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\$40.00 \$11.00 \$61.00 \$10.00 \$6.00

11/13/2023 12:56 PM  
\$128.00

**AFTER RECORDING, RETURN TO:**

City of Bend  
Attn: Mary Winters  
710 NW Wall St.  
Bend, Oregon 97703

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**SECOND AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
JUNIPER RIDGE EMPLOYMENT SUB-DISTRICT**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR JUNIPER RIDGE EMPLOYMENT SUB-DISTRICT (this "Amendment") is executed by the City of Bend ("Declarant"), effective upon its recording in the official records of Deschutes County, Oregon.

**RECITALS**

A. Declarant executed the Declaration of Covenants, Conditions, and Restrictions for Juniper Ridge (the "CC&Rs") effective March 28, 2011, and recorded in the real property records of Deschutes County at Recording No. 2011-11436.

B. Declarant executed the First Amendment to the CC&Rs effective December 10, 2021, and recorded in the real property records of Deschutes County at Recording No. 2021-68238.

C. Section 1.31 of the CC&Rs defines the "Property" subject to the CC&Rs.

D. Section 7.1 of the CC&Rs addresses compliance with the Bend Development Code (the "Code").

E. At the July 28, 2023, Juniper Ridge Employment Sub-district Owners Association (the "Owners Association") meeting, the Declarant presented and requested a vote on an amendment to the Property boundary, as shown in Exhibit B, reducing the area of land subject to the CC&Rs. Since the adoption of the CC&Rs in 2011, Declarant has created only a limited number of new lots. In 2019, Declarant convened a public advisory group, the Juniper Ridge Management Advisory Board, to make recommendations to the Bend City Council on needs for industrial land within the City of Bend. One recommendation to the City Council was to reduce the area covered by the CC&Rs to allow for greater flexibility in development at Juniper Ridge and adjust in response to market conditions and changes since 2011. The change in Exhibit B is consistent with that recommendation.

F. Oregon Revised Statute 197.308(3)(c) (the "ORS") allows affordable housing (as defined by ORS 197.308(1)(a)) to be developed on property zoned for industrial uses if the property is publicly owned and adjacent to lands zoned for residential uses or schools, without changes to the applicable development code or zoning ordinance. The Property

is zoned industrial, and some of it is owned by the City, and is eligible for development of housing under ORS 197.308(3)(c).

G. Section 12.2 of the CC&Rs provides that the CC&Rs may be amended by the vote of holders of at least seventy-five percent (75%) of the Class A voting power of the Association, and, so long as there is a Class B member, the consent of the Class B member.

H. Section 10.7 of the Purpose and Bylaws of Juniper Ridge Employment Sub-district Owners Association, Inc. (the "**Bylaws**") provide that actions by members of the Association may be taken by written consent or written ballot. Written ballots were sent to all members of the Association seeking approval of this Amendment. The returned ballots constituted a quorum as required by Section 10.4 of the Bylaws and the holders of at least seventy-five percent (75%) of the Class A voting power, and the Class B Member.

I. Exhibit A to this Amendment is a certificate of the chairperson and secretary of the Association certifying that this Amendment has been approved in the manner required by the CC&Rs and the Bylaws as is required by Section 12.2.2 of the CC&Rs.

J. Capitalized terms used in this Amendment without definition shall have the meaning set forth in the CC&Rs.

#### **AMENDMENT**

NOW, THEREFORE, Declarant hereby declares that the CC&Rs are amended as follows:

1. Section 7.1 Compliance with Bend Development Code: Revised to read:

Each owner may only use, develop, divide or improve its Lot in accordance with the Code, including, without limitation, the provisions of the Bend Development Code. Without limiting the generality of the foregoing, each Owner and Lot shall comply with all Code provisions relating to noise, glare and odors. All uses of a Lot must be lawful and comply with the Juniper Ridge Employment Sub-district section of the Code or **ORS 197.308, as it may be modified or repealed by the Oregon legislature.**

2. Exhibit A: Exhibit A to the CC&Rs is deleted in its entirety and replaced with Exhibit A attached to this Amendment as Exhibit B, reducing the area of land subject to these CC&Rs.

3. Effect of Amendment: The CC&Rs, as amended by this Amendment, remain in full force and effect according to its terms.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the date first set forth above.

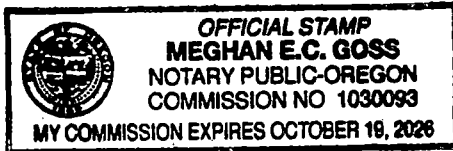
DECLARANT:

City of Bend

  
Eric King, City Manager

STATE OF OREGON        )  
                                  ) ss.  
County of Deschutes    )

The foregoing instrument was acknowledged before me on November 8, 2023, by Eric King as City Manager of the City of Bend, an Oregon municipal corporation, on behalf of the City.



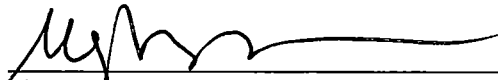
  
Notary Public for Oregon

EXHIBIT A

SECTION 12.2.2. CERTIFICATE

Pursuant to Section 12.2.2 of the CC&Rs, the undersigned hereby attests and certifies that this Amendment was approved in accordance with the terms and conditions of the CC&Rs and the Bylaws.

A handwritten signature in black ink, appearing to read 'B. Hemson', written over a horizontal line.

Ben Hemson, President and Secretary  
Juniper Ridge Sub-District Owners Association

Date: 11.7.23

EXHIBIT B  
Amended Exhibit A to CC&Rs

**EXHIBIT A**  
**Legal Description**

A parcel of land located in the South Half (S1/2) of Section 10, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Parcel 2, Partition Plat No. 2007-78, City of Bend, Deschutes County, Oregon.

Parcel 3, Partition Plat No. 2009-39, City of Bend, Deschutes County, Oregon.

Lots 1, 2, 3, 4, 5 and Tracts A and B, Juniper Ridge Employment Subdistrict Phase 1, City of Bend, Deschutes County, Oregon.

Lots 8, 9, 10, 11 and Tracts D and E, Juniper Ridge Employment Subdistrict Phase 2, City of Bend, Deschutes County, Oregon.

Parcels 1 and 2, Partition Plat No. 2023-9, City of Bend, Deschutes County, Oregon.

**TOGETHER WITH** those lands described on Exhibit C of Statutory Warranty Deed recorded June 16, 2022, Instrument No. 2022-24254, Deschutes County Records, City of Bend, Deschutes County, Oregon.

**TOGETHER WITH** those lands described on Exhibit B of Statutory Warranty Deed recorded September 30, 2022, Instrument No. 2022-36246, Deschutes County Records, City of Bend, Deschutes County, Oregon.

**TOGETHER WITH** that portion of Tract C, Juniper Ridge Employment Subdistrict Phase 1 lying within the following described "West Parcel" as shown on Declaration of Covenants, Conditions and Restrictions recorded March 28, 2011, Instrument No. 2011-11436, Deschutes County Records not included in any of the above described lands:

A parcel of land being a portion of Parcel 1, as shown on Partition Plat No. 2007-78, Official Records of Deschutes County, Oregon, located in Section 10, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the corner common to Sections 9, 10, 15 & 16, Township 17 South, Range 12 East, Willamette Meridian:  
thence, North 0°01'28" East, a distance of 10.06 feet, along the west line of the SW 1/4 of said Section 10, to a point of intersection with the northerly right of way line for N.E. Cooley Road and the SW corner of said Parcel 1, as shown on said Partition Plat, said point being the True Point of Beginning for this description;  
thence, continuing North 0°01'28" East, a distance of 1951.05 feet, along the west line of the SW 1/4 of said Section 10, to a point;

thence, departing the west line of the SW 1/4 of said Section 19, East, a distance of 1527.56 feet, to a point;

thence, South 30°00'00" West, a distance of 462.63 feet, to the NW corner of that 100 foot right of way for N.E. 18<sup>th</sup> Street as shown on said Partition Plat;

thence, South 30°00'00" West, a distance of 316.40 feet, along the northwesterly right of way of said N.E. 18<sup>th</sup> Street, to a point of tangency with a curve to the left, having a radius of 350.00 feet;

thence, along the westerly right of way line for said N.E. 18<sup>th</sup> Street, along said curve, through a central angle of 30°00'00", an arc distance of 183.26 feet (the chord of which bears South 15°00'00" West, a distance of 181.17 feet), to a point of tangency;

thence, South, 504.83 feet, continuing along the westerly right of way line of said N.E. 18<sup>th</sup> Street, to a point;

thence, South 50°00'44" West, a distance of 130.32 feet, along a line of transition from said westerly right of way line for N.E. 18<sup>th</sup> Street to the northerly right of way line of said N.E. Cooley Road;

thence, South 81°09'36" West, a distance of 73.97 feet, along the northerly right of way line for said N.E. Cooley Road, to a point;

thence, South 89°35'40" West, a distance of 105.36 feet, to a point of tangency with a curve to the left, having a radius of 350.00 feet;

thence, continuing along the northwesterly right of way line for said N.E. Cooley Road, along said curve, through a central angle of 41°59'29", an arc distance of 256.51 feet (the chord of which bears South 68°35'56" West, a distance of 250.81 feet), to a point of tangency;

thence, South 47°36'11" West, a distance of 435.69 feet, along the northwesterly right of way line for said N.E. Cooley Road, to a point of tangency with a curve to the right, having a radius of 450.00 feet;

thence, continuing along the northwesterly right of way line for said N.E. Cooley Road, along said curve, through a central angle of 36°39'27", an arc distance of 287.91 feet (the chord of which bears South 65°55'55" West, a distance of 283.02 feet), to a point of non-tangency and the True Point of Beginning for this description.

**EXCEPTING THEREFROM** that portion of the above described lands lying within any public roads or rights of way.

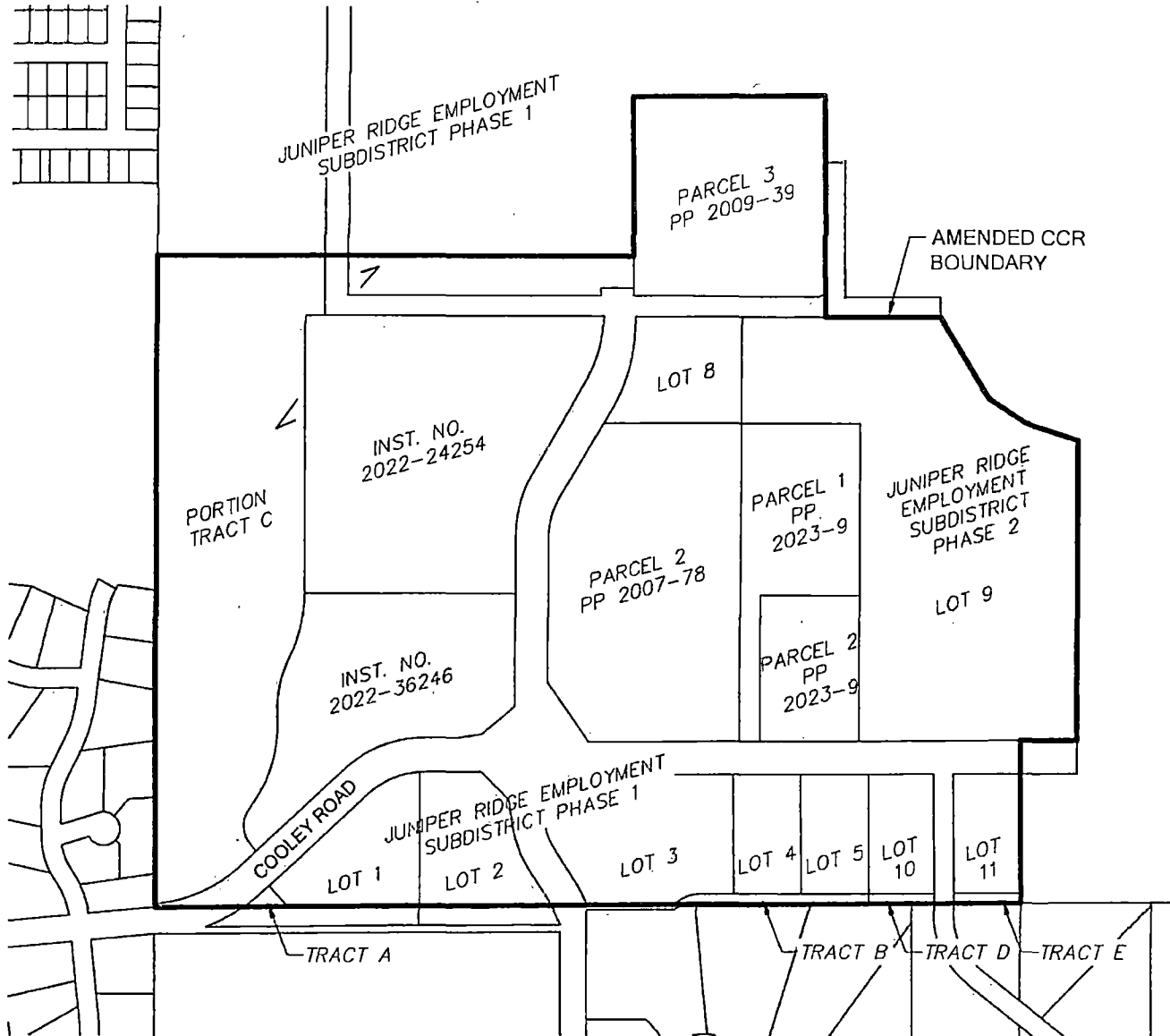
See attached map titled "EXHIBIT B", hereby incorporated by reference.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Patrick Gage Cole* 9/19/23  
OREGON  
JULY 10, 2007  
PATRICK GAGE COLE  
79157

EXPIRES: 12/31/23

LOCATED IN THE SOUTH HALF (S1/2) OF SECTION 11, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]* 9/19/23

OREGON  
JULY 10, 2007  
PATRICK GAGE COLE  
79157



NORTH

EXPIRES: 12/31/23

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**HWA**  
CIVIL ENGINEERING | SURVEYING | PLANNING

JUNIPER RIDGE		SHEET <b>1/1</b>
CCR BOUNDARY AMENDMENT		
SCALE: 1" = 500'	DRAWN BY: AQR	DATE: 9/12/2023