

ORDINANCE NO. 2439

AN ORDINANCE AMENDING BEND MUNICIPAL CODE SECTION 14.20.040 TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE WATER CURTAILMENT PLAN DESCRIBED IN THE 2021 WATER MANAGEMENT AND CONSERVATION PLAN

Findings:

- A. In October 2021, the Oregon Water Resources Department approved the City's Water Management and Conservation Plan (WMCP) as meeting the requirements of OAR Sections 690-086-0125 and 690-086-0130.
- B. Based on the new WMCP, Council desires to update the procedures for water curtailment contained in Bend Municipal Code Section 14.20.040.
- C. Water curtailment is the implementation of proactive measures to reduce demand during supply shortages as the result of prolonged drought or system failure from unanticipated events, including fire, lightning strikes, flooding, landslides, earthquakes, and contamination, mechanical or electrical equipment failure, or events not under control of the City (for example, localized or area-wide power outages and intentional malevolent acts).
- D. The purpose water curtailment is to provide the greatest assurance of maintaining fire flows and potable water supplies for human consumption when a supply shortage is in effect.
- E. The Water Curtailment Plan in the WMCP revises the current code by reducing the number of curtailment stages from three to four to distinguish between educational efforts, which are not considered curtailment under state law, and actual curtailment measures, which are.
- F. The WMCP's Water Curtailment Plan also revises the triggering conditions for water curtailment to be based on a declining trend in water system storage and a failure to maintain a minimum of 20 psi throughout the City's distribution system, as well as minimum levels of storage for fire flow in one or more reservoirs for extended periods of time.
- G. Consistent with the WMCP, this amendment to Section 14.20.040 authorizes the City Manager to determine the need for water curtailment, to declare a water curtailment stage consistent with the WMCP, and to execute the curtailment plan provisions after a curtailment stage is declared.

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

- Section 1. Bend Code Section 14.20.040 is amended as shown on the attached Exhibit A.

Section 2. All other provisions of Bend Municipal Code Chapter 14 remain unchanged and in full effect.


Section 3. Continuing extreme weather conditions are likely to cause severe and extreme drought within the city of Bend. Drought conditions are likely to endanger the health and safety of the city's population, jeopardize economic vitality within the city, and imperil the quality of the environment. Water curtailment measures may be needed within the next thirty days to reduce demand and help manage and maintain water supplies to diminish fire and other environmental risk. Accordingly, the City finds that this ordinance is necessary for the health, safety, and welfare of the public, and finds that an emergency exists.

Section 4. If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First reading: April 20, 2022

Second reading and adoption by roll call vote: May 4, 2022

YES: Mayor Pro Tem Gena Goodman-Campbell NO: none
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg


Sally Russell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to Form:



Mary A. Winters, City Attorney

14.20.040 Emergency Water Use Curtailment.

A. The City Manager is authorized to determine the need for water curtailment and to declare a water curtailment stage as described in the 2021 Water Management and Conservation Plan (WMCP). Water curtailment measures may be needed to reduce demand during supply shortages due to prolonged drought, system failure from unanticipated or catastrophic events, a declaration of severe, continuing drought by the Governor, or other events not under the control of the City. Once a water curtailment stage is declared, that stage remains in effect until terminated by the City Manager. The water curtailment stage provisions can be found in Chapter 4, Water Curtailment Element, including Exhibit 4-1, Summary of Potential Initiating Considerations for Curtailment Stages 1 through 3 (2021 Water Management & Conservation Plan). Curtailment Plan provisions, as contained in the State-approved Water Management and Conservation Plan (WMCP), will remain in effect until the City Manager terminates the curtailment requirement. ~~Actions may be applied to the entire system, or only to those water use sectors or those geographic areas that are directly affected by any water supply shortage.~~

~~1. Stage 1: Water Shortage Alert. Forecast of below normal summer stream flows, forecasts of above-normal temperatures, minor damage to transmission mains or distribution system, minor mechanical or electrical malfunction at one to three wells.~~

~~2. Stage 2: Mild Water Shortage. Demand reduction target 10 percent of maximum daily demand; supply capacity is 91 to 100 percent of demand, mechanical or electrical malfunction at four to seven wells, extended periods of above normal temperatures or below normal stream flows, declaration of drought by Governor pursuant to ORS 536.720, extensive damage to water supply infrastructure.~~

~~3. Stage 3: Serious Water Shortage. Demand reduction target 20 percent of maximum daily demand; supply capacity is 81 to 90 percent of demand, mechanical or electrical malfunctions at eight to 12 wells, imminent terrorist threat against supply system, multiple failures to transmission mains or distributions system.~~

~~4. Stage 4: Severe Water Shortage. Demand reduction target 40 percent of maximum daily demand; supply capacity is less than 81 percent of demand, loss of utility electrical service to wells, fire in Bridge Creek watershed or near wells, contamination of source of supply, extensive damage to transmission, pumping, or treatment processes caused by natural disaster or any other event, intentional acts or fire, contamination of source, or any other event resulting in an immediate sustained deprivation of water supply. [Ord. NS-2182, 2012]~~

B. The goal of the City's Curtailment Plan is to describe the potential actions under each stage of alert that will provide the greatest assurance of maintaining emergency fire flows and potable water supplies for human consumption. Actions may be applied to the entire system, or only to those water use sectors or those geographic areas that are directly affected by any water supply shortage. The City's Curtailment Plan includes three curtailment stages to be invoked in the event of a water supply shortage; the stages are of increasing severity and may be initiated as progressive steps or a later stage can be implemented directly. The Curtailment

Plan includes both voluntary and mandatory measures, depending upon the cause, severity, and anticipated duration of the shortage.

C. This Section 14.20.040 is intended to be an ordinance adopted by the governing body of the City of Bend that requires conservation or curtailment of water use making provisions of a planned community or condominiums' governing document or landscaping or architectural guidelines that imposes irrigation requirements on an owner or the associations void and unenforceable, as authorized by ORS §§ 94.779, 100.023.

D. A violation of this Section 14.20.040 is a Class B violation. Each day on which such a violation occurs or continues is a separate violation.