



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/4/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment
DLCD File Number 006-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 24, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Greg Blackmore, City of Bend
Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

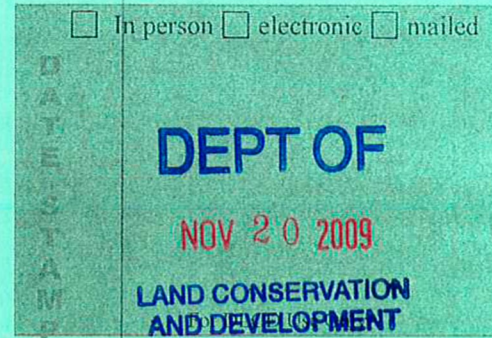
Bob Cortright, DLCD Regional Representative
Colin Stephens, City of Bend

<paa> YA

FORM **2**

DLCD Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Bend**

Local file number: **PZ09-185**

Date of Adoption: **November 18, 2009**

Date Mailed: **November 19, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: July 23, 2009

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amended the Bend Development Code to add the Juniper Ridge Employment Overlay Zoning district to the text of the Code. The property will be rezoned at a later date.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved: **230**

Specify Density: Previous: **23**

New: **0**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 006-09 (17794) [15850]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Colin Stephens**

Phone: (541) 693-2119 Extension:

Address: 710 NW Wall St

Fax Number: - -

City: Bend

Zip: 97701

E-mail Address: cstephens@ci.bend.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us - Attention: Plan Amendment Specialist.**

Updated March 17, 2009

ORDINANCE NO. NS-2134

AN ORDINANCE AMENDING THE CITY OF BEND DEVELOPMENT CODE TO CREATE THE JUNIPER RIDGE OVERLAY ZONE AS A SPECIAL PLANNED DISTRICT IN CHAPTER 2.7 AND AMEND THE CORPORATE HEADQUARTERS DEFINITION IN CHAPTER 1.2, DECLARING AN EMERGENCY AND PRESCRIBING AN EFFECTIVE DATE OF NOVEMBER 18, 2009

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The applicant, the City of Bend, initiated a Development Code text amendment request on June 30, 2009.

Section 2. The application was submitted in accordance with Chapter 4.1 of the Bend Development Code. Timely and sufficient notices of two public hearings, pursuant to Section 4.1.510 of the Bend Development Code, have been provided.

Section 3. On October 12, 2009, 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 creating Juniper Ridge Overlay Zone, Special Planned District with modifications. 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.

Section 4. On November 4, 2009 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, goals and policies of the Bend Urban Area General Plan, and the applicable Statewide Planning Goals. This general finding is supported by the specific finding contained in the Planning Commission's Recommendation to the City Council; file number PZ 09-185.

Section 5. Chapter 2.7 of the Bend Development Code is hereby amended by adding Section 2.7.2000 Juniper Ridge Overlay Zone as shown in Exhibit A.

Section 6. Chapter 1.2 of the Bend Development Code is hereby amended by modifying the corporate headquarters definition and adding a regional corporate office definition as shown in Exhibit B.

Section 7. Because several land sales at the City owned Juniper Ridge site are dependent on this ordinance, its expeditious passage is necessary for the preservation of the peace, economic health and safety. Therefore, an emergency is declared to exist and this ordinance takes effect on November 18, 2009.

Read for the first time the 4th day of November, 2009.

Read for the second time the 18th day of November, 2009.

Placed into effect upon the 18th day of November, 2009.

YES: 5 NO: 1 ABSTAIN: 0

Authenticated by the Mayor the 18th day of November, 2009.

Kathie Eckman
Kathie Eckman, Mayor

Attest:

Patricia S. Stell
Patricia S. Stell, City Recorder

Exhibit A - Ordinance NS-2134

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

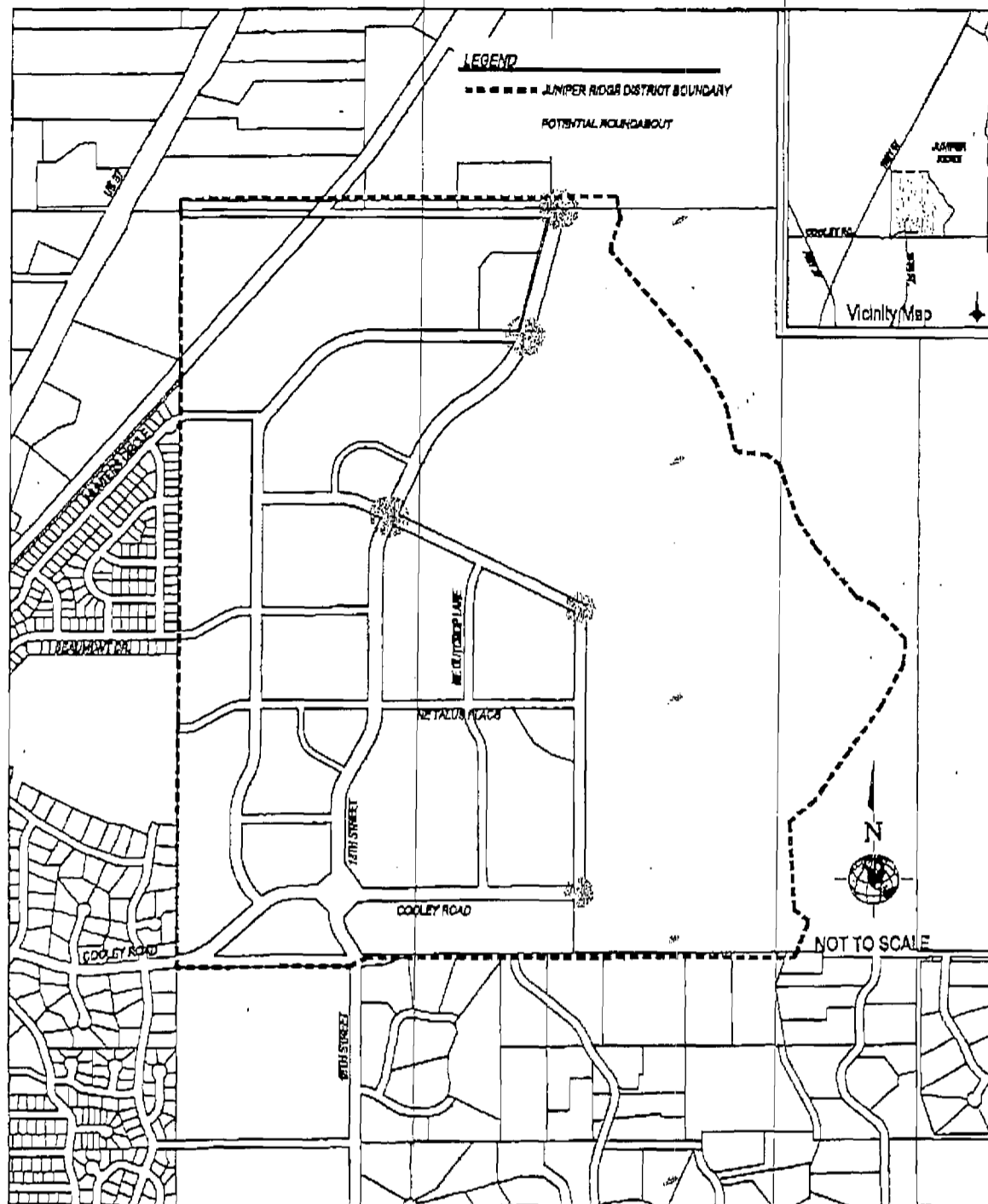
2.7.2010 Purpose

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



2.7.2030 Employment Sub-District

A. Purpose. The Juniper Ridge Employment Sub-District is a 320 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:

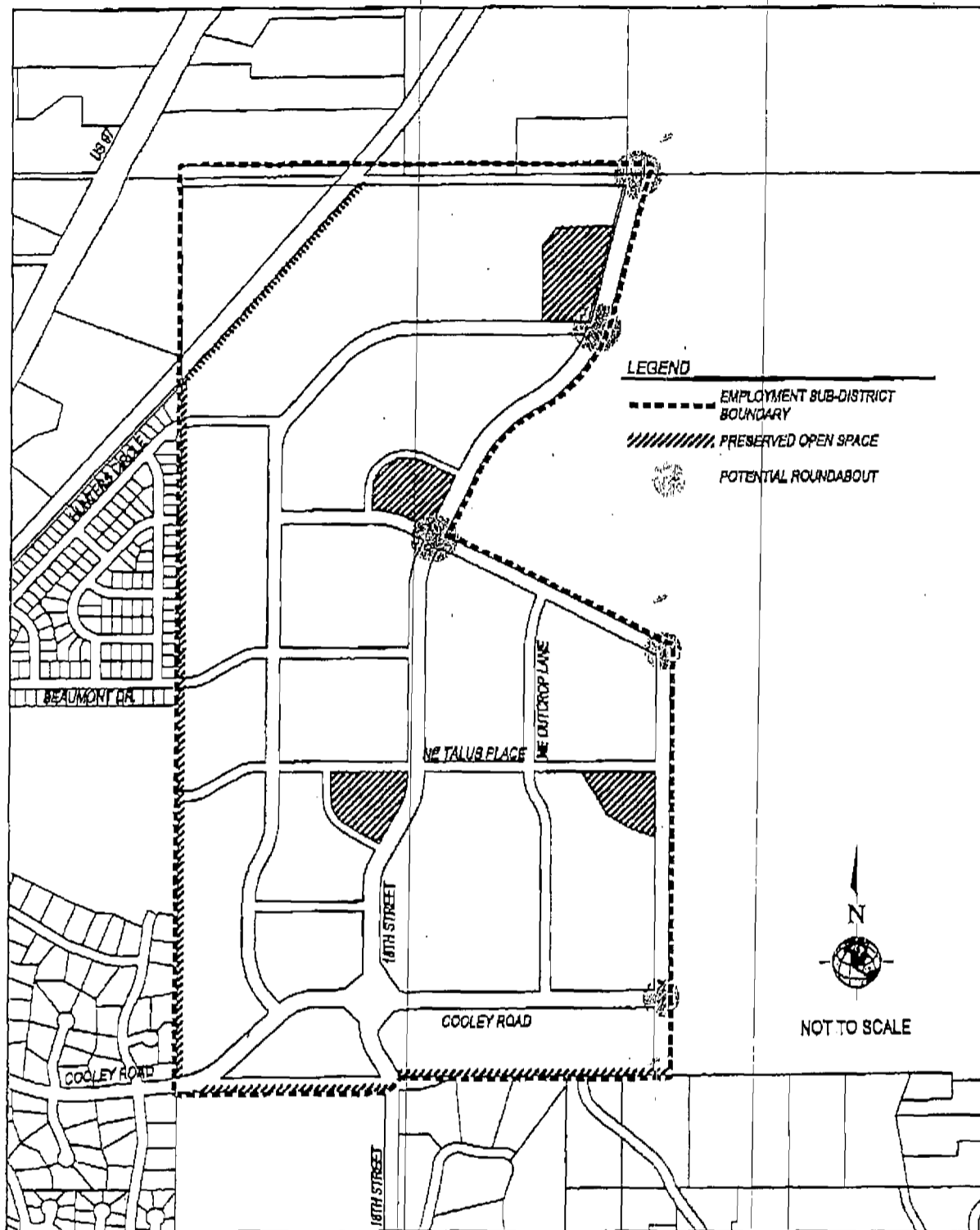
- Provide a variety of employment opportunities
- Promote efficient use of the land
- Promote pedestrian and other multi-modal transportation options
- Ensure compatibility of uses within the development and with the surrounding areas
- Create an efficient, interconnected system of streets with standards 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



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)* 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 4.1

C = Conditional Use, subject to Chapter 4.4

* Special Standards in conformance with Section 2.4.800, Special Development Standards

H. 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

I. 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.** 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.

J. 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.I.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.

K. 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.

L. 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

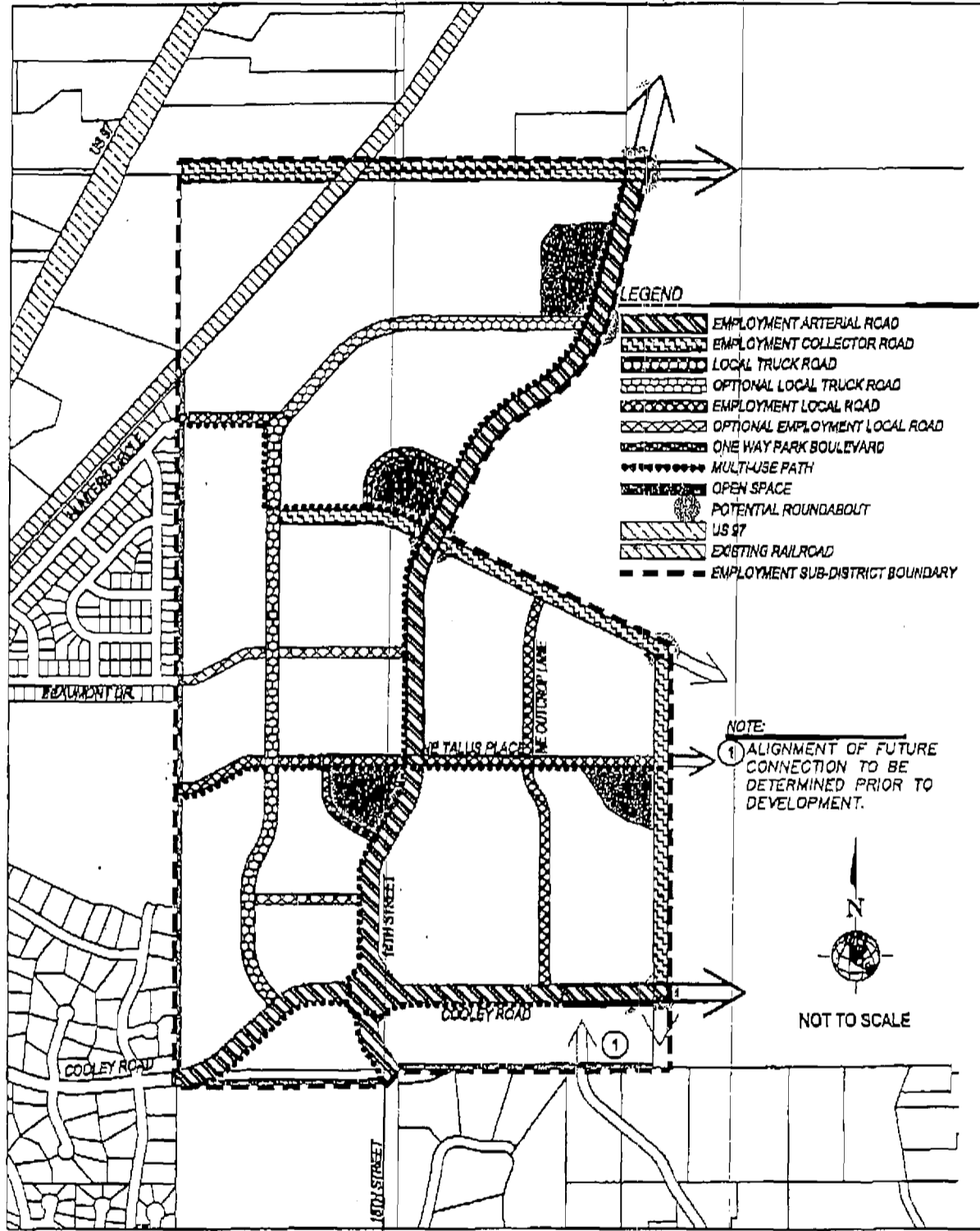
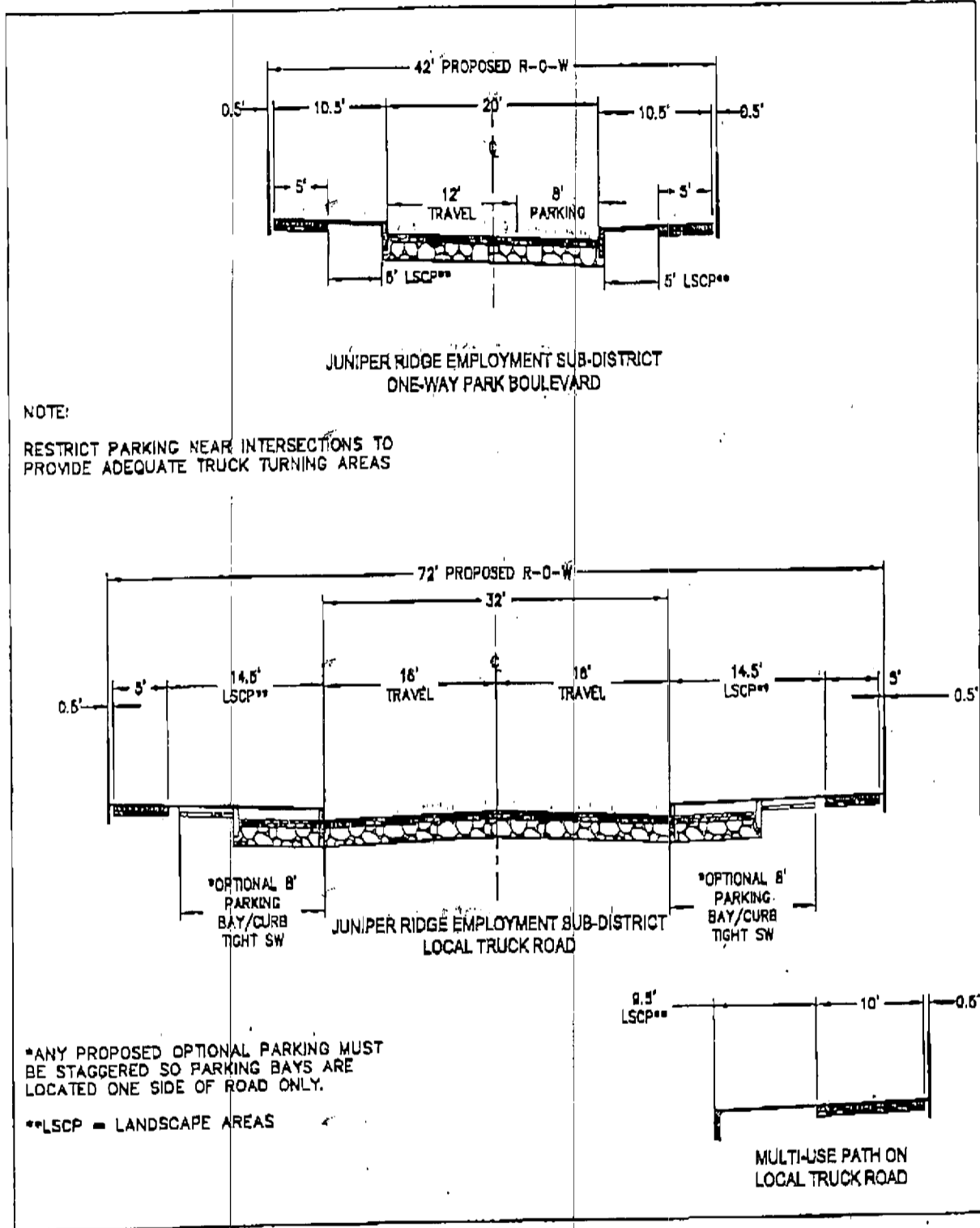


Figure 2.7.2030.C.3
Employment Sub-District Street Cross Sections



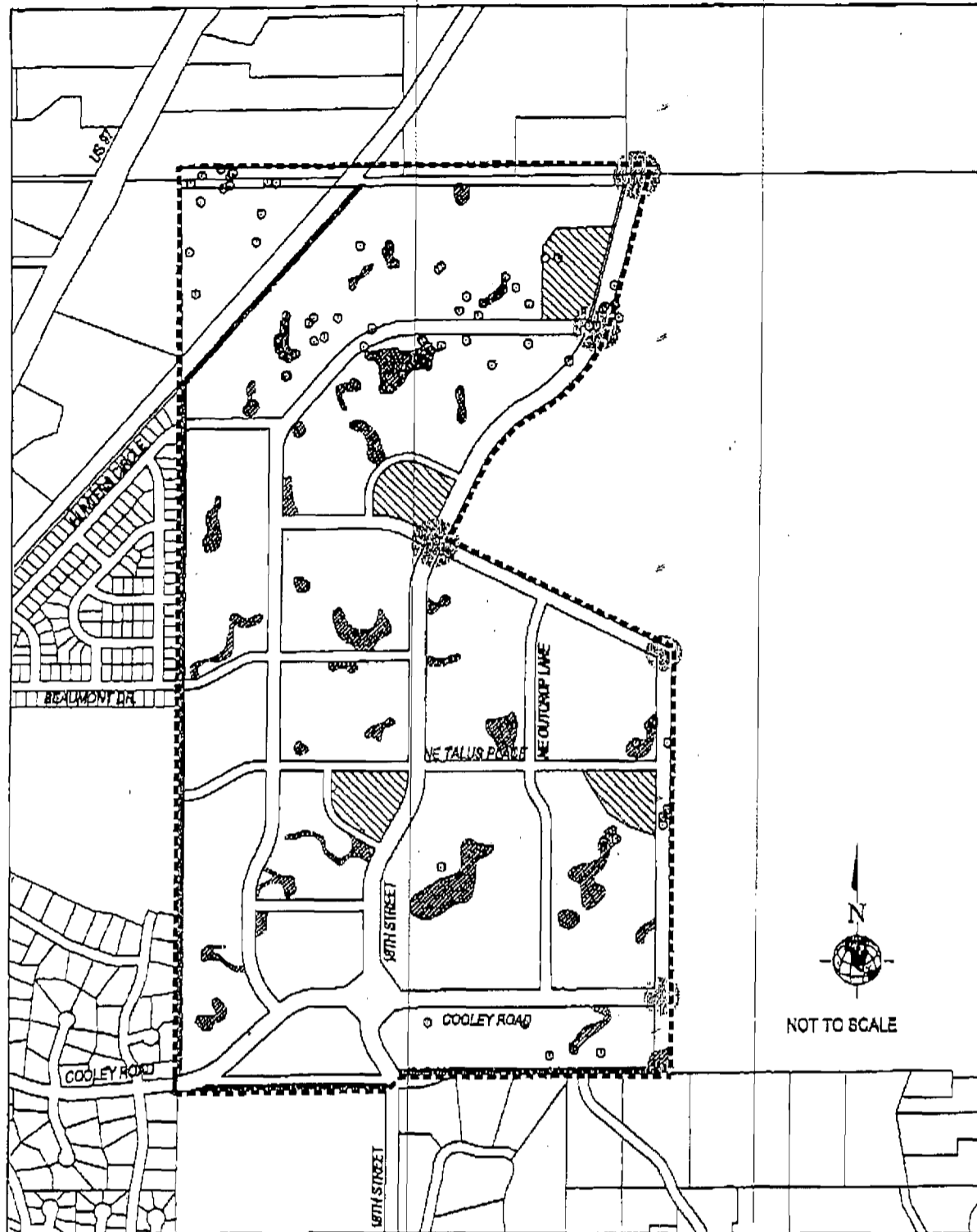
NOTE:

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

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



M. Employment Sub-District Natural Resource Areas Significant Heritage trees, rock outcroppings, open spaces and buffer 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. Heritage trees and rock outcroppings identified in Figure 2.7.2030.D are mapped solely with the intention of providing guidance to development and site design, 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 if identified heritage trees and/or rock outcroppings in Figure 2.7.2030.D are preserved by a proposed development. The Heritage Trees identified Figure 2.7.2030.D are based upon the *Phase I: Juniper Ridge Ecological Site Assessment – Summary Report and Maps*, prepared by Gene Hickman and Matt Shinderman, 2007.

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)

**Ordinance NS – 2134
Exhibit B**

Corporate Headquarters means a building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more **companies, or divisions or groups of companies.** ~~To be considered a corporate headquarters in an industrial zone, the office shall be directly associated with an industrial use on the same site or meet the applicable employee threshold and site size specified elsewhere in this Code. Corporate headquarters or regional headquarters may be permitted as part of a light manufacturing use. Corporate and regional headquarters may also stand alone provided the headquarter site is ten acres or more and the use shall have at least 100 or more employees at the time of occupancy.~~ **A Corporate Headquarters shall be directly associated with a permitted or conditional use on the same site, or may stand alone provided the site area is ten acres or more, and the facility is sized for at least 100 employees.**

Regional Corporate Office: a building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more divisions or groups of companies. Commerce with the general public is not a normal function of a regional corporate office.

Exhibit A

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

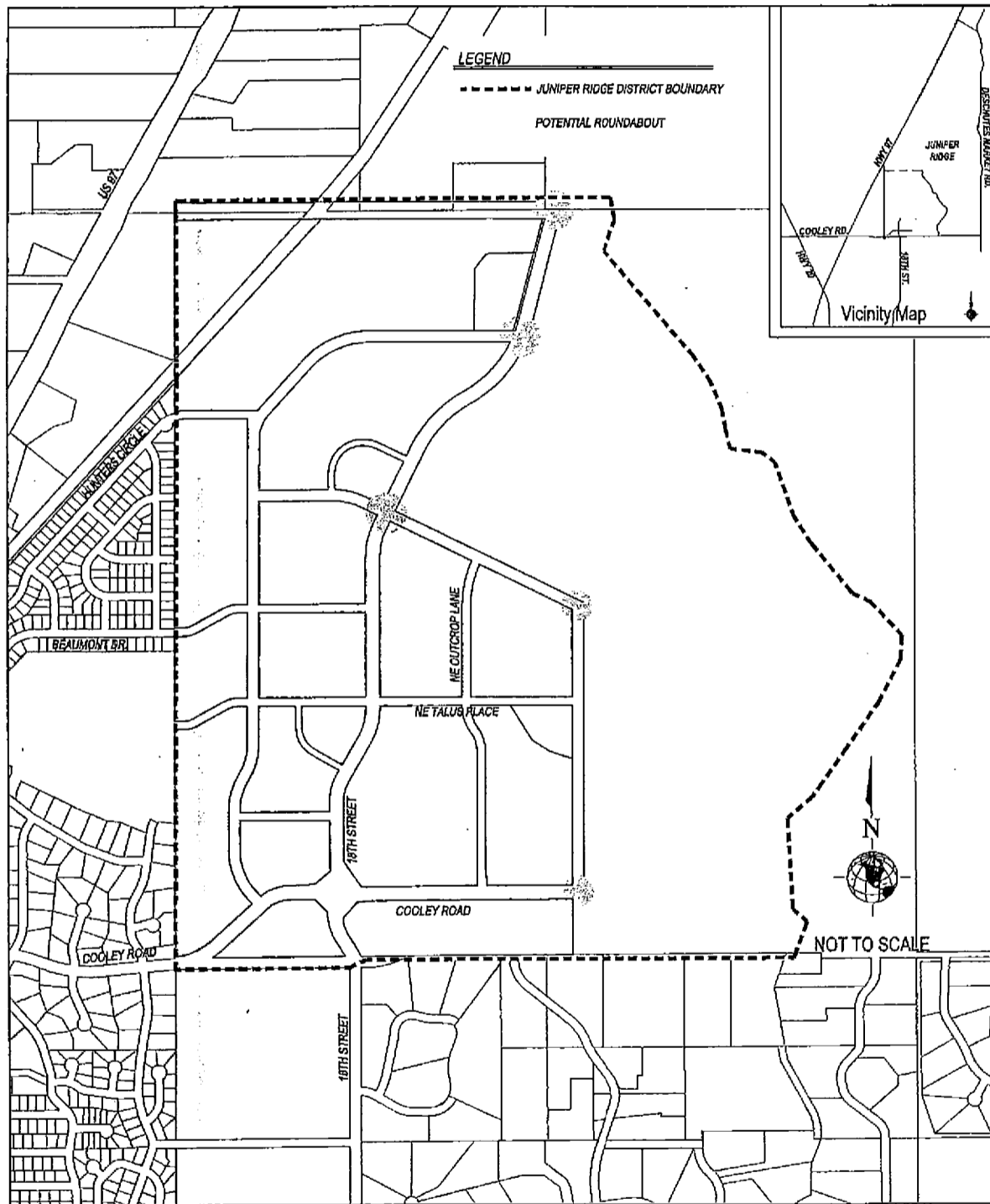
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2.7.2020 Implementation

- 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



2.7.2030 Employment Sub-District

A. Purpose. The Juniper Ridge Employment Sub-District is a 320 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:

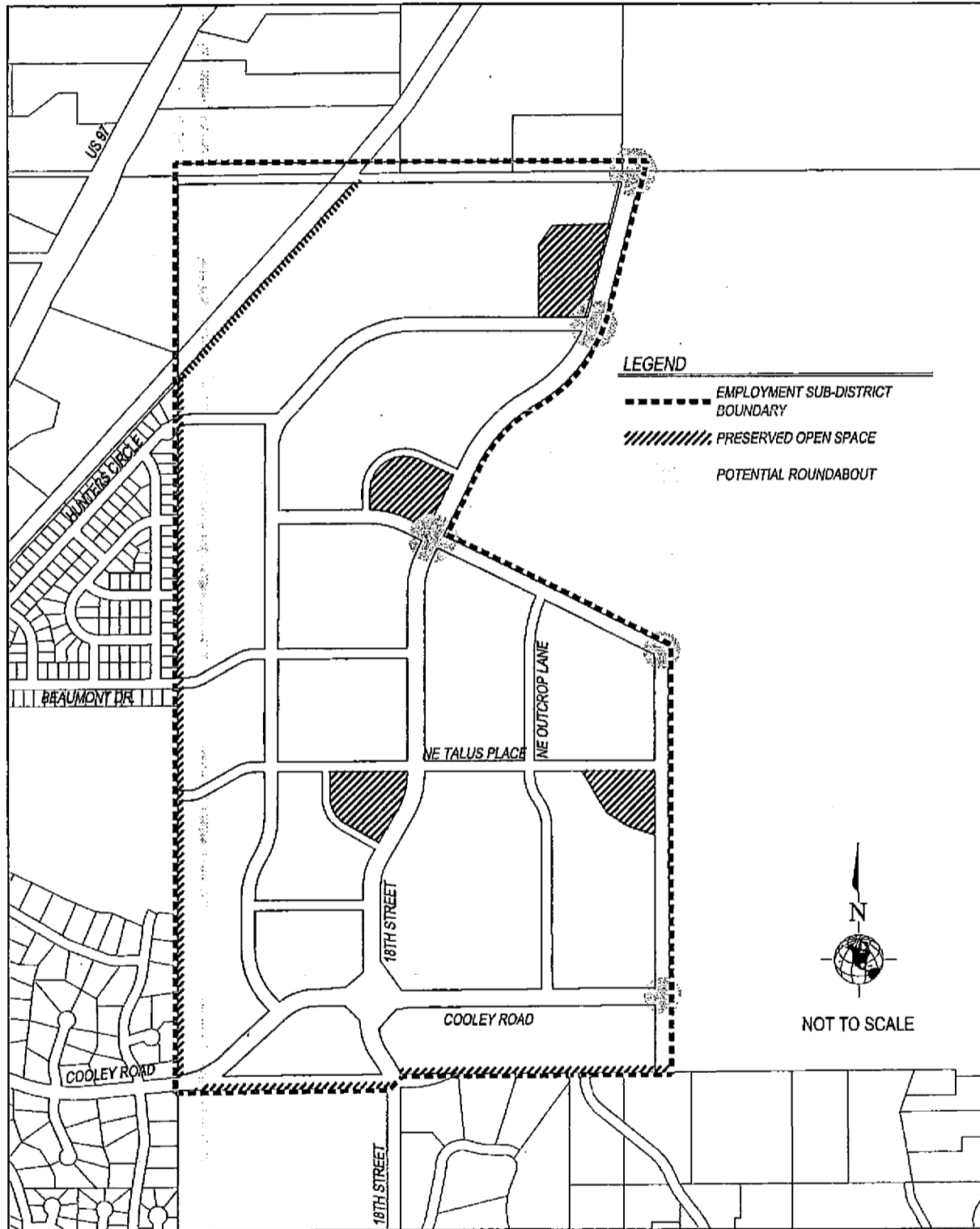
- Provide a variety of employment opportunities
- Promote efficient use of the land
- Promote pedestrian and other multi-modal transportation options
- Ensure compatibility of uses within the development and with the surrounding areas
- Create an efficient, interconnected system of streets with standards appropriate to the intensity and type of adjacent use
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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



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.

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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)* 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 4.1

C = Conditional Use, subject to Chapter 4.4

* Special Standards in conformance with Section 2.4.800, Special Development Standards

H. 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

I. 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.** 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.

J. 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.I.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.

K. 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.

L. 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

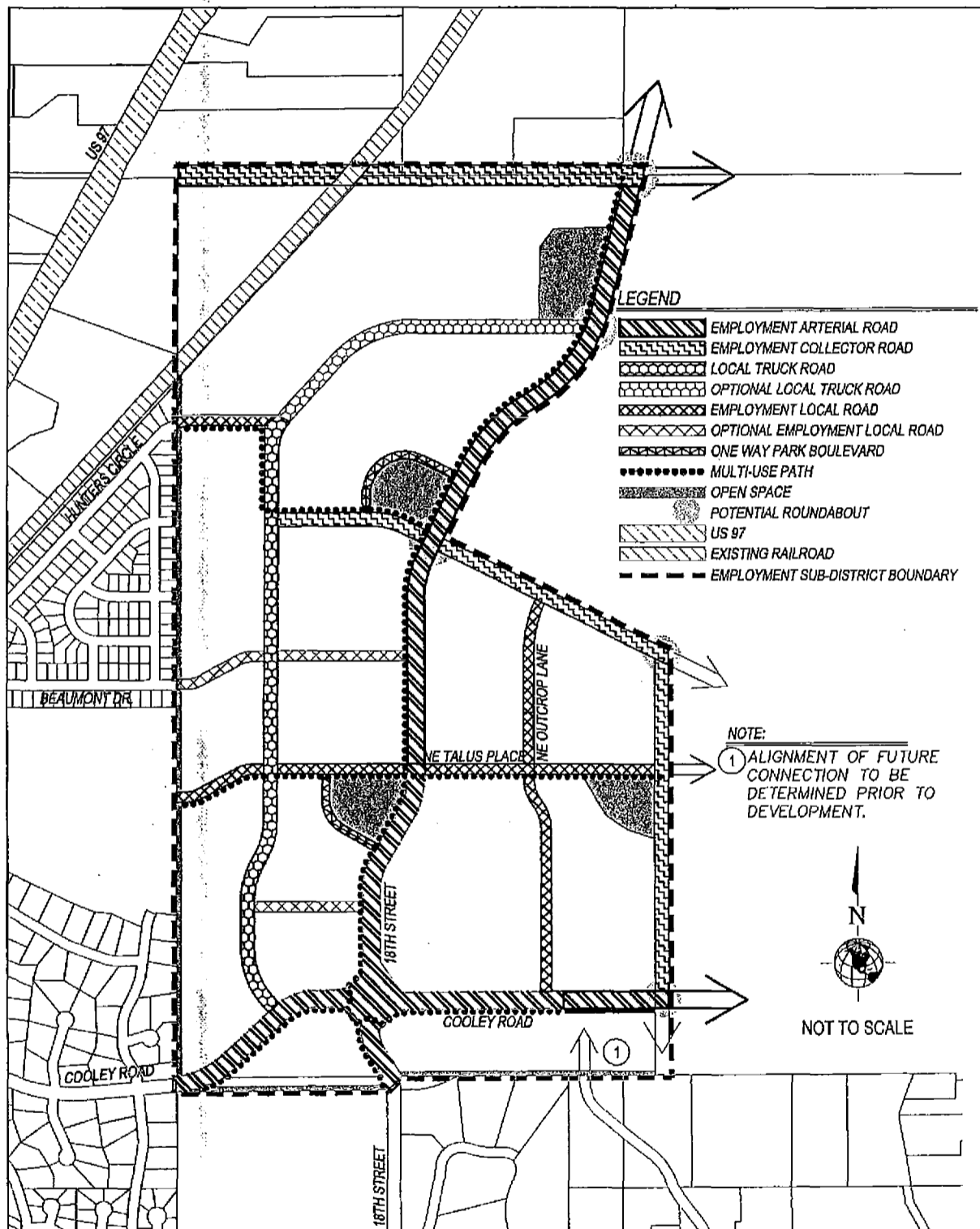
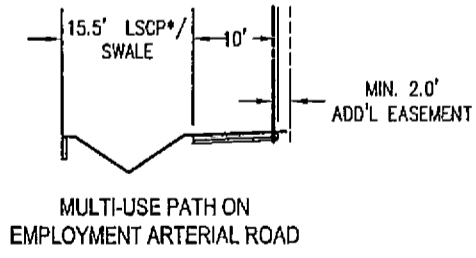
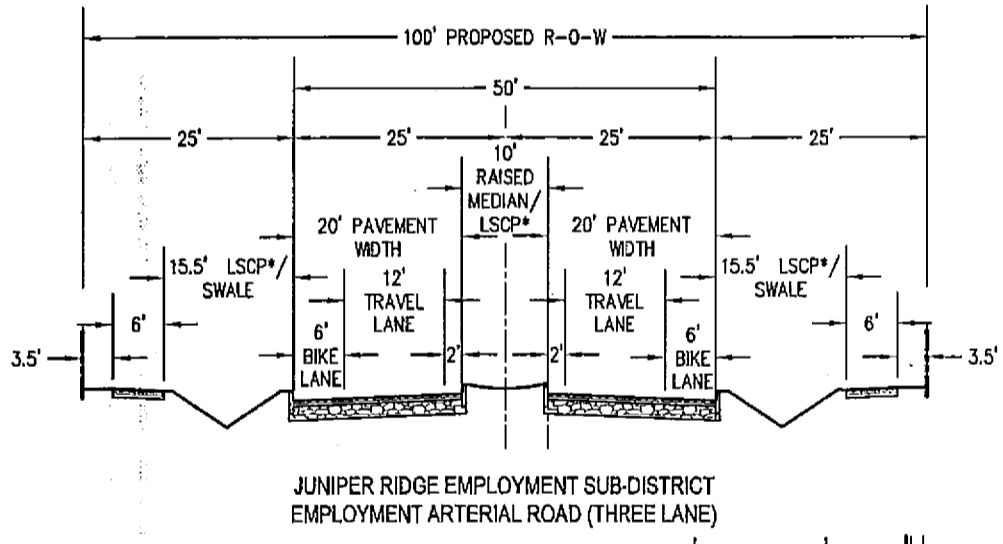
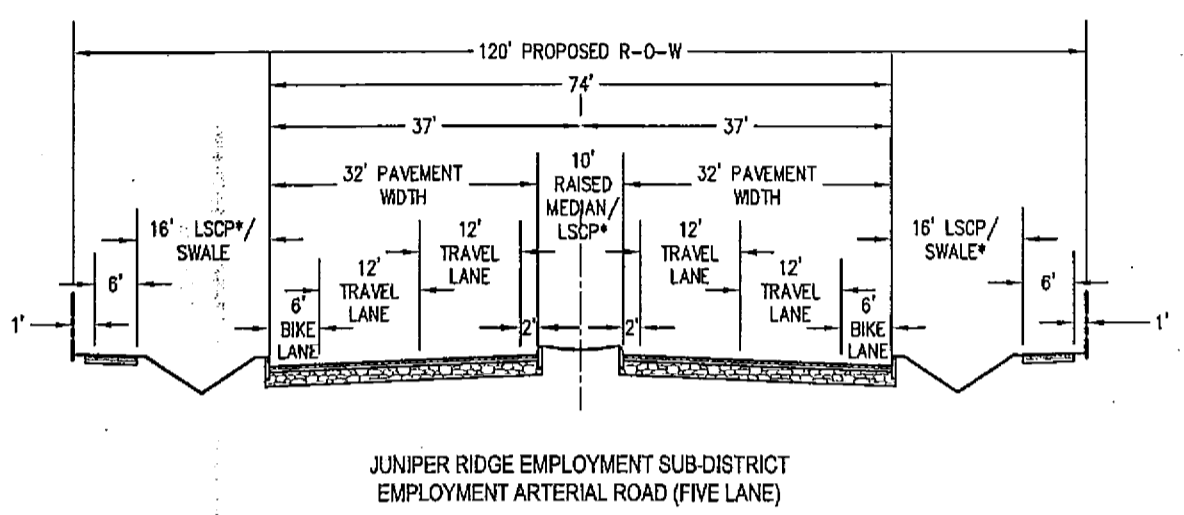


Figure 2.7.2030.C.1
 Employment Sub-District Street Cross Sections



*LSCP = LANDSCAPE AREAS

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

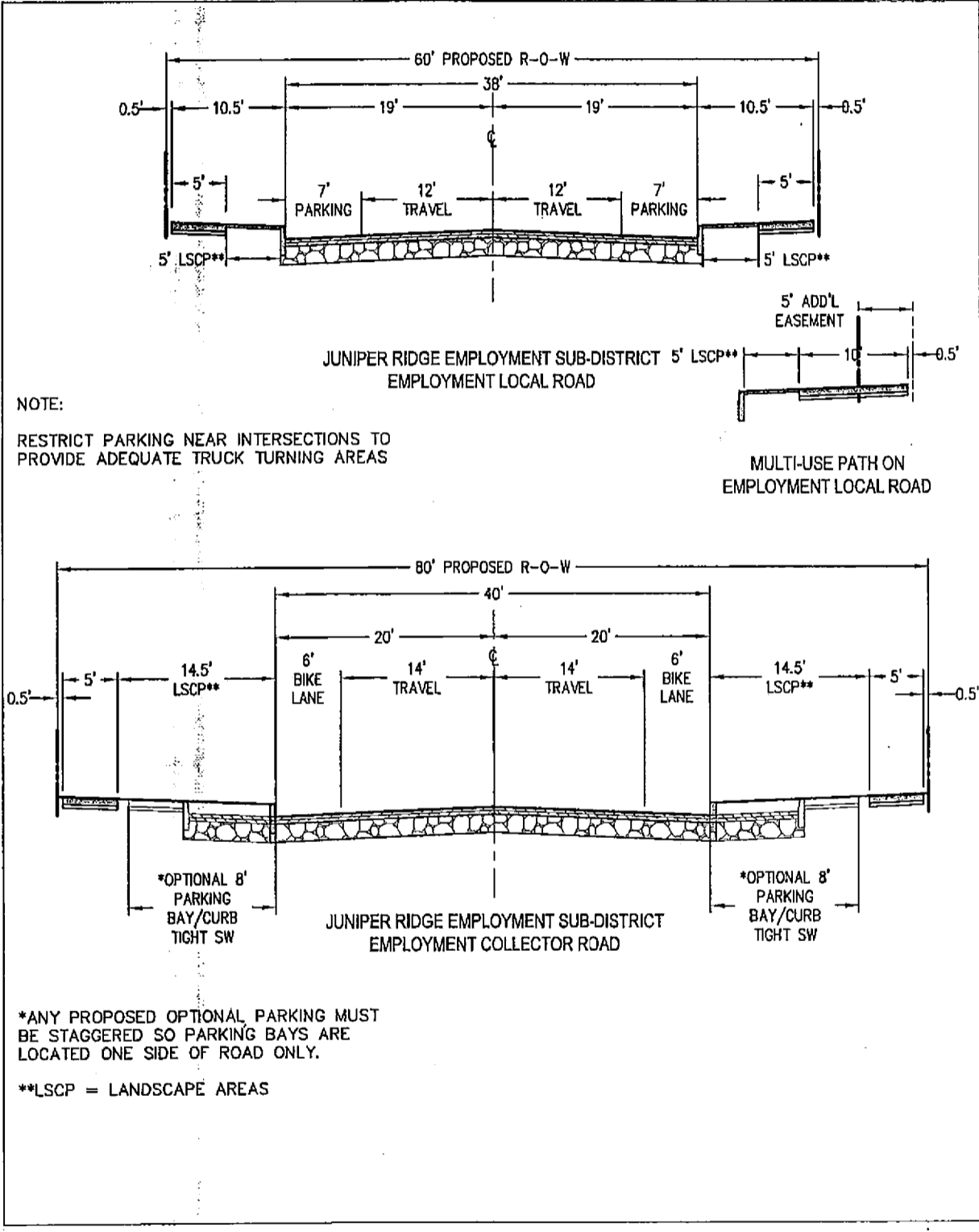
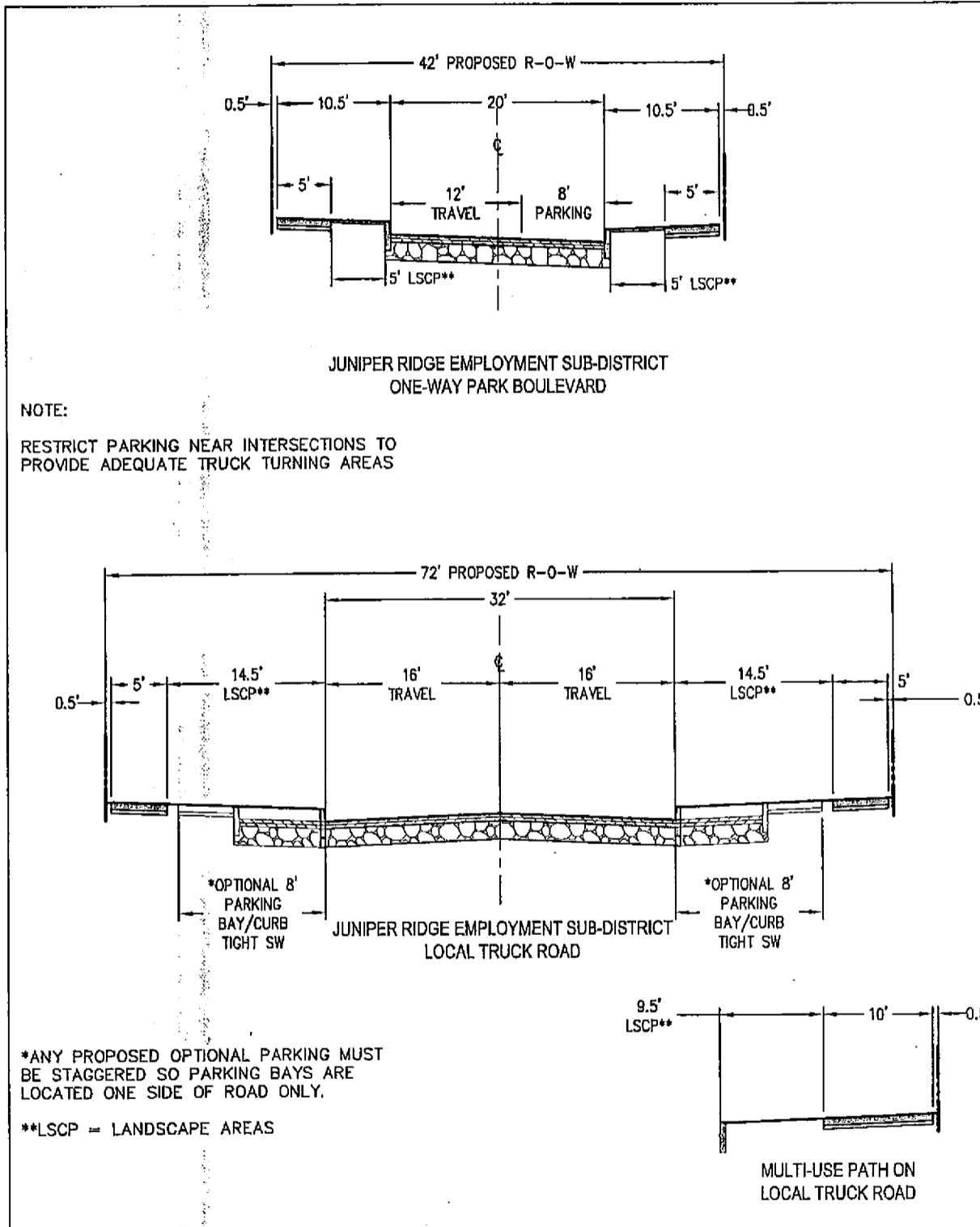
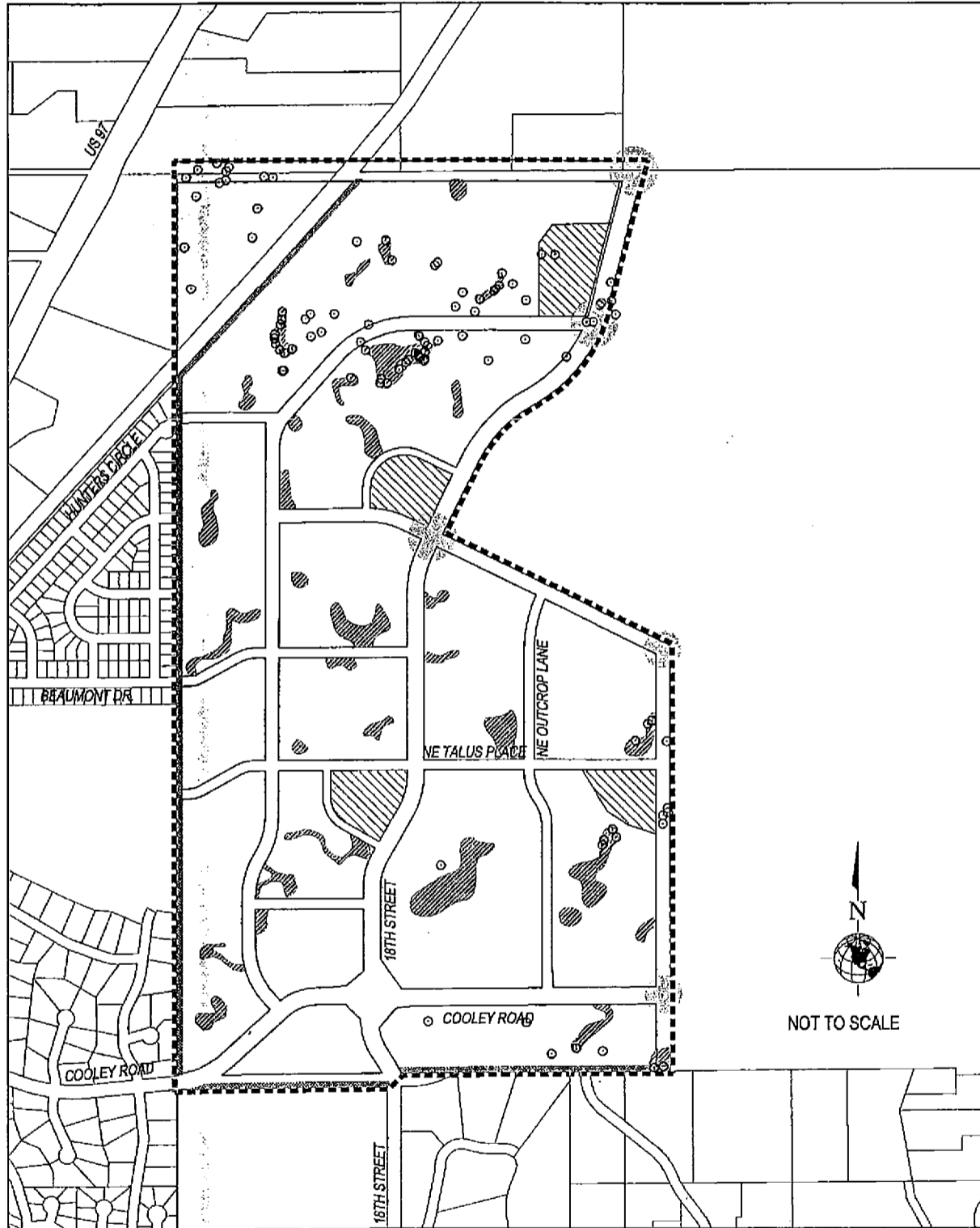


Figure 2.7.2030.C.3
 Employment Sub-District Street Cross Sections



M. Employment Sub-District Natural Resource Areas Significant Heritage trees, rock outcroppings, open spaces and buffer 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. Heritage trees and rock outcroppings identified in Figure 2.7.2030.D are mapped solely with the intention of providing guidance to development and site design, 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 if identified heritage trees and/or rock outcroppings in Figure 2.7.2030.D are preserved by a proposed development. The Heritage Trees identified Figure 2.7.2030.D are 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



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)

Exhibit B

Corporate Headquarters means a building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more **companies, or** divisions or groups of companies. ~~To be considered a corporate headquarters in an industrial zone, the office shall be directly associated with an industrial use on the same site or meet the applicable employee threshold and site size specified elsewhere in this Code. Corporate headquarters or regional headquarters may be permitted as part of a light-manufacturing use. Corporate and regional headquarters may also stand alone provided the headquarter site is ten acres or more and the use shall have at least 100 or more employees at the time of occupancy.~~ **A Corporate Headquarters shall be directly associated with a permitted or conditional use on the same site, or may stand alone provided the site area is ten acres or more, and the facility is sized for at least 100 employees.**

Regional Corporate Office: a building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more divisions or groups of companies. Commerce with the general public is not a normal function of a regional corporate office.



Findings

Planning Commission Transmittal Memorandum

**Exhibit B
Staff Recommendation**

**CITY OF BEND PLANNING DIVISION
STAFF RECOMMENDATION
TO THE PLANNING COMMISSION**



PROJECT NUMBER: PZ 09-185

HEARING DATE TIME AND LOCATION: October 12, 2009, 5:30 p.m.
City of Bend Council Chambers
710 NW Wall Street.

APPLICANT OWNER: City of Bend
c/o Jerry Mitchell
710 NW Wall Street
PO Box 431
Bend, OR 97709

APPLICANT AGENT: DMA
David Ditz
15 SW Colorado Avenue
Bend, OR 97702

APPLICANT AGENT: WH Pacific, Inc.
Kevin Brady
123 Columbia Avenue
Bend, OR 97702

LOCATION: The subject property 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. The property includes tax lots 200, 300 and a portion of tax lot 100 on the Deschutes County Tax Assessor Map 17-12-10.

REQUEST: The applicant requests an amendment to the City of Bend Development Code, to create a new special planned district, the Juniper Ridge Overlay Zone. The proposal is a Legislative Amendment to Chapter 2.7 – Special Planned Districts of the Development Code to create specific development standards, use restrictions, and development guidelines for future uses and development in this portion of the City of Bend. The Juniper Ridge Overlay Zone is planned to include four (4) sub-districts, each having an intended set of uses, development standards, and design patterns. The Employment Sub-district is the only sub-district that is fully proposed at this time. The Employment Sub-District, is intended to establish uses, standards and a design framework to generate development that will create jobs in the industrial,

corporate / regional office and research sections of the economy. The three other sub-districts are not fully proposed at this time; the other sub-districts will be established in the future when appropriate and necessary to benefit the City.

STAFF REVIEWER: Greg Blackmore, Associate Planner; (541) 693-2123;
gblackmore@ci.bend.or.us

I. APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

Bend Code Chapter 10; City of Bend Development Code, Ordinance NS-2016

Chapter 4.1, Land Use Review and Procedures
Chapter 4.6, Land Use District Map and Text Amendments

II. FINDINGS OF FACT:

1. **LOCATION:** The subject property 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. The property includes tax lots 200, 300 and a portion of tax lot 100 on the Deschutes County Tax Assessor Map 17-12-10.
2. **ZONING AND PLAN DESIGNATION:** A portion of the property is zoned Industrial Light (IL), 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 subject property is approximately 500 acres and located within the city limits of the City of Bend at the northeastern edge of the acknowledged urban growth boundary¹. The portion of the property to which specific standards are being proposed at this time (Employment Sub-district) is approximately 300 acres and located at the southwestern corner of the overall parcel, commonly known as Juniper Ridge. The topography of the area is varied and undulating. The site gradually slopes away from the southwest corner of the property towards the northeast. A number of areas exist on the site containing unique geological features, including significant trees and rock outcrops. Additionally, a number of areas with relatively steep grades exist on the site. The site's significant trees and vegetative cover consist primarily of Juniper Trees, some of which exceed 800 years in age.

The land to the south of the subject property, located within the city limits is zoned Public Facilities (PF) and developed with an elementary school (Lava Ridge) and middle school (Sky View). This area is also designated PF on the General Plan

¹ On January 5, 2009, the City of Bend adopts amendments to the General Plan that expanded its urban growth boundary (Ord. NS- 2112). The recent urban growth boundary expansion is pending review and acknowledgement before Oregon Land Conservation and Development Commission.

Map. The land to the south of the subject property located outside of the city limits is subject to Deschutes County SR 2-1/2 Residential Suburban Low Density zoning and developed with residences. This area is designated Urban Area Reserve on the Bend Urban Area General Plan Map.

The land to the west is primarily located within the city limits, with the exception of approximately 1,200 feet along the northwestern property boundary. The majority of the land to the west is zoned Residential Urban Standards Density (RS); however the southern portion of the area to the west (approximately 1,000 lineal feet) is zoned Residential Urban Low Density (RL). The acknowledged General Plan Map designation is consistent with the current zoning. The developed land to the west includes a residential subdivision and mobile home park. The BNSF railroad intersects the northwestern corner of the property and the properties to the northwest of that intersection are situated outside of the city limits, within the Multi-use Agriculture zone (MUA-10) of Deschutes County.

The lands to the north and east are situated outside of the City Limits. The properties to the north are within the Multi-use Agriculture Zone (MUA-10) of Deschutes County and mostly undeveloped. The properties to the northeast and east are within the Exclusive Farm Use Alfalfa Subzone (EFUAL) of Deschutes County and mostly undeveloped. A small number of scattered residential buildings exist at an extended distance to the north and east of the subject property.

The subject property is currently developed and/or being developed with a 120,000 square foot building for a Les Schwab tire center headquarters, a 76,000 square foot manufacturing facility for Suterra LLC and a PacificCorp substation and associated facilities. Public facilities, including water, sewer, and a transportation system in the area have been extended to serve these developments.

4. **PROPOSAL:** The City of Bend requests an amendment to the Development Code to create the Juniper Ridge Overlay Zone, a Special Planned District.
5. **PUBLIC NOTICE AND COMMENTS:** The applicant held a public meeting on May 14, 2009 pursuant to City of Bend Development Code requirements for the required pre-application public meeting. The applicant's representative sent notices of the request to surrounding owners of record, as shown on the most recent property tax assessment roll within 500 feet of the subject property. The applicant also held a public work session with the Planning Commission on June 8th, 2009. The work session provided an opportunity for interested parties listen to the applicant's presentation of the Juniper Ridge proposal, prior to formal submittal.

The applicant submitted an application on June 30, 2009 and on August 31, 2009, the City of Bend Planning Division mailed notice of the application and the public hearing to surrounding property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property. Also, on September 13, 2009 notice of the public hearing was also published in The Bulletin.

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 this staff report. As of the writing of this report, the City had not received written public comments in regards to the proposal.

6. **APPLICATION ACCEPTANCE DATE:** The Text Amendment application was submitted on June 30, 2009 and deemed incomplete on July 29, 2009. Following a series of meetings between staff and the applicant, additional information including supplemental public facilities analyses were provided by the applicant, in addition to responses to applicable General Plan. A revised burden of proof and all supporting documents addressing the incomplete items were submitted on or before October 1, 2009, at which time the applicant was deemed complete.

III. FINDINGS OF CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE

CHAPTER 2.7 SPECIAL PLANNED DISTRICTS

Special Planned Areas describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. The area covered by a plan can include multiple parcels and land owners, or a single large parcel. Some of the characteristics of Special Planned Areas are:

- Designation of site-specific land uses (e.g., for individual parcels);
- Design standards specific to a geographic area;
- Detailed description of public facilities needed to serve development;
- A plan adopted through a consensus-based process involving the property owners;
- Streamlined development review for projects that are part of the plan; and
- May include intergovernmental agreements and complimentary zoning for sites that cross jurisdictional boundaries (e.g., between city and county).

Special Planned Areas usually focus on some unique feature of the site, such as natural resources, economic activity, or desired neighborhood character. Special Planned Areas may be used for large undeveloped areas, or partially developed areas with potential for infill and redevelopment.

Special Planned Areas differ from Master Planned Developments (Chapter 4.5) in that there is no required phasing or timeframe for development, and an application for future development (i.e., subdivision and/or site plan) need not accompany the application for Special Planned Areas approval. However, all land use applications for property within the Plan are required to comply with the

planned area policies and regulations as well as the development standards for the underlying zone.

FINDING: The applicant has proposed to add a new Special Plan District for the Juniper Ridge area, within this section of the code. Although this section does not contain development standards or approval criteria for the creation of a Special Planned District, this Section does outline the purpose and intent of Special Planned Districts within the Development Code; findings of consistency with this section are therefore provided herein.

The proposed Special Planned District consists of multiple parcels, multiple owners and consists of characteristics which include: specific land uses, a particular geographic area, the assessment of public facility needs, and where public facilities needs differ from standards that are otherwise established in local regulations (transportation improvement), area specific standards have been proposed. The applicant has engaged the public in multiple forums including a neighborhood meeting and a Planning Commission meeting; additionally, public hearings will be held before the Planning Commission and the City Council. Also the applicant has documented that development of the Special Planned District has been coordinated with associated public, quasi-public, and private parties of interest and agreements will be provided to the extent necessary for future development.

The development of the Employment Sub-district is focused on providing economic lands within the City of Bend consistent with the adopted General Plan, including its supporting Economic Opportunity Analysis (EOA). In providing economic lands consistent with the General Plan, the Special Planned District provides for the preservation of natural resources and proposes standards that will result in a particular character for the area.

Based on the aforementioned, Staff concludes that the Special Planned District is consistent with the stated purpose of this section, and the proposed text would appropriated be located in this section of the Development Code.

Chapter 4.6 Land Use District Map and Text Amendments

4.6.100 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code, the Bend Area General Plan, the Bend Area General Plan map and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

FINDING: The applicant has proposed to add a new section to the Development Code to implement the City's vision, needs, and desires regarding Juniper Ridge. The proposal is a legislative amendment to the text of the Development Code, which the provisions of this section are intended to address.

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 are currently two owners of the property subject, Les Schwab and the City of Bend; the majority of the property is owned by the City. The area is significant in size, over 490 acres and it contains the majority of the City's available industrial land. Although the number of property owners is small, the area is large and the outcome impacts broad public policy decision, therefore the Development Code text amendment is being processed as a Legislative Amendment, in accordance with the standards of this section and the Type IV procedures of Chapter 4.1.

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: A review of the applicable State land use laws is provided below.

Statewide Planning 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." This Goal is applicable because the proposal includes a legislative proposal; providing an opportunity for citizen involvement is necessary.

Conformance with Goal 1 is achieved through Chapter 1 of the Bend Area General Plan and through the implementing procedures that have been established in the Bend Development Code. Chapter 1 of the General Plan identifies the Bend Planning Commission as the official Citizen Involvement Committee for the urban area, and the City Council upon the recommendation of the Planning Commission adopted the procedures in the Development Code, which have been acknowledged by the Land Conservation and Development Commission (LCDC). The adopted Development Code contains provisions to ensure citizen involvement, which are being followed in this review.

Section 4.6.200 of the Development Code establishes that Legislative Amendments follow the Type IV procedures, which are governed by Chapter 4.1. The first step for citizen involvement is the public meeting required by Section 4.1.200. The applicant has submitted documentation that public meeting was held on May 14, 2009 and that notice of the meeting was provided pursuant to the applicable provision of Chapter 4.1.200. Subsequent to the public meeting, a work session regarding the proposal was held before the Planning Commission on June 8, 2009.

Additional citizen involvement is ensured via the required Type IV review procedures, which are subject to the notice requirements of Section 4.1.500 of the Code. The Type IV procedures ensure that citizens are informed in four different ways about the public hearing; published notice, posted notice, individual mailed notice and neighborhood association contact. The notices inform interested citizens about the hearing and inform citizens that all interested parties may participate and submit written or verbal testimony.

Together, Chapter 4.1 and 4.6 of the Development Code require that the Planning Commission and the City Council both hold public hearings prior to acting on a proposed amendment to the Development Code. A public hearing before the Planning Commission will be held on October 12, 2009 and a public hearing before the City Council public will be held thereafter. The public involvement procedures identified in the BDC have been and will continue to be followed, which will ensure consistency with Statewide Planning Goal 1.

Statewide Planning Goal 2 – Land Use Planning, “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” This Goal is applicable because the proposal includes a planning review, which is required to be based on a factual basis.

The proposal is to create a Special Planned District within the BDC. The proposal is being reviewed in accordance with the process and policy framework that has been established in the Bend Development Code, an acknowledged local land use regulation. The proposed Development Code text amendment establishes specific development standards for a particular geographic area, however the proposal does not alter the administration of the Development Code or the acknowledged procedural requirements which ensure a factual base for all decisions, consequently Staff finds that the proposal and its review will be consistent with Statewide Planning Goal 2.

Statewide Planning Goals 3, 4 and 5 are not applicable because the subject properties do not include any agricultural land, forestland, inventoried open spaces, scenic areas, historic resources, or natural resources.

Statewide Planning Goal 6 is not applicable because the proposed Special Planned District will not have any impacts to air, water and land resources quality.

Statewide Planning Goals 7 and 8 are not applicable because the subject property is not within an identified natural hazard area, nor within an area identified for recreational use.

Planning Goal 9 – Economy of the State, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens” This goal is applicable because the subject property is designated Light Industrial (IL) on the Bend Area General Plan Map and thus has been determined to contain land that is necessary for particular economic activities.

The uses proposed in the SPA provide a diversity of economic development opportunities and are directly reflective of IL General Plan designation, which is based upon the targeted market sectors identified in the 2008 EOA. The 2008 EOA utilized the *Bend 2030, General Plan, Juniper Ridge Concept Plan, Economic Sector Targeting, Deschutes County Coordinated Population Forecast, Concurrent Studies, Planning Commission and Stakeholder Input, UGB Technical Advisory Committee, and Bend's General Economic Objectives* to establish targeted market sectors. Collectively these documents and/or partner inputs provide a comprehensive perspective of what a vital, diverse, and sustainable economy that enhances the community's livability is. Because the land will be available to uses are consistent General Plan designation, and because the General Plan is based upon a detailed economic analysis which considered the health welfare and prosperity of Oregon Citizens, because the General Plan and the (policy implementing) Development Code are acknowledged land use regulations, and further because (as documented below) the proposal is consistent with the General Plan, Staff concludes that the proposal is consistent with this goal.

Statewide Planning Goal 10 is not applicable because the property is not currently designated as residential land on the BAGP map, nor does the current application propose residential use that would impact the availability of housing within the Urban Growth Boundary.

Statewide Planning 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.” This Goal is applicable because the proposal will guide development in this area and it includes a conceptual framework of the arrangement of the transportation system with Juniper Ridge. The City of Bend has adopted water, wastewater, and transportation master plans. In addition to the adopted master plans the City has the adopted Bend Development Code. Collectively this adopted local land use regulations provide a framework that ensures that a timely, orderly, and efficient arrangement of public facilities and services are provided throughout the City. The applicant has not proposed any development at this time, only development standards and design guidelines. In association with the Special Planned District the applicant has submitted assessments of the water facilities, sewer facilities, transportation facilities, and storm water systems. These assessments document that the water and sewer systems could be developed in the area in a manner that is consistent with the adopted master plans. Additionally, the applicant has proposed a

specific transportation framework and through its assessment, it is documented that the proposed framework is consistent with adopted Transportation System Plan.

Also, the City does not have an adopted a Stormwater Master Plan; however a draft is available for guidance. The applicant has not proposed any special standards in regards to storm water management, but has provided an assessment of the system. Storm water management for public streets is often interrelated with the street and right of way design. The applicant has proposed special street design cross-sections. Given the proposed street designs and locations of the streets, the applicant's assessment indicates that storm water of at 25 year / 24 hour storm event could not be accommodated within the street right of way as designed. The assessment does however document that storm water could be maintained on the site, near the rights of way, in infiltration ponds. Comments received from the Public Works Division indicate:

Specifically in regards to the storm drainage submittal received, sheet ST1.0 dated 9/24/09 by WH Pacific called "Conceptual Stormwater Plan" provides for a plan of regional detention and infiltration. This plan includes no specific conveyance systems, basin elevations, site topograph or contour elevations.

To date, standard development practice in the City of Bend has been based on systems of catch basins and drywell or roadside swales. City of Bend standards and specifications assume this approach to stormwater conveyance and infiltration. These systems are characteristically gravity systems and include relatively short pipe runs, mainly street crossings and short pipe runs from catchbasins to drywells. Historically City of Bend maintenance for stormwater facilities has included catch basin and drywell cleaning with vacuor trucks and minimal annual pipe cleaning of street culvert cross pipes.

The proposed regional retention approach for storm water suggested by the "Conceptual Stormwater Plan" does not include details for stormwater conveyance such as pipe lengths and sizes or details showing a gravity conveyance system. These criteria cannot be assumed from the information provided. Excessive pipe lengths that would exceed the resources of the City of Bend to clean or maintenance of pumping systems necessary to move water by means other than gravity would be outside of a standard approach for storm water system maintenance for the City of Bend. This approach would require an additional maintenance agreement or special assessment for storm system maintenance that should be in place before any alternative storm drainage system was approved. Per City of Bend standards, chapter 3.4, Public Improvement Standards, Chapter 3.4.500 Storm Drainage Improvements, Section B, "[Drainage} facilities shall be subject to review and approval by the City Engineer."

Per this SPA application, no approvals for any alternative approaches to stormwater should be assumed or implied.

As indicated elsewhere in this report, the SPA is not intended to enable any development in the area (including any storm water management systems), instead it is intended to act as a guide which leads to future accommodation of industrial development. The applicant has not proposed public facilities at his time (including transportation system and storm water management system). Detailed planning of the storm water management system will be ensured through procedures established within the Development Code (including zone change, land division, and site development), as necessary. Because storm water can be maintained on the site, because the applicant has not proposed any special storm water management system standards, because in

Development Code specifically identifies the allowance of drainage facilities outside of dedicated right of way, and because the Development Code requires ultimate review and approval of storm water systems from the City Engineer, staff concludes that the proposal is consistent with the policy of this section to the extent applicable at this time. Additional review and approval will be required via subsequent development applications.

In summary, the City's land use review process, including zone changes and site development review, are part of the City's "plan" which ensures timely, orderly and efficient arrangement of public facilities. At this point the applicant has proposed development guidelines within a Special Planned District. Along with the special guidelines, the applicant has submitted assessments of public facilities, which document that even with the special standards, the development could occur in a manner that is consistent with the adopted Master Plans. Future zone changes and development reviews will ensure that all public facilities are developed. The proposal is consistent with Goal 11.

Statewide Planning Goal 12 – Transportation, "To provide and encourage a safe, convenient and economic transportation system." Unlike the other applicable goals, Goal 12 is implemented through the detailed Transportation Planning Rule, OAR 660-12-0060. As addressed below in a review of OAR 660-12-0060, Staff finds that the proposal does not significantly affect a transportation facility as established in the TPR; the findings noted below are incorporated herein, which document consistency with Statewide Planning Goal 12.

Statewide Planning Goal 13 Energy, "To conserve energy." This Goal is applicable because the proposal includes development guidelines, which will facilitate the long-term development and growth of economic opportunities and related services in a specific area of the City. The proposed SPA includes development provisions, including allowable uses, transportation system guidelines, setback requirements and preservation of natural resource areas. The provisions in the SPA are intended to result in targeted industries users, which is consistent with the BAGP designation. Additionally, the SPA proposes to allow a specific amount of small-scale personal and professional services, which together with the proposed transportation network will avoid the need for out of direction travel for such services. The guidelines proposed in the SPA will collectively ensure that lands will be used efficiently for the intended users and that energy will adequately be conserved; the proposal is consistent will Goal 13.

Statewide Planning 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." This Goal is applicable because it is sufficiently documented² that the subject property is designated as industrial land, to accommodate urban employment inside the urban growth boundary. The transportation system guidelines and special development standards proposed will guide development on the

² General Plan, 2008 Economic Opportunity Analysis, Bend 2030....
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property in an efficient and directed manner to accommodate the intended uses. In terms of buffering and compatibility, the proposed standards of the SPA exceed the standards of the underlying IL designation. The proposed Special Planned District recognizes the need to ensure that future development is compatible with the character of surrounding neighborhoods, including building, setback and development restrictions that are designed to require development to be compatible with surrounding land uses; the proposal is consistent with the requirements of Goal 14.

Goals 15 through 19 are not applicable because they only pertain to specific areas in western Oregon.

OAR 660-012-0060 Transportation Planning Rule

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

FINDING: The City has an adopted Transportation System Plan and although the applicant has proposed a site specific transportation system plan, the plan is consistent with the adopted TSP, and will remain consistent with any future TSP amendments. In regards to the rules of these sections, the proposal does not change the functional classification of an existing or planned transportation facility and it does not change the standards which implement the adopted functional classification system; therefore the SPA would not significantly affect a transportation system according to the standards of this section.

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

FINDING: The SPA by itself, neither allows uses nor proposes development. The SPA provides development guidelines only. Prior to any of the uses proposed therein being allowed, a zone change would be required, Section 2.7.2040.B notes, "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...” Because the SPA neither allows land uses nor development, the SPA would not significantly affect a transportation system according to the standards of this section.

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan;
or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

FINDING: The SPA establishes development guidelines, including a transportation framework that reflects the adopted TSP. The SPA, without a subsequent zone change does not allow uses, propose development, or change any zoning; therefore the design guidelines proposed in the SPA will not reduce or worsen the performance of any existing or planned transportation facility; the SPA would not significantly affect a transportation system according to the standards of this section.

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

FINDING: The City of Bend adopted amendments to the General Plan on January 5, 2009 in association with Ordinance NS-2112. Although the City has adopted the amendments, the amendments have not been acknowledged by the Oregon Land Conservation and Development Commission (LCDC). Because the amendments have not been acknowledged by LCDC, the applicant, in addition to this Staff Report address the applicable goal and policies of both the adopted, but not yet acknowledged, amendments to the General Plan (NS-2112) and the previously adopted and acknowledged General Plan.

A. Adopted, non-acknowledged General Plan, NS-2112

Chapter 1 – Plan Management and Citizen Involvement

Goals –

- Natural Beauty and Heritage — Protect and enhance Bend’s natural beauty noting especially the trees, rocks, rivers, view, sounds and historic structures.**

Applicant Finding: The proposed Special Planned Area (SPA) specifically identifies areas that are to be preserved as open space. Most of these open space areas are a direct reflection of preserving significant rock outcrops. The SPA also specifically identifies trees that are to be preserved and protected. Setbacks, building coverage and other development standards, as well

as open space areas, ensure adequate protection of views. There are no rivers or historic structures within the SPA area; therefore, protection of these features is not applicable.

FINDING: Staff concurs with the applicants finding and further notes that provisions that protect trees, rocks, rivers, view, sounds and historic structures have also been created within the adopted Development Code. The provisions within the Development Code, which protect and enhance Bend's natural beauty will not be diminished by the proposed SPA, rather the SPA will provide additional standards to accomplish this goal; Staff concludes that the proposal is consistent with this goal.

☐ Urbanization – Provide for an orderly and efficient transition from rural to urban land use.

FINDING: Providing an orderly and efficient transition from rural to urban land use is implemented through the procedures established within the Development Code and the adopted Water, Wastewater, and Transportation Master Plans. Collectively local adopted land use regulations provide a framework that ensures a timely orderly and efficient arrangement of public facilities and services are provided. The applicant has not proposed any development at this time, only development guidelines. In association with the SPA the applicant has submitted assessments of the water facilities, sewer facilities, transportation facilities, and storm water systems, which document that these public facilities can be developed (in the Juniper Ridge area) in a manner that is consistent with the adopted master plans. Unlike the other public facilities³, the SPA includes a specific transportation network framework; this framework (figure 2.7.2040.B) reflects the adopted TSP. Through the transportation system facility assessment, the applicant has documented that the proposed framework is consistent with adopted Transportation System Plan and will not significantly affect a transportation facility. Additionally, although the City does not have an adopted storm water management master plan, the applicant has provided an assessment of the storm water facilities and documented that a storm water management system can be provided which could accommodate run-off on the property from a 25 year / 24 hour storm.

The City's land use review process, including zone changes and site development review, are part of the City's planning program, which ensures timely, orderly, and efficient arrangement of public facilities. At this point, because the applicant has proposed development guidelines within the Special Planned District, because the special guidelines are consistent with the adopted master plans, and because ultimate design and development will require additional review through the Development Code established land use review procedures, staff concludes that the proposal is consistent with the goal of this section.

☐ Quality Economic Growth — Assure an opportunity for a stable, vital and diverse economy while sustaining its environment/ecological support systems.

³ Water, sewer and stormwater facilities have been assessed; however conceptual plans like that of the transportation system have not been included in the text.

Applicant Finding: The intent of the Employment Sub-District is to provide a diversity of economic opportunities and is reflective of the types of employment sectors targeted by the City of Bend, as indicated in the 2008 EOA. The economic development for the sub-district is balanced with preservation of natural features through tree protection incentives and preservation of designated open space areas.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with this goal.

- Transportation Options Appropriate to Bend — Foster transportation systems that provide opportunities for all practical modes to facilitate the livability of neighborhoods and the community.**

FINDING: The proposed SPA includes a site specific Transportation Plan Map, which identifies a number of street types. The Juniper Ridge area is anticipated to have truck traffic, in addition to automobile vehicular traffic; the street types and cross sections proposed in the SPA foster each of these modes. Additionally, the Juniper Ridge Transportation Plan includes paths and open spaces. The site specific transportation plan is consistent with the adopted TSP and the City Traffic Engineer has reviewed the proposal and supports the transportation options provided. The proposal is consistent with the goal of this section.

- Implementing Consistent Ordinances — Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.**

Applicant Finding: The development of the Juniper Ridge Special Planned Area (SPA), including the Employment Sub-District, has involved a comprehensive analysis and correlation with all existing City ordinances. The proposed SPA has been refined and revised to provide clarity of the proposed standards and regulations and for consistency with existing ordinances. Through extensive coordination among consultants, City staff, the Juniper Ridge Management Advisory Board (JRMAB), and the Planning Commission, the proposed SPA reflects the overall vision for Juniper Ridge, partly as depicted in the Cooper Robertson Master Plan.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with this goal.

Chapter 2 – Natural Features and Open Space

Goals –

- to preserve interesting and distinct geologic formations and areas of natural vegetation;**

Applicant Finding: The proposed code language and maps within the SPA reflect protection and preservation of rock outcrops within designated open space areas, as well as incentives for protection of heritage trees.

FINDING: The subject property does not contain any area listed as areas of special interest; however the applicant has mapped areas of rock outcrops and "heritage trees" and proposed incentives for preservation of these areas. Incentives to preserve these areas are proposed through the allowance of exceptions to development standards in the same manner as allowed through the preservation of significant trees, Section 3.2.200 of the Development Code. The interesting geologic features identified in the SPA and the preservation incentives proposed therein are in addition to those established elsewhere in the Development Code, i.e. preservation of significant trees (3.2) and increase lot size requirements on steep terrain (3.1). Because the Development Code has established procedures which require the preservation of interesting geologic features and natural vegetation and because the proposed special standards for heritage trees and rock outcrops go beyond the established provisions, staff concludes that the proposal in addition to the established Development Code provisions will provide consistency with this goal.

- to provide land for recreational uses such as hiking, photography, bicycling, jogging, or fishing;**

Applicant Finding: The plan maps identify bike paths and pedestrian facilities, including access to designated open space areas. These facilities provide opportunities for recreational uses such as bicycling, jogging and hiking.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with this goal.

- to establish a system of trails, greenways and wildlife corridors that are interconnected;**

Applicant Finding: The plan maps identify a system of pedestrian facilities that serve as urban trails and are connected to other existing and planned pedestrian facilities, as identified in the TSP.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with this goal.

- to shape the urban development and provide visual relief from developed land;**

Applicant Finding: The proposed open space areas are portions of the overall site that reflect protection of significant topographic relief, including rock outcrops with scenic views.

FINDING: Staff concurs with the applicant finding and adds that the amount of the proposed open space in addition to the setback, building height, lot coverage, and maintenance of undeveloped property standards provide for visual relief from the developed land. The proposal is consistent with this goal.

to soften the appearance of street corridors with planter and median strips;

FINDING: The proposed street designs include landscaped planter stripe and medians (on applicable streets); the proposal is consistent with this goal.

to support the coordinated efforts of public agencies, private organizations and individuals to preserve and enhance the area's natural features and open space.

Applicant Finding: The development of the SPA has included coordination with City staff, the JRMAB, the Planning Commission and Bend Metro Parks & Recreation. The outcome of this coordination, including adherence to many of the plans and policies within the Cooper Robertson Master Plan, is significant protection of open space within the Employment Sub-District and subsequent preservation of open space intended for the other sub-districts once they are developed and planned.

FINDING: Based upon evidence submitted into the record, Staff concurs the applicant finding and concludes that the proposal is consistent with this goal.

Policies –

Policy 9 - Major rock outcrops, stands of trees, or other prominent natural features identified in the General Plan shall be preserved as a means of retaining the visual character and quality of the community.

FINDING: The subject property does not contain any area listed in the General Plan as an area of special interest; however the applicant has mapped areas of rock outcrops and "heritage trees" and proposed incentives for preservation of these areas. Incentives to preserve these areas are proposed through the allowance of exceptions to development standards in the same manner as allowed through the preservation of significant trees, Section 3.2.200 of the Development Code. The interesting geologic features identified in the SPA and the preservation incentives proposed therein are in addition to those established elsewhere in the Development Code, i.e. preservation of significant trees (3.2) and increase lot size requirements on steep terrain (3.1). Because the Development Code has established procedures which require the preservation of interesting major rock out crops, stands of trees and other prominent natural features and because the proposed special standards for heritage trees and rock outcrops go beyond the Development Code established provisions, staff concludes that the proposal in addition to the established Development Code provisions will provide consistency with this goal.

Policy 10 - Natural tree cover shall be retained along streets in all developments to preserve the natural character of Central Oregon within the urban area as the community grows. Native trees may be substituted for required street trees when located within 10-feet of the right of way.

FINDING: This policy is implemented through Section 3.2.300 - Tree Conservation in the Development Code, which includes provisions for the preservation of significant trees (including trees along streets). The proposed SPA text and maps additionally provide incentives for protection of heritage trees, some of which are near rights-of-way. The proposal in combination with adopted Development Code standards will ensure that consistency with the policy of this section is upheld.

Policy 13 - The city shall develop standards to conserve mature native trees and standards that describe the types of trees for commercial and industrial developments that are compatible with Central Oregon's climate.

FINDING: Chapter 3.2 of the Development Code includes standards that provide for the preservation of significant trees; these standards apply to development within the Juniper Ridge Special Planned District. In addition to the mature tree preservation standards established in the adopted Development Code, the proposed SPA text and maps establish additional standards and incentives for protection of heritage trees (mature native trees). The proposal is consistent with the policy of this section.

Policy 17 - The city shall have the primary responsibility for providing opportunities for the creation and management of private open space areas.

FINDING: The SPA identifies open space areas; the City (being the owner of these areas) has therefore directly created these open spaces. The applicant has also indicated that CCR's will be established in the area that will provide provisions for the management of the open spaces. The proposal is consistent with this policy.

Chapter 3 – Community Connections

Goals –

to provide quality green spaces, natural areas, and recreation sites through public and private park land throughout the community; and

FINDING: The proposal facilitates this goal by including SPA text and maps that protect and preservation of rock outcrops within designated open space areas, as well as incentives for protection of heritage trees. The proposal is consistent with the goal of this section.

to coordinate the development of future park and school sites to serve the expanding urban area population.

FINDING: The applicant has indicated that future planning for the additional sub-districts within the Juniper Ridge SPA will include land for schools and parks and will be substantially guided by the Cooper Robertson Master Plan. The School District and BMPRD participated in the development of the Cooper Robertson Master Plan (the basis of the Juniper Ridge Overlay Zone Special Planned District); additionally notice of the proposed SPA was sent to BMPRD and the School District, neither commented on the proposal. The evidence submitted into the record, in addition to the Development Code established procedures will ensure consistency with the goal of this section.

Policies –

Policy 10 – The City shall work with the irrigation districts to limit development within the canal easements that would impair the maintenance and operation of the canals.

FINDING: The applicant has indicated that they have coordinated with Central Oregon Irrigation District (the only irrigation district which the property is located within), no development is proposed at this time, and the streets identified on the site specific transportation plan are not located with canal easements. The proposal is consistent with this policy.

Policy 11 - The trails designated on the Bend Urban Area Bicycle and Primary Trail System Plan shall be the basis for developing a trail system that serves the recreation and transportation needs of the community.

FINDING: The applicant has indicated that transportation plan map within the SPA is based primarily on the Bend Urban Area Bicycle and Primary Trail System Plan and City's TSP. The transportation plan map identifies a multi-use path network that will serve the needs of the Juniper Ridge area, as well as integrate the proposed system with the existing and planned facilities adjacent to the subject property, generally as designated on the Bend Urban Area Bicycle and Primary Trail System Plan. The proposal is consistent with this policy.

Policy 12 - The city, when practical, shall require connecting links to the urban trail system from all adjacent new developments.

FINDING: The Juniper Ridge Special Planned District Employment Sub-district Transportation Plan Map (Figure 2.7.2040.B) identifies a network of facilities that will serve the urban trail system needs of the area. This network has been designed to provide facilities within the Juniper Ridge area and integrate the Juniper Ridge Area with the existing and planned facilities of the greater community, generally as depicted in the adopted TSP. The proposal is consistent with this policy.

Chapter 5 – Housing and Residential Lands

Policies –

Policy 20 - Future development and local development standards shall preserve the character of existing areas.

Policy 23 - Of necessity, nonresidential zones will abut residential zones in different parts of the community. In these instances, nonresidential and residential zone uses shall be subject to special development standards in terms of setbacks, landscaping, sign regulations, noise impacts and building design.

FINDING: The adopted Development Code contains provisions to preserve the character of surrounding area. The development standards proposed in the SPA, including buffer and setback standards, add to and exceed the standards that are required in the IL zone. The adopted Development Code provisions, in addition the special area setback and buffer standards will ensure that the adjacent neighborhood character is preserved to an extent practical. Furthermore the applicant has not proposed any special sign or noise standards, thus sign and noise standards that are established in the Development Code and Bend Code will be required to be met, (which have been developed to be consistent with the policy of this section). The proposed special standards in addition to the existing Development Code and Bend Code provisions will ensure consistency with the policies of these section.

Chapter 6 – The Economy and Lands for Economic Growth

Goals –

Goal 1. Have a vital, diverse and sustainable economy, while enhancing the community's overall livability.

FINDING: The uses proposed in the SPA provide a diversity of economic development opportunities and are directly reflective of General Plan designation, which is based upon the targeted market sectors identified in the 2008 EOA. The 2008 EOA utilized the *Bend 2030, General Plan, Juniper Ridge Concept Plan, Economic Sector Targeting, Deschutes County Coordinated Population Forecast, Concurrent Studies, Planning Commission and Stakeholder Input, UGB Technical Advisory Committee, and Bend's General Economic Objectives* to establish targeted market sectors. Collectively, these documents and/or partner inputs provide a comprehensive perspective of what a vital, diverse and sustainable economy that enhances the community's livability is. Because the uses are consistent General Plan designation, which is based upon the 2008 EOA, and because the 2008 EOA was based on a comprehensive perspective, Staff finds that the proposal is consistent with the goal of this section.

Goal 2. Ensure an adequate supply of appropriately zoned land in Bend to provide for a full range of industrial, commercial, and professional development opportunities.

FINDING: The uses proposed in the SPA, are consistent with uses permitted within the IL designation identified in the General Plan Map. These uses and their location have been established as being able to provide an appropriately zoned diversity of economic development opportunities and are directly reflective of the targeted market sectors identified in the 2008 EOA. As indicated elsewhere in this report, the 2008 EOA utilized a comprehensive approach to establish targeted industries. Because the uses proposed are consistent with the IL General Plan designation and because the General Plan is a comprehensive plan to ensure an adequate supply of appropriately zoned land, Staff concludes that the proposal is consistent with the policy of this section.

Goal 3. Stimulate economic development that will diversify and strengthen economic activity and provide primary and secondary job opportunities for local residents.

Goal 4. Strengthen Bend's position as a regional economic center.

FINDING: As indicated under Goal 1 of this chapter, the uses allowed in the SPA provide a diversity of economic development opportunities and are directly reflective of the targeted market sectors identified in the 2008 EOA. The 2008 EOA utilized the *Bend 2030, General Plan, Juniper Ridge Concept Plan, Economic Sector Targeting, Deschutes County Coordinated Population Forecast, Concurrent Studies, Planning Commission and Stakeholder Input, UGB Technical Advisory Committee, and Bend's General Economic Objectives* to establish targeted market sectors. Collectively, these documents and/or partner inputs provide a comprehensive perspective of what a vital, diverse and sustainable economy that enhances the community's livability is, which includes providing diverse economic primary and secondary jobs and the strengthening of Bend as a regional economic center. Because the uses are consistent with the 2008 EOA, and because the 2008 EOA was based on a comprehensive perspective, Staff finds that the proposal is consistent with the goals of this section.

Policies --

Policy 2 - The city shall place a higher priority on retaining industrial sites in the city's land base while also providing a variety of commercial sites.

FINDING: The Juniper Ridge Employment Sub-District is currently designated IL on the General Plan Map. The majority of the proposed allowable uses are the same as those allowed in the IL zone; the SPA also provides for regional corporate offices and corporate headquarters, in addition to a specific amount of personal and professional services. The allowance for regional corporate office and a corporate office establishes a land base for those particular commercial uses, and through the 2008 EOA it is documented that those uses that will strengthen Bend's position as a regional economic center. The allowance for small scale personal and professional uses provides particular commercial uses in the area, which will fosters a more efficiently diverse area; the efficiency element could overcome the need for out of area travel of employees, who would otherwise need to commute out of the area for those services. The proposal is consistent with the policy of this section.

Policy 3 - The City of Bend shall provide numerous sites in a variety of locations, types, and sizes to meet anticipated and unanticipated economic development opportunities. These locations shall be suitable from an economic standpoint and compatible with surrounding land uses.

Applicant Finding: Juniper Ridge Employment Sub-District identifies a variety of specific permitted industrial uses and is already zoned IL in the General plan, thereby insuring retention of this land for future industrial opportunities. The plan maps in the Sub-District identify blocks that are purposefully undivided so that retention of large parcels can be retained and that flexibility is allowed for future users. Buffers, setbacks, developments standards and future restrictions and design standards within CCR's will insure compatibility among differing and surrounding land uses.

FINDING: Staff concurs with the applicant finding, but notes that potential CCR's have not been provided and consequently are not being reviewed through this process. Because the applicant has proposed block lengths that allow for development flexibility (location, type, and size), buffers, setbacks, and development standards, the SPA simultaneously provides flexible development opportunities and ensures compatibility with the surrounding land uses; the proposal is consistent with this policy.

Policy 4 - The city shall provide at least a 20-year supply of economic, institutional, and associated open space lands to meet anticipated needs during the 20-year planning period as outlined in the 2008 EOA.

Applicant Finding: The 20-year supply of land is analyzed and identified in the UGB expansion proposal and the associated 2008 EOA. This analysis included the industrial land within the Juniper Ridge Employment Sub-District, as well as associated protected open space areas and the land within the future Educational Sub-District.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with the policy of this section.

Policy 9 - Large-lot and specialty employment sites are important to the overall inventory of available economic land and shall be protected through the use of zoning, deed restrictions or other appropriate instruments to ensure that these sites will not be further subdivided prior to development.

Applicant Finding: The plan maps in the Sub-District identify blocks that are purposefully undivided so that retention of large parcels can be retained and that flexibility be allowed for future users. Access consolidation standards further insure and support large lot development. In addition, CCR's will further provide assurance of retention of large lots for future users through the creation and administration of an Owner's Association that can monitor and facilitate the accommodation of future large-lot users.

FINDING: The subject property consists of the majority of vacant industrial land within the City limits; the 2008 EOA documents that this area provides opportunities to provide lands for targeted industries. The 2008 EOA establishes that given size and the public ownership of the area, the property is well suited for large-lot development. The policy of this section therefore establishes that the subject property be protected through zoning, deed restrictions or other appropriate instruments, and that the lands not be further subdivided prior to development. The proposal includes zoning standards pertaining to use, and a general transportation plan, which will indirectly dictate the size of properties, however the text does not include specific provisions related to the size of lots within the Juniper Ridge Overlay Zone or the Employment Sub-district. The applicant has indicated that CCR's will be established to further assure the retention of large lots, but has not provided draft language or details of how the CCRs will accomplish this task. Staff concludes that the zoning regulations proposed are sufficient to ensure large lots are retained in a manner consistent with this policy.

Policy 11 - The General Plan Map shall designate a supply of large industrial and commercial lots over 25 acres to attract large site users. Development Code standards shall preserve the inventory of large parcels for suitable uses⁴.

FINDING: The General Plan Map itself does not designate a supply of large industrial and commercial lots over 25 acres, instead this policy is implemented through the General Plan text and Framework Plan incorporated therein⁵. The Framework Plan is based on the following language from the 2008 EOA:

2. **Large Industrial Sites** – *Some Stakeholders believed that having at least one or two very large sites (between 50-100 acres) on hand to meet the needs of a large-site user would allow Bend to compete for firms that have ignored Bend in the past due to land supply limitations. Through the Planning Commission recommendation and City Council approval process for the UGB expansion, this site need evolved into two, 56-acre industrial sites: one for targeted economic sector uses, and another for a heavy industrial site user.*

This land is not included in any estimates for land need and would be in addition to existing land deficiencies. These sites are not included in Bend's employment projections because the industries Bend seeks for these sites are generally not present in Bend. Also, since Bend has very few large sites in its current UGB, so estimating the need for these sites based on site needs is problematic.

The Sector Targeting work calls for attracting secondary wood products, renewable energy resources, aviation, recreation equipment and specialty manufacturing, and information technologies. While the estimated needed economic lands may suit some of these sectors, two sites with a dedicated size

⁴ Policy 13 of this chapter is a replicate of Policy 11 and thus the policy will only be addressed under policy 11.

⁵ Bend Area General Plan, Ch. 1, pp 5-7

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of 56 acres each to be reserved for these uses are needed for large site users such as secondary wood products, aviation, renewable energy resources, and information technology. Stakeholders concluded that they have been approached by industries seeking large sites for these uses, but since none are in the current supply, the firms looked to other communities.

These sites are needed in addition to predicted industrial land needs because the total amount of industrial acreage is relatively small (118 acres), and placing 112 acres to be held in two large lots would consume nearly all of the needed 20-year supply. These sites are also needed because they will create the land base needed to attract Bend's targeted sectors⁶.

As a result of the 2008 EOA, the Framework Plan established two 56+ acre areas. These areas are designated as "Special Site Industrial" on the Framework Plan and are located two areas, the eastern UGB perimeter north of Hwy 20 and in "Area 5" as part of a master planned area. Because both of Special Site Industrial areas are located outside of the Juniper Ridge Overlay Zone property, the policy of this section is not applicable to the current review.

Policy 15 - The community shall strive to diversify its industrial base.

Applicant Finding: The uses permitted in the SPA, as well as the IL zoning designation identified in the General Plan, provide a diversity of economic development opportunities and are directly reflective of the targeted market sectors identified in the 2008 EOA.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with the policy of this section.

Policy 19 - Industrial areas shall be protected from incompatible commercial and residential uses.

FINDING: The subject property is designated IL on the General Plan Map. The uses that are proposed to be permitted in this SPA are neither commercial nor residential uses (other than to the extent to allow small-scale personal and professional uses). The proposed allowable uses are consistent with the IL designation and are therefore protected from incompatible uses to an extent consistent with the policy of this section.

Policy 21 - Wherever industrial zoning abut residential zoning, special development standards relating to setbacks, screening, signs, and building height shall be established.

FINDING: The adopted Development Code contains provisions to protect residential zoning in accordance with this policy. The development standards proposed in the SPA, including buffer and setback standards, exceed the standards required in the IL

⁶ *City of Bend Economic Opportunities Analysis 2008. pp. 123-124*

zone. The adopted Development Code in addition to the special area setback and buffer standards will ensure that the adjacent residential zones are preserved to an extent practical. Furthermore, the applicant has not proposed any special sign or noise standards, thus sign and noise standards that are established in the Development Code and Bend Code will be required to be met, (which have been developed to be consistent with the policy of this section). The proposed special standards, in addition to the existing Development Code and Bend Code will ensure consistency with the policy of this section.

Policy 22 - Community efforts should be directed toward improving the general appearance of industrial areas so that they make a positive contribution to the environment of the community.

FINDING: A considerable amount of time, energy, and effort has gone into the creation of a master plan for the Juniper Ridge Area, including the establishing the desired design and appearance of the industrial area. The standards within the Juniper Ridge SPA will enhance the standards in the adopted Development Code that apply to industrial development throughout the City. Furthermore, the applicant has indicated that CCR's will be developed which will require that infrastructure and private development be designed and constructed to meet the livability goals identified in the General Plan. Because the proposed SPA standards will enhance the standards in the Development Code and the standards of the Development Code are consistent with this policy, Staff concludes that the proposal is also consistent with the policy of this section.

Chapter 7 – Transportation Systems

Goals –

- Develop a transportation system that serves all modes of travel and reduces the reliance on the automobile.**

Applicant Finding: The Transportation Plan Map for the Employment Sub-District identifies facilities for a variety of practical modes of transportation, including automobiles, trucks, bicycles and pedestrians. In addition, utilization of a Transportation Demand Management program, including various incentives, will be formalized through the Codes, Covenants and Restrictions (CCR's); the TDM program will further insure fostering of all practical modes of transportation, such as car pooling, alternative work hours and public transportation.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with this goal.

- Provide a variety of practical and convenient means to move people and goods within the urban area.**

Applicant Finding: The Transportation Plan Map for the Employment Sub-District identifies facilities for a variety of practical modes of transportation, including automobiles, trucks,

bicycles and pedestrians. In addition, utilization of a Transportation Demand Management program, including various incentives, will be formalized through the Codes, Covenants and Restrictions (CCR's); the TDM program will further insure fostering of all practical modes of transportation, such as car pooling, alternative work hours and public transportation.

FINDING: Staff concurs with the applicant finding and adds that in addition to the general street designs and proposed pathways to move people in the area, and in consideration of the industrial nature (including the likelihood of large truck traffic), the applicant has proposed a specific local truck road design. The local truck road location and design will enhance the ability to provide a convenient and practical means to move goods in the area; the proposal is consistent with the goal of this section.

- Encourage the coordination of transportation modes and land use patterns that maximize efficiency and minimize number and length of all trips.**

FINDING: The applicant has indicated that the SPA team has directly coordinated with ODOT on land use and transportation analysis in order to insure complete understanding of land use/transportation issues. The applicant has submitted a report by DKS, which summarizes this coordination and explains the intent to maximize efficiency of the transportation system, including both ODOT and City facilities, which would be potentially impacted by development in Juniper Ridge. Outside of this application, transportation analyses have been conducted and possible solutions related to a highway interchange on the north side of Bend have been studied. While the site-specific transportation plan (Figure 2.7.2040.B) has been drafted to be consistent adopted TSP, the DKS report references external forecasting work of the NE Bend Transportation Study and the US 97 North Corridor Project. The work completed in these external studies and synthesized in the DKS report reveals that functional classification of the roadways in the Juniper Ridge area, documented in the TSP, may need to be updated prior to development being permitted in the area. It is possible that this work would be necessary prior to any approval that would increase trips on the system, i.e. a zone change or site development in the area. However, as the SPA acts as a guide and provides administrative structure intended to lead to the future accommodation of industrial development, the guidance standards therein do not create any additional trips. The adopted Development Code includes review procedures for zone changes and for site development, which will require additional review, planning, and development of the transportation system (possibly updates to the TSP or alternative Traffic Demand Management or Traffic System Management) as necessary. The Juniper Ridge specific transportation plan and the supporting documentation, in addition to the established Development Code review requirements and procedures are adequate to ensure consistency with this policy.

- Minimize the adverse impacts to the natural features when making transportation improvements for any mode.**

Applicant Finding: The development of the transportation plan map included significant revisions that were reflective of an intent to preserve as much of the identified heritage trees as possible. In addition, the roadways also are located so that open space areas and associated rock outcrops are preserved but still accessible from the adjacent street network.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with the goal of this section

- Implement transportation improvements to foster economic development and business vitality.**

FINDING: The Juniper Ridge area is intended to foster economic development and business vitality for targeted sectors as detailed in the 2008 EOA. Considering the expected uses, the applicant has proposed special standards and specific street designs to serve the intended users. The proposal is consistent with the goal of this section.

Policies –

Policy 6.9.1-4 - Developments at the edge of the urban area shall be designed to provide connectivity to existing and future development adjacent to the urban area.

FINDING: The Juniper Ridge transportation plan map identifies specific locations for connectivity to existing and future development. Comments from the Traffic Engineer noted that there are four local streets on the west side of the property, one major collector on the south side of the property, and an approximately 30 acre undeveloped property adjacent to the Juniper Ridge, which constitute “existing and future development.” The proposal includes a connection to the major collector, but not to all of the local streets. The Traffic Engineer noted that the four existing street local street stubs to the west were created in a residential neighborhood, with shorter block length and width requirements and needs than the Juniper Ridge Employment Sub-district. Given the differing use types, the Traffic Engineer commented that two local street connections to the west is adequate.

In regards to the underdeveloped 30-acre parcel to the west, the Traffic Engineer suggested that consistency with this section could be accomplished via a connection thereto. In response to the Traffic Engineer’s comments, the applicant revised the transportation plan to relocate the westerly connection to this underdeveloped property, and retained an optional road to the southern edge of the subdivision to the west. Given the development parameters established by other policies (large lot development), the proposed transportation provides a connection to each existing and possible future development in a manner consistent with this policy.

Policy 6.9.1-7 -The City shall be receptive to innovative development proposals, including zone changes, plan amendments, and text changes

that promote alternatives to vehicular traffic and demonstrably reduce vehicle trips and trip lengths.

Applicant Finding: The Transportation Plan Map for the Employment Sub-District identifies facilities for a variety of practical modes of transportation, including automobiles, trucks, bicycles and pedestrians. In addition, utilization of a Transportation Demand Management program, including various incentives, will be formalized through the Codes, Covenants and Restrictions (CCR's); the TDM program will further insure fostering of all practical modes of transportation, such as car pooling, alternative work hours and public transportation.

FINDING: The proposal is a text amendment and as documented by the applicant it includes innovative development concepts, which will promote alternatives to vehicular traffic, provides street designs for the intended users, and it will reduce trips and trip lengths. Consistency with this policy would require the City to be receptive of the proposal.

Policy 6.9.2-1 - The City shall adopt land use regulations to manage the location and number of driveways and access points, on all major collector and arterial streets.

FINDING: The SPA specifically addresses access management issues in Section 2.7.2040.I., including the number of access points, spacing standards and shared access requirements. The proposal will not restrict direct access to individual properties, it will provide a balanced transportation system, and it protects the rights of reasonable access to private property, while simultaneously ensuring the rights of citizens to safe and efficient travel. This proposal has been reviewed and found to be acceptable by the City Transportation Engineer; the proposal is consistent with the policy of this section.

Policy 6.9.2-2 - The City shall ensure that land use actions are consistent with the access management policies of the Oregon Department of Transportation along the state highways located in the urban area.

FINDING: The applicant has indicated that there are no ODOT facilities directly adjacent to the subject property. The applicant has also documented that ODOT has been participated in the Juniper Ridge development plans. The City mailed notification of the proposal to ODOT, but did not receive any comments from ODOT in regards to this land use action. The proposal is consistent with the policy of this section.

Policy 6.9.2-4 - Provide cost effective transportation improvements and implement strategies that will improve the efficiency and function of existing roadways.

Applicant Finding: The transportation plan map identifies an efficient grid-pattern network of transportation facilities that can accommodate a variety of modes of transportation. These roadways are classified in compliance with the adopted TSP, and further conveyed in the

associated street cross sections of the SPA. Cost issues will be further addressed in various forms under subsequent zone change and subdivision applications.

FINDING: Staff concurs with the applicant finding and concludes that the proposal in association with the adopted Development Code provisions will ensure consistency with this policy.

Policy 6.9.4-6 - The City shall facilitate easy and safe bicycle and pedestrian crossings of major collector and arterial streets. Intersections shall be designed to include pedestrian refuges or islands, curb extensions and other elements where needed for pedestrian safety. Also, bike lanes shall be extended to meet intersection crosswalks.

Applicant Finding: The transportation plan map and associated street cross sections identify bikeways and pedestrian facilities; the plan also identifies intersections that are designed for safe bike and pedestrian crossing. Further insurance of curb extensions and safety improvements to transportation facilities can be administered through future subdivision and site plan review applications.

FINDING: This policy is generally implemented through Chapter 3.4 – Public Improvements of the Development Code and the adopted City Standards and Specifications. The applicant has proposed a site-specific transportation plan (Figure 2.7.2040.B) in addition to street cross section designs, which collectively provided a safe pedestrian and bicycle network. The street designs have been reviewed and found to be acceptable by the Transportation Engineer, thus Staff adopts the applicant finding and concludes that the proposal is consistent with this policy.

Policy 6.9.4-7 - Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.

FINDING: The proposal includes a site specific transportation plan that identifies the planned location of both arterials and major collector street. The SPA includes design cross sections for these streets, which include bicycle lanes. Upon development the streets, bicycle lanes will be required to be installed. The proposal is consistent with this policy.

Policy 6.9.4-8 - Property-tight (setback) sidewalks shall be required on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist.

FINDING: The applicant has proposed special street standards and the proposed design cross sections document that property-tight sidewalks are proposed on all street classifications. The applicant has also identified multi-use paths in some area, which will allow for pedestrian access in a manner that is consistent with the urban trail system specified in the Transportation system plan (TSP). The proposal is consistent with the policy of this section.

Policy 6.9.4-9 - Landscape areas shall separate the edge of pavement and sidewalks on new and reconstructed roads to allow for water quality treatment and storage of snow.

FINDING: The applicant has proposed special street standards, which landscaped planter strips. These areas are large enough to provide for the storage of snow. Additionally these areas could allow for water quality treatment⁷. The proposal is consistent with this policy.

Policy 6.9.4-13 - Bicycle and pedestrian facilities shall be designed and constructed to minimize conflicts between transportation modes.

FINDING: The proposal includes bicycle lanes, sidewalks, and urban trails that are separated from the vehicular travel lanes. The bicycle lanes and sidewalks are consistent with the standards established in the Development Code and City Standards, and the urban trails are in substantial conformance with the TSP. The proposal is consistent with this policy.

Policy 6.9.6-1 - Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, storm water retention and treatment, snow storage, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.

Applicant Finding: The transportation plan map is a direct reflection of the TSP, the Cooper Robertson Plan and substantial coordination with City Transportation Planning/Engineering staff and consultants. In addition, the City Engineer has reviewed and approved all street cross sections for compliance with all applicable City street design standards. The network design of the transportation plan map generally includes both north-south and east-west directional patterns.

FINDING: Staff concurs with the applicant finding and notes that the SPA only conceptually locates and designs the streets in a manner consistent with the TSP. The SPA acts as a guide and provides administrative structure intended to lead to the future accommodation of industrial development. The exact location, design and construction will be completed in association with development. The site specific transportation plan,

⁷ Although these areas could allow for water treatment, in a September 24, 2009 letter and map, the applicant has noted that additional storm water retention areas will need to be provided outside of the landscape areas noted in this policy.

in addition to design cross sections, have been reviewed and found to be acceptable by the Traffic Engineer and the Public Works Department. Staff concludes that the proposal in addition to the development provisions established the adopted Development Code will ensure consistency with this policy.

Policy 6.9.6-3 - Streets shall be classified and generally located according to the Bend Urban Area - Roadway System Plan (TSP Map Exhibit A/General Plan Figure 7-6), the Street Functional Classification (TSP Table 12/General Plan Figure 7-5), and the Street Grid System (TSP Figure 29/General Plan Figure 7-4). Street right-of-ways and improvements standards shall be developed to meet the needs of the Transportation Plan and Functional Classification System. Transportation project development review and approval shall be subject to the provisions of the Bend Development Code and Oregon Administrative Rule 660-012, Section 0050, as applicable.

FINDING: These elements are individually addressed below.
Bend Urban Area – Roadway System Plan (TSP Map Exhibit A/General Plan Figure 7-6). The Bend Urban Area – Roadway System Plan in the vicinity of the subject property and the Juniper Ridge Transportation Plan Map are identified below:

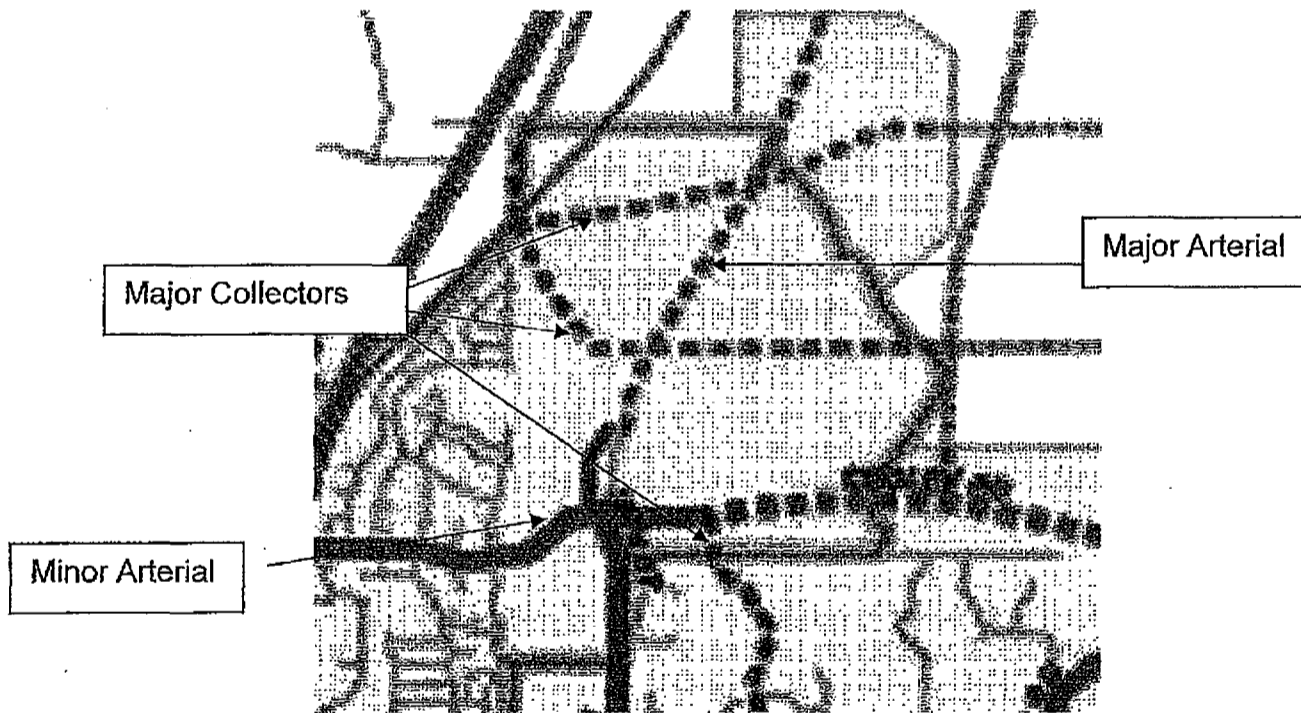
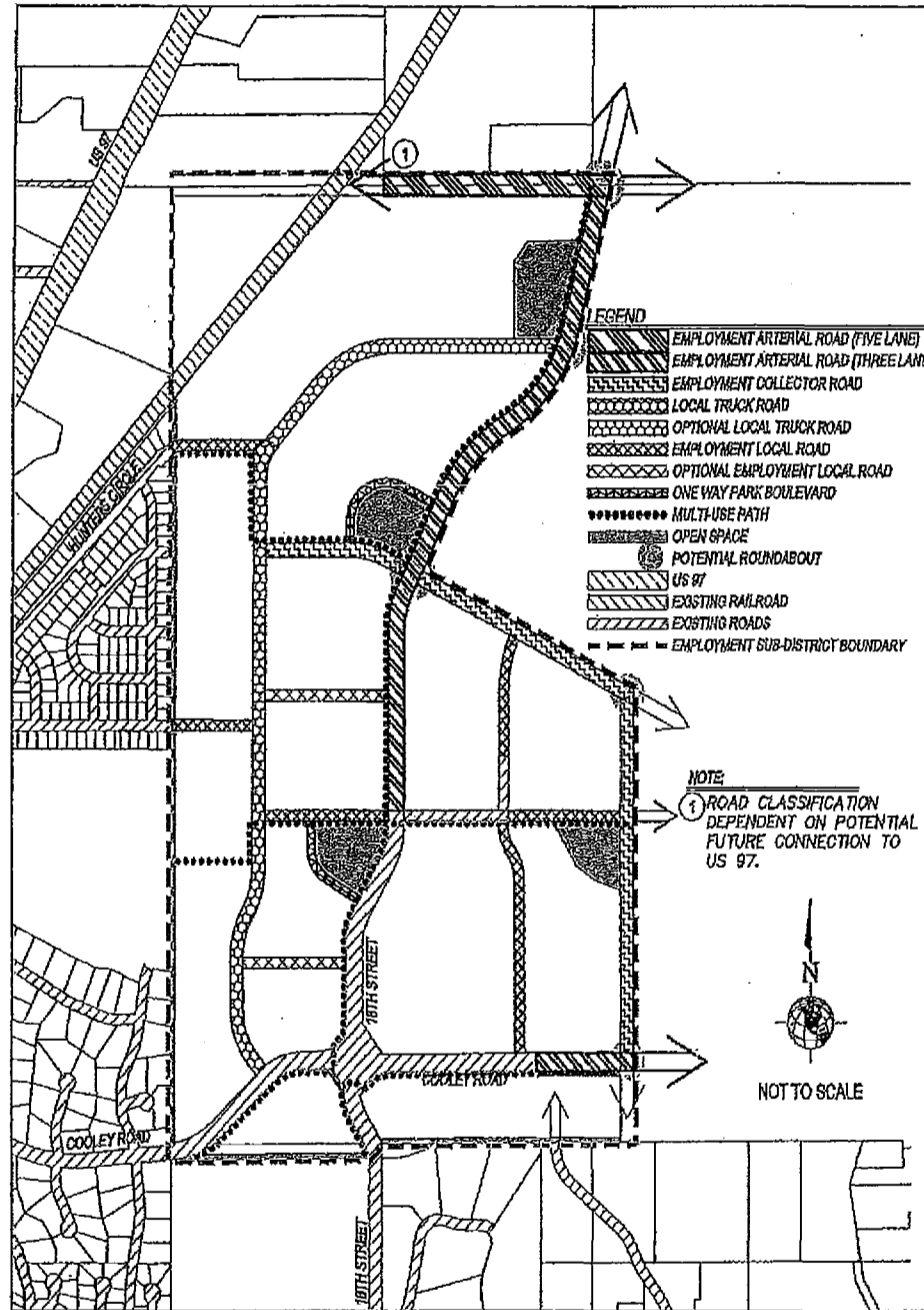


Figure 2.7.2040.B
 Employment Sub-District Transportation Plan Map



The primary elements contained in the adopted TSP Map are a proposed Major Arterial extending 18th Street from Cooley Road in a northeasterly direction, a Minor Arterial extending Cooley Road in an east/west direction, two proposed Major Collectors, crossing the site and intersecting in the northwestern quadrant, where they extend north along the property boundary and a Major Collector which intersects Cooley Road.

The Juniper Ridge transportation plan roadway locations reflect the adopted TSP; the only minor exception is the Major Collector that connects to the northwestern boundary line along the western property line. The burden of proof indicates that due to extreme topographic constraints, the different zoning designation, and intensity of use of the neighboring properties, including the intent to develop large lots served primarily by arterials and collectors, it is not practical to develop a collector along the western property line. To provide an alternate connection to the northwest quadrant, with the same amount of connectivity, the applicant has proposed collector connections identified in the Juniper Ridge Employment Sub-district Transportation Map. Because the TSP map itself notes that "The proposed roadway alignments shown on this map are general in nature. Precise roadway alignments will need to comply with City of Bend street standards, and other engineering and design work that will be conducted as part of the land development process" and because the policy of this section anticipates variations in the exact roadway location (it only states "generally located") staff concludes that the proposal is consistent with this policy requirement.

Street Functional Classification Figure 7-5 and Street Grid System (TSP Figure 29/General Plan Figure 7-4). These figures provide typical characteristics for the street classification in the City, including projected daily traffic, spacing, trip length, vehicle lanes, bike lanes, sidewalks, and parking. The TSP provides for street types, the site specific transportation plan is consistent with the adopted TSP, staff concludes that the proposal is consistent with this policy requirement.

Additionally, in regards to this policy, evidence related to external studies that have been submitted into the record suggesting that the adopted TSP may not accurately reflect future trips on the system. In consideration of external studies, text has been proposed in Section 2.7.2040.J which will ensure that any amendments to the TSP will be similarly effectuated in this transportation plan figure of the SPA. Staff concludes that the SPA provides an efficient mechanism to document consistency with the adopted TSP, while simultaneously providing for possible future amendments; the proposal is consistent with this policy.

Policy 6.9.6-6 - Access control development standards for major collectors, arterials, principal arterials and expressways shall be incorporated into the Bend Development Code and related street standards to ensure that adequate public safety and future traffic carrying capacity are maintained. The city of Bend *Arterial Access Policy* (Street Policy No. 2) and the *Access Management Policy* (Street Policy No. 4) shall be reviewed and revised, and new street policies shall be adopted if necessary.

FINDING: Access controls, including Street Policy No. 2 and Street Policy No. 4, have been incorporated Chapter 3.1 of the Bend Development Code, to the extent applicable. Given the expected users of the area, the proposal includes minor modifications to established access controls in Section 2.7.2040.I., including the number of access points, spacing standards, and shared access. The proposed access management standards have been reviewed and found to be acceptable by the Transportation Engineer. The proposal is consistent with the policy of this section.

Policy 6.9.6-23 - Landscaped medians should be included on all arterial streets, except where right-of-way acquisition is not possible, that incorporate left-turn refuge lanes at controlled intervals to improve community appearance, maintain system mobility and to reduce the adverse affects of wide street widths to all types of travel (Figure 28). On streets with multiple vehicle lanes and wide curb radii, pedestrian refuge islands shall be constructed to minimize street crossing distances.

Applicant Finding: Specific street cross sections have been designed to include landscape medians for arterial streets, including accommodation for left turn lanes, when appropriate. These medians can also serve as pedestrian refuge islands. Final street design proposals will be reviewed at subdivision and site plan review stages of projects, which will further insure adherence to these standards.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with this policy.

Policy 6.9.6-24 - Frontage roads shall be provided parallel to arterial streets, as illustrated on the Bend Urban Area Roadway System Plan Map or as determined necessary by the City or State, to maintain an acceptable level of safety and carrying capacity on the arterial street system.

FINDING: The Bend Urban Area Roadway System Plan does not identify any frontage roads in the area of the proposed SPA. Also, the SPA does not propose any frontage roads. The proposal is consistent with this policy.

Policy 6.9.6-30 - The City transportation system should be planned and designed consistent with the Bend Metropolitan Regional Transportation Plan (MTP) and the ODOT Oregon Highway Plan.

Applicant Finding: The SPA team has directly coordinated with ODOT and City of Bend staff on land use and transportation issues/analysis, including review by staff for consistency with the Bend Metropolitan Regional Transportation Plan (MTP) and the ODOT Oregon Highway Plan. A report by DKS summarizes this coordination and explains the intent to maximize efficiency of the transportation system, including both ODOT and City facilities that are impacted and related to Juniper Ridge; further analysis and Transportation Planning Rule compliance will be addressed under a subsequent zone change application for portions of the Employment Sub-District.

FINDING: Staff concurs with the applicant finding, notes that the SPA transportation alignments are consistent with the adopted TSP, and the adopted TSP is consistent with this policy. Furthermore, ODOT has been notified of the proposal and to date has not provided any comments into the record of this application. Staff concludes that that the proposal is consistent with this policy.

Chapter 8 – Public Facilities and Services

Goals -

- To have public and private utility systems provide adequate levels of service to the public at reasonable cost;**
- To ensure that public facilities and services will not have negative impacts on the environment or the community; and**
- To locate and operate public buildings and other public facilities to best serve the needs of the residents.**

FINDING: The applicant has provided assessments of all public facilities and documented that the SPA has been coordinated with public and private utility providers. The documentation submitted indicates that it would be feasible for public and private utility systems to be provided to the site in a manner that is consistent with all adopted master plans. Additional review of details, phasing, and costs is accomplished through subsequent land use reviews, including zone changes and/or development. The proposal, in addition to the established Development Code requirements, will ensure consistency with these goals.

Policies -

Sanitary Sewer Facility and Systems

- 1. The city shall provide a wastewater collection system predicated on gravity flow to serve the urban area of Bend.**

FINDING: The adopted City wastewater master plan is predicated on gravity flow to serve the urban area of Bend. The applicant has submitted an assessment of the wastewater system. The assessment identifies potential upgrades necessary to serve the Juniper Ridge area and documents upgrades could be accomplished in a manner consistent with the City wastewater master plan. Also the applicant has not proposed any special standards in regards to the wastewater system in the SPA area. Because a sanitary sewer system has not been proposed, and because no special sanitary sewer standards have been proposed, and further because the assessment documents that a sewer system could be developed in accordance with the master plan, Staff concludes that the proposal is consistent with this policy.

2. **The Wastewater Collection System Master plan shall direct the development of the system and be the basis for all sewer planning and capital improvement projects.**

FINDING: The applicant has proposed neither a wastewater plan nor any new development in association with the SPA; furthermore the applicant has not proposed any special standards in relation to wastewater collection. The applicant has submitted an assessment of the wastewater system, including potential upgrades necessary to serve the Juniper Ridge area. The assessment documents that a wastewater system for the specific area could be developed that could connect to the larger City facility, as directed in the Wastewater Collection System Master Plan. The proposal is consistent with this policy.

3. **The city shall require the extension of sewer lines for all development within the UGB.**

FINDING: The SPA does not request any exception from this policy, which is implemented through the established land review process. Furthermore, the applicant has submitted an assessment of the sewer system and documented that future development could be served via an extension of sewer lines. The proposal is consistent with this policy.

9. **The City sewer system shall rely on gravity for collection. New pumping stations shall be regional.**

FINDING: As indicated in Policy 1, the City's sewer system shall be predicated on gravity, the details of the system are established in the City sewer master plan. The applicant has submitted an assessment of the sewer system needs for the Juniper Ridge area and documented that a system could be developed in a manner that is consistent with the adopted master plan. The assessment documents that a system that primarily relies on gravity for collection could be established. The proposal in addition to the procedures of the Development Code will ensure consistency with the policy of this section.

Water Facilities and Systems

10. **The Water Master Plan shall direct the development of the system and be the basis for all water planning and capital improvement projects.**

FINDING: The applicant has proposed neither a site specific water plan nor any new development in association with the SPA; furthermore the applicant has not proposed any special standards in relation to water facilities. The applicant has submitted an assessment of the water system, including potential upgrades necessary to serve the Juniper Ridge area. The assessment documents that a water system for the specific area could be developed and could connect to the larger City, as directed in the Water System Master Plan. The proposal is consistent with this policy.

- 11. Within the urban planning area, public and private water systems shall be consistent with city standards for construction and service capabilities.**

FINDING: The applicant has not proposed any special standards in relation to the water system. Consistency with this policy is implemented through the standards and procedures established in the Development Code and Standards and Specification. Since the applicant has not proposed to alter any of the standards as they related to the water system, consistency with the policy of this section will be ensured through the standards and procedures established in the Development Code.

- 12. The city shall continue to coordinate with private providers and irrigation districts in matters of water concerns within the Urban Growth Boundary.**

FINDING: The SPA property is located within the boundaries of the Central Oregon Irrigation District and partially located within the Avion Water Service District. The applicant has indicated that they have coordinated with both of these entities. Furthermore, notification of the proposal was provided to both Avion and the Central Oregon Irrigation District, neither of whom have provided comments into the record. The proposal is consistent with this policy.

Storm Drainage Facilities and Systems

- 15. All public and private stormwater facilities shall be designed and operated in accordance with the City's Stormwater Master Plan and shall meet appropriate drainage quantity and quality requirements including, but not limited to, the requirements in the City's National Pollutant Discharge Elimination System MS4 Stormwater Permit, integrated Stormwater Management Plan, WPCF Underground Injection Control Permit and any applicable Total Maximum Daily Load requirements.**

FINDING: The City has not yet adopted a Stormwater Master Plan; however a draft is available for guidance. Furthermore, the applicant has not proposed any special standards in regards to storm water management. Storm water management for public streets is often interrelated with the street and right of way design. The applicant has proposed special street design cross sections. Given the proposed street designs and locations of the streets, the applicant's assessment indicates that storm water associated with a 20 year / 24 hour storm event could not entirely be accommodated within the street cross section right of way. The assessment does however document that storm water could be maintained on the site, near the rights of way, in infiltration ponds. Comments received from the Public Works Division indicate:

Specifically in regards to the storm drainage submittal received, sheet ST1.0 dated 9/24/09 by WH Pacific called "Conceptual Stormwater Plan" provides for a plan of regional detention and infiltration. This plan includes no specific conveyance systems, basin elevations, site topograph or contour elevations.

To date, standard development practice in the City of Bend has been based on systems of catch basins and drywell or roadside swales. City of Bend standards and specifications assume this approach to stormwater conveyance and infiltration. These systems are characteristically gravity systems and include relatively short pipe runs, mainly street crossings and short pipe runs from catchbasins to drywells. Historically City of Bend maintenance for stormwater facilities has included catch basin and drywell cleaning with vactor trucks and minimal annual pipe cleaning of street culvert cross pipes.

The proposed regional retention approach for storm water suggested by the "Conceptual Stormwater Plan" does not include details for stormwater conveyance such as pipe lengths and sizes or details showing a gravity conveyance system. These criteria cannot be assumed from the information provided. Excessive pipe lengths that would exceed the resources of the City of Bend to clean or maintenance of pumping systems necessary to move water by means other than gravity would be outside of a standard approach for storm water system maintenance for the City of Bend. This approach would require an additional maintenance agreement or special assessment for storm system maintenance that should be in place before any alternative storm drainage system was approved. Per City of Bend standards, chapter 3.4, Public Improvement Standards, Chapter 3.4.500 Storm Drainage Improvements, Section B, "[Drainage] facilities shall be subject to review and approval by the City Engineer."

Per this SPA application, no approvals for any alternative approaches to stormwater should be assumed or implied.

As indicated elsewhere in this report, the SPA is not intended to enable any development in the area (including storm water management systems), instead it is intended to act as a guide which leads to future accommodation of industrial development. The applicant has not proposed public facilities at his time (including transportation system and storm water management system). Detailed planning of the storm water management system will be ensured through procedures established within the Development Code (including zone change, land division, and site development), as necessary. Because storm water can be maintained on the site, because the applicant has not proposed and special storm water management system standards, because in Development Code specifically identifies the allowance of drainage facilities outside of dedicated right of way, and because the Development Code requires ultimate review and approval of storm water systems from the City Engineer, staff concludes that the proposal is consistent with the policy of this section to the extent applicable at this time. Additional review and approval will be required via subsequent development applications.

18. Street design standards shall provide for the storage and treatment of surface water run off within the public right of way.

FINDING: The applicant has proposed special street design cross sections for the Juniper Ridge Employment Sub-district area. All of the cross sections provide an area for the storage and treatment of surface water run-off. The storm water assessment indicates that stormwater associated with a 20 year / 24 hour storm event would necessitate infiltration ponds in addition to the area within the right of way for the storage and treatment of surface water run off. Thus although the area within the right of way can not accommodate all storm events, the street designs proposed do provide

for the storage and treatment of surface water run off within the public right of way; the proposal conforms to the policy of this section.

19. Development shall, to the extent practicable, contain and treat storm drainage on-site.

FINDING: This policy is implemented through existing standards within the Development Code. The applicant has neither proposed development at this time, nor proposed a modification to the Development Code provision that requires drainage to be maintained on site. The proposal, in addition to the adopted Development Code provisions will ensure consistency with this policy.

Chapter 9 – Community Appearance

No amendments per NS-2112 (see section below for applicable goals and policies).

B. Previously adopted and acknowledged General Plan

A number of the goals and policies were not changed in association with the January 4, 2009 General Plan Amendments (NS-2112). Rather than reiterating the findings herein, where the goals, policies and findings thereto are unchanged from those previously provided, only a reference to the previously noted finding(s) will be provided.

Chapter 1 – Plan Management and Citizen Involvement

Goals –

- **Natural Beauty and Heritage...**
- **Quality Economic Growth ...**
- **Transportation Options Appropriate to Bend...**

FINDING: The noted goals of this section were not amended in the January 5, 2009 amendments (NS-2112); staff findings noted above are incorporated herein.

Chapter 2 – Natural Features and Open Spaces

Goals –

- **to preserve interesting and distinct geologic formations...**
- **to establish a system of trails, greenways and wildlife...**
- **to shape the urban development and provide visual relief...**

FINDING: The goals of this section were not amended in the January 5, 2009 amendments (NS-2112); staff findings noted above are incorporated herein.

Policies -

5. Major rock outcrops, stands of trees, or other prominent natural features identified in the General Plan shall be preserved as a means of retaining the visual character and quality of the community.

FINDING: This policy is the same as Policy 9 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

6. Natural tree cover shall be retained along streets in all developments to preserve the natural character of Central Oregon within the urban area as the community grows. Native trees may be substituted for required street trees when located within 10-feet of the right of way.

FINDING: This policy is the same as Policy 10 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

12. The city and the county shall have the primary responsibility for providing opportunities for the creation and management of private open space areas.

FINDING: This policy is similar to Policy 17 of the January 5, 2009 amendments (NS-2112), except that this policy also references the county. Because the difference is only minor, Staff concludes that the findings for Policy 17 of the January 5, 2009 amendments (NS-2112) remain appropriate and is incorporated herein.

Chapter 3 – Community Connections

Goals –

- to provide quality green spaces, natural areas, and recreation...
- to coordinate the development of future park and school sites...

FINDING: The goals of this section were not amended in the January 5, 2009 amendments (NS-2112); staff findings noted above are incorporated herein.

Policies -

Policy 20. The trails designated on the Bend Urban Area Bicycle and Primary Trail System Plan shall be the basis for developing a trail system that serves the recreation and transportation needs of the community.

FINDING: This policy is the same as Policy 11 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 21. The city, when practical, shall require connecting links to the urban trail system from all adjacent new developments.

FINDING: This policy is the same as Policy 12 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Chapter 5 – Housing and Residential Lands

Policies -

Policy 1. Future development and local development standards shall recognize and respect the character of existing areas.

FINDING: This policy is the same as Policy 20 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 5. Of necessity, nonresidential uses will have to abut residential areas in different parts of the community. In these instances, any non-residential use shall be subject to special development standards in terms of setbacks, landscaping, sign regulations, and building design.

FINDING: This policy is the same as Policy 10 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Chapter 6 – The Economy and Lands for Economic Growth

Goals –

- **Have a vital, diverse and sustainable economy...**
- **Ensure an adequate supply of appropriately zoned land in Bend ...**
- **Stimulate economic development that will diversify and strengthen...**
- **Strengthen Bend's position as a regional economic center.**

FINDING: The goals of this section were not amended in the January 5, 2009 amendments (NS-2112); staff findings noted above are incorporated herein.

Policies -

Policy 2. Prior to permitting industrial development on the Juniper Ridge site, the City shall prepare and adopt a development plan for the area. Preparation of the plan shall include an assessment of public facilities improvements, including implementing transportation facility improvements that may be needed to support industrial development.

Applicant Finding (September 22 letter): The SPA serves as a development plan, providing development standards that will guide future land development in the area. As part of SPA development, the applicant representative has coordinated with City staff, as well as MSA and WH Pacific, (consulting firms) to identify all major infrastructure issues. An assessment of water, sewer, transportation, storm water, gas and power and have been completely assessed by the applicant team, details are included in the record (Tab F). The plan maps and text which are based upon the assessments serve as development standards to guide future infrastructure

development. The SPA text includes detailed standards for implementing transportation facilities necessary to support industrial development and additional infrastructure development will ultimately occur as necessary and required in association with future zone changes and/or private land development on the property.

FINDING: Staff concurs with the applicant finding and adds that the SPA is intended to act as a guide and provides administrative structure only. The SPA does not propose development; it provides guidance within the Development Code of a larger development plan⁸. The applicant has provided evidence into the record documenting that public facilities within the Juniper Ridge Area have been assessed. The proposal is consistent with this policy.

Policy 3. The development plan for the Juniper Ridge site shall allocate at least 30% of total net buildable area for sites of ten acres and larger in size. Through the use of deed restrictions or other appropriate instruments, the City shall ensure that these large-lot sites will not be further subdivided prior to development.

Applicant Finding: The plan maps in the Sub-District identify blocks that are purposefully undivided so that retention of large parcels can be retained and that flexibility is allowed for future users. All of these blocks are at least 10 acres. Access consolidation standards further insure and support large lot development. In addition, CCR's will further provide assurance of retention of large lots for future users through the creation and administration of an Owner's Association that can monitor and facilitate the accommodation of future large-lot users.

FINDING: The subject property consists of the majority of vacant industrial land within the City limits; the 2008 EOA documents that this area provides opportunities to provide lands for targeted industries. The 2008 EOA establishes that given size and the public ownership of the area, the property is well suited for large-lot development. The policy of this section therefore establishes that the subject property be protected through zoning, deed restrictions or other appropriate instruments and that the lands not be further subdivided prior to development. The proposal includes zoning standards pertaining to use, and a general transportation plan, which will indirectly dictate the size of properties, however the text does not include specific provisions related to the size of lots within the Juniper Ridge Overlay Zone or the Employment Sub-district. The applicant has indicated that CCR's will be established, but has not provided draft language or details of how the CCRs will retain large lots. Staff concludes that although deed restrictions have not been submitted for review, the zoning regulations proposed are sufficient to ensure large lots are retained in a manner consistent with this policy.

Policy 4. The city shall work to preserve prime industrial lands for industrial purposes.

FINDING: The subject property is designated IL on the General Plan and it contains a significant amount of the available undeveloped industrial land within the current city

⁸ This policy does not require that a development plan be adopted within the code.

limits. The Juniper Ridge Special Planned District is based upon the Cooper Robertson Master Plan, the allowable uses identified in the Juniper Ridge Employment Sub-District are consistent with the IL designation and have been based on the target sectors in the 2008 EOA. The City has exerted considerable resources in the development proposal, and because the uses identified are generally consistent with those of the existing industrial zones in addition to targeted sectors, the applicant has documented that the City has provided for the preservation of this land for its intended uses. The proposal is consistent with this policy.

Policy 5. The community shall attempt to diversify its industrial base.

FINDING: This policy is in substantial conformance with Policy 15 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.⁹

Policy 8. Industrial areas shall be protected from incompatible commercial and residential uses.

FINDING: This policy is the same as Policy 19 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 10. Wherever industrial uses abut residential uses or residential zoning, special development standards relating to setbacks, screening, signs, and building height shall be established.

FINDING: This policy is the same as Policy 21 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 11. Community efforts should be directed toward improving the general appearance of industrial areas so that they make a positive contribution to the environment of the community.

FINDING: This policy is the same as Policy 22 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Chapter 7 – Transportation Systems

Goals -

- **Develop a transportation system that serves all modes of travel and reduces the reliance on the automobile.**
- **Provide a variety of practical and convenient means to move people and goods within the urban area.**

⁹ The difference is that policy 15 states that, "The community shall *strive* to diversify..."

FINDING: The noted goals of this section were not amended in the January 5, 2009 amendments (NS-2112); staff findings noted above are incorporated herein.

- **Encourage the development of land use patterns that provide efficient, compact use of land, and facilitate a reduced number and length of trips.**

FINDING: The SPA transportation system plan in addition to the proposed allowable uses will guide the land use patterns in the area. The SPA transportation plan will facilitate large lot development, which is intended in this area. The SPA also allows for small scale personal and professional services, which by keeping trips in the area for such uses, will facilitate efficient use of the land and reduced number of trips outside of the area. Additionally, the area includes an extensive pedestrian and bicycle system network. The applicant has indicated that the SPA team has directly coordinated with City Staff on land use and transportation analysis in order to ensure complete understanding of land use/transportation issues. A report has been provided by DKS that summarizes the intent to maximize efficiency of the transportation system. The proposal is consistent with this policy.

- **Recognize and respect the natural features over which transportation improvements pass to minimize adverse impacts.**

Applicant Finding: The development of the transportation plan map included significant revisions that were reflective of an intent to preserve as much of the identified heritage trees as possible. In addition, the roadways also are located so that open space areas and associated rock outcrops are preserved but still accessible from the adjacent street network.

FINDING: Staff concurs with the applicant finding and concludes that the proposal is consistent with this policy statement.

- **Implement transportation improvements to foster economic development and business vitality.**

FINDING: This goal was not amended in the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policies –

Policy 6.9.1 - 4. Developments at the edge of the urban area shall be designed to provide connectivity to existing and future development adjacent to the urban area.

Policy 6.9.1 - 7. The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and trip lengths.

Policy 6.9.2 - 1. The City shall adopt land use regulations to limit the location and number of driveways and access points, and other access management strategies on all major collector and arterial streets.

Policy 6.9.2 – 2. The City shall ensure that land use actions support the access management policies of the Oregon Department of Transportation along the state highways located in the urban area.

FINDING: These policies were not amended in the January 5, 2009 amendments (NS-2112); staff findings noted above are incorporated herein.

Policy 6.9.4 - 5. The City shall facilitate easy and safe bicycle and pedestrian crossings of major collector and arterial streets. Intersections shall be designed to include pedestrian refuges or islands, curb extensions and other elements where needed for pedestrian safety. Also, bike lanes shall be extended to meet intersection crosswalks.

FINDING: This policy is the same as Policy 6.9.4-6 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 6.9.4 - 6. Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.

FINDING: This policy is the same as Policy 6.9.4-7 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 6.9.4 - 7. Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.

FINDING: This policy is similar to Policy 6.9.4-8 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 6.9.4 - 10. Bicycle and pedestrian facilities shall be designed and constructed to minimize conflicts between transportation modes.

FINDING: This policy is the same as Policy 6.9.4-13 of the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 6.9.6 - 1. Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.

FINDING: This policy was not modified in the January 5, 2009 amendments (NS-2112); the referenced finding is incorporated herein.

Policy 6.9.6 - 3. Streets shall be classified and generally located according to the Bend Urban Area - Roadway System Plan (Map Exhibit B), the Street Functional Classification (Table 12), and the Street Grid System (Figure 29). Street right-of-ways and improvements standards shall be developed to meet the needs of the Transportation Plan and Functional Classification System.

FINDING: This policy was substantially unchanged in the January 5, 2009 amendments (NS-2112), except that the amendment included a reference to the Bend Development Code and Oregon Administrative Rule 660-12. The finding stated previously remains appropriate and is incorporated herein.

Policy 6.9.6 - 6. Access control shall be of the design standards for major collectors, arterials, principal arterials and expressways to ensure that adequate public safety and future traffic carrying capacity are maintained while at the same time preserving appropriate access to existing development and providing for appropriate access for future development.

FINDING: This policy was slightly modified in the January 5, 2009 amendments (NS-2112) to establish that development standards be incorporated into the Development Code and that specific street policies be reviewed. The findings noted above adequately address consistency with this policy and are therefore incorporated herein.

Policy 6.9.6 - 25. Landscaped medians should be included on all arterial streets, except where right-of-way acquisition is not possible, that incorporate left-turn refuge lanes at controlled intervals to improve community appearance, maintain system mobility and to reduce the adverse affects of wide street widths to all types of travel (Figure 28). On streets with multiple vehicle lanes and wide curb radii, pedestrian refuge islands shall be constructed to minimize street crossing distances.

FINDING: This policy is the same as Policy 6.9.4-23 of the January 5, 2009 amendments (NS-2112); the finding noted above is incorporated herein.

Policy 6.9.6 - 26. Frontage roads shall be provided parallel to arterial streets, as illustrated on the Bend Urban Area Roadway System Plan Map

or as determined necessary by the City or State, to maintain an acceptable level of safety and carrying capacity on the arterial street system.

FINDING: This policy is the same as Policy 6.9.4-30 of the January 5, 2009 amendments (NS-2112); the finding noted above is incorporated herein.

Chapter 8 – Public Facilities and Services

Goals -

- To have public and private utility systems provide adequate levels...
- To ensure that public facilities and services will not have...
- To locate and operate public buildings and other public...

FINDING: The noted goals of this section were not amended in the January 5, 2009 amendments (NS-2112); staff findings noted above are incorporated herein.

Policies -

Urban Sewer

1. The city shall provide shall be the primary provider of sewage collection and treatment services for the Bend urban area.

FINDING: The applicant has submitted an assessment of the sewer system, which documents that a sewer system to serve the area could be connected to the City's facility in a manner consistent with the adopted master plan. The proposal is consistent with this policy.

Urban Water

7. Within the urban planning area, public and private water systems shall be consistent with city standards for construction and service capabilities.

FINDING: This policy is the same as Policy 11 of the January 5, 2009 amendments (NS-2112); the finding noted above is incorporated herein.

8. The city shall continue to coordinate with private providers and irrigation districts in matters of water concerns within the Urban Growth Boundary.

FINDING: This policy is the same as Policy 12 of the January 5, 2009 amendments (NS-2112); the finding noted above is incorporated herein.

Storm Sewer

12. Due to lack of a defined drainage pattern for most of the urban area, development shall contain drainage on site.

FINDING: As detailed in the finding for policy 15 of Chapter 8 of the January 5, 2009 amendments (NS-2112), the applicant has performed an assessment of the storm water needs. The applicant has documented that with the identified street designs and surrounding area, storm water for a 20 year / 24 hour storm event can be contained. The Public Works Division has reviewed the proposal and noted that the City Engineer will be required to review and approved any storm drainage facility. The proposal is consistent with this policy.

Chapter 9 – Community Appearance

Goals –

- **To make a concerted effort to improve the appearance of the community, particularly in the commercial, industrial and multifamily areas;**

FINDING: The underlying IL zone standards, contained in the adopted Development Code, include architectural design standards which have not been proposed to be altered. Beyond the appearance standards established in the adopted Development Code, the SPA identifies open space areas within the Employment Sub-District, it establishes opportunities and incentives for tree preservation, it guides suitable right-of-way design for the sub-district, it provides buffering requirements between residential and industrial uses, and it requires landscaping for privately developed land. In addition, the applicant has indicated that CCR's will be developed to provide design guidelines that will ensure that private development and streetscapes will be designed and constructed to meet the aesthetic (appearance) goals of the community. The applicant has not provided details of the CCRs, however the established zoning standards, in addition to the additional standards created in this SPA, are sufficient to document consistency with this goal.

Policies –

Policy 2. Community appearance shall continue to be a major concern and the subject of a major effort in the area. Major natural features, such as rock outcrops or stands of trees, should be preserved as a community asset as the area develops.

Applicant Finding: The SPA identifies open space areas within the Employment Sub-District, which includes significant rock outcrops and heritage trees. The SPA also identifies opportunities and incentives for tree preservation on private land and guides suitable right-of-way design for the sub-district. In addition, subsequent CCR's and associated design guidelines will insure that private development and streetscapes will be designed and constructed to meet the aesthetic (appearance) goals of the City.

FINDING: Staff concurs with the applicant finding and concludes that proposal, in addition to the adopted Development Code provisions related to community appearance, will ensure consistency with this policy.

Policy 7. The city shall develop designs for arterial and collector streets that include landscaped planter strips and medians. Such designs shall include trees in the planter and median strips when practical and safe.

Applicant Finding: Specific street cross sections have been designed to include landscape medians for arterial and collector streets. These medians can also serve as pedestrian refuge islands. In addition, subsequent CCR's and associated design guidelines will insure that streetscapes will be designed and constructed to meet the aesthetic (appearance) goals of the community. Final street design proposals will be reviewed at subdivision and site plan review stages of projects, which will further insure adherence to these standards and community goals.

FINDING: Staff concurs with the applicant finding and concludes that is consistency with this policy.

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

FINDING: The applicant has proposed special development standards for the Juniper Ridge Area. The proposed standards are intended to implement the community vision as developed through public discourse regarding Bend 2030, the 2008 Economic Opportunities Analysis, the Juniper Ridge Master Plan and the Juniper Ridge Reimbursement District. The public need is economic opportunities within target sectors. The Special Planned District, establishes special development standards which will guide development to ensure growth of the target industries can occur. The applicant has indicated that "Applying the proposed overlay, along with future rezoning, and developing it according to the Juniper Ridge Employment Sub-District will make land available to meet the projected market demand for industrial and commercial lands."

The applicant's submittal demonstrates conformance to the approval criterion of this section.

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 proposal is a text amendment to the Bend Development Code; it is not a comprehensive plan amendment or a land use district change, and as indicated in the review of OAR 660-012-0060 and Chapter 7 of the General Plan, the proposal is

consistent with the adopted TSP, it only acts as a guide and provides administrative structure to the Juniper Ridge area; the SPA does not enable any development and consequently it neither alters the TSP nor significantly affects a transportation facility. Staff concludes that the criteria of this section is not applicable.

IV. CONCLUSIONS:

Based on the above Findings, staff concludes the proposed creation of the Juniper Ridge Overlay Zone, Special Planned District, with required public hearings and maintenance of a record, meets all applicable criteria of approval within the Development Code.

V. RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and receive public testimony on the proposed Overlay Zone.

Staff will ask the Planning Commission to recommend, to the City Council, adoption of the proposed Development Code text amendment to create the Juniper Ridge Overlay Zone, Special Planned District.

Recommended Modifications for administrative purposes:

1. Relocate the "Corporate Headquarters" and "Regional Corporate Office" definitions to Chapter 1.2 - Definition



CITY OF BEND
COMMUNITY DEVELOPMENT DEPARTMENT
710 NW WALL STREET
BEND, OR 97701

TO:

Attn: Plan Amendment Spec
DLCD
635 Capiol St NE Ste 150
Salem OR 97301