onto arterials and collectors may have directional restrictions (i.e. right-in/right-out only) 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.
- b. Directional restrictions will be determined by the City Engineer after a review of the Transportation Impact Analysis provided by the applicant.
 - c. Crossing of the multi-use path by driveways shall not be allowed unless there are no other access options for the site. If allowed, a driveway access crossing a multi-use path shall be constructed to provide shared access to adjacent property, when applicable.
 - d. Driveways shall not be located within 300 feet of an intersection.
 - e. Only one access is permitted per street frontage (including shared access), however lots may have multiple street access points, so long as minimum access spacing requirements are met.
 - f. The centerlines of driveways are required to align across arterials and collectors to minimize conflicting turning movements and allow for adequate turn storage.
 - g. Shared access may be required, in order to comply with these access requirements. All access driveways on Local Truck Roads shall provide shared access to adjacent property to the extent practicable.
- 3) Exceptions to the Access Standards of this Section. Alternate access may be approved by the City Engineer if all of the following criteria are met:
- a. The minimum access spacing standards of this section cannot be met.
 - b. Shared access with an adjoining property cannot be established.
 - c. Access to the roadway at the proposed location is critical to the function of the development on the property.
 - d. Operations and safety of the public road system is maintained for a minimum analysis period of 15 years as demonstrated in a Transportation Impact Analysis, including an assessment for the 95% queue. The queuing between the proposed driveway and an intersection shall not overlap.
 - e. On arterial and collector streets, directional turn restrictions are applied.
 - f. AASHTO intersection sight distances are available at the proposed access point.

Figure 2.7.2030.B
 Employment Sub-District Transportation Plan Map

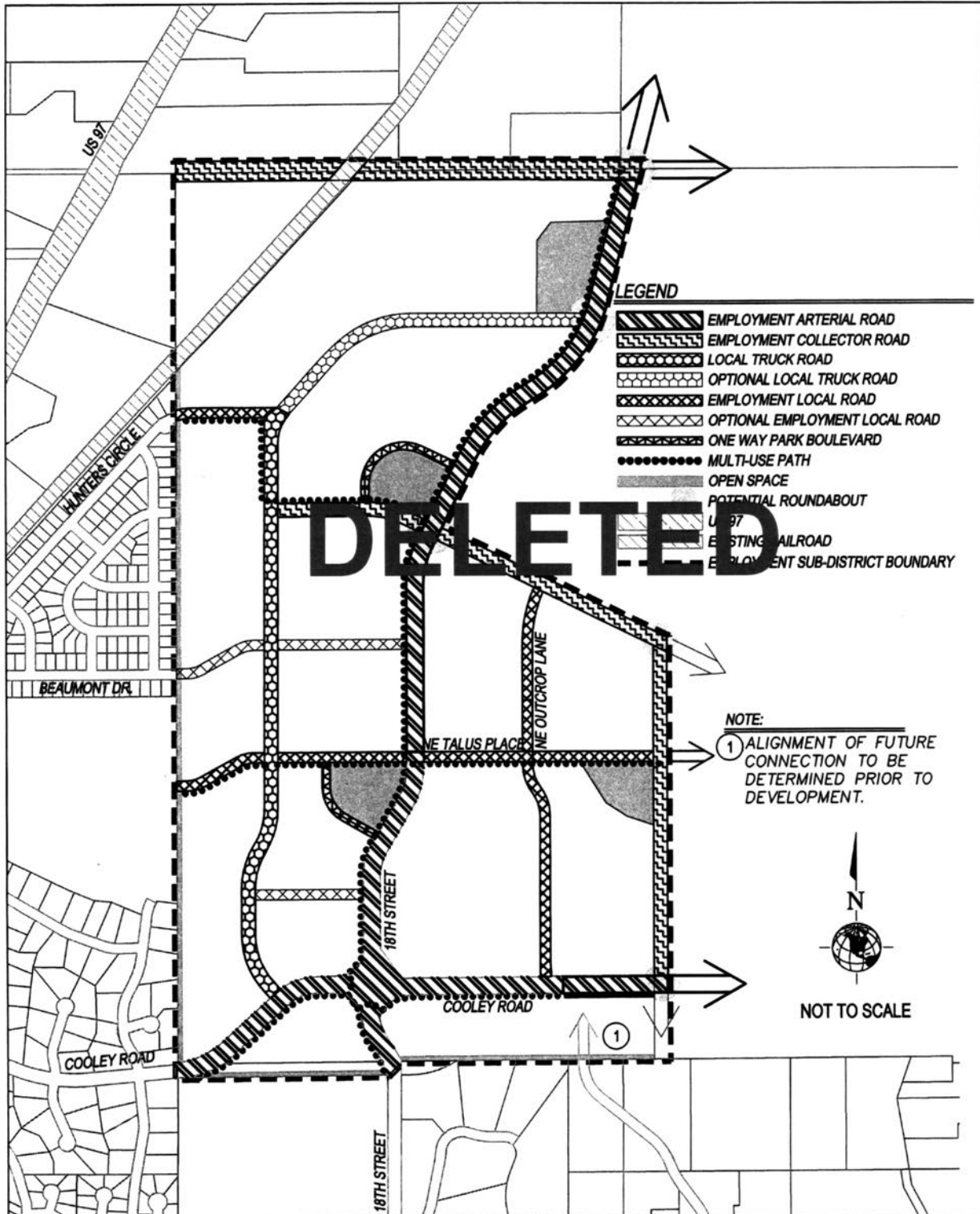


FIGURE 2.7.2030.B
 EMPLOYMENT SUB-DISTRICT TRANSPORTATION PLAN MAP

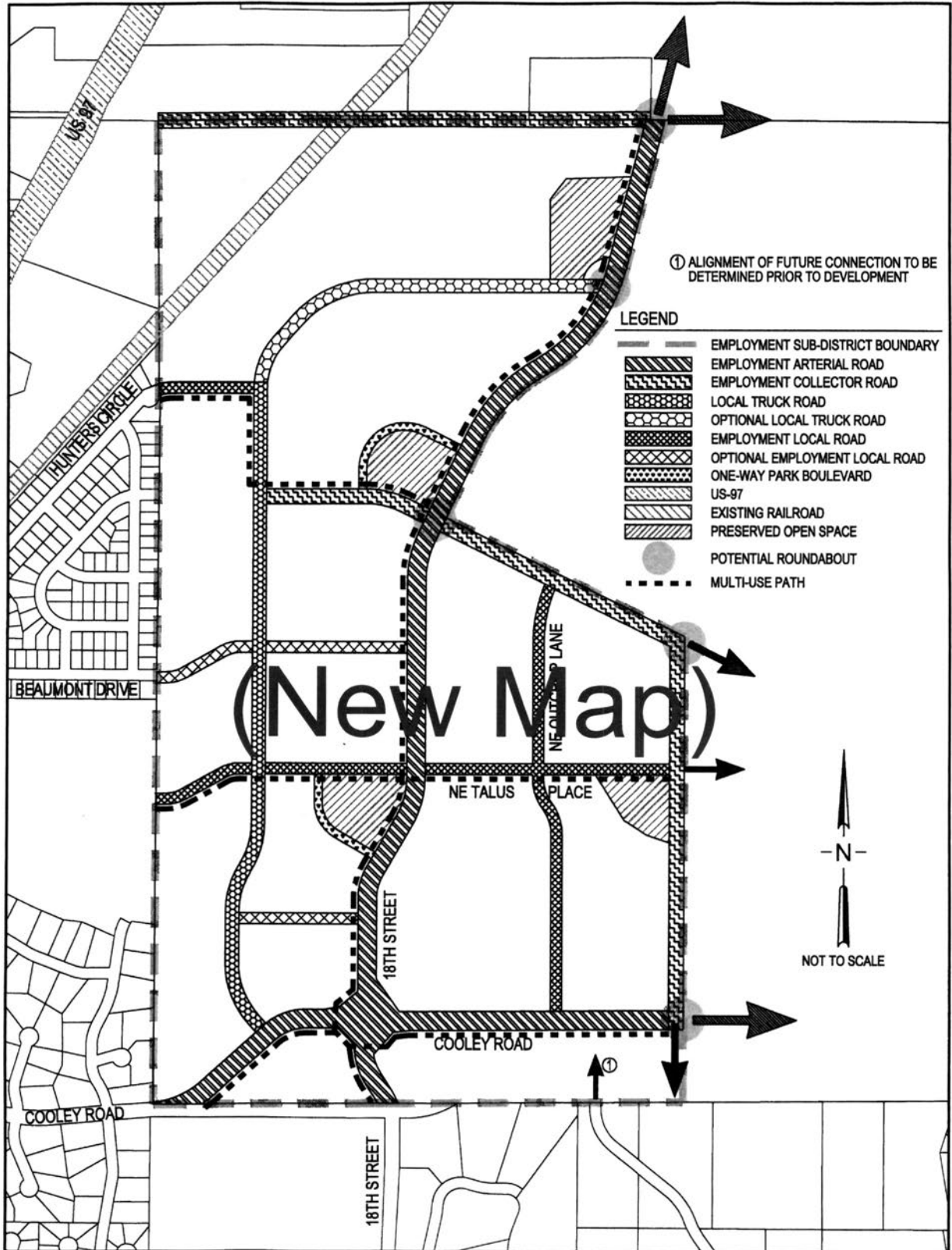


Figure 2.7.2030.C.1
 Employment Sub-District Street Cross Sections

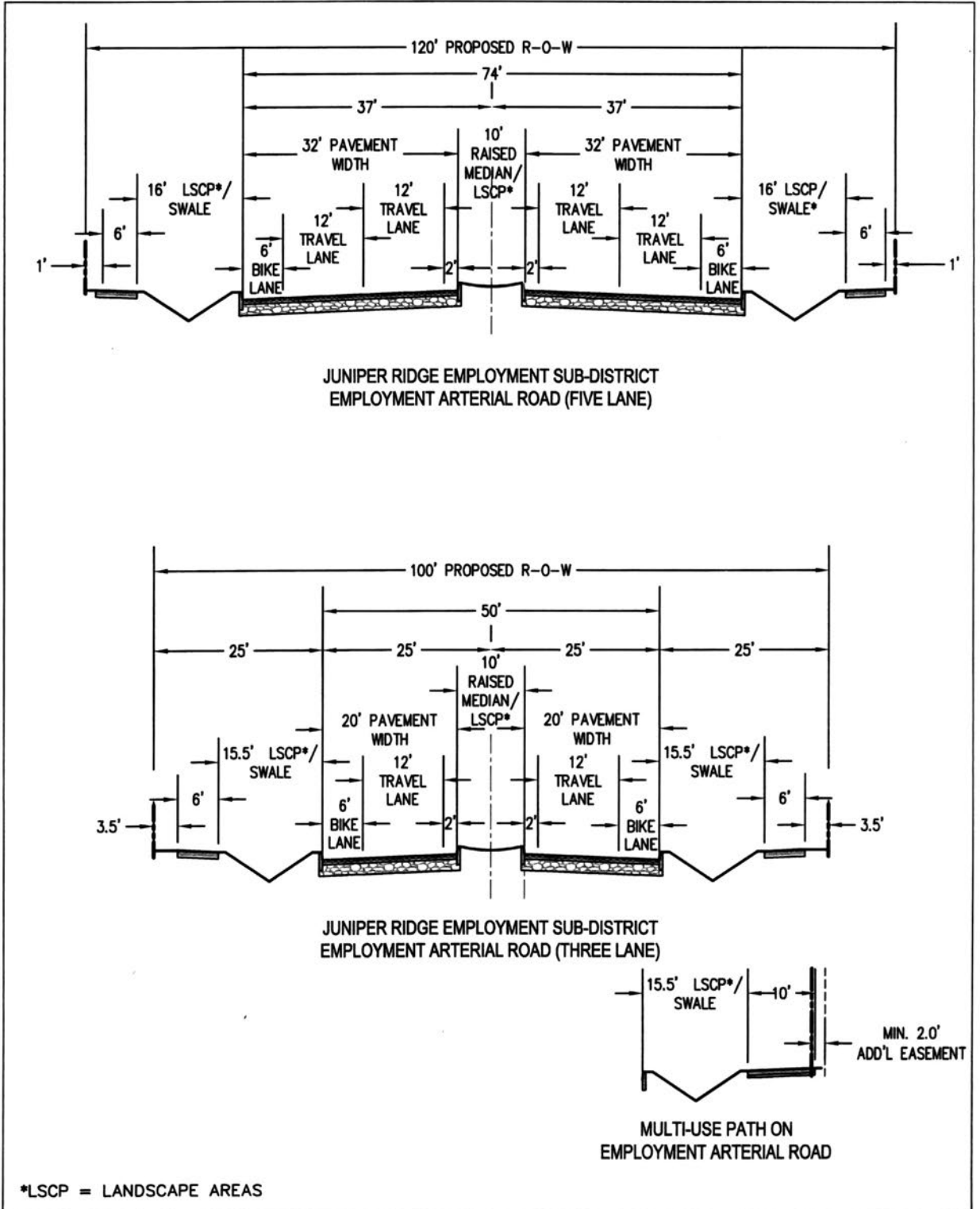


Figure 2.7.2030.C.2
 Employment Sub-District Street Cross Sections

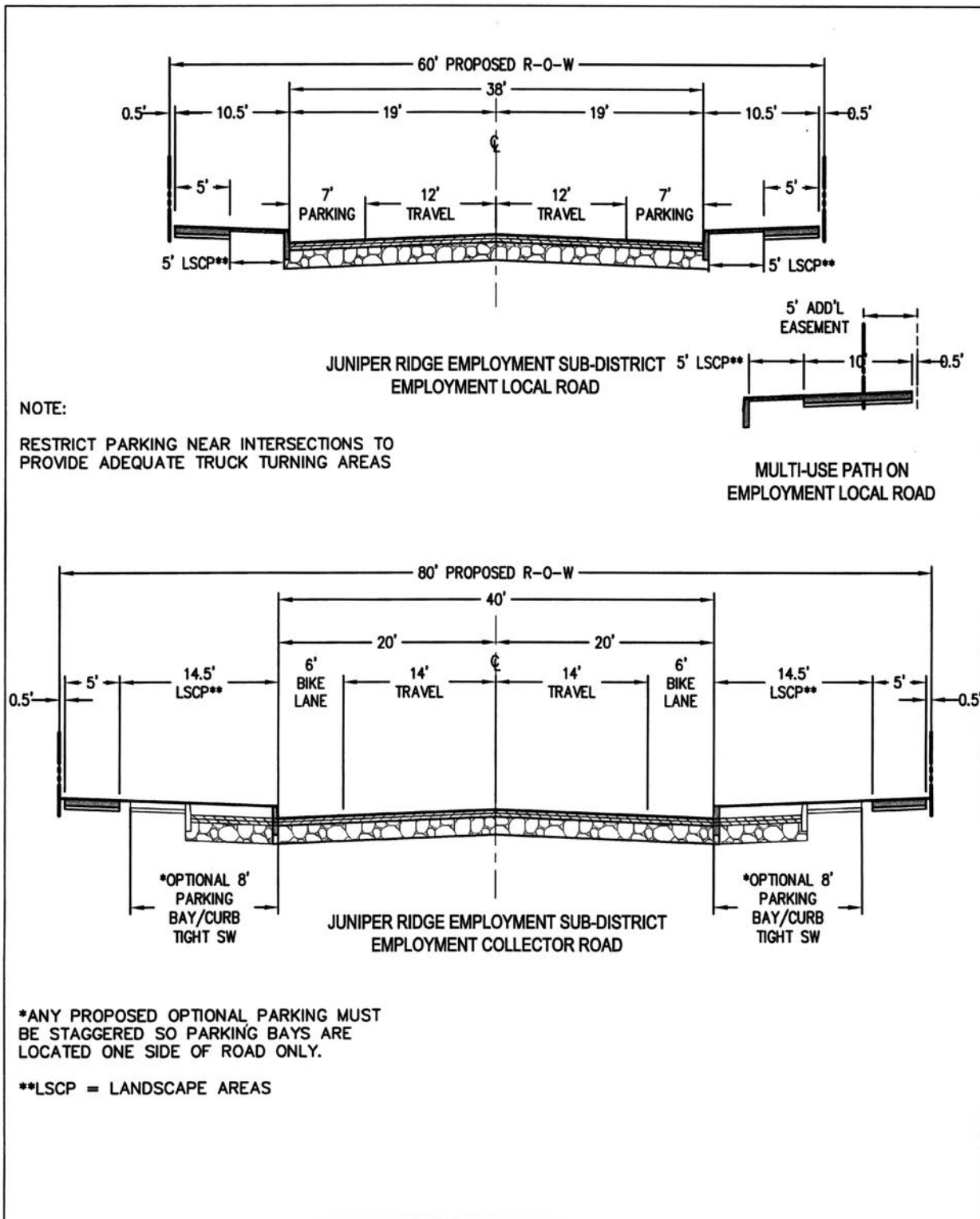
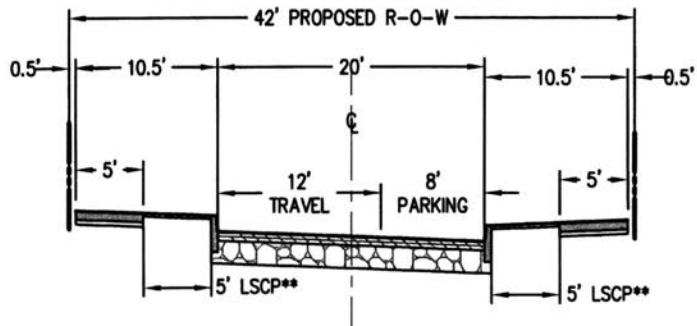


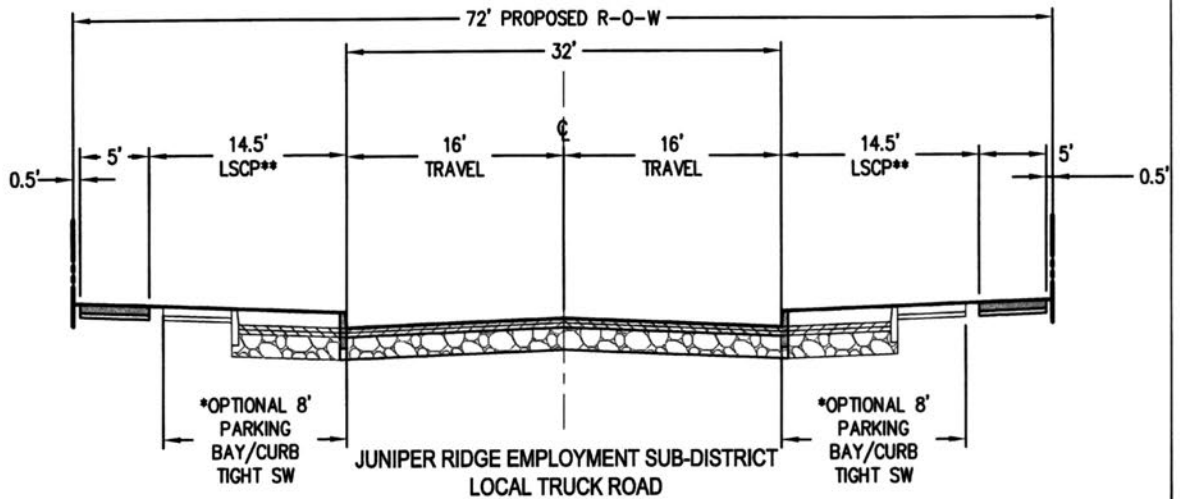
Figure 2.7.2030.C.3
 Employment Sub-District Street Cross Sections



JUNIPER RIDGE EMPLOYMENT SUB-DISTRICT
 ONE-WAY PARK BOULEVARD

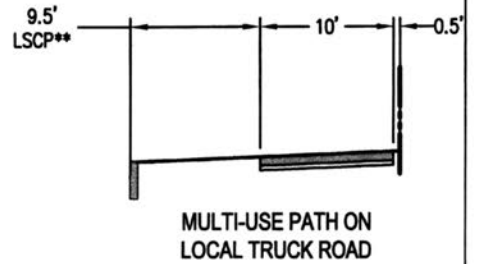
NOTE:

RESTRICT PARKING NEAR INTERSECTIONS TO
 PROVIDE ADEQUATE TRUCK TURNING AREAS



*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

NM. Employment Sub-District Natural Resource Areas. Significant Heritage trees, significant rock outcroppings, preserved open spaces and natural landscape buffers areas within the Employment Sub-District are identified in Figure 2.7.2030.D, Employment Sub-District Natural Resource Identification Map. All-Open Space Areas and Open Space Buffers are required to be retained and no development will be allowed in these areas them. 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 outcroppings are defined in the *Juniper Ridge Design Guidelines, Chapter 1.1, Key Site Attributes* and identified in Figure 2.7.2030.D. They are mapped solely with the intention of providing guidance to development and 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 Section 3.2.200.D, Landscape Conservation, if identified heritage trees and/or significant rock outcroppings identified in Figure 2.7.2030.D are preserved by a proposed development. The identification of hHeritage Ttrees identified in Figure 2.7.2030.D are 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.D
Employment Sub-District Natural Resource Identification Map

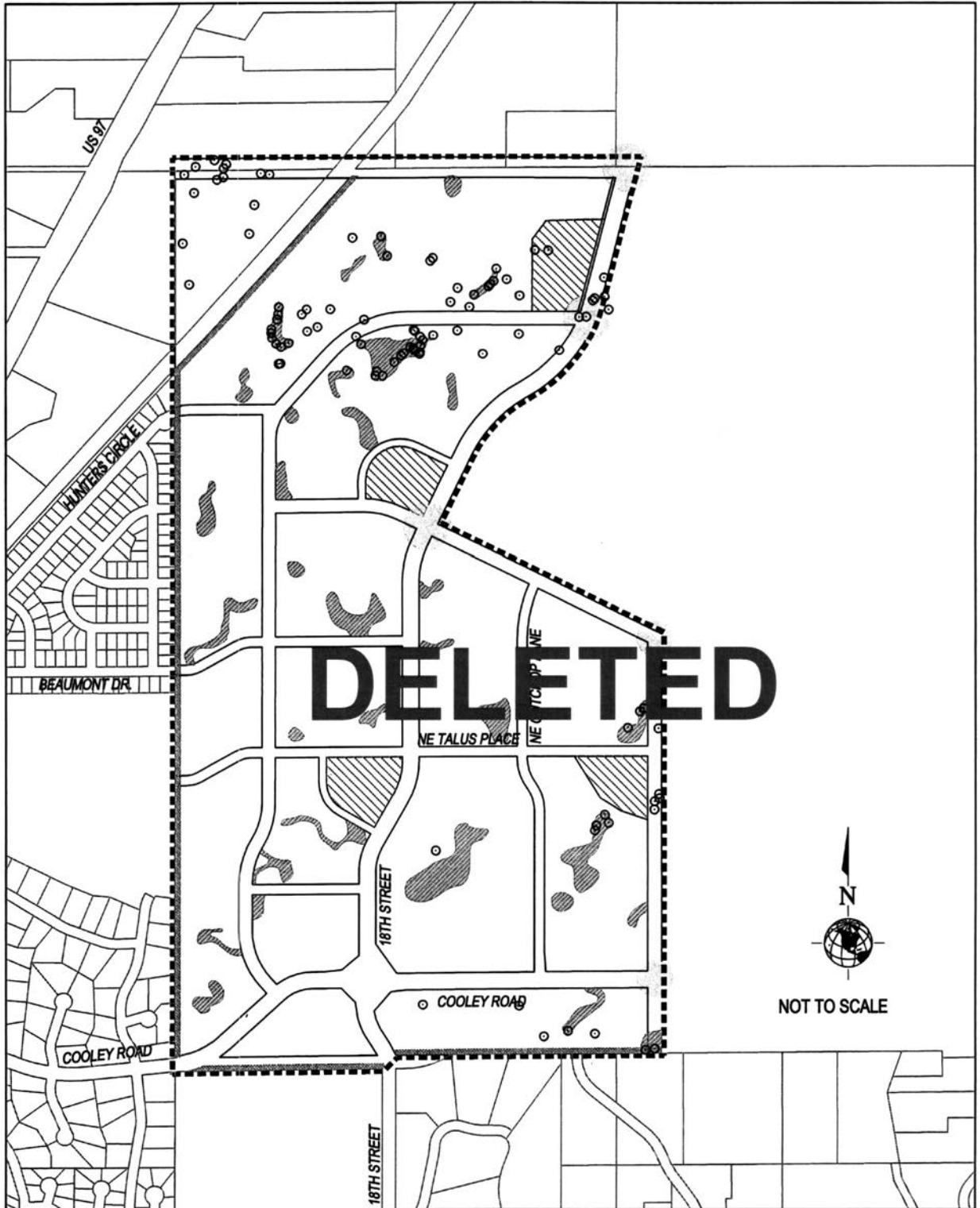
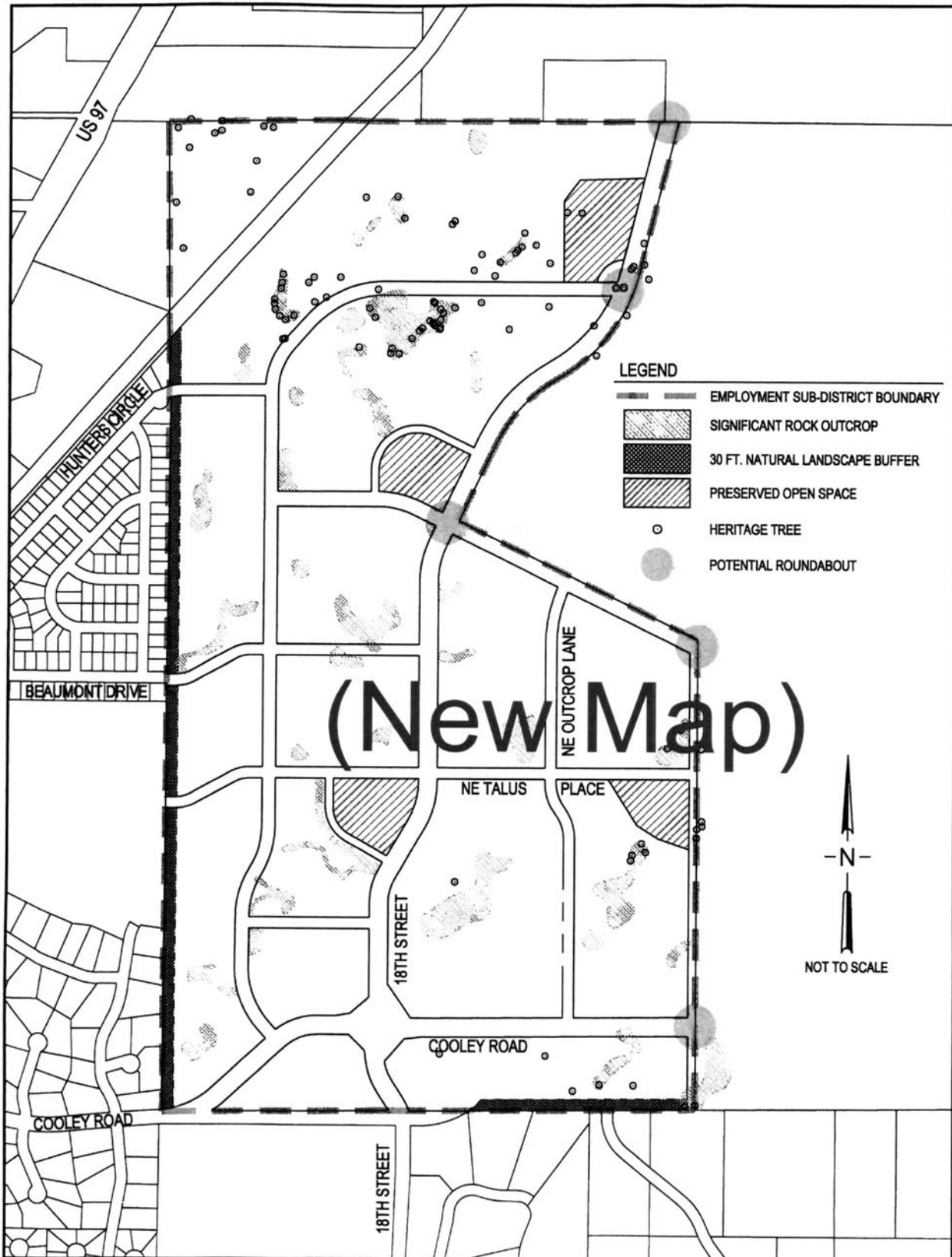


FIGURE 2.7.2030.D
 EMPLOYMENT SUB-DISTRICT NATURAL RESOURCE IDENTIFICATION MAP



2.7.2040 Town Center Sub-District – reserved for future

(This subsection shall be developed and codified at a future date to be determined)

2.7.2050 Educational Sub-District – reserved for future

(This subsection shall be developed and codified at a future date to be determined)

2.7.2060 Residential Sub-District – reserved for future

(This subsection shall be developed and codified at a future date to be determined)

**CITY OF BEND PLANNING COMMISSION
FINDINGS AND CONCLUSION**



PROJECT NUMBER: PZ 10-288

**PLANNING
COMMISSION**

HEARING DATE October 25, 2010, 5:30 p.m.
TIME AND City of Bend Council Chambers
LOCATION: 710 NW Wall Street.

**CITY COUNCIL
HEARING DATE**

November 3, 2010, 7:00 p.m.
City of Bend Council Chambers
LOCATION: 710 NW Wall Street.

**APPLICANT
OWNER:**

City of Bend
710 NW Wall Street
PO Box 431
Bend, OR 97709

LOCATION:

The 306-acre Juniper Ridge Employment Sub-District is located north of Cooley Road, west of Deschutes Market Road, and east of the Burlington Northern/Santa Fe (BNSF) railroad, at the northeast edge of the Urban Growth Boundary. Includes a portion of Tax Lot 100 and all of tax lots 101, 102, 103, 200 and 300, on Deschutes County Assessor's Map No. 17-12-10.

REQUEST:

Type IV Legislative proposal to amend the text of Chapter 2.7.2000, Juniper Ridge Overlay Zone, Section 2.7.2030, Employment Sub-District of the Bend Development Code. The amendment includes a limit of 2,220 P.M. peak-hour vehicle trips for the sub-district which is broken into four phases and linked to future transportation improvements. Development applications will have to observe the trip limitation as the Sub District builds out. The proposed amendment will also correct several map drafting errors, and provide additional detail to the fencing and screening standards regarding fencing and screening types and locations.

**STAFF
REVIEWER:**

Amy Barry. AICP, Associate Planner; (541) 693-2114;
abarry@ci.bend.or.us

APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

Bend Code Chapter 10; City of Bend Development Code
Chapter 4.1, Land Use Review and Procedures
Chapter 4.6, Land Use District Map and Text Amendments

FINDINGS OF FACT:

- 1. LOCATION:** The 306-acre Juniper Ridge Employment Sub-District is located north of Cooley Road, west of Deschutes Market Road, and east of the Burlington Northern/Santa Fe (BNSF) railroad, at the northeast edge of the Urban Growth Boundary. Includes a portion of Tax Lot 100 and all of tax lots 101, 102, 103, 200 and 300, on Deschutes County Assessor's Map No. 17-12-10.
- 2. ZONING AND PLAN DESIGNATION:** A portion of the property is zoned Industrial Light (IL)/JR Overlay, while the majority of the property is zoned Urban Area Reserve (UAR). The property is designated IL on the Bend Urban Area General Plan map.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The Employment Sub-district is approximately 306 acres and located at the southwestern corner of the overall parcel, commonly known as Juniper Ridge.

Most of the land to the west is zoned Residential Urban Standard Density (RS); however, the southern portion of the area to the west is zoned Residential Urban Low Density (RL).

The acknowledged General Plan Map designations of the surrounding residential areas are consistent with the current zoning. The developed land to the west includes a residential subdivision and a mobile home park. The Burlington Northern Santa Fe (BNSF) railroad tracks run diagonally across the northwestern corner of the Employment Sub-District.

The land north of the Employment Sub-District is outside the city limits and Urban Growth Boundary in Deschutes County's Multi-Use Agriculture (MUA 10) zone. The land immediately east of the Employment Sub-District is inside the city limits and inside the Juniper Ridge Overlay Zone and is designated IL but zoned UAR. The land further to the northeast, outside the city limits, is in the County's MUA 10 zone and is mostly undeveloped. The land further to the east and southeast is in the County's Exclusive Farm Use Alfalfa Subzone (EFUAL) and is mostly undeveloped. A small number of residential buildings are scattered to the east and northeast of the Employment Sub-District, outside the city limits.

The land to the south of the Employment Sub-District is inside the city limits, is zoned Public Facilities (PF) and is occupied by Lava Ridge Elementary School and Skyview Middle School. This area also is designated PF on the General Plan Map.

The land to the south of the Employment Sub-District and east of 18th Street is outside the city limits in Deschutes County's SR 2-1/2 Residential suburban Low Density zone and is occupied by large-lot residential development. The area is designated Urban Area Reserve on the Bend Urban Area General Plan Map.

Portions of the Employment Sub-District of the Juniper Ridge Overlay Zone have been developed, including Les Schwab Tire Centers' 120,000 square foot corporate headquarters (Tax Lot 200); Suterra's 76,000 square foot biotechnology manufacturing and research facility (Tax Lot 102); and a power substation (Tax Lot 101).

The topography of the Employment Sub-District is varied and undulating. The land gradually slopes down from the southwest corner of the property toward the northeast. A number of significant juniper trees – some more than 800 years old - and rock outcrops are scattered throughout the Employment Sub-District.

4. **PUBLIC NOTICE AND COMMENTS:** Notice of the proposed amendments was sent to DLCD on September 9, 2010. Notice of the public hearing was also published in The Bulletin on October 3, 2010. Notices were sent to City Departments and other affected agencies for comment. Various agency comments and recommendations are contained in the project file and were considered in the staff recommendation. No public comments were received.
5. **APPLICATION ACCEPTANCE DATE:** This Legislative Text Amendment was initiated by the City on September 9, 2010.

FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA AND PROCEDURES

Chapter 4.6 Land Use District Map and Text Amendments

4.6.200 Legislative Amendments

- A. **Applicability, Procedure and Authority.** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: There currently are six lots, with four owners in the 306 acre area of the Employment Sub-District of the Juniper Ridge Overlay Zone. This application was initiated by the City as a Type IV Legislative Text Amendment.

- 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: There are 19 Statewide Planning Goals which articulate Oregon's land use policies. The City of Bend has adopted a comprehensive plan – the Bend Area General Plan – to implement these policies.

The Juniper Ridge Overlay Zone was adopted by Ordinance No. NS-2134, effective November 18, 2009, and acknowledged by DLCDD on December 24, 2009. It was found to be consistent with the Statewide Planning Goals and applicable goals and policies of the Bend Area General Plan.

The proposed amendments do not change that consistency. They correct several small map drafting errors; coordinate fencing and screening standards with improvements already in place in the Juniper Ridge Employment Sub-District; clarify access standards; set a limit on peak hour vehicle traffic generated in the sub-district; and require that site plan review applications observe the established trip limitation and phasing schedule.

After adoption of the proposed amendment to the Juniper Ridge Overlay Zone the owner intends to submit an application to re-zone land in the Juniper Ridge Employment Sub-District from Urban Area Reserve (UAR) to Light Industrial (IL)/JR Overlay, bringing it into conformance with the Bend Area General Plan and map.

The trip limitation language is included in the Development Code as a mitigation measure to meet the requirements of the Transportation Planning Rule and to gain ODOT's support for the upcoming rezoning of the Employment Sub-District.

2. The request is consistent with the applicable Bend Area General Plan goals and policies;

FINDING: The Juniper Ridge Overlay Zone was found to be consistent with the applicable goals and policies of the Bend Area General Plan when adopted by Ordinance No. NS-2134, effective November 18, 2009, and acknowledged by the Oregon Department of Land Conservation and Development on December 24, 2009.

The proposed amendments do not change that consistency. They correct several small map drafting errors, provide additional detail to the fencing and screening standards regarding fencing/screening types and locations and adds a cross reference to the access standards and set a limit on peak hour vehicle traffic generated in the sub-district. The proposed amendments continue to be consistent with the General Plan.

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

FINDING: The Burden of Proof Statement for the adopted Juniper Ridge Overlay Zone adequately demonstrated the public need and benefit of the Employment Sub-District. The proposed fence standards will provide for a more comprehensive and deliberate fencing theme throughout the Sub-District. And the vehicle trip limitation will ensure that the transportation mobility standards at affected intersections will be maintained.

CONCLUSION:

Based on the above findings, the Planning Commission finds that the proposed amendments to the Juniper Ridge Overlay Zone meet all applicable criteria of approval within the Development Code.

ORDINANCE NO. 2153

AN ORDINANCE ADOPTING THE 2010 OREGON FIRE CODE AND AMENDING CHAPTER 8 OF THE BEND CODE TO BECOME TITLE VIII

Findings

- A. The City is required to implement the state fire code, and may make minor amendments in adopted the state fire code.
- B. The state fire code has been recently amended, and the City Council wishes to implement the state fire code in the City with minor amendments.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. Bend Code Chapter 8 is amended to become Bend Code Title VIII and shall read as shown in the attached Exhibit A.
- Section 2. Bend Code Title VIII as added by this ordinance shall be effective 30 days after passage of this ordinance. The existing Chapter 8 will continue to govern actions occurring prior to the effective date of this ordinance.


Read for the first time the 3rd day of November, 2010.

Read for the second time the 17th day of November, 2010.

Approved by roll call vote the 17th day of November, 2010.


YES: 7 NO: 0

Authenticated by the Mayor the 17th day of November, 2010.



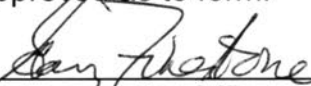
Kathie Eckman, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

Approved as to form:



City Attorney's Office

TITLE VIII – FIRE PROTECTION

CHAPTER 8.10 ADOPTION OF FIRE CODE

8.10.010 Adoption of and Amendment to the 2010 Oregon Fire Code

- (1) The 2010 Oregon Fire Code, including Appendices B, C, D, J, K, L and M (the “Fire Code”) is adopted as fire protection regulations within the City with the following amendment (deleted material shown by ~~strike through~~, new material shown in **bold**):

Appendix B Section B104.2 Area Separation. Portions of buildings which are separated by one or more four-hour area separation walls constructed in accordance with the Oregon Structural Specialty Code, without openings and, ~~provided~~ **when required**, with a 30-inch parapet, are allowed to be considered as separate fire-flow calculation areas.

- (2) The “fire code official” for the City is the Fire Chief or designee.

8.10.015 Additional Standards

The City adopts the additional standards supplementing the 2010 Oregon Fire Code set out in the “2010 City of Bend Fire Standards.” The 2010 City of Bend Fire Standards shall be applied and enforced in the same manner as the 2010 Oregon Fire Code. The fire code official may make technical amendments to the 2010 City of Bend Fire Standards by publishing notice of the amendments on the City’s website.

8.10.020 Fire Prevention Division

The fire prevention division is established within the Fire Department under the direction of jurisdiction of the fire code official to implement, administer and enforce the Fire Code and this Chapter. The fire code official may appoint a deputy fire code official and other officers, inspectors and employees.

8.10.030 Limits and Exceptions on Storage of Regulated Materials

- (1) All limits on storage of hazardous and combustible materials, including but not limited to, liquefied petroleum gases, compressed natural gases, explosives, and flammable cryogen liquids, established in the Fire Code shall apply within the City, except as provided in Subsections 2 through 8. All references to Tables and Sections are references to provisions in the Fire Code.
- (2) Materials may be stored in excess of the limits imposed by Tables 2703.1.1 (1-4), Section 2703, Section 3004, Section 3804.2, and Section 3204 in General Industrial Zones in locations that are not in heavily populated or congested areas. Any material stored in tanks must be in tanks approved by the Fire Official.

- (3) Materials may be stored in excess of the limits imposed Table 2703.1.1 (1-4) in Light Industrial Zones in an approved tank with an individual capacity of 3,000 gallons or less and an aggregate capacity of 6,000 gallons or less on each property.
- (4) Combustible liquids used solely for heating may be stored in excess of the limits imposed by Tables 2703.1.1 (1-4) in approved tanks not greater than 550 gallons.
- (5) Flammable and Combustible liquids used solely for emergency equipment may be stored in approved tanks in excess of the limits imposed by Tables 2703.1.1(1-4) but not exceeding the limits imposed in Chapter 6.
- (6) Flammable and Combustible liquids in excess of the limits imposed by Tables 2703.1.1 (1-4) may be stored in approved tanks not exceeding 1,000 gallons in business areas not heavily populated or congested.
- (7) Limited amounts of nonmass-detonating explosives as defined in Section 3301.8.1.2 and 3301.8.1.3 are allowed in areas that are not heavily populated or congested if approved in writing by the Fire Code Official and stored and used within the scope of nationally recognized standards.
- (8) Amounts of hazardous material in excess of the limits in Section 2703 may be stored in Light Industrial Zones not heavily populated or congested. Limited amounts of hazardous materials in excess of the limits imposed by Section 2703 may stored in Commercial areas not heavily populated or congested if approved in writing by the Fire Code Official and stored and used within the scope of nationally recognized standards.

8.10.040 Appeals

Appeals of any decision of the Fire Code Official may be appealed by filing a written appeal with the City Recorder within 10 days of the decision. The City Manager will decide the appeal based on the written appeal document and any written response from the Fire Code Official. The City Manager's decision may be appealed to the Regional Appeal Advisory Board under ORS 479.180 within 10 days from the date of the City Manager's decision.

8.10.050 Enforcement

Violation of any provision of the Fire Code or this Chapter, or any order or permit issued under the Fire Code or this Chapter is a Class A civil infraction. Each day that a violation remains is a separate infraction. The civil infraction remedy is in addition to any other legal or equitable remedy.

ORDINANCE NS-2154

AN ORDINANCE AMENDING THE BEND CODE BY ADDING SECTIONS 22 ADJUSTMENT TO STANDARDS TO THE SIGN CODE

Findings:

- A. The Bend Sign Code is included as part of Chapter 9 Buildings of the Bend Code.
- B. While the Sign Code is not included in the Development Code, the City processes Sign Code amendments in the same way it processes Development Code amendments because the Sign Code implements portions of the Bend General Plan.
- C. The requested text amendment will allow the Community Development Department Director to administratively approve, approve with conditions or deny requests to adjust a numerical standard of the Sign Code up to a maximum of 25%.
- D. Notice to DLCD of the amendment is not required because the amendment does not involve application of the statewide land use planning goals.
- E. The City provided notice of the Planning Commission meeting and the City Council meeting as required by applicable state and City law.
- F. The Planning Commission held a hearing and recommends approval of the text amendment with some changes to the language that does not affect the substance of the request.
- G. The text amendment is consistent with Bend General Plan Chapter 9, Policy #4. Other General Plan policies do not apply to the substance of the amendment.
- H. The City has followed all applicable procedures in this Text Amendment process.
- I. This ordinance is adopted by the Council after holding a public hearing and considering the application and all documentation and testimony in the record.

Based on these findings, The City of Bend ordains as follows:

Section 1. The application for a text amendment is approved, as modified.

Section 2. A new Section 22 Adjustment to Standards is added to the Sign Code as follows:

**BEND CODE CHAPTER 9
CITY OF BEND SIGN CODE**

SECTION 22 ADJUSTMENT TO STANDARDS

Purpose

This section is intended to provide for flexibility to specific criteria of the Sign Code in order to allow for creativity in sign location and design relative to the particular topography and/or building architecture where a sign otherwise complies with the provisions of this Code in all respects except size, height, location or other numeric standards. This Chapter provides uniform procedures for the granting or denial of applications for an Adjustment to Standards.

Applicability

Adjustment of up to 25% 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.
2. Sign dimension and area. Increase the maximum allowed size of individual signs or of the total allowed building sign area.
3. Sign height. Increase the maximum allowed height of on-site ground, monument or pole signs, or of building or wall signs.
4. Other numeric standards in this code except where an exception is expressly prohibited.
5. Legal non-conforming signs. Allowing legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced.

Pre-application Conference

A pre-application conference with the City of Bend is recommended for

applicants who are unfamiliar with the sign permit process. The purpose of the conference shall be to acquaint the applicant with the procedural requirements and to identify issues likely to arise in processing an application.

Application Requirements

Applicants for a sign permit may seek an adjustment to the standards of this ordinance by filing an application for an Adjustment to Standards. The application shall contain information as specified on the application form and shall be accompanied by the required fee.

Approval Process

An Adjustment to Standards is reviewed under the Type II procedure contained in the Bend Development Code. If the Adjustment to Standards is denied, a party may appeal the decision to the Bend Planning Commission in accordance with the appeals section of the Bend Development Code.

A request to exceed a numeric standard by more than 25 percent may only be approved through the Variance process.

Criteria of Approval

The Community Development Director or designee shall review the application and approve, approve with conditions or deny the request. A decision and any conditions placed on the decision shall be in writing. The decision shall include findings demonstrating that all of the following criteria have been met:

1.
 - (a) Unusual conditions associated with the sign location have been identified that interfere with the reasonable visibility of the sign, or;
 - (b) There are proposed sign design elements that are in scale with and compatible with the landscape, topography, building design and surrounding district but are not otherwise permitted by this code;
2. The request does not create a vision clearance hazard for pedestrians, motor vehicles or bicyclists;
3. The request does not impede public safety or adequate emergency access to the site;
4. The request does not impact public or private easements;

5. The request does not limit solar access standards for abutting properties. In order to meet this criterion, the Director may require that the sign structure be placed as close to the south property line as possible. And;
6. The request otherwise complies with the provisions of the Sign Code.

Additional Requirements

1. If the Adjustment to Standards involves a setback, the plot plan shall be prepared by an Oregon registered surveyor.
2. Adjustment will not be granted for prohibited signs or to construction and maintenance standards.
3. Approval of an Adjustment to Standards shall become void if the approved work is not completed within 6 months of the approval date.

Section 3. All other provisions of the sign code remain in effect.

Read for the first time the 1st day of December, 2010.

Read for the second time the 15th day of December, 2010.

Approved by roll call vote the 15th day of December, 2010.


YES: 5 NO: 2

Authenticated by the Mayor the 15th day of December, 2010.

Approved as to form:



City Attorney's Office



Kathie Eckman, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder