AMENDED BY ORD. # NS-1502, 1516, 1517, 1518, 1521, 1522, 1523, 1524, 1527, 1531, 1532, 1538, 1556 1545, 1557,

ORDINANCE NO. 1178

AN ORDINANCE ESTABLISHING ZONING REGULATIONS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCE NS-796, AND ALL AMENDMENTS THERETO.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

TITLE, PURPOSE, COMPLIANCE AND DEFINITIONS

Section 1. Title. This Ordinance shall be known as the "Zoning Ordinance: of the City of Bend, Oregon.

Section 2. Purpose.

(1) This Ordinance has been designed in accordance with the goals, policies and statements of intent of the Bend Area General Plan, the officially enacted comprehensive plan for the City of Bend and its environs. It is the general purpose of this Ordinance, therefore, to provide one of the principal means for implementation of the Bend Area General Plan.

(2) This Ordinance is designed to classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial, or other uses in appropriate places and for said purposes; to divide the City of Bend into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement; to encourage the most appropriate use of lands; to conserve and preserve natural resources, to conserve and stabilize the value of property; to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote the public health, safety and general welfare.

Section 3. Compliance with Ordinance Provisions. Except as provided in Section 28, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained, after the effective date of this Ordinance, except in conformity with conditions prescribed for each of the several zones established hereunder. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, or use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this Ordinance contrary to the provisions of this Ordinance. Where this Ordinance imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

Section 4. Definitions. As used in this Ordinance, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this Ordinance" shall be deemed to include the text of this Ordinance and accompanying zoning maps and all amendments hereafter made thereto. As used in this Ordinance, unless the context requires otherwise, the following words and phrases shall mean:

(1) Abutting. Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than 8 feet in a single direction.

(2) Access or Access Way. The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

(3) Accessory Structure or Use. A structure or use incidental, appropriate and subordinate to the main structure or use on the same lot.

(4) Adjacent. Near, close; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent."

(5) Adjoin. See "Abutting."

(6) Advertising Structure. Any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or advertisement, for the purpose of making anything known about goods, services, or activities not on the same lot as the said advertising structure.

(7) Alley. A public way not more than 20 feet wide affording only secondary means of access to abutting property.

(8) Altered. See "Structural Alteration."

(9) Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

(10) Apartment. A dwelling unit in a multiple-family building.

(11) Applicant. A person applying for a permit, rezoning or non-legislative comprehensive plan change.

(12) Application for Land Use Permit. A written application requesting a change in zoning, conditional and nonconforming uses, variances, subdivisions and matters relating to the comprehensive plan and amendments to the plan.

(13) Assessor. The County Assessor of Deschutes County.

(14) Automobile, Boat or Trailer Sales Lot. An open lot used for display, sale or rental or new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.

(15) Automobile Repair, Major. The general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repairs; overall painting or paint shop.

(16) Automobile Repair, Minor. Upholstering of, replacement of parts for, and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "Automobile Repair, Major," or any other similar operation thereto.

(17) Automobile Service Station or Filling Station. An establishment where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, and where repair service is secondary.

(18) Automobile Towing. An establishment where emergency towing equipment is kept along with incidental, temporary and minor storage of vehicles and emergency repairs.

(19) Automobile Wrecking. The dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts. Two or more dismantled, obsolete or inoperable motor vehicles or parts thereof on one lot shall constitute a wrecking yard.

(20) Basement. A space wholly or partly underground, and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

(21) Billboard. See "Advertising Structure."

(22) Boarding or Lodging House. A dwelling or part thereof, other than a hotel or motel or multiple-family dwelling, where lodging with or without meals is provided, for compensation, for three or more persons.

(23) Boat Yard. A place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

(24) Building. Any structure built and maintained for support, shelter or enclosure of persons, animals, chattels, or property of any kind.

(25) Building, Height. The vertical distance from the average contact ground level of the building to the highest point of the building.

(26) Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building.

(27) Building Lot. A lot occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as are required by this Ordinance, and having the required frontage on a street.

(28) Building, Main. A building within which is conducted the principal use permitted on the lot, as provided in this Ordinance.

(29) Building Official. The Building Official of the City of Bend, Oregon.

(30) Car Wash. A lot on which motor vehicles are washed or waxed, either by the patron or others, using machinery especially designed for the purpose.

(31) Church. A permanently located building commonly used for religious worship, fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction.

(32) City. The City of Bend, Oregon.

(33) City Commission. The City Commission of the City of Bend, Oregon.

(34) City Engineer. The City Engineer of the City of Bend, Oregon.

(35) City Manager. The duly appointed administrative officer of the City or his delegate.

(36) City Recorder-Treasurer. The City Recorder of the City of Bend, Oregon.

(37) Clinic. A place for group medical services not involving overnight housing of patients.

(38) Club. An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

(39) Community Building. A building used for and operated by a nonprofit organization whose membership is open to any resident of the district, neighborhood or community in which the club is located; provided that the primary objectives of the organization are the improvement of the district, neighborhood or community and its social welfare and recreation.

(40) Community Storage Area. A facility established in accordance with City standards, designed to provide for the temporary or permanent storage of boats, campers, trailers and similar recreational vehicles or equipment, and serving two or more unrelated persons.

(41) Comprehensive Plan. The duly adopted Bend Area General Plan.

(42) Contested Case. Proceedings in which the legal rights, duties or privileges of specific parties under the City of Bend Zoning Ordinance, Subdivision Ordinance or other similar ordinances regulating land use are required to be determined only after a hearing at which specific parties are entitled to appear and be heard.

(43) Contiguous. See "Abutting."

(44) Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings.

(45) Density. The number of residential dwelling units per acre of land or the amount of land area expressed in square feet of land assignable to each dwelling unit in a residential development, including, but not limited to, one house on one lot, shall be computed as follows: the gross area of land within the development; less the total aggregate area dedicated for streets, schools or other public facilities, but not including public or private parks and recreation facilities dedicated or created as an integral part of the development; divided by the total number of dwelling units in the proposed development; equals the density. Density shall run with the land in a specific development and cannot be sold, loaned or otherwise divorced or separated from the specific development under consideration.

(46) District. A portion of the territory of the City of Bend within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

(a) Where certain uses are required to be a specific distance from "any R District," as provided in this Ordinance, the term "any R District" shall include any RS, RM or RH District.

(b) The term "any C District" shall include any CN, CC, CL, CG, CH or CB District.

(c) The term "any I District" shall include any IP, IL or IH District.

(47) Dwelling. A building or portion thereof designed or used as the residence or sleeping place of one or more persons.

(a) Dwelling, Single-Family. A building designed or used for residence purposes by not more than one family and containing one dwelling unit only, except for mobile homes as defined herein.

(b) Dwelling-Two-Family, or Duplex. A building designed or used for residence purposes by not more than two families and containing two dwelling units.

(c) Dwelling, Multiple-Family. A building or portion thereof designed or used as a residence by three or more families and containing three or more dwelling units.

(48) Dwelling Unit. One room, or a suite of two or more rooms, designed for and used by one family or housekeeping unit for living and sleeping purposes, and having not more than one kitchen or kitchenette.

(49) Family. An individual, or two or more persons related by blood, marriage, adoption, or guardianship, living together in a dwelling unit in which board and lodging may also be provided for not more than two additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, adoption or guardianship living together in a dwelling unit.

(50) Farming. The use of land for raising and harvesting crops or for feeding, breeding and managing livestock or for dairying or for any other agricultural or horticultural use, or for any combination thereof, excluding feedlots. It includes the disposal, by marketing or otherwise, of products raised on the premises.

(51) Fence, Sight Obscuring. A fence or evergreen planting arranged in such a way as to obstruct vision.

(52) Floor Area. The area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts.

(53) Frontage. That portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

(54) Garage, Private. An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

(55) Garage, Public. A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

(56) Guest House. An accessory building used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen or kitchenette facilities.

(57) Hearing, Initial. An initial hearing is a quasi-judicial hearing authorized and conducted by the Hearings Officer of Planning Commission to determine if a change or permit shall be granted or denied.

(58) Hearings Office. A planning and zoning Hearings Officer appointed or designated by the City Commission pursuant to ORS 227.165 or, in the absence of such appointed Hearings Officer, the City of Bend Planning Commission.

(59) Home Occupation. A use conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of subsection (14) of Section 25.

(60) Hospital. Any institution, place, building or agency which maintains and operates organized facilities for 20 or more persons for the diagnosis, care and treatment of human illness, including convalescence and care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

(61) Hotel. A building or portion thereof with more than five sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

(62) Human Resource Facility. A facility under the control of and financed by a unit of government or religious, philanthropic, charitable or nonprofit organization and devoted to the housing, training, or care of children, the aged, indigent, handicapped or underprivileged, including places of detention or correction.

(63) Junk Yard. A place where waste, discarded or salvaged materials are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative condition, or salvaged materials incidental to manufacturing operations.

(64) Kennel. Any premises where four or more dogs, cats, or other small animals or any combination thereof at least four months of age, are kept commercially or permitted to remain for board, propagation, training or sale, except veterinary clinics and animal hospitals.

(65) Land Use Action. Any action involving an application for a land use permit.

(66) Landscaping. The term "landscaping" includes primarily trees, grass, bushes, shrubs, flowers and garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework areas and artificial turf or carpeting, but excludes artificial plants, bushes, shrubs or flowers.

(67) Livestock. Domestic animals of types customarily raised or kept on farms for profit or other purposes.

(68) Lot. A parcel of land used or capable of being used under the regulations of this Ordinance, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

(69) Lot Area. The computed area contained within the lot lines; said area to be exclusive of street or alley rights of way.

(70) Lot, Corner. A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot line.

(71) Lot Coverage. That percentage of the total lot area covered by structures as herein defined.

(72) Lot Depth. The horizontal distance between the front and the rear lot lines. In the case of a corner lot the depth shall be the length of the longest front lot line.

(73) Lot, Interior. A lot or parcel of land other than a corner lot.

(74) Lot Line. Any line bounding a lot as herein defined.

(75) Lot Line, Front. The property line abutting a street.

(76) Lot Line, Rear. A lot line not abutting a street which is opposite and most distant from the front lot line. In the case of an irregular or triangular-shaped lot, a lot line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

(77) Lot Line, Side. Any lot line not a front lot line or a rear lot line.

(78) Lot of Record. A lot held in separate ownership as shown on the records of the County Recorder at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located, legally created pursuant to law at that time.

(79) Lot, Through. An interior lot having a frontage on two streets and/or highways.

(80) Lot Width. The horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the mean horizontal distance between the longest front lot line and the opposite lot line not abutting the street.

(81) Maintain. To cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

(82) Mobile Home. A detached single family dwelling unit with all of the following characteristics:

(a) Designed for long term occupancy and containing sleeping accommodations, flush toilet, a tub or showerback and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a dwelling complete, ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(d) Does not conform to the Oregon State Structural Code as defined in ORS 456.750, subsection 9, or standards for prefabricated structures as defined in ORS 456.750, subsection 6.

(83) Motel. A building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins. motor courts, motor hotels and similar designations.

(84) Nonconforming Use. A use of land or of a building or structure which use lawfully existed at the time of the adoption of this Ordinance, or of any amendment thereto, but which use does not conform with the use regulations imposed by this Ordinance or such amendment thereto.

(85) Owner. The owner of record of real property as shown on the tax rolls of Deschutes County, or a person purchasing a piece of property under contract. For the purposes of this Ordinance in terms of violations and binding agreements between the City and the owner, the word owner shall also mean a leaseholder, tenant or other person in possession or control of the premises or property at the time of the agreement or violation of agreement or the provisions of this Ordinance.

(86) Parking Area, Public. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

(87) Parking Space. A durable and dustless, permanently surfaced and marked area, excluding paved area necessary for access, for the parking of a motor vehicle.

(88) Party. Any person who has standing.

(89) Permit. Authority for or approval of a proposed use of land for which approval is a matter of discretion and is required by a land use ordinance. The term includes, but is not limited to, permission given for those changes set forth in Application for Land Use Permit and a special exception, special design zone and other similar permits.

(90) Permittee. The person who is proposing to use or who is using the land pursuant to any permit required herein.

(91) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she or it is acting for himself, herself or itself or as the servant, employee, agent or representative of another.

(92) Planning Commission. The Planning Commission of the City of Bend, Oregon.

(93) Planning Director. The Director of the City's Planning Department or his delegate.

(94) Recreational Facility, Private. A recreation facility under private ownership and operated by a profit or nonprofit organization, open to bona fide members, and providing one or more of the following types of recreation activity: tennis, handball, golf, squash, volleyball, racquetball, badminton and swimming.

(95) Roadside Stand. A temporary structure, vehicle or area designed or used for the display or sale of merchandise on the premises upon which such a stand is located.

(96) Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure as defined herein.

(97) Site Plan. A plan prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific parcel of land.

(98) Street. A public thoroughfare or right of way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

(99) Structural Alteration. Any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphrams, foundations, piles, or retaining walls or similar components.

(100) Structure. Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, driveways or walks.

(101) Trailer Park. A parcel of land upon which two or more trailers occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.

(102) Travel Trailer. A travel trailer means a "Camping Vehicle" as defined by Oregon Revised Statutes which is either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

(103) Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(104) Visual Obstruction. Any fence, hedge, tree, shrub, device, wall or structure exceeding 2-1/2 feet in height above the elevation of the top of the curb, as determined by the Planning Director and so located at a street intersection as to dangerously limit the visibility of persons in motor vehicles on said street or alleys. This does not include trees kept trimmed of branches to a minimum height of at least 8 feet.

(105) Yard. Means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance. In determining the required yard for properties abutting the Deschutes River, the edge of the river shall be considered the property line. The edge of the river shall be determined by the ordinary high water mark which shall be the mark on the Deschutes River that will be found by examining the banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition existed on April 1, 1976, or as it may naturally change after; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining the Deschutes River shall be the line of mean high water or as determined by the City Planning Commission on evidence submitted by the applicant and other agencies.

(106) Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

(107) Yard, Rear. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

(108) Yard, Side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

Section 5. Classification of Zoning Districts. For the purposes of this Ordinance, the City is divided into zoning districts designated as follows:

Zoning District	Map Symbol and Abbreviated Designations
Residential - Urban Standard Density	RS
Residential - Urban Medium Density	RM
Residential - Urban High Density	RH
Commercial - Neighborhood	CN
Commercial - Convenience	CC
Commercial - Limited	CL
Commercial - Highway	CH
Commercial - General	CG
Commercial - Central	CBD
Industrial - Park	IP
Industrial - Light	IL
Industrial - General	IG
Floor Plain District	FP

Section 6. Application of Regulations to Districts Generally. Except as hereinafter otherwise provided:

(1) No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

(2) No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(3) No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged, rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity with the yard, setback, building location, site area and coverage requirements hereinafter prescribed for the district in which such building or open space is located.

(4) No yard or other open space provided about any building or on any building lot for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or other open space for any other building or any other building lot.

Section 7. Zoning Map.

(1) The location and boundaries of the zones designated in Section 5 are hereby established as shown on the map entitled "Zoning Map of the City of Bend" dated with the effective date of this Ordinance and signed by the Mayor and City Recorder-Treasurer hereinafter referred to as the "Zoning Map."

(2) The signed copy of this Zoning Map is maintained on file in the office of the Recorder-Treasurer and is hereby made a part of this Ordinance. Any revisions or replacements of said map, when duly entered, signed and filed with the City Recorder-Treasurer as authorized by subsection (3) of Section 7 are a part of this Ordinance.

(3) When the zoning of any area is changed by the City Commission in the manner prescribed by this Ordinance, the Planning Director shall cause the official Zoning Map to be revised so that it accurately portrays said change, and shall endorse on the map adjacent to said revision the number of the ordinance by which the change of zone was effected, provided that failure to so revise the said map shall not affect the validity of any zone change. The City Commission may, from time to time, direct the Planning Director to replace the official Zoning Map, or a portion thereof, with a map, which includes all lawful changes of zone and City boundaries to date. Such map, or portion thereof, filed as a replacement, shall bear the number of the ordinance authorizing same and shall bear dated, authenticating signatures of the Mayor and Recorder-Treasurer. Any map or portion thereof thereby replaced shall be retained in a separate file by the Recorder-Treasurer.

Section 8. Interpretation of District Boundaries. In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said Zoning Map, the following rules shall apply:

(1) Where district boundaries approximately follow streets, alleys or highways.
Where district boundaries are indicated as approximately following the centerline or right of way line of streets, alleys or highways, such lines shall be construed to be such district boundaries.

(2) Vacation of public ways. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right of way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

(3) Where boundaries approximately follow lot lines. Where district boundaries are indicated as approximately following lot lines, such lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts, the boundary shall be determined by using the scale of the map and measuring the distance from the property line or distances specified on the map.

Section 9. Zoning of Annexed Areas. All land annexed to the City of Bend shall be classified upon annexation to a zone consistent with the Comprehensive Plan after hearing and recommendation by the Planning Commission to the City Commission.Any conditions, limitations or restrictions applied by the County to regulate a development of land annexed to the City shall continue to apply until replaced by the City. Where appropriate the City may continue any restrictions, limitations and conditions and enforce the same as if applied by the City pursuant to this Ordinance and its procedures.

Section 10. Urban Standard Residential District, or RS District.

(1) Purpose. The RS District is intended to provide for the most common urban residential densities in places where community sewer services are or will be available and to encourage, accommodate, maintain and protect a suitable environment for family living.

(2) Permitted Uses. The following uses are permitted:

(a) Single-family dwelling.

(b) Agriculture, excluding the keeping of livestock.

(c) Rooming and boarding of not more than two persons.

(d) Home occupations subject to the provisions of subsection (15) of Section 25.

(e) One private garage for each dwelling unit and garage shall not exceed 720 square feet in floor area.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29:

(a) Mobile home subdivision subject to standards of subsection (11) of Section 25.

(b) Churches.

(c) Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district.

(d) Dwelling groups, subject to the provisions of subsection (13) of Section 25.

(e) Public, parochial and private schools, including nursery schools, kindergartens and day nurseries; but not including business, dancing, trade, technical or similar schools.

(f) Parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses or similar uses.

(g) Recreation facility, including country clubs, golf courses, swimming clubs, tennis clubs; but not including such intensive commercial recreation uses as a race track or amusement park.

(h) Utility substations or pumping stations with no equipment storage and sewage treatment facilities.

(i) Planned Unit Developments subject to provisions of Section 30.

(j) Temporary subdivision tract offices.

(k) Rear lot development subject to Site Plan Approval as provided in Section 23 and subsection (14) of Section 25.

(l) Lodge and fraternal organizations, except those carried on as a business for profit.

(m) Duplex in areas designated RS provided that each lot occupied by a duplex shall have a minimum area of 12,000 square feet.

(n) Two single-family dwellings on one lot in areas designated RS provided that each lot occupied by two single-family dwellings shall have a minimum area of 12,000 square feet and also provided that all yard and coverage requirements set forth in subsection (5) of Section 10 are observed. In addition, no dwelling unit shall be located within 10 feet of any other dwelling unit on the same lot. There shall be provided for the rear dwelling unoccupied and unobstructed access not less than 15 feet wide to the street fronting the lot.

(o) Keeping of livestock, subject to subsection (7) of Section 25.

(p) Moving in a single-family dwelling built prior to January 1, 1961.

(q) Mobile home park.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

(5) Lot Requirements. The following lot requirements shall be observed, provided that the Planning Commission may allow smaller lots or different housing types in a new subdivision approved pursuant to this Ordinance and consistent with the Comprehensive Plan designations for preservation of forested areas or significant rock outcroppings when these lots are internal to the subdivision or after hearing if they are located on the edge of the new plat.

(a) Lot Area: Every lot shall have a minimum area of 6,000 square feet.

(b) Lot Width: Every lot shall have a minimum width of 60 feet.

(c) Front Yard: The front yard shall be a minimum of 20 feet except an existing 40 or 50 foot corner lot may have one front yard of 10 feet, provided that the garage or carport is at least 20 feet.

(d) Side Yard: A side yard shall be a minimum of 5 feet and the sum of the two side yards shall be a minimum of 15 feet.

(e) Rear Yard: The rear yard shall be a minimum of 5 feet.

(f) Lot Coverage: Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

(6) Off-Street Parking. Off-street parking shall be provided as required in Section 24.

(7) Other Required Conditions. See Section 25 applying to Special Uses.

(1) Purpose. This district is intended to provide for the development of low density multiple-family residential structures where such buildings are reasonably spaced on the lot to provide for light, air, privacy, safety and insulation against transmission of sound in areas with community services. Each development of four or more units is subject to Site Plan Approval as provided in Section 23.

(2) Permitted Uses. The following uses are permitted:

(a) Two-family dwelling or duplex.

(b) Two single-family dwellings on one lot, provided that no dwelling is located within 10 feet of any other dwelling on the same lot, and also provided that all lot area, yard and coverage requirements set forth in subsection (5) of Section 11 are observed. There shall be provided for the rear dwelling unoccupied and unobstructed access not less than 15 feet wide to the street fronting the lot.

(c) Multiple-family dwellings, apartment houses and dwelling groups.

(d) Farming, excluding and keeping of livestock.

(e) Home occupations in a detached single-family dwelling unit or duplex and subject to the provisions of subsection (15) of Section 25.

(f) Offices incidental and necessary to the conduct of a permitted use.

(g) Off-street parking lots when appurtenant to a permitted use.

(h) Mobile home park, subject to the provisions of subsection (8) of Section 25.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Nursing homes, rooming and boarding houses.

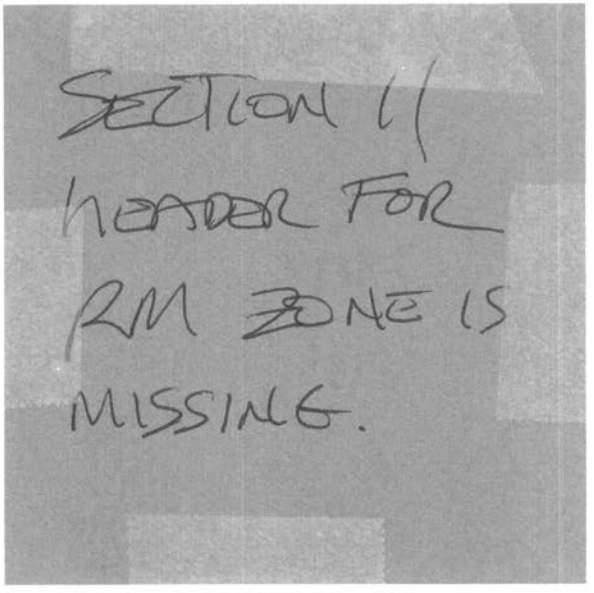
(b) Churches.

(c) Public, parochial and private schools, including nursery schools, kindergartens and day nurseries; but not including business, dancing, trade, technical or similar schools.

(d) Parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses and similar uses.

(e) Planned Unit Developments subject to the provisions of Section 30.

(f) Utility substations or pumping stations with no equipment storage and sewage treatment facilities.


SECTION 11
HEADER FOR
RM ZONE IS
MISSING.

(g) Off-street parking lots when contiguous to a less restrictive zoning district.

(h) Buildings over 35 feet in height.

(i) Human Resource Facility.

(j) Moving and location of a dwelling built prior to January 1, 1961.

(k) Single-family dwelling.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: Every lot shall have a minimum area of 5,000 square feet for the first unit plus the minimum unit square footages based upon the number of bedrooms per dwelling unit in the following table:

Studio or Efficiency	750 square feet
1 Bedroom	1,000 square feet
2 Bedrooms	1,500 square feet
3 Bedrooms	2,250 square feet
4 Bedrooms	2,500 square feet

provided that the overall density shall not exceed one dwelling unit per 2,000 square feet of lot area. A lot having a width of less than 50 feet, and an area of less than 5,000 square feet of record at the time of the passage of this Ordinance, may be occupied by one single-family dwelling provided that all the yard requiremetns of this section are observed.

(b) Lot Width: Every lot shall have a minimum width of 50 feet.

(c) Front Yard: The front yard shall be a minimum of 20 feet except that on corner lots one front yard need not exceed 10 feet.

(d) Side Yard: There shall be a minimum side yard of 5 feet and the sum of the side yards shall be a minimum of 15 feet. The side yards shall be increased by 1/2 foot for each foot by which the building height exceeds 15 feet.

(e) Rear Yard: There shall be a rear yard having a depth of not less than 5 feet. The rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 15 feet.

(f) Lot Coverage: Maximum lot coverage by buildings and structures shall be 40 percent of the total lot area.

(6) Off-Street Parking. Off-street parking shall be provided as required in Section 24.

(7) Special Yards and Distances between Buildings. The following special yards and distances between buildings shall be observed:

(a) An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet.

(b) Except for single-family dwellings on one lot, the distance bewteen principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

Section 12. Urban High Density Residential District, or RH District.

(1) Purpose. This district is intended to provide for high density multiple-family developments in locations close to shopping and services, transportation or public open space, and, in appropriate locations to provide a transitional use area between residential areas and other less restrictive districts. The professional and office uses included in this district are intended to enhance the function of this district in transitional areas and to encourage this transition in a more residential character.

(2) Permitted Uses. The following uses are permitted subject to the provisions of Section 23, excluding duplexes and triplexes.

(a) Duplexes.

(b) Two single-family dwellings on one lot, provided that no dwelling is located within 10 feet of any other dwelling on the same lot, and also provided that all lot area, yard and coverage requirements set for in subsection (5) of Section 12 are observed. There shall be provided for the rear dwelling unoccupied and unobstructed access not less than 15 feet wide to the street fronting the lot.

(c) Multiple-family dwellings, apartment houses and dwelling groups.

(d) Rooming and boarding houses.

(e) Offices for: architect or designer, accountant, attorney, dentist, physician or other practitioner of the healing arts, engineer, insurance agent or adjustor, investment or management counselor, surveyor, wholesale lumber broker and real estate broker.

(f) Medical and dental clinics and laboratories and pharmacy located within a clinic.

(g) Nursing and convalescent homes.

(h) Nursery schools, kindergartens and day-care facilities, subject to subsection (17) of Section 25.

(i) Mobile home park.

(j) Photographic studios excluding retail sales of cameras, equipment, film or supplies.

(k) Off-street parking lots when appurtenant to a permitted use.

(l) Necessary and incidental services such as a dining room, barber shop, beauty shop, hobby shop, etc., included within apartment buildings provided that the facilities are used by and services rendered to only tenants of the building and their guests.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Public, parochial and private schools, but not including business, technical or similar schools.

(b) Dancing or music schools.

(c) Parks, recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses or similar uses.

(d) Utility substations or pumping stations with no equipment storage and sewage treatment facilities.

(e) Hospital, laboratory, orthopedic supply house, sanitarium (except animal hospital and clinic, hospital or sanitarium for contagious, mental, drug or liquor addict cases).

(f) Planned Unit Development.

(g) Club, lodge and fraternal organization except those carried on as a business for profit.

(h) Off-street parking lots when contiguous to a less restrictive zoning district. For required development standards see Section 24.

(i) Motel, apartment hotel, when located near hospitals or similar facilities, restaurants and bars within a hotel provided there is no external advertising.

(j) Mortuaries.

(k) Housing for the elderly (see subsection (18) of Section 25).

(l) Buildings in excess of 45 feet.

(m) Single-family dwelling.

(n) Churches.

(4) Height Regulations. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 45 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: Every lot shall have a minimum area of 5,000 square feet for the first unit plus the minimum square footages based upon the number of bedrooms per dwelling unit in the following table:

	Land Area 1st & 2nd Floor	Land Area 3rd Floor and above
Studio or Efficiency	650 square feet	350 square feet
1 Bedroom	900 square feet	500 square feet
2 Bedrooms	1,250 square feet	1,000 square feet
3 Bedrooms	1,850 square feet	1,550 square feet
4 Bedrooms	2,100 square feet	1,850 square feet

provided that the overall density does not exceed one dwelling unit per 1,000 square feet of lot area. A lot having a width of less than 50 feet, and an area of less than 5,000 square feet of record at the time of the passage of this Ordinance may be occupied by one single-family dwelling provided that all the yard requirements of this section are observed.

(b) Lot Width: Every lot shall have a minimum width of 50 feet.

(c) Front Yard: The front yard shall be a minimum of 10 feet except on corner lots where vision clearance requirements shall apply.

(d) Side Yard: Side yards shall be a minimum of 5 feet. The side yards shall be increased by 1/2 foot for each foot by which the building height exceeds 15 feet.

(e) Rear Yard: The rear yard shall be a minimum of 5 feet. A rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 15 feet.

(f) Lot Coverage: Maximum lot coverage by buildings and structures shall be 50 percent of the lot area.

(6) Off-Street Parking. Off-street parking shall be provided as required in Section 24..

(7) Special Yards and Distances between Buildings. Special yards and distances between buildings shall be provided as follows:

(a) An inner court providng access to double-row dwelling groups shall be a minimum of 20 feet in width.

(b) Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance of less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.

Section 13. Neighborhood Commercial District or CN District.

(1) Purpose. This district is intended to provide for the location of small businesses and services in residential sections of the City for the convenience of nearby residents; also to recognize existing uses of this type within the City. New CN Districts shall have a maximum area of 20,000 square feet of contiguous land. The businesses are intended to fit into the residential pattern of development and not create either land use, architectural or traffic conflicts. The above site sizes for new CN Districts and the following regulations are intended to protect the residential environment and to be consistent with the General Plan. These districts shall generally be no closer than three-fourths of a mile apart.

(2) Permitted Uses. The following uses are permitted in a CN Neighborhood Commercial District, subject to the provisions of Section 23.

(a) Existing residential uses, without any increase in density.

(b) Grocery stores.

(c) Barber and/or beauty shop.

(d) Clothes cleaning pick-up agency.

(e) Laundromat.

(f) Accessory buildings customarily appurtenant to a permitted use.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Residential dwelling units not on the ground floor of a building.

(b) Conversion of an existing dwelling unit to a permitted use.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: Not to exceed 1/2 acre in area.

(b) Lot Width: No requirements.

(c) Lot Depth: Each lot shall have a minimum depth of 100 feet.

(d) Front Yard: The front yard shall be a minimum of 20 feet.

(e) Side Yard: None, except when a side lot line is abutting a lot in an RS, RM or RH District and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(f) Rear Yard: None, except when a rear lot line is abutting a lot in an RS, RM or RH District and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(g) Lot Coverage: Maximum lot coverage by buildings and structures shall be 35 percent of the total lot area.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities.

(b) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.

(c) In any CN District directly across the street from any RS., RM or RH District, the parking and loading area shall be set back at least 10 feet from the street right of way and said area shall be appropriately landscaped along the residential street frontage to protect the character of adjoining and adjacent residential property. Such landscaping shall be maintained.

(d) See Section 25 applying to Special Uses where applicable.

Section 14. Convenience Commercial District or CC District.

(1) Purpose. This district is intended to provide locations for a relatively wide range of small businesses and services which fit into the residential development pattern as a convenience to residents in that part of the City and to recognize existing uses of this type within the City. New centers of this type are intended to be limited in size to not more than four acres of contiguous land and to be located and developed in a manner consistent with the General Plan.

(2) Permitted Uses. The following uses are permitted in a CC Convenience Commercial District and subject to provisions of Section 23.

(a) Any use permitted in the CN District.

(b) Antique shop.

(c) Appliance sales (household) including minor repairs.

(d) Art galleries, libraries and reading rooms.

(e) Artis supplies and picture framing.

(f) Auto parts sales (new).

(g) Bakery, retail.

(h) Bank or other financial institution.

(i) Barber shop.

(j) Beauty shop.

(k) Bicycle shop.

(l) Clothing store or tailor shop.

(m) Clothes cleaning pick-up agency.

(n) Clothes cleaning agency using non-flammable cleaning agents, including self-service cleaning establishment.

(o) Confectionary or delicatessen.

(p) Dairy products, sales only.

(q) Drug store, including soda fountain.

(r) Dry goods store, millinery shop, dress shop.

(s) Florist shop.

(t) Food store.

(u) Gift shop, notion or variety store.

(v) Hardware store.

(w) Health food store.

(x) Hobby shop.

(y) Jewelry store.

(z) Leather goods and luggage.

(aa) Musical instruments.

(bb) Laundry pick-up agency, self-service laundry.

(cc) Medical and dental clinic and office.

(dd) Office - business or professional.

(ee) Photographic supplies and studio.

(ff) Radio and television sales and service.

(gg) Restaurant.

(hh) Shoe store, shoe repair shop.

(ii) Toy store.

(jj) Planned Unit Development subject to the provisions of Section 30.

(kk) Accessory buildings customarily appurtenant to a permitted use.

(ll) Technical and business schools.

(c) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Residential dwelling units.

(b) Conversion of an existing dwelling unit to a permitted use.

(c) Dancing or music school, nursery school, kindergarten and day-care facility.

(d) Public buildings and public utility buildings and structures as may be appropriate to the CC District.

(e) Church, club, lodge or fraternal organization.

(f) Automobile service station and minor auto repair.

(g) Mortuary.

(h) Motel and hotel.

(i) Bar, cocktail lounge and tavern.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

(5) Lot Requirements. The following minimum lot requirements shall be observed:

(a) Lot Area: No requirements.

(b) Lot Width: No requirements.

(c) Lot Depth: 100 feet.

(d) Front Yard: The front yard shall be a minimum of 10 feet.

(e) Side Yard: None, except when a side lot line is abutting a lot in an "R" District and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(f) Rear Yard: None, except when a rear lot line is abutting a lot in an "R" District and then the rear yeard shall be a minimum of 10 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(g) Lot Coverage: Maximum lot coverage by buildings and structures shall be 35 percent of the total lot area.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All uses shall be conducted wholly within an enclosed building except for off-street parking and loading facilities, automobile service stations and drive-up windows.

(b) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.

(c) In any CC District directly across the street from any "R" District, the parking and loading area shall be set back at least 10 feet from the street right of way and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

(d) See Section 25 applying to Special Uses where applicable.

Section 15. Limited Commercial District, or CL District.

(1) Purpose. This district is intended to establish locations for the development of commercial centers to provide for the shopping and service requirements for large sections of the community and to recognize existing uses both in centers and as parts of commercial strips. New community centers shall be limited to a minimum area of 12 acres or a maximum area of 20 acres of contiguous land and shall be developed in a manner consistent with the General Plan.

(2) Permitted Uses. The following uses are permitted in the CL District subject to the provisions of Section 23.

(a) Existing residential uses without any increase in density.

(b) Ambulance service.

(c) Antique shop.

(d) Appliance sales (household), including minor repairs.

(e) Art galleries, libraries and reading rooms.

(f) Artist supplies and picture framing.

(g) Auto parts sales (new).

(h) Automobile sales (new).

(i) Bakery, retail.

(j) Bank or other financial institution.

(k) Barber shop.

(l) Beauty shop.

(m) Book or stationery store.

(n) Bicycle shop.

(o) Clothing store or tailor shop.

(p) Clothes cleaning pick-up agency.

(q) Clothes cleaning agency using non-flammable cleaning agents, including self-service cleaning establishment.

(r) Confectionary or delicatessen.

(s) Dairy products, sales only.

(t) Drug store, including soda fountain.

(u) Dry goods store, milinery shop, dress shop.

(v) Florist shop.

(w) Food store.

(x) Frozen food locker, excluding wholesale storage.

(y) Furniture store.

(z) Garden supply store.

(aa) Gift shop, notion or variety store.

(bb) Hardware store or paint store.

(cc) Health food store.

(dd) Hobby shop.

(ee) Home furnishings.

(ff) Jewelry store.

(gg) Leather goods and luggage.

(hh) Musical instruments.

(ii) Laundry or dry cleaning establishment.

(jj) Laundry pick-up agency, self-service laundry.

(kk) Medical and dental clinic and office.

(ll) Motel or hotel.

(mm) Office - business or professional.

(nn) Pet shop.

(oo) Photographic supplies and studio.

(pp) Printer

(qq) Radio and television sales and service.

(rr) Radio and television broadcasting studios and facilities.

(ss) Restaurant, bar and cocktail lounge including entertainment.

(tt) Shoe store, shoe repair shop.

(uu) Service station.

(vv) Toy store.

(ww) Upholstery shop.

(xx) Planned Unit Development subject to the provisions of Section 30.

(yy) Technical and businss schools.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) New residential dwelling units.

(b) Automotive sales lot (used).

(c) Bowling alley.

(d) Car wash.

(e) Conversion of an existing dwelling unit to a permitted use.

(f) Dancing or music school, nursery school, kindergarten and day-care facility.

(g) Department store.

(h) Drive-in restaurant.

(i) Public buildings and public utility buildings and structures as may be appropriate to the CL District.

(j) Church, club, lodge or fraternal organization.

(k) Commercial off-street parking lot.

(l) Mortuary.

(m) Theater.

(n) Veterinary clinic or kennel operated entirely within an enclosed building.

(o) Minor automotive repair, battery and tire store provided the business in wholly conducted within an enclosed building and all waste or used parts are removed from the premises each day.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: No requirements.

(b) Lot Width: No requirements.

(c) Lot Depth: 100 feet.

(d) Front Yard: The front yard shall be a minimum of 10 feet.

(e) Side Yard: None, except when a side lot line is abutting a lot in an "R" District and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(f) Rear Yard: None, except when a rear lot line is abutting a lot in an "R" District and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(g) Lot Coverage: Maximum lot coverage by buildings and structures shall be 35 percent of the total lot area.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All uses shall be conducted wholly within an enclosed building

except for off-street parking and loading facilities, automobile service stations, automobile sales and drive-up windows.

(b) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.

(c) In any CL District directly across the street from an "R" District, the parking and loading area shall be set back at least 10 feet from the street right of way and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

Section 16. Highway Commercial District, or CH District.

(1) Purpose. This District is intended to provide for those uses which have large site requirements, or are oriented to highway access, or provide service to the traveling public, or are dependent on thoroughfare travel. In addition, highway commercial districts can include limited commercial uses and commercial recreation facilities.

(2) Permitted Uses. The following uses are permitted subject to the provisions of Section 23.

(a) Existing residential uses, without any increase in density.

(b) Ambulance service.

(c) Any permitted use in the CL District.

(d) Bank, office and financial institution.

(e) Auto sales lot (including truck sales as part of a new car agency), provided all repair work is within an enclosed building.

(f) Automobile parts sales, automobile repair (major), tire sales (including recapping), battery sales and repair, all to be conducted within an enclosed building.

(g) Automobile service station subject to standards of Section 25.

(h) Car wash facilities.

(i) Carpenter, electrical, plumbing, sheet metal, welding, electroplating, hearing and sign shops, auto and furniture upholstery shops, printing, publishing and lithographing shops and paint shops operated entirely within an enclosed building.

(j) Commercial recreation facilities such as bowling alley, skating rink, dance hall, but not including golf driving range or drive-in theater.

(k) Equipment sales, service, rental and repair.

(l) Grocery store, gift store or souvenir shop.

(m) Hotel and motel.

(n) Mobile home, trailer and recreational vehicle sales and service.

(o) Motorcycle sales, service and repair.

(p) Restaurant, cafe, refreshment stand, drive-in restaurant, bar, tavern, club and lodge.

(q) Retail business and service establishment providing home furnishings, supplies and service for home improvements including garden supplies, nurseries, greenhouses, retail lumber yards, paint and wallpaper, plumbing, heating and electrical sales and service, drapery, floor covering and tile.

(r) Veterinary clinic operated entirely within an enclosed building.

(s) Second hand store operated within an enclosed building.

(t) Places for public assembly such as churches, meeting halls, auditoriums, lodges, clubs, fraternal organizations and mortuaries.

(u) Public buildings and public utility structures as may be appropriate to the CH District.

(v) Commercial off-street parking lot.

(w) Planned Unit Development.

(x) Radio and television broadcasting studios and facilities.

(y) Laundry and dry cleaning establishment.

(z) Monument sales, retail.

(aa) Accessory uses and buildings customarily appurtenant to a permitted use.

(bb) Technical and business schools.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Automotive sales lot (used).

(b) Drive-in theater, golf driving range and miniature golf course.

(c) Existing industrial uses.

(d) Trailer park and campground.

(e) Building over 35 feet in height.

(f) Auction house or yard.

(g) Contractor's office and equipment storage yard or storage and rental of equipment commonly used by contractors.

(h) Wholesale business, storage, warehousing, transfer company and trucking company.

(i) Department store.

(j) Towing service where no wrecked or impounded vehicles are kept on the site.

(k) Residential use.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: No requirements.

(b) Lot Width: No requirements.

(c) Lot Depth: Each lot shall have a minimum depth of 100 feet.

(d) Front Yard: The front yard shall be a minimum of 10 feet, except when a side lot line is abutting a lot in an "R" District and then the front yard shall be the front yard required in the abutting "R" District.

(e) Side Yard: None, except when a side lot line is abutting an "R" District and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(f) Rear Yard: None, except when a rear lot line is abutting a lot in an "R" District and then the rear yard shall be a minimum of

10 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(g) Lot Coverage: No requirements.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in an "R" District shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall not less than 6 feet nor more than 8 feet in height. Said fence or wall shall not extend into a required front yard area.

(b) Motor vehicle, boat or trailer rental, sales or storage lot shall be drained and surfaced with pavement except in those portions of the lot maintained as landscaped areas.

Section 17. General Commercial District, or CG District.

(1) Purpose. This district is intended to provide for a broad mixing of commercial uses and for wholesale and heavier commercial uses in older, close-in sections of the community.

(2) Permitted Uses. The following uses are permitted in the CG District subject to the provisions of Section 23.

(a) Any use permitted in the CL District.

(b) Wholesale business, storage, warehousing, transfer company and trucking company.

(c) Truck sales, service and repair.

(d) Public buildings and public utility structures and service yards.

(e) Contractor's office and equipment storage yard or storage and rental of equipment commonly used by contractors.

(f) Major automotive repair and towing services provided all storage is conducted within a building or within a sight obscruing fence.

(g) Carpenter, electrical, plumbing, sheet metal, welding, electroplating, heating and sign shops, auto and furniture upholstery shops, printing, publishing and lithographing shops and paint shops operated entirely within an enclosed building.

(h) Cold storage plant, including storage and office.

(i) Bakery, creamery, soft drink bottling plant, laundry, dry cleaning, dying or rug cleaning.

(j) Feed, seed and fuel stores conducted wholly within a completely enclosed building.

(k) Secondhand store.

(l) Planned Unit Development subject to the provisions of Section 20.

(m) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Department store.

(b) Buildings in excess of 45 feet.

(c) Residential use subject to the standards of the RH District.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: No requirements.

(b) Lot Width: No requirements.

(c) Lot Depth: Each lot shall have a minimum depth of 100 feet.

(d) Front Yard: The front yard shall be a minimum of 10 feet, except when abutting a yard in an "R" District and then the front yard shall be the front yard required in the abutting "R" District.

(e) Side Yard: None, except when a side lot line is abutting a yard in an "R" District and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(f) Rear Yard: None, except when a rear lot line is abutting a lot in an "R" District and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(g) Lot Coverage: No requirements.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in an "R" District shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall not less than 6 feet nor more than 8 feet in height. Said fence or wall shall not extend into a required front yard area.

(b) Motor vehicle, boat or trailer rental, sales or storage lot shall be drained and surfaced with pavement except in those portions of the lot maintained as landscaped areas.

Section 18. Central Business District, or CB District.

(1) Purpose. This district is intended to serve as the central trading area for the City and surrounding urbanized areas.

(2) Permitted Uses. The following uses are permitted in the CB Central Business District:

(a) Bank or other financial institution.

(b) Beauty or barber shop or other personal service establishment.

(c) Business of professional office.

(d) Eating or drinking establishment.

(e) Hotel or motel.

(f) Retail store.

(g) Theater.

(h) Technical and business schools.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Food store.

(b) Off-street parking lot.

(c) Residential uses not on the ground floor of a building.

(d) Building over 45 feet in height.

(e) Department store.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet except as provided in Section 29.

(5) Lot Requirements. No requirements, except that for multiple dwellings the requirements of the RH District shall apply.

(6) Off-Street Parking and Loading. No requirements for existing buildings in the area bounded by Brooks Street, Newport-Greenwood Avenues, the alley east of and parallel to Bond Street and Franklin Avenue. Parking in the remaining CB area will be established by the Planning Commission during site plan review.

(7) Other Required Conditions.

(a) In any CB District directly across a street from any "R" District, parking and loading area shall be set back at least 10 feet from the right of way and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

(b) Site Plan Approval required for the area described as requiring parking in subsection (6) of Section 18.

(c) Existing off-street parking shall be maintained.

Section 19. Industrial Park District, or IP District.

(1) Purpose. This district is intended to provide for research or development of materials, methods, or products, and compatible light manufacturing, in a park-like environment.

(2) Permitted Uses. The following uses are permitted in the IP District subject to the provisions of Section 23.

(a) Existing residential uses, without any increase in density, and a dwelling unit for a caretaker or watchman working on the property.

(b) Scientific research or experimental development of materials, methods or products including engineering and laboratory research.

(c) Administrative, educational and other related activities and facilities in conjunction with a permitted use.

(d) Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones.

(e) Manufacture of electric, electronic or optical instruments or devices.

(f) Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish or meat products, or fermented foods, such as sauerkraut, vinegar, or the like, or the rendering of fats and oils.

(g) Planned Unit Development subject to the requirements of Section 30.

(h) Other similar uses which the Commission may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district.

(i) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Public buildings and public utility structures and yards, including railroad yards.

(b) Bank, restaurant, automobile service station or the like, to serve developed permitted uses.

(c) Warehouse and distribution uses which the Commission finds not to be inconsistent with the purpose of this district and which will not impair present or potential use of adjacent properties.

(d) Buildings over 45 feet in height.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: Each lot shall have a minimum area of 1 acre.

(b) Lot Width: No requirements.

(c) Lot Depth: Each lot shall have a minimum depth of 100 feet.

(d) Front Yard: The front yard shall be a minimum of 35 feet.

(e) Side Yard: Side yard shall be a minimum of 25 feet except when abutting a lot in an "R" District and then the required side yard shall be 50 feet. No side yards are required on the side of a building abutting a railroad right of way.

(f) Rear Yard: A rear yard shall be a minimum of 25 feet except when abutting a lot in an "R" District and then the rear yard shall be 50 feet. No rear yard is required on the side of a building abutting a railroad right of way.

(g) Lot Coverage: The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All uses in this district shall be carried on entirely within a completely enclosed building except for parking and loading, and automobile service stations.

(b) In an IP District directly across the street from any "R" District, an off-street parking and loading area shall be set back at least 20 feet from the right of way, and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

(c) Other yards and unused property on a developed site shall be landscaped and maintained.

(d) Any use or portion thereof causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.

(e) Any use or portion thereof causing vibration shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.

(f) Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.

(g) There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectible at any point along or outside property lines so as to produce a public nuisance or hazard.

(h) All off-street parking or loading areas and access drives shall be surfaced with dust-free surface and shall be maintained.

(i) Fences, walls or hedges may be required by the Site Plan Committee if, in the opinion of the Committee, such screening is necessary to protect the residential quality of adjacent property in any "R" District.

Section 20. Light Industrial District, or IL District.

(1) Purpose. This district is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the City.

(2) Permitted Uses. The following uses are permitted in the IL District subject to the provisions of Section 23.

(a) Any permitted use in the IP District.

(b) Ambulance service.

(c) All types of automobile, motorcycle, truck and equipment sales, service, repair and rental. Automobile and truck service stations subject to Section 25.

(d) Boat building, sales and repair.

(e) Cold storage plants including storage and office.

(f) Equipment sales, service, rental and repair.

(g) Fuel oil distributors.

(h) Printing, publishing and book binding.

(i) Public utlity buildings and yards.

(j) Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars and taverns.

(k) Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.

(l) Trailer sales, storage and rental.

(m) Veterinary clinic and hospitals operated entirely within an enclosed building.

(n) Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, sign, stone monuments, upholstery and welding.

(o) Assembly, manufacture, or preparation of articles and merchandise from the following previously prepared types of materials; bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, leather, precious or semi-precious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding sawmills, lumber mills, planing mills and molding plants), yarns and paint not employing a boiling process.

(p) Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfume, pharmaceuticals, perfumed toilet soap, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as sauerkraut, vinegar, and yeast.

(q) Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drug, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise.

(r) Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dying plants, tire retreading, recapping and rebuilding.

(s) Storage or sale yard for building materials, contractor's equipment, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.

(t) Manufacture of concrete products and ceramic products using only previously pulverized clay.

(u) Manufacture of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment.

(v) Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.

(w) Commercial parking lot.

(x) Planned Unit Development subject to the provisions of Section 30.

(y) Other similar uses which the Commission may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district.

(z) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Buildings over 35 feet in height.

(b) Livestock feed and sales yard.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 35 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: No requirements.

(b) Lot Width: No requirements.

(c) Lot Depth: Each lot shall have a minimum depth of 100 feet.

(d) Front Yard: 10 feet except when abutting a lot in an "R" District and then the front yard shall be the front yard required in the abutting "R" District.

(e) Side Yard: None, except when abutting a lot in an "R" District and then the side yard shall be a minimum of 20 feet. The required side yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(f) Rear Yard: None, except when abutting a lot in an "R" District and then the rear yard shall be a minimum of 20 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(g) Lot Coverage: No requirements.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in an "R" District shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall.

(b) Openings to structures on sides abutting to or across the street from an "R" District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions such as to have an adverse effect on property in the "R" District.

(c) Motor vehicle, boat or trailer rental, sales or storage lot shall be drained and surfaced with pavement except in those portions of the lot maintained as landscaped areas.

(d) In any IL District directly across the street from any "R" District, the parking and loading area, and outdoor display or storage areas shall be set back at least 10 feet from the right of way and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

(e) Access point from a public road to properties in an IL District shall be so located as to minimize traffic congestion and to avoid directing traffic on to local access streets of a primarily residential character.

(f) All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.

(g) The emission of disturbing vibrations or of unpeasant odorous gasses or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.

(h) All uses in the IL District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.

Section 21. General Industrial District, or IC District.

(1) Purpose. This district is intended to provide for the establishment of light and heavier industrial uses essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and residential and light commercial uses.

(2) Permitted Uses. The following uses are permitted subject to the provisions of Section 23.

(a) Any permitted use in the IL District.

(b) Any manufacturing, processing, repairing, research, assembling, wholesale or storage uses, excepting the manufacturing of explosives and the slaughtering of animals.

(c) Ambulance service.

(d) All types of automobile, motorcycle, truck and equipment sales, service, repair and rental.

(e) Boat building, sales and repair.

(f) Public buildings and public utility structures and yards, including railroad yards.

(g) Service commercial uses such as banks, offices, restaurants, cafes, bars and taverns.

(h) Veterinary clinic.

(i) Commercial parking lot.

(j) Planned Unit Development subject to the provisions of Section 30.

(k) Other similar uses which the Commission may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district.

(l) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Asphalt plant.

(b) Wrecking yard or junk yard.

(c) Buildings over 35 feet in height.

(d) Livestock feed or sales yard.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 35 feet.

(5) Lot Requirements. The following lot requirements shall be observed:

(a) Lot Area: No requirements.

(b) Lot Width: No requirements.

(c) Lot Depth: Each lot shall have a minimum depth of 100 feet.

(d) Front Yard: None, except when abutting a lot in an "R" District and then the front yard shall be the front yard required in the abutting "R" District.

(e) Side Yard: None, except when abutting a lot in an "R" District and then the rear yard shall be a minimum of 20 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.

(f) Lot Coverage: No requirements.

(6) Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 24.

(7) Other Required Conditions.

(a) All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in an "R" District shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall.

(b) Openings to structures on sides adjacent to or across the street from an "R" District shall be prohibited if such access or openings will cause glare, excessive noise or other conditions such as to have adverse effects on property in the "R" District.

(c) Motor vehicle, boat or trailer rental, sales or storage lot shall be drained and surfaced with pavement except in those portions of the lot maintained as landscaped areas.

(d) In any IG District directly across the street from any "R" District, the parking and loading area, and outdoor display or storage areas shall be set back at least 10 feet from the right of way and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

(e) Access point from a public road to properties in an IG District shall be so located as to minimize traffic congestion and to avoid directing traffic on to local access streets of a primarily residential character.

(f) All materials, including wastes, shall be stores and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.

(g) The emission of vibrations or of odorous gasses or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the vigrations or odors is prohibited.

(h) All uses in the IG District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.

Section 22. Flood Plain Combining District, or FP District.

(1) Purpose. This district is intended to identify and recognize those sections of the community subject to the hazards of periodic flooding and to establish special standards and regulations to reduce flood damage or loss of life in these areas. For the purposes of this Ordinance, areas subject to flooding and included in the FP District are those designated by HUD flood area map.

(2) Permitted Uses. Any use permitted in the basic zoning district subject to the following limitations and exceptions.

(a) No existing structure shall be enlarged or structurally altered nor shall the use be changed without the approval of the Planning Commission.

(b) No existing land use not including a structure shall be enlarged or changed without the approval of the Planning Commission.

(c) No new structure or land use shall be permitted without the approval of the Planning Commission.

(d) In the process of reviewing changes in land use or structures or new land use or structures in this district, the Planning Commission shall be guided by considerations relating to the nature of the use or structure or change in use or structure as it relates to the flood hazard to life and property. The Commission may require any changes or alterations in sites or structures it deems necessary to reduce or alleviate flood hazards.

(e) Any new structure or use intended for temporary or permanent human habitation is prohibited.

(3) Procedure.

(a) Changes in FP District boundaries shall be made according to procedures established for changes in other zoning district boundaries in the City.

(b) When subject to the requirements of this district, the Planning Commission may require site plans, site elevations and such other data as will assist the Commission in evaluating the proposed structure or land use.

(c) After reviewing plans and other material submitted by the applicant, the Planning Commission may approve, approve with conditions, or disapprove the issuance of a building permit or other permit in any matter subject to its jurisdiction.

Section 23. Site Plan Approval.

(1) Purpose. The purpose of Site Plan Approval is to ensure compliance with the objectives of this Ordinance and the Comprehensive Plan where development may cause a conflict between uses in the same or adjoining zoning districts by creating unsightly, unhealthful or unsafe condisions and there by adversely affect the public health, safety and general welfare. In considering a site plan the Committee shall take into

account the impact of the proposed development on nearby properties, on the capacity of the street system, on the capacity of the utility system, on land values and development potential of the area, and on the appearance of the street and community. The Committee may require the following in addition to the minimum standards of this Ordinance as a condition to the Site Plan Approval.

(a) An increase in the required yards.

(b) Additional off-street parking.

(c) Screening of the proposed use by a fence or landscaping or combination thereof.

(d) Limitations on the size, location and number of lights.

(e) Limitations on the number and location of curb cuts.

(f) Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use.

(g) Improvement, including but not limited to paving, curbing, installing of traffic signals and constructing sidewalks, of the street system which serves the proposed use where the existing street system will be burdened by the proposed use.

(h) Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include but shall not be limited to extension of utility facilities to serve the proposed use and installation of fire hydrants.

(i) Landscaping of the site.

(j) Any other limitations or conditions which it considers necessary to achieve the purposes of this Ordinance.

(2) Site Plan Committee. There is hereby created a Site Plan Committee consisting of the Planning Director, the Building Official and the City Engineer, or their authorized deputies, to carry out the duties set forth in this section. This Committee shall have the authority to approve, disapprove, or to approve with conditions, the site plans for all proposed new buildings (except single family, duplex and triplex dwellings), outdoor sales, storage and parking areas, enlargement of existing buildings and the conversion of a building to a more intensive use in those zoning districts where Site Plan Approval is required. In the review of plans, the Site Plan Committee shall be governed by the purposes and objectives of this section as set forth in subsection (1) of Section 23.

(3) Procedure.

(a) Before any building permit shall be issued for any development subject to Site Plan Approval, a site plan for the total parcel or development shall be prepared and submitted to the Site Plan Committee for approval. The site plan shall provide such information as determined by the Committee.

(b) Within 15 working days after the submission of a complete site plan, the Site Plan Committee shall approve, approve with conditions, or disapprove the site plan. Failure to render a decision within the 15 working day period shall be deemed approval of the plan as submitted. In approving the plan, the Committee shall find that all provisions of this Ordinance are complied with and that all buildings and facilities, access points, parking and loading facilities, lighting and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and that there will be no adverse effect on surrounding property. The decision of the

Committee shall be final unless appealed to the Planning Commission.

(4) Appeal. The applicant or any interested person may appeal a decision of the Site Plan Committee to the Planning Commission in a form prescribed by the City. Such appeal shall be filed with the Planning Director within ten work days of the decision of the Site Plan Committee. The appeal shall be placed on the agenda of the Planning Commission at their next regular meeting after the date of the filing of the appeal. The Planning Commission shall review the site plan and shall approve, approve with conditions or disapprove the plan based on the considerations listed in subsection (1) of Section 23.

(5) Revisions. Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section or the Development Agreement. Where required Site Plan Approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement or use in any manner except in complete and strict compliance with the approved site plan.

Section 24. Off-Street Parking and Loading.

(1) Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.

(2) Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

(a) Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 - 30,000	1
30,000 - 100,000	2
100,000 and Over	3

(b) Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 - 100,000	1
100,000 and Over	2

(c) A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

(d) If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

(e) Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

(3) Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts except the CB District. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of this Ordinance is changed.

(4) Number of Spaces Required. Off-street parking shall be provided as follows:

Use	Requirement
(a) Residential	
One, two and three family dwellings:	2 spaces per dwelling unit
Multi-family dwelling containing four or more dwelling units:	
Studio or Efficiency Unit	.75 space per unit
1 Bedroom Unit	1.00 space per unit
2 Bedroom Unit	1.50 space per unit
3 Bedroom Unit	2.25 space per unit
4 Bedroom Unit	2.50 space per unit
Apartment-hotel, rooming or boarding house:	.50 space guest parking per dwelling unit
Quad or Quint dwelling	4.5 spaces per quad and 5.5 spaces per quint
(b) Commercial Residential	
Hotel:	1 space per guest room plus 1 space per 2 employees
Motel:	1 space per guest room or suite plus 1 additional space for the owner or manager
Club or Lodge:	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Fraternity, sorority or dormitory:	1 space for each 6 student beds
(c) Institutions	
Welfare or correctional institution:	1 space per 3 beds for patients or inmates
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged:	1 space per two beds for patients or residents
Hospital:	1.50 spaces per bed
(d) Places of Public Assembly	
Church	1 space per 4 seats or 8 feet of bench length in the main auditorium

Use	Requirement
(c) Institutions	
Welfare or correctional institution:	1 space per 3 beds for patients or inmates
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged:	1 space per two beds for patients or residents
Hospital:	1.50 spaces per bed
(d) Placed of Public Assembly	
Church	1 space per 4 seats or 8 feet of bench length in the main auditorium
Library, reading room, museum, art gallery:	1 space per 400 square feet of floor area plus 1 space per 2 employees
Pre-school nursery or kindergarten:	2 spaces per teacher
Elementary or Junior High School:	1 space per employee or 1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater
High School:	1 space per employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater
College or commercial school for adults:	1 space per 3 seats in classrooms
Other auditorium or meeting room:	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet of floor area
(e) Commercial Amusements	
Stadium, arena or theater:	1 space per 4 seats or 8 feet of bench length
Bowling alley:	6 spaces per lane plus 1 space per 2 employees
Dance Hallor Skating Rink:	1 space per 100 square feet of floor area plus 1 space per 2 employees
(f) Commercial	
Retail store except stores selling bulky merchandise and grocery stores 1,500 square feet gross floor area or less:	1 space per 300 square feet of gross floor area
Supermarkets, grocery stores 1,501 to 4,000 square feet:	1 space per 150 square feet of gross floor area
4,001 square feet and over:	1 space per 100 square feet of gross floor area

Use	Requirements
Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building:	1 space per 600 square feet of gross floor area.
bank or office (except medical and dental):	1 space per 300 square feet of gross floor area
Medical and dental office or clinic:	1 space per 150 square feet of gross floor area
Eating or drinking establishments:	1 space per 60 square feet of gross floor area
Mortuaries:	1 space per 4 seats or 8 feet of bench length in chapels

(g) Industrial

Manufacturing establishments:	1 space per employee on the two largest working shifts
Storage warehouse, wholesale establishment, rail or trucking freight terminal:	1 space per 2,000 square feet of floor area

(h) Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses.

(5) General Provisions - Off-Street Parking.

(a) More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.

(b) Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

(c) Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during Site Plan Approval. The burden of proving the existence of such off-premise parking arrangements rests upon the person who has the responsibility of providing parking.

(d) Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.

(e) Parking, Front Yard. Unless otherwise provided, required parking and loading spaces for multi-family dwellings, commercial and industrial use shall not be located in a required front yard, but such space may be located within a required side or rear yard.

(6) Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

(a) An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins a residential use or property situated in a Residential District or the premises of any school or like institution.

(b) Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an "R" District.

(c) Except for single-family and duplex dwellings, groups or more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right of way other than an alley.

(d) Areas used for standing and maneuvering of vehicles shall be paved surfaces maintained adequately for all weather use and so drained as to contain any flow of water on the site.

(e) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

(f) Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

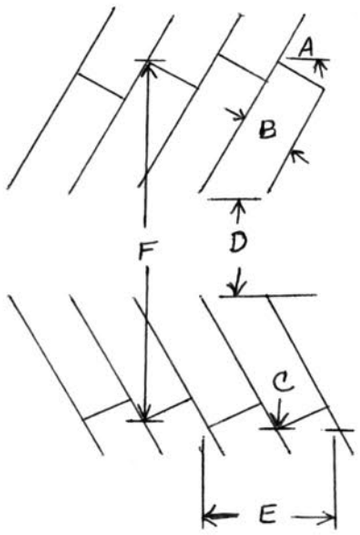
(g) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.

(h) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.

(i) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right of way.

(7) Off-Street Parking Lot Design. All off-street parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in the following drawings and table:

A	B	C	D	E	F
0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	32.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-0"	21.0	18.0	10.4	60.0
	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0
	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0



A Parking Angle
B Stall Width
C 20' Stall
D Aisle Width - one way*
E Curb Length per Car
F Bay Width
* 24' minimum for two way traffic

(a) For one row of stalls use "C" + "D" as minimum bay width.

(b) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right of way.

(c) For estimating available parking area, use 300 - 325 square feet per vehicle for stall, aisle and access areas.

(d) For narrow lots equivalent size stalls and aisles may be approved by the City Engineer.

(e) For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be 8 feet in width and 17 feet in length with appropriate aisle width.

Section 25. Provisions Applying to Special Uses. In addition to the standards of this Ordinance the following special uses shall comply with the provisions of this section:

(1) Automobile Service Stations - Minimum standards:

(a) Location: No portion of any service station shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under this section. This shall not prevent the remodeling of an existing service station.

(b) Minimum Lot Size: The minimum lot size for a service station site shall be 12,000 square feet. The minimum street frontage on the major traffic carrying street of a corner lot shall be 100 feet. The minimum street frontage for a service station site on an interior lot shall be 120 feet. The minimum lot depth shall be 100 feet.

(c) Setbacks: Service stations shall set back from property lines not less than 10 feet. Attached or free-standing canopies may not extend closer than 10 feet to the property line. The minimum 10 foot distance between property line and building shall be appropriately landscaped as a continuation of the service station's required landscaping.

(d) Screening: A sight obscuring fence or wall not less than 6 feet or more than 8 feet or an evergreen hedge planted at 4 feet and capable of obtaining 6 feet in height shall be provided between the service stations and abutting property in a residential zone or used for residential purposes. Said wall, fence, or hedge shall be reduced to 2-1/2 feet in vision clearance areas. A screened trash enclosure shall be provided on each station site.

(e) Landscaping: Landscaping shall be installed and maintained occupying a minimum of 5 percent of the station site net area. Plans for landscaping shall be approved during site plan review.

(f) Lighting: Lighting shall be of such illumination, direction, color and intensity as not to create a nuisance on adjacent property or to create a traffic hazard. Wiring for the business and its signs and light fixtures shall be underground.

(g) Other Requirements: No storage of inoperative automobiles or parts thereof shall be permitted except in enclosed structures for any period exceeding 72 hours. Off-street parking space shall be provided for each attendant of the largest shift. Sales storage and display of merchandise shall be conducted within a building, except for gasoline, oil, windshield wiper blades and other accessories of like size. Use of property for service station may also include the sale and installation of motor vehicle accessories, minor vehicle repairs (such as tuneups, tire repair and the like), emergency vehicle repairs and any other sale, service or activity customarily incidental to the operation of a service station where such other sale, service or activity would otherwise be permitted within the zone.

(h) Abandonment: Whenever a service station is not used as such for a continuous period of nine months, all structures and facilities above and below the ground shall be removed by the owner. Operation for at least 90 consecutive days shall be required to interrupt a continuous nine month period. All service stations which are unused for nine months as provided above are hereby declared to be nuisances and subject to abatement as provided in Ordinance No. NS-744.

(2) Kennels, Riding Academies and Public Stables. In any "R" District, kennels, riding academies and public stables shall be located not less than 200 feet from any property line, shall provide automobile and truck ingress and egress and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise and drainage shall not constitute a nuisance, hazard or health problem to adjoining property or uses.

(3) Cemetery, Crematory or Mausoleum. A cemetery, crematory or mausoleum shall have its principal access on a major street or road with ingress and egress so designed as to minimize traffic congestion and shall provide required off-street parking space. Cemeteries located within any "R" District or abutting such "R" District shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use.

(4) Churches, Hospitals or other Religious Institutions. In any "R" District all such uses shall be located on an arterial street, all buildings shall be set back a minimum of 30 feet from a side or rear lot line, all off-street parking facilities shall be adequately screened from abutting property and no sign shall exceed 10 square feet in area or be internally illuminated.

(5) Community Buildings, Social Halls, Lodges, Fraternal Organizations and Clubs in an "R" District. All buildings shall be set back a minimum of 30 feet from a side or rear lot line, there shall be no external evidence of any incidental commercial activities taking place within the building, all such uses shall be located on a major street or road and be able to provide access without causing traffic congestion on local residential streets.

(6) Drive-in Theaters. Drive-in theaters shall be located only on a major street or road, shall provide ingress and egress so designed as to minimize traffic congestion, shall be so screened from any residential district or dwelling that any noise shall not disturb residents or prospective residents, shall maintain signs and other lights only in such a way as not to disturb neighboring residents, and shall be so designed that the screen will be set back from and shall not be clearly visible from any highway.

(7) Keeping of Livestock. The Planning Commission may authorize the keeping of livestock as a Conditional Use in an "R" District subject to the following standards:

(a) One horse shall have a corral or pasture with a usable area of at least 7,500 square feet; two horses, at least 10,000 square feet; and for each additional horse, at least 5,000 square feet.

(b) Cows, goats, sheep, swine, fowl or other livestock shall not be kept on any parcel of land with an area less than five acres.

(c) No enclosure for horses, cows, goats, sheep, swine or other livestock shall be located closer than 25 feet to a dwelling.

(d) Fences erected in connection with the keeping of livestock shall be of lumber, or other solid material, shall be kept in good repair, and shall be at least 4 feet in height. Fences shall not be made of barbed wire. A fence shall meet the setback requirements of the zone.

(8) Mobile Home Park.

(a) The minimum area for a mobile home park shall be 3 acres.

(b) The average area of mobile home sites within the mobile home park shall not be less than 4,000 square feet, excluding roadways, recreation areas and other accessory facilities. No mobile home site shall have an area less than 2,000 square feet.

(c) A sight-obscuring fence or hedge not less than 6 feet high shall enclose the mobile home park except at points of entry and exit.

(d) Two parking spaces shall be provided for each mobile home site. In addition, guest parking spaces shall be provided in every mobile home park within 200 feet of the mobile home sites served, at a ratio of one parking space for each two mobile home sites.

(9) Temporary Permits for Mobile Homes. Temporary use permits for mobile home or trailer house type units may be authorized by the Planning Commission in the following circumstances upon such terms and conditions as prescribed by the Planning Commission:

(a) Temporary use permits may be granted in favor of schools for a specified time.

(b) Temporary use permits may be granted in residential zones for relatives of the family residing on the property if the mobile home will be used because of a medical problem requiring the use of such a unit. The existence of a medical problem shall be supported by the certificate of a medical doctor. The permit shall not exceed one year and may only be renewed with another certificate from a medical doctor.

(c) Temporary use permits may be granted in connection with construction projects. The duration of such permits shall not continue beyond the construction period and the permit shall terminate upon occupancy of the building being constructed. The Building Official may issue such permits.

(10) Mines, Quarries, Gravel Pits or Gravel Removal Sites. Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district of this Ordinance unless a Conditional Use Permit shall first have been obtained as provided in Section 29 for on-site excavation and grading in conjunction with a specific construction or improvement project. The Planning Commission shall have power to grant Conditional Use Permits, which are valid for a specified period of time or are revocable, to permit extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials. Odor, dust, noise or drainage shall not be permitted to create or become a nuisance to surrounding property.

(11) Mobile Home Standards. Mobile homes allowed in mobile home subdivisions or Planned Unit Developments shall meet the following minimum requirements:

(a) Insignia of Compliance. The mobile home shall conform to the current Oregon State electrical, plumbing, heating and structural codes whose conformance shall be signified by the display of the "Insignia of Compliance" of the State of Oregon, pursuant to and prescribed under applicable State statutes ORS 446.002 and ORS 446.200 and all subsequent amendments thereto.

(b) Skirting. The unit shall have continuous skirting of nondecaying, noncorroding, rodent-proof material. Skirting shall be vented. An 18 x 24 inch access shall be provided in the skirting. Skirting shall be installed within 60 days of the date of issuance of the building permit.

(c) Storage and Accessory Requirements. Each mobile home shall be provided with an accessory building which encloses a minimum of 70 (7 x 10) square feet for accessory storage. The accessory storage building shall be constructed to the Uniform Building Code standards. Construction of required storage building shall be completed within 60 days of the date of issuance of the building permit.

(d) Permits. A building permit shall be obtained from the Building Official prior to move in and location of any mobile home on any tract of land and shall include other site constructed buildings or structures.

(e) Special Setbacks. Special setbacks as determined by the Planning Director may be required in areas with scenic impact and in all areas designated for landscape management on the Comprehensive Plan. Also, special setbacks and landscape requirements may be required where the property adjoins frame dwelling residential units.

(12) Utilities. The erection, construction alteration, or maintenance by public utility or municipal or other governmental agencies of underground, overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fore alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, may be permitted in any district. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance. However, in considering an application for a public utility use the Planning Commission shall determine that the site, easement, or right of way is located so as to best serve the immediate area, and in the case of a right of way or easement will not result in the uneconomic parceling of land. As far as possible, transmission towers, poles,

overhead wires, pumping stations, and similar gear shall be so located, designed, and installed as to minimize their effect on scenic values.

(13) Dwelling Groups. Purpose - This section is intended to make possible a more desirable living environment than would be possible through a strict application of the provisions of this Ordinance. It is intended to encourage reservation of a greater proportion of open space for visual and recreational uses; to encourage efficient, aesthetic, and desirable uses of land; and to encourage greater diversity and variety in the physical development pattern of the City. A permit may not be issued for the erection of a Dwelling Group unless such Dwelling Group conforms to all of the following conditions and requirements:

(a) The area of the lot on which the Dwelling Group is to be erected shall be at least 20 percent greater than the aggregate of the minimum lot areas otherwise required for the individual dwelling in the group.

(b) Each building containing a dwelling in the group shall front either on a street, or other public open space at least 50 feet wide, or on a common yard or outer court, public or private, not less than 50 feet wide.

(c) The distances between two principal buildings shall not be less than the average of their heights and the distance between any principal buildings and the nearest lot line other than a front lot line, shall not be less than the height of the building.

(d) Every building containing a dwelling in the group shall be within 60 feet of an access roadway or drive having a right of way at least 20 feet in width providing vehicular access from a public street.

(e) Except as modified in this section, such Dwelling Group shall conform to all of the requirements of this Ordinance for the district in which it is to be located.

(f) All Dwelling Groups shall be subject to Site Plan Approval as provided in Section 23.

(14) Rear Lot Permits.

(a) Purpose. The purpose of this section is to permit development of deep lots in residential areas which are incapable of being subdivided or otherwise developed under the strict application of this Ordinance. No deep lots or other large parcels of land may be developed under this section if the property is physically capable of being subdivided, either separately or in conjunction with adjacent properties, either now or in the future. Any property proposed to be developed under this section shall comply with all of the following eligibility and development requirements.

(b) Eligibility. Property must be less than 4 acres in area. Property must be so situated that further subdivision or segregation under terms of other applicable City ordinances and regulations is not possible, either individually or in conjunction with any other adjacent property. Minimum Area: Twice that required by the applicable zoning district.

Minimum Depth: 200 feet
Minimum Width: As required by applicable zoning district

(c) Development Standards: Provided the eligibility requirements are met, a permit may be issued subject to the following standards and criteria:

Front Parcel: Minimum Lot Width: 10 feet less than required by applicable zoning district. Minimum Lot Depth: 100 feet. Yard Requirements: Same as required in applicable zoning district.

Rear Parcel: Access Way Minimum: 10 feet for first 150 feet; 15 feet if access way greater than 150 feet. Maximum access way width: 20 feet. Yard Requirements: No building shall be erected within 10 feet of any property line. Lot Area: Area of rear lot shall be within 15 percent of the area of the front lot. Access way shall be conveyed with ownership of rear lot and shall be an integral part of the rear lot. Access way shall be paved. Development of property subject to approval by the Site Plan Committee. Applicant shall submit site plan for all buildings, structures and other improvements such as roadways, walks and parking facilities to the Site Plan Committee for approval. All improvements made on the property shall conform to the plans as approved by the Site Plan Committee.

(15) Home Occupation. An occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee or other persons being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupations shall be a secondary use on the premises, shall not occupy more than 25 percent of the floor area of one floor or the dwelling and there shall be no stock in trade stored or displayed, or goods sold, upon the premises. Signs shall be permitted according to the provisions of the City Sign Code. Notice to property owners shall be given as provided in Administrative Resolution. For purposes of this Ordinance, nursery schools and kindergartens shall not be considered as home occupations in residential zones.

(16) Landing Strips for Aircraft, Heliports. All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off pattern is minimized. They shall be located so that traffic, both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips and heliports shall not be construed to be a permitted use in any district established by this Ordinance unless and until a Conditional Use Permit shall first have been secured therefore.

(17) Nursery Schools and Kindergartens. Nursery schools and kindergartens shall have a minimum site size of 10,000 square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per child of total capacity. In any "R", "C" or "I" District, a sight-obscuring fence of at least 4 feet but not more than 6 feet in height shall be provided separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.

(18) Housing for the Elderly. Purpose. The purpose of this section is to establish standards for housing developments for the elderly within the CB and RH Districts. Housing developments for the elderly shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with appropriate regulations.

(a) The minimum lot area for single and two-family dwellings shall be 5,000 square feet. For each additional dwelling unit the lot area shall be increased by 360 square feet provided that more than 50 percent of the dwelling units shall be studio apartments. For the purpose of this section, a studio apartment is defined as an apartment with one principal room and having no bedrooms.

(b) The combined lot coverage of all structures shall not exceed 50 percent of the lot area.

(c) Off-street parking shall be provided as follows:

Total off-street parking area - .75 space per dwelling unit.

Improved off-street parking area - .33 space per dwelling unit.

As long as the multiple-family dwelling serves as housing for the elderly in terms of the original intent for the development, the smaller parking requirement shall apply. Any applicant must provide a site plan showing the total off-street parking area including access and parking spaces in the event the development ceases to serve as housing for elderly or requires additional parking. In the event that the development ceases to serve as housing for the elderly in terms of the original intent of the development, the larger off-street parking area required in this section shall apply and shall be immediately improved and developed. In the event that the improved off-street parking area does not meet the parking needs of the development, the Planning Commission may require development of the total or larger off-street parking area.

Section 26. Special Setback Provisions on Certain Streets.

(1) Future Width and Special Building Lines - Purpose and Designation of Streets. Because of heavy or arterial traffic volume and congestion, existing or probable intensive or commercial development of abutting properties, substandard paving widths, the probability of inadequate sight distances, and other like conditions affecting traffic safety and light, air, and vision along streets, the City Commission finds that the public health, safety and welfare require that building setback lines, as hereinafter specified by, and they are hereby, established on all properties abutting the following named streets and sections of streets. Where applicable, requirements set forth in this provision shall be in addition to the yard requirements specified for the zoning districts.

The distances set forth shall be measured from the centerline and at right angles to the centerline of the street and required yards are in addition to this setback.

Street Name	Setback From Centerline to Yard
NE Second Street	50 feet
Boyd Acres	50 feet
Studio	50 feet
Butler Market	50 feet
Denser	50 feet
Neff	50 feet
Century Drive	50 feet
Shevlin Park	50 feet
Galveston	50 feet
SE 9th Street	50 feet
Wilson Avenue	50 feet

(2) Landscape Strips and Special Building Lines - Purpose and Designation of Streets. The purpose of this provision is to conserve and enhance the appearance of the community along certain streets of special significance to the community. These streets are the entrance to the City for the traveling public and the most frequently used streets in the community by the general public and the deterioration of the general appearance of these streets will adversely affect the health, safety and general welfare of the people of the City. Therefore, there is hereby specified and hereby established on all properties abutting the following named streets and sections of streets a 10 foot building setback line from the street right of way line. Said areas within this special setback shall be landscaped and continuously maintained by the property owner. Said landscaping shall be installed upon the enlargement of the principal structure on the property, the expansion of the use on the property or upon the change in use on any property within the specified section of streets. Where applicable, the requirements set forth in this provision shall supercede the yard requirements specified for the zoning districts.

Street or Section of Street	
Highway 97	North City Limits to South City Limits
First Street	From Highway 97 south to Thurston Street along new connection to Division Street

Division Street	From new connection with Thurston Street, south to Deschutes Place.
Deschutes Place	From Division to Hill Street
Hill Street	From Deschutes Place south to Norton Street
Wall Street	From Norton Street south to Greenwood Avenue.
Riverside	From the alley west of Wall Street south to Galveston Avenue.
Galveston Avenue	Riverside west to 14th Street.
Greenwood Avenue	From east City Limits west to Harriman Street.
14th Street/Century Drive	Galveston south to City boundary.
Penn/Neff	8th Street east.
Denser Road	All.

(3) Compliance Required. It shall be unalwful for any person, firm, or corporation to construct, erect or locate any building or other structure within any setback lines as established in this section.

(4) Variance Procedure. Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of this Ordinance may result from the strict application of the provisions of this section, a Variance may be granted pursuant to the provisions set forth in Section 31.

Section 27. Interpretations and Exceptions.

(1) General Exceptions to Lot Size Requirements. If at the time of passage of this Ordinance, or annexation to the City, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership, has an area of dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district; provided, however, that the use of a lot in an "R" District which has an area deficiency shall be limited to a single-family dwelling.

(2) Accessory Structures and Uses.

(a) A greenhouse or hothouse may be maintained accessory to a dwelling provided there are no sales.

(b) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities.

(c) An accessory building shall not be located within 10 feet of a principal dwelling existing or under construction on the same lot.

(d) Fences, site obscuring, may be located in a required front yard or in a vision clearance area provided that they shall not exceed 2-1/2 feet in height measured from the top of the curb.

(3) Exception to Height Regulations. Height limitations set forth elsewhere in this Ordinance shall not apply to barns, silos, water towers and tanks or other farm buildings and structures, provided they are not less than 50 feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smokestacks, flag poles, grain elevators, cooling towers, fire hose towers, masts, aerials, elevator shafts and other similar projection; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.

(4) Frontage. Except as permitted by other provisions of this Ordinance, no lot shall contain any building used in whole or in part for residential purposes unless said lot abuts a street for a distance of at least 30 feet.

(5) Vision Clearance and Vision Clearance Area. Vision Clearance Area shall be provided with the following distances establishing the size of the vision clearance area:

(a) In a residential district the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet.

(b) In all other districts where yards are required, the minimum distance shall be 15 feet or at intersections including an alley 10 feet, except that when the angle of intersection between streets, other than an alley, is less than 30 degrees the distance shall be 25 feet.

(c) Vision clearance area shall contain no plantings, fences, walls, structures or temporary or permanent obstructions exceeding 2-1/2 feet in height measured from the top of the curb except that street trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade.

(6) Exceptions to Yard Requirements.

(a) Projections into required yards. Certain architectural features may project into required yards or courts as follows: Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces, but these may not in any case extend more than 18 inches into any required yard area. Fire escapes, open-uncovered porches, balconies, landing places or outside stairways may not in any case extend more than 18 inches into any required side or rear yards, and not exceeding 6 feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding 18 inches in height and not approaching closer than 18 inches to any lot line.

(b) Exceptions to front yard requirements: If there are dwellings on both abutting lots with front yards less than required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed a depth of one-half way between the depth of the front yard on the abutting lot and the required front yard depth. Residential use in Commercial or Industrial zoning districts. Any structure in a "C" or "I" District designed and used for residential purposes shall comply with the requirements of the RH District. Structures in any "C" or "I" District which contain dwelling units not on the ground floor need not comply with residential district yard requirements, provided such structures comply with other applicable codes or regulations as may exist concerning the health and safety aspects of the dwelling units.

(7) Authorization for Similar Uses. The Planning Commission may rule that a use, not specifically named in the permitted or Conditional Uses of his Ordinance, shall be included among the permitted outright or Conditional Uses, if the use is of the same general type and is similar to the permitted or Conditional Uses of that zone.

(8) Existing Uses. Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of this Ordinance, may be continued even though such use, building or structure may not conform to the provisions of this Ordinance for the district in which it is located; provided, however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect.

(9) Pending Building Permits. Nothing herein shall require any change in the location, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which the required official approval and City building permit have been granted prior to the adoption of this Ordinance, or which was lawfully permitted and under construction within an area prior to annexation thereof to the City of Bend. Unless construction on such building or structure within the City begins within 60 days after the adoption

of this Ordinance, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of this Ordinance.

(10) River Setback. In all zones where a new building is to be erected, an existing building enlarged or a new off-street parking facility created on property abutting the Deschutes River, the following setbacks from the river's edge shall apply:

(a) In residential zones where a single family, duplex or triplex is being constructed, there shall be a minimum setback of 20 feet from the river's edge, the measurement of which shall include both the horizontal and vertical distances. Where this setback reduces the building area below 35 percent of the lot, the front yard setback provided by this Ordinance may be reduced to 10 feet and the side yard setback may be reduced to a minimum of 5 feet on each side in order to obtain a 35 percent buildable area.

(b) In commercial or industrial zones or multi-family housing projects subject to site plan review, the minimum setback from the river's edge shall be established during the site plan review process. Appropriate setback adjustments may be made during the review process using the standards in subsection (a) of this section as a guideline.

(11) Existing Land Restrictions. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, convenants or other agreements between parties; provided, however, that where this Ordinance imposed a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

Section 28. Nonconforming Uses. A use lawfully occupying a structure or site on the effective date of this Ordinance or of amendments thereto, which does not conform to the use regulations for the district in which it is located, shall be deemed to be a nonconforming use and may be continued, subject to the following regulations:

(1) Routine maintenance and repairs may be performed on structures or sites, the use of which is nonconforming.

(2) No structure, the use of which is nonconforming, shall be moved, altered or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.

(3) No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use.

(4) The Planning Commission may grant an application for a change of use, filed in accordance with the provisions of Section 29, if, on the basis of the application and the evidence submitted, they make the following findings:

(a) That the proposed use is classified in a more restrictive category than existing or pre-existing use by the district regulations of this Ordinance. The classifications of a nonconforming use shall be determined on the basis of the district in which it is first permitted, provided that a Conditional Use shall be deemed to be in a less restrictive category than a permitted use in the same district.

(b) That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or pre-existing use.

(c) That the change of use will not result in the enlargement of the space occupied by a nonconforming use, except that a nonconforming use of a building may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use of the building became nonconforming provided that no structural alteration, except those required by law, are made.

(5) If a nonconforming use has been changed to a conforming use, or if the nonconforming use of a building, structure or premises ceases for the period of one year or more, said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right or as a Conditional Use in the district in which it is located.

(6) If a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 60 percent of the appraised value of the structure as determined by the records of the County Assessor for the year preceding destruction, a future structure or use on the property shall conform to the regulations for the district in which it is located.

(7) Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a valid permit exists prior to the adoption of this Ordinance and subsequent amendments thereto, except that if the designated use will be nonconforming, it shall for the purposes of subsection (5) of Section 28 be an abandoned use if not in operation within one year of the date of issuance of the building permit.

(8) If a building or structure, in existence on the effective date of this Ordinance and subject to any yard, location or coverage restriction imposed by this Ordinance, fails to comply with such restriction, such building or structure may be enlarged or altered to the extent that such alteration or enlargement does not itself encroach upon a required yard or violate a location restriction or so increase the area of the building or structure that it violates the coverage restriction; but this right shall be subject to all other restrictions contained in this Ordinance.

(9) If an existing nonconforming use, or portion thereof, not housed or enclosed within a structure, occupies a portion of a lot or parcel of land on the effective date hereof, the area of such use may not be expanded, nor shall the use, or any part thereof, be moved to any other portion of the property not theretofore regularly and actually occupied by such use; provided, that this shall not apply where such increase in area is for the purpose of increasing an off-street parking or loading facility to the area specified in this Ordinance for the activity carried on in the property; and provided, further that this shall not be construed as permitted unenclosed commercial activities where otherwise prohibited by this Ordinance.

(10) A use which was lawful by reason of a variance may be conducted only on the term of the original permit or variance granted and subject to all limitations under which the permit or variance was awarded.

Section 29. Conditional Use Permits.

(1) Purpose. In certain districts, Conditional Uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, Conditional Uses require special consideration so that they may be properly located with respect to the objectives of this Ordinance and their effect on surrounding properties.

(2) Planning Commission Authority. The Planning Commission shall have the authority to approve, approve with conditions, disapprove, or revoke Conditional Use Permits subject to the provisions of this section.

(3) General Conditional Use Permit Criteria. A Conditional Use Permit may be granted only upon findings by the Planning Commission that the proposal meets all of the criteria in this section, as well as all other applicable criteria contained in this Ordinance. The general criteria are:

(a) That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets, and to any other relevant impact of the proposed use.

(b) That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.

(c) If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.

(d) That the proposed use will be consistent with the purposes of this Ordinance, the Comprehensive Plan, Statewide Goals, and any other statutes, ordinances or policies that may be applicable.

(4) Application. A request for a Conditional Use may be initiated by a property owner or his authorized agent by filing an application with the City Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

(5) Public Hearings. Before a Conditional Use is permitted, the proposed Conditional Use shall be considered by the Planning Commission at a public hearing. Notice of said hearing shall be given as provided in Section 35.

(6) Action by the Commission. The Planning Commission may approve, approve with conditions, or disapprove the application for a Conditional Use Permit subject to the standard procedures of Section 35. In permitting a Conditional Use the Planning Commission may impose in addition to regulations and standards expressly specified in thie ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the City as a whole. Any future enlargement or alteration of the use shall be reviewed by the City and new conditions may be imposed.

(a) In order to grant any Conditional Use, the Planning Commission must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

(b) A Conditional Use Permit shall become void after one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The Planning Commission may extend the permit for a period of one year.

(7) Effect. No building or other permit shall be issued in any case where a Conditional Use Permit is required by the terms of this ordinance until five days after the approval of the Conditional Use by the Planning Commission. An appeal from an action of the Planning Commission shall automatically stay the issuance of a building or other permit until such appeal has been completed.

(8) Violation of Condition. The Planning Commission, on its own motion, may revoke any Conditional Use Permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Section 35. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a Conditional Use Permit.

(9) Time Limit on Approval of a Conditional Use. Authorization of a Conditional Use shall be void after one year unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional year on request and approval of the Planning Commission.

(10) Special Requirements. The request for a building to exceed 45 feet in height shall be considered in light of the Fire Department's fire fighting apparatus and the location of that apparatus. The community should have adequate apparatus before taller structures are allowed.

(11) Notification of Action. The Planning Commission shall notify the applicant for a Conditional Use in writing of the Planning Commission's action within five days after the decision has been rendered.

Section 30. Planned Unit Development Approval. The purpose of Planned Unit Development Approval is to allow and to make possible greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while insuring compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of this ordinance.

(1) Planning Commission Approval Required. Where use is made of the Planned Unit Development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development.

(2) Application. The owner may file an application for Planned Unit Development Approval with the Planning Commission. The application shall be accompanied by a filing fee in an amount established by the City Commission.

(3) Minimum Size for Planned Unit Developments. No application shall be made for an area of less than 10 acres in any "R" District, or for an area of less than 4 acres in any other zoning district.

(4) Limitation on Application. No application shall be accepted for a use which will require a change of zoning district unless accompanied by an application for a zoning amendment as set forth in Section 33.

(5) Plan Required. All applications shall be accompanied by a general development plan drawn to scale showing the use of uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses, landscaping and other open spaces, and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance and the Subdivision Ordinance.

(6) Public Hearing. A public hearing shall be held by the Planning Commission on a Planned Unit Development. Notice for this hearing shall be given as set forth in Section 35.

(7) Standards for Approval. In granting approval for Planned Unit Developments the Commission shall be guided by the following:

(a) The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction

shall begin within six months of the conclusion of any necessary action by the City, or within such longer period of time as may be established by the Planning Commission.

(b) The proposal conforms with the general plans of the City in terms of location and general development standards.

(c) The project will accrue benefits to the City and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district and Subdivision Ordinance.

(d) The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required.

(e) The project will be compatible with adjacent developments and will not adversely affect the character of the area.

(f) The project will satisfactorily take care of sewer and water needs consistent with City policy and plans.

(g) A Planned Unit Development shall not be approved in any "R" District if the housing density of the proposed development will result in an intensity of land use greater than permitted by the Comprehensive Plan.

(8) Standards and Requirements. Approval of a request for a Planned Unit Development is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply:

(a) A dwelling use permitted in any zone may be permitted in a PUD.

(b) A mobile home may be permitted in a PUD.

(c) Developments which either provide for or contemplate private streets and ways and common areas which will be or are proposed to be maintained by the owners of units or lots within a development must organize and maintain an owner's association. The owner's association shall consist of all the owners of units or lots within the development and membership in the association must be required of all owners; adopt and record bylaws as provided by ORS 91.555; adopt bylaws that contain the provisions required by ORS 91.560; and have the power to create a lien upon the unit or lot for services, labor or material lawfully chargeable as common expenses as provided in ORS 91.580. The association's power to create such a lien shall exist whether or not the property is submitted to the Oregon Unit Ownership Law (ORS 91.505-91.675).

(d) If the property is not submitted to the Unit Ownership Law the association shall also create by contract the right to claim a lien upon any unit or lot for services, labor or material chargeable as common expenses. This lien may be created by convenants between the assocation and the property owners and shall supplement the lien created by (c) above, be approved by the City and require all owners of units or lots within the development to consent to and pay the reasonable value of services, labor or material expended by the City for common expenses where such City expenditures are made because the owners or the owner's association does not provide the necessary services, labor or material for common expenses.

(e) Streets and roads in PUD designated developments shall be public roads and ways developed to City standards or be private roads of a minimum 14 feet wide paved surface for one-way traffic; minimum 20 feet wide paved surface for two-way traffic; parallel parking as permitted shall require minimum additional 8 feet of width for each side of parking. In addition to these requirements the Planning Commission may specify other requirements including but not limited to increased or decreased pavement width.

(f) Pedestrian walkways shall be provided for adequate pedestrian and bicycle traffic; shall be constructed with Portland cement or asphaltic concrete to City standards except as varied by the provisions of this section or by the Planning Commission.

(g) All utility facilities shall be installed underground and in accordance with City standards.

(h) The design of all PUD projects shall provide direct access for all units and lots to open space areas and facilities.

(9) Planning Commission Action. The Planning Commission shall act upon the application within 90 days, excluding such time as may be required to complete any necessary zoning amendment. In taking action, the Commission may approve, approve with conditions, or deny an application as submitted. Any Planned Unit Development as authorized shall be subject to all conditions imposed and shall be excepted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a Planned Unit Development granted hereunder, shall lapse and become void unless, within 12 months after the final granting of approval or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has begun and been diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed. The decision of the Planning Commission shall be final unless appealed to the City Commission according to the procedures set forth in Section 34.

(10) Violation of Conditions. The Planning Commission on its own motion may revoke any Planned Unit Development approval for noncompliance with the conditions set forth in the order granting the said approval, after first holding a public hearing and giving notice of such hearing as provided in Section 35. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the Planned Unit Development Approval.

Section 31. Variances. Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this ordinance may result from the strict application of certain provisions thereof, variances may be granted as provided in this section. This section shall not be used to allow a use that is not permitted by this ordinance for the district in which the land is located.

(1) Authorization to Grant or Deny Variances. The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or particular hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

(2) Conditions for Granting a Variance. A variance may be granted if, on the basis of the application, investigation and evidence submitted, the Commission makes the following findings:

(a) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.

(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

(d) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

(e) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

(3) Conditions for Granting a Variance to Off-Street Parking or Loading Facilities. The Commission may grant a variance to a regulation prescribed by this ordinance with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted, the Commission makes the findings prescribed in subsection (2) above and the following additional findings:

(a) That neither present nor anticipated future traffic volumes generaged by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

(b) That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

(c) That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.

(4) Application for Variance. A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the City Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

(5) Public Hearings. Before a variance is permitted, the proposed variance shall be considered by the Planning Commission at a public hearing. Notice of said hearing shall be given as provided in Section 35.

(6) Action of the Planning Commission. The Planning Commission may approve, disapprove or approve with conditions the application subject to the standard procedures of Section 35. The City Planning Director shall notify the applicant, in writing, of the Planning Commission's action within five days after the Planning Commission has rendered its decision. The Commission may attach conditions to an authorized variance which it feels are necessary to protect the public interest and carry out the purpose of this ordinance.

(7) Time Limit on Approval of a Variance. Authorization of a variance shall be void after one year unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional year on request to and approval by the Planning Commission.

Section 32. Revocation of Permits or Variances.

(1) Revocation of Permits, Automatic if not Used. Any Planned Unit Development Permit, Conditional Use Permit or Variance granted in accordance with the terms of this ordinance shall be deemed revoked if not used within one year from the date of approval or such time as specified by the Planning Commission. Said permit shall not be deemed used until the applicant has actually obtained a building permit and commenced construction thereunder, or has actually commended the permitted use on the premises.

(2) Revocation for Noncompliance with Conditions. Any Planned Unit Development Permit, Conditional Use Permit or Variance granted in accordance with the terms of this ordinance may be revoked if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith. If, after notice and hearing, a Planned Unit Development Permit is revoked for a substantial violation of any of its conditions, the City Commission may reconsider any zone change granted in connection with the Planned Unit Development and restore the zoning existing prior to the permit notwithstanding improvements constructed prior to such revocations, but any such proposed change of zone shall follow the procedures otherwise specified for zone changes herein.

(3) Public Hearing. The Planning Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and to other owners of property as set forth in Section 35. The Planning Commission shall render its decision within 45 days after the conclusion of the hearing. In case the permittee is not satisfied with the action of the Commission, he may appeal the Planning Commission decision to the City Commission in the manner provided in this section and Section 35.

Section 33. Amendments. This ordinance may be amended by changing the boundaries of districts or by changing any other provisions thereof, whenever the public necessity and convenience and the general welfare requires such an amendment. Such a change may be proposed by the City Commission on its own motion or by motion of the Planning Commission, or by petition as hereinafter set forth. Any such proposed amendment or change shall first be submitted to the Planning Commission and the Planning Commission shall, within 40 days after a hearing, recommend to the City Commission approval, disapproval or modification of the proposed amendment.

(1) Application. An application for amendment by a property owner or his authorized agent shall be filed with the City Planning Director. The application shall be made on the forms provided by the City.

(2) Public Hearing on an Amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing thereon. The Commission shall follow the procedures set forth in Section 35 for map changes. For amendments to the text notice of the time and place of the public hearing before the Planning Commission and of the purpose of the proposed amendment shall be given by three publications in a newspaper of general circulation in the City not less than five days nor more than ten days prior to the date of the hearing.

(3) Standards for Zone Change. The burden of proof is upon the one seeking change. The degree of that burden increases proportionately with the degree of impact of the change which is sought. The applicant shall in all cases establish:

(a) Conformance with the Comprehensive Plan.

(b) Conformance with all applicable statutes.

(c) Conformance with statewide planning goals wherever they are determined to be applicable.

(d) That there is a public need for a change of the kind in question.

(e) That need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

(f) That there is proof of a change of circumstance or a mistake in the original zoning.

(4) Action by the City Commission. The City Commission may enact an ordinance granting the zone change or amendment, or may by motion deny the granting of the zone change or amendment.

(5) Record of Amendments. The signed copy of each amendment to the text and the map of this ordinance shall be maintained on file in the office of

the City Recorder. A record of such amendments shall be maintained in a form convenient for the use of the public.

(6) Resolution of Intent to Rezone. If, from the facts presented and findings and the report and recommendations of the Planning Commission, as required by this section, the City Commission determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the City Commission may indicate its general approval in principal of the proposed rezoning by the adoption of a "resolution of intent to rezone." This resolution shall include any conditions, stipulations or limitations, which the City Commission may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the City Commission may feel necessary to prevent speculative holding of the property after rezoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the City Commission. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning. Upon completion of compliance action by the applicant, the City Commission shall by ordinance effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations, or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the City Commission upon recommendation of the Planning Commission.

(a) Content of Site Plan. Where a site plan is required pursuant to Section 23, it shall include location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping; topography, existing and proposed; mechanical roof facilities if subject property is so oriented as to become part of the view from adjacent properties; architectural perspective, layout and all elevations drawn without exaggeration except where noted including locations, area and design of signs and all landscaping.

(b) Resolution of Intent Binding. The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent, on the part of the applicant, shall make the resolution binding on the City Commission. Upon compliance with the resolution by the applicant, the City Commission shall by ordinance effect such reclassification.

(c) Resolution of Intent Void Upon Failure to Comply. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the City Commission upon recommendation of the Planning Commission.

Section 34. Appeals.

(1) An applicant or any affected or aggrieved party may appeal a decision of the Planning Commission to the City Commission by filing a written notice of appeal with the City Recorder within 15 days of the written determination by the Planning Commission.

(2) In the event of an ambiguity in this ordinance affecting enforcement thereof, the Planning Commission shall have power to hear and decide appeals from administrative interpretations and to declare the meaning and intent, and interpret the provisions, of the ordinance. In thus resolving ambiguities on appeal, the Planning Commission shall so interpret the ordinance as to carry out Section 2 and the expressed purpose of the zoning district involved. Any appeal from a decision relating to the enforcement or interpretation of this ordinance shall be made in writing, and shall be filed with the Planning Commission within 15 days after the decision. The Commission shall consider such appeal and render its decision within 60 days after the filing thereof. Any action of the Planning Commission interpreting any uncertainty or ambiguity shall be in the form of a resolution and shall be signed by the president or presiding member of the Commission and filed with the City Recorder.

Section 35. Procedures. The City Commission shall provide by resolution an administrative procedure for the processing of land use actions and establish fees for such land use actions.

Section 36. Enforcement and Penalties.

(1) Enforcement. It shall be the duty of the City Planning Director to enforce this ordinance. All departments, officials and public employes of the City of Bend, vested with the duty or authority to issue permits shall conform to the provisions of this ordinance and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this ordinance. Any permit, certificate or license issued in conflict with the provisions of this ordinance, intentionally or otherwise, shall be void.

(2) Penalties for Violations. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $200 or by imprisonment in the City Jail for a term not to exceed 100 days or both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed or continued by such a person, firm or corporation and shall be punishable as herein provided.

(3) Injunctive Relief. The foregoing sanctions shall not be exclusive, and where the public health, safety, morals, or general welfare will be better served thereby, the City Planning Director may institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon. In the enforcement of provisions prohibiting nuisances caused by odor, sound, vibration and the like, the City Planning Director may seek injuntion against the specific device, activity or practice causing the nuisance.

(4) Evidence. In any prosecution for causing or maintaining any condition or use of, or activity on, or constructing, moving or maintaining any structure on, any premises in violation of this Zoning Ordinance, a person in possession or control of the premises, as owner or lessee at the time of the violation, or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity, use, condition or structure. This presumption shall be rebuttable and either the City or the defendant in such prosecution shall have the right to show that the offense was committed by some person other than, or in addition to, an owner or lessee or other persons in possession or control of the premises; but this shall not be construed as relieving a person in possession and control of property from any duty imposed upon him by this ordinance. For the purposes hereof, the person to whom the premises are taxed according to the records of the Deschutes County Assessor shall be prima facie the person in possession or control of the premises. Where premises on which the violation is committed are commercial or industrial premises on which a sign is situated identifying the commercial or industrial activity conducted thereof, the same shall constitute prima facie evidence that the person whose name is thus displayed is in possession or control of the premises as owner or lessee, but this shall not be construed to relieve from responsibility any agent, manager, employee or other person who actually committed the violation.

(5) Abatement. Where, because of the absence of the responsible person, or persons from the City or from the State, as the case may be, the courts of the City of Bend or the State of Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause or continuation of a structure or condition erected or maintained in violation of this ordinance, or where the City Commission deems it important to the public interest that the unlawful structure or condition be removed or corrected without delay, the City Commission may, after notice and hearing order the removal of the unlawful structure or condition, and if such removal or correction is not effected

within the time prescribed in the order, the Planning Director shall cause such abatement, going upon the premises with such men or equipment as may be necessary, and the City Commission shall thereafter by ordinance assess the cost of abatement against the real property. The lien of the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if given 30 days in advance of the hearing, either by personal delivery or by mailing the same to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order but not less than 30 days, as the City Commission may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner, or other person served, that the City of Bend shall not be responsible for the condition or storage of the component parts of, or personal property situated within, the structure following abatement by the City. The remedy of abatement shall be in addition to, and not in lieu of, the other remedies prescribed in this section.

Section 37. Severability and Validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Commission of the City of Bend hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

Section 38. Repealer. Ordinance NS-796, as enacted December 4, 1968, and as subsequently amended, is hereby repealed upon passage and effective date of this Ordinance, except that any part of this Ordinance on which a presently pending legal action or proceeding is based, shall, for the purposes of the action or proceeding, continue in effect until the action or proceeding is terminated.

Approved by the Bend City Commission this 5th day of July, 1978.

Read for the first time the 21st day of June, 1978

Read for the second time the 5th day of July, 1978

Placed upon its passage the 5th day of July, 1978

YES: 6 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1179

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAN AS FOLLOWS:

Section 1. The City of Bend, an Oregon municipal corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

All that portion of the Bonne Home Addition surrounded by the City of Bend, being more particularly described as follows:

Block 1, the alley in Block 1 and the vacated portions of Stannium Road lying adjacent thereto; Lot 7, Block 2, Bonne Home Addition and all that portion of the alley in Block 2 not previously annexed, Lots 1, 2, 3, 44, 45, 46, 47 and 48, Block 11, Bonne Home Addition; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 31, 32, 33 and 34, Block 12; Lot 3 and the southerly 20 feet of Lot 2, Block 13, Bonne Home Addition; and all that portion of the following streets not previously annexed, Kingston Avenue, Knoxville Boulevard, Milwaukee Avenue, Newport Avenue, and Stannium Road.

Corrected description

Read for the first time the 5th day of July, 1978

Read for the second time the 19th day of July, 1978

Placed upon its passage the 19th day of July , 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of July, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1180

AN ORDINANCE AMENDING THE CITY REFUSE COLLECTION FRANCHISES BY INCREASING THE RATES AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinance No. NS-819 and Section 6 of Ordinance No. NS-820 are amended to read:

"Section 6. The maximum rates that may be charged by the grantee for franchise services are:

For collection in containers holding 32 gallons or less:

a. One pickup of one can each week	
*curb or roadside	$3.40 per month
**backyard or other	4.00 per month
b. One pickup of additional can each week	
*curb or roadside	2.00 per month
**backyard or other	2.70 per month
c. Special pickup	2.70 per month

* Curbside means "at the curb," "Foot of the driveway," "at the alley," "where the truck or scooter can drive to the pickup area."

** Any location other than "curb pickup."

For collection of containers holding 1 cubic yard or 1-1/2 cubic yards: (Seven 32 gallon cans = 1 yard
ten 32 gallon cans = 1-1/2 yards)

a. One pickup for 1 cubic yard each week	18.75 per month plus container rent and maintenance
b. One pickup of 1-1/2 cubic yards each week	24.10 per month plus container rent
c. Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week or pro rate part of monthly rate.	
For collections in containers holding 30 gallons or less for persons age 65 or older the rate will be $2.35 per month for one pickup per week (curb rate) if such persons apply to the refuse collector for this reduced rate.	2.35 curb rate 2.80 backyard rate

Compactor Rates:

a. 1-3 yard container	Double loose rate
b. 4-6 yard container	Triple loose rate

Collection of bulk refuse:

$3.00 for each yard per pickup of $16.50 for each hour of work requiring one truck and one man or $27.50 for each hour of work requiring one truck and 2 men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 75 feet	Regular rate
75 to 100 feet	Additional 25%
100 to 125 feet	Additional 50%
125 to 150 feet	Additional 75%
Over 150 feet	Additional 100%

Pickups inside buildings and different floors:

Pickup inside building	Additional 50%
Pickup from one flight above or one flight below ground level	Additional 75%
Two flights above or below ground level	Additional 75%

Section 9. EMERGENCY CLAUSE: That inasmuch as it is necessary for the immediate prevention of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof and it is deemed necessary and advisable for these garbage rates to proceed as speedily as possible.

NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 19th day of July, 1978

Read for the second time the 2nd day of August, 1978

Placed upon its passage the 2nd day of August, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of August, 1978

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1181 Repealed by NS-1187

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $70,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO: PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND DECLARING AN EMERGENCY.

WHEREAS the Commission of the City of Bend has heretofore proceeded to improve certain streets in said City, and has duly assessed the cost of such improvements to the property benefited thereby or liable therefor, according to the provisions of the Charter of the said City; and

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25) or more, aggregating in all the sum of Seventy Thousand ($70,000) Dollars have filed with the City Recorder of said City, written applications to pay said assessments in installments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the costs thereof; and

WHEREAS in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; and

WHEREAS the City Recorder has kept all such applications in convenient form for examination; that is to say all applications received for each street improvement have been kept separate; and

WHEREAS the City Recorder has entered in a book kept for that purpose under separate heads for each street improvement, the date of filing for each application, and the names of the applicants, a description of the property and the amount of the assessment as shown in the application, and

WHEREAS each and every act and thing required by the laws of the State of Oregon and by the Charter of the said City precedent to the issuance of these bonds has been heretofore regularly done and performed in the manner and at the time required by law, NOW THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Seventy

Thousand ($70,000) Dollars, all bonds will be in the denomination of Two Thousand ($2,000) Dollars, numbered consecutively from one to thirty-five both numbers inclusive, said bonds to bear date of October, 1978, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Eight Thousand ($8,000) Dollars on the 1st day of October in each of the five years 1979 to 1984 and Six Thousand ($6,000) on the 1st day of October in each of the five years 1984 to 1988, inclusive. Bonds shall bear interest at not to exceed a net effective rate of seven (7%) percent per annum, payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 18.

SECTION 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form:

No._____ $_____

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF DESCHUTES
CITY OF BEND IMPROVEMENT BOND
SERIES 18

KNOW ALL MEN BY THESE PRESENTS that the City of Bend, in the County of Deschutes, State of Oregon, for value received hereby agrees and promises to pay to the bearer the sum of

TWO THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of October 19___, without grace, with interest thereon at the rate of___% per annum, payable semi-annually on the 1st days October and April of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.205 Oregon Revised Statutes et seq. as amended and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuance of this bond.

For the fulfillment of the conditions of this obligation, the full faith and credit of the City of Bend are hereby irrevocably pledged.

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this_____ day of_____, 1978.

COUNTERSIGNED:

_____ Recorder

_____ Mayor

COUPON

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on 1st day of October 19___

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No._____Series 18.

COUNTERSIGNED:

_____ Recorder

Mayor

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 6th day of September, 1978, by the insertion of an advertisement thereof once each week for two successive weeks in the Bulletin, a newspaper published in the City of Bend.

SECTION 4. WHEREAS the improvements referred to herein have been completed and it is necessary to procure funds to pay for the same, and it is necessary for the peace, health and safety of the inhabitants of the City of Bend that this Ordinance take effect immediately.

NOW, THEREFORE, AN EMERGENCY is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 19th day of July, 1978

Read for the second time the 2nd day of August, 1978

YES: 4 NO: 1

Submitted to and approved by the Mayor this 2nd day of August, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1182

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1137 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 15th day of February, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Beginning at the Section corner common to Sections 21, 22, 27 and 28, T. 17 S., R. 12 E.W.M. thence N. 89° 48' 12" W. for 292.00 feet more or less, thence S. 00° 20' 43" W. for 400.00 ft., thence N. 89° 39 ' 17" W. for 400.00 ft., thence N. 00° 20' 43" E. for 420.05 ft., thence S. 89° 41' 56" E. for 276.23 ft., thence N. 08° 07' 11" W. for 140.24 ft., thence N. 26° 37' 11" W. 97.67 ft., thence N. 12° 36' 11" W. for 50.17 ft., thence N. 34° 46' 11" W. for 95.83 ft., thence N. 18° 33' 11" W. for 53.80 ft., thence N. 37° 44' 11" W. for 50.82 ft., thence N. 02° 53' 11" W. for 78.30 ft., thence N. 28° 37' 11" W. for 120.10 ft., thence N. 21° 41' 11" W. for 31.26 ft. to the south right-of-way line of the North Unit Canal, thence N. 86° 39' 16" W. for 111.39 ft. along the South right-of-way line of the North Unit Canal, thence S. 03° 20' 44" W. for 40.00 ft , thence N. 86° 39' 16" W. for 104.88 ft., thence around a 136.50 ft. radius curve left for 70.00 ft. (long chord bears S. 78° 39' 14" W. for 69.24 ft.) thence S. 63° 57' 44" W. for 160.92 ft., thence around a 136.50 ft. radius curve left for 80.72 ft. (long chord bears S. 47° 01' 14" W. for 79.55 ft.), thence S. 30° 04' 44" W. for 146.61 ft., thence around a 436.50 radius curve right for 153.41 ft., (long chord bears S. 40° 08' 50" W. for 152.62 ft.) to the North-South centerline of the SE 1/4 of Section 21, T. 17 S., R. 12 E.W.M., thence S. 00° 07' 48" E. for 244.57 ft. along the North-South centerline to the East 1/16 corner between Sections 21 and 28, thence S. 00° 04' 54" W. along the North-South centerline of Section 28, T. 17 S., R. 12 E.W.M. for 988.52 ft., thence N. 56° 57' 13" E. for 219.36 ft. to the North right-of-way line of Butler Market Road, thence S. 23° 50' 35" E. for 60.00 ft. to the South right-of-way line of Butler Market Road., thence Northeasterly along the South right-of-way line of Butler Market Road to a point of intersection of said right-of-way with the NW corner of Lot 3, Block 1, Canyon Park Addition. Said point also being a point on the current City limits line, thence continuing along said South right-of-way line to the point of intersection with the Pilot Butte Canal, * thence N. 44° 06' 49" E. for 46.2 ft., thence N. 72° 06' 49" E. for 194.00 ft., thence, North EALY for 144.87 ft., MORE OR LESS to a point on the North line of Section 27, T. 17 S., R. 12 E.W.M. thence along said Section line S. 89° 45' 43" W. to the Section corner common to Sections 21, 22, 27 and 28, T. 17 S., R. 12 E.W.M. and the point of beginning at the terminus of this description.

* THENCE N56°10'49" E. 147.3 FT.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property therein representing at least one half of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the

legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 15th day of February, 1978

Read for the second time the 2nd day of August, 1978

Placed upon its passage the 2nd day of August, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of August, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1183

AN ORDINANCE CHANGING THE ZONE OF A PORTION OF SECTION 4 FROM RM-RESIDENTIAL MEDIUM DENSITY TO IL - LIGHT INDUSTRIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed as follows:

> The zone of a tract of land located in the West half of the Southeast quarter of the Northeast quarter of Section Four (4), Township Eighteen South, Range Twelve, E.W.M., Deschutes County, Oregon: EXCEPT that portion dedicated to the public March 20, 1978, in Book 269, Page 737, Deed Records,
>
> Also, the zone of a tract of land described as follows: Beginning at a point 163.93 feet South and 1270.25 feet East of the N-1/4 corner of said Section 4, said point being the NE corner of that tract described in Book 113, Page 303 of Deschutes County Deed records; thence S. 00° 07' 38" West 986.15 feet to the North line of the Oregon Trunk Railroad drill track; thence S. 17° 37' 34" West 34.10 feet to the South line of said drill track; thence South 1201.59 feet; thence North 80° 02' 53" East 7170 feet; thence South 00° 07' 38" West 161.12 feet; thence South 89° 18' 46" East 49.96 feet to the East line of said West 1/2, NE 1/4 of said Section 4; thence North 00° 07' 38" East along said East line 2380.48 feet; thence North 89° 49' 22" West 49.96 feet to the point of beginning,

is changed from RM-Residential Medium Density to IL - Light Industrial.

Read for the first time the 2nd day of August, 1978

Read for the second time the 16th day of August, 1978

Placed upon its passage the 16th day of August, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 16th day of August, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1184

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1177, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 2nd day of August, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described real property, and did cause notice there of to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

PARCEL 1.

Beginning at the North 1/4 corner of said Section 34; thence South 89° 34' 26" West along the North line of said Section 34 a distance of 340.5 feet; thence South 00° 25' 34" East a distance of ~~115.8~~ 155.8 feet; thence North 89° 02' 28" West a distance of 240.0 feet; thence North 00° 25' 26" West a distance of 150.0 feet to the North line of said Section 34; thence South 89° 34' 26" West along said North line a distance of 60.0 feet; thence South 00° 25' 34" East a distance of 330.0 feet; thence North 89° 02' 28" West 660.0 feet, more or less, to the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; thence southerly along said West line a distance of 550.0 feet, more or less, to the centerline of the Central Oregon Irrigation lateral A-2; thence southeasterly along said centerline a distance of 500.0 feet, more or less, to the intersection with the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; thence easterly along said South line a distance of 1100.0 feet, more or less, to the East line of the Northwest 1/4 of said Section 34; thence northerly along said East line a distance of 1320.0 feet, more or less, to the point of beginning and terminus of this description.

CORRECTED DESCRIPTION

Parcel 2. A tract of land located in the Southeast one-quarter of the Northwest one-quarter and in the Northeast one-quarter of the Southwest one-quarter of Section Thirty-four, Township Seventeen South, Range Twelve East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

A tract of land lying partly in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and partly in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, and described as follows: Beginning at a point 162.43 feet North and 1806.88 feet East of the West Quarter Section Corner of Section 34, Township 17 South, Range 12 E.W.M. and running thence North 21° 46' 30" East 192.89 feet; thence North 19° 37' West 86.24 feet; thence North 1° 31' 30" West 871.57 feet to the North line of SE 1/4 NW 1/4 Section 34; thence North 89° 53' 46" East 804.06 feet along the

North line of SE 1/4 NW 1/4 to the Northeast corner of said SE 1/4 NW 1/4 Section 34; thence South 0° 13' 49" East 2589.59 feet along the North and South centerline of Section 34 to a point on the North right-of-way line of the Central Oregon Highway, thence following the North right-of-way line of Central Oregon Highway Northwesterly 637.43 feet; thence North 14° 22' East 1303.7 feet; thence North 89° 54' West 561.0 feet to the point of beginning.

Parcel 3. The West one-half of the Northeast one-quarter of Section 34, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, containing 80 acres, more or less.

Parcel 4. All that portion of Almus Neff Road, not already included within the City limits of Bend, Oregon; that lies between the West Boundary line of Edgecliff Subdivision and the intersection of Almus Neff Road and Denser Road.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 2nd day of August, 1978

Read for the second time the 16th day of August, 1978

Placed upon its passage the 16th day of August, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 16th day of August, 1978.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1185

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION;TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

PARCEL I - That part of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 17 South, Range 12 E.W.M., Deschutes County, Oregon, lying on the Southerly side of the Butler Market Road, LESS: A tract of land located in the Southwest 1/4 of Section 22, Township 17 South, Range 12 E.W.M. described as follows: Commencing at the South 1/4 corner of said Section 22; thence

North 0°01'17" West along the East line of the Southwest 1/4 of said Section 22, 1226.05 feet to the Southerly right-of-way line of Butler Market Road; thence South 79°57'55" West along said Southerly right-of-way line 10.2 feet to the point of beginning for this description; thence South 0°29'29" East a distance of 329.53 feet; thence South 79°57'55" West a distance of 270.75 feet; thence North 0°01'17" West a distance of 330.00 feet to said Southerly right-of-way line; thence North 79°57'55" East along said Southerly right-of-way line 268.00 feet to the point of beginning.

PARCEL II - That portion of the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 17 South, Range 12 E.W.M., Deschutes County, Oregon, lying South and Southeasterly of the right-of-way of Butler Market Road as established on September 11, 1944, EXCEPT - those portions conveyed to the County of Deschutes by deeds recorded March 18, 1971, in Book 174, Pages 775 and 776, Deed Records.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 4th day of October, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No.2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the city for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 16th day of August, 1978

Read for the second time the 6th day of September, 1978

Placed upon its passage the 6th day of September, 1978

YES NO

Submitted to and approved by the Mayor this 6th day of September, 1978.

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS.-1186

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

PARCEL I - The South 1/2 of the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4, of Section 27, Township 17 South, Range 12 East of the Willamette Meridian.

PARCEL II - The North 1/2 of the NE 1/4 NW 1/4 of Section 27, Township 17 South, Range 12 East of the Willamette Meridian, EXCEPTING - that certain tract of land in the NE 1/4 NW 1/4 Deeded to Deschutes County for road purposes by Deed recorded July 8, 1957, in Book 116, at page 516 of Deed

Records, Deschutes County, Oregon. SUBJECT TO: Existing telephone, telegraph, power lines, roads, railroads, highways, ditches, canals and pipelines.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 4th day of October, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 16th day of August, 1978

Read for the second time the 6th day of September, 1978

Placed upon its passage the 6th day of September, 1978

YES NO

Submitted to and approved by the Mayor this 6th day of September, 1978.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS - 1187

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $70,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO: PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND DECLARING AN EMERGENCY AND REPEALING ORDINANCE NS-1181.

WHEREAS the Commission of the City of Bend has heretofore proceeded to improve certain streets in said City, and has duly assessed the cost of such improvements to the property benefited thereby or liable therefore, according to the provisions of the Charter of the said City; and

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25) or more, aggregating in all the sum of Seventy Thousand ($70,000) Dollars have filed with the City Recorder of said City, written applications to pay said assessments in installments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the costs thereof; and

WHEREAS in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; and

WHEREAS the City Recorder has kept all such applications in convenient form for examination; that is to say all applications received for each street improvement have been kept separate; and

WHEREAS the City Recorder has entered in a book kept for that purpose under separate heads for each street improvement, the date of filing for

each application, and the names of the applicants, a description of the property and the amount of the assessment as shown in the application, and

WHEREAS each and every act and thing required by the laws of the State of Oregon and by the Charter of the said City precedent to the issuance of these bonds has been heretofore regularly done and performed in the manner and at the time required by law, NOW THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Seventy Thousand ($70,000) Dollars, all bonds will be in the denomination of Five Thousand ($5,000) Dollars, numbered consecutively from one to fourteen both numbers inclusive, said bonds to bear date of October 1, 1978, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Five Thousand ($5,000) Dollars on the 1st day of October in each of the five years 1979 to 1984 and Ten Thousand ($10,000) Dollars on the 1st day of October in each of the five years 1985 to 1988, inclusive. Bonds shall bear interest at not to exceed a net effective rate of seven (7%) percent per annum, payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend improvement Bonds, Series 18.

SECTION 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form;

No._____ $_____

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF DESCHUTES
CITY OF BEND IMPROVEMENT BOND
SERIES 18

KNOW ALL MEN BY THESE PRESENTS that the City of Bend, in the County of Deschutes, State of Oregon, for value received hereby agrees and promises to pay to the bearer the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of October 19__, without grace, with interest thereon at the rate of __% per annum, payable semi-annually on the 1st days October and April of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.205 Oregon Revised Statutes et seq. as amended and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuance of this bond.

For the fulfillment of the conditions of this obligation, for the full faith and credit of the City of Bend are hereby irrevocably pledged.

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this _____ day of _____, 1978.

COUNTERSIGNED:

_____ Recorder

_____ Mayor

COUPON

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on 1st day of October 19____

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No._____Series 18.

COUNTERSIGNED:

_____ Recorder

_____ Mayor

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 20th day of September, 1978, by the insertion of an advertisement thereof once each week for two successive weeks in the Bulletin, a newspaper published in the City of Bend.

Section 4. Whereas the improvements referred to herein have been completed and it is necessary to procure funds to pay for the same, and it is necessary for the peace, health and safety of the inhabitants of the City of Bend that this ordinance take effect immediately.

NOW, THEREFORE, AN EMERGENCY is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

SECTION 5. Ordinance No. NS-1181 is hereby repealed.

Read for the first time the 29th day of August, 1978

Read for the second time the 20th day of September, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 20th day of September, 1978

_____ Mayor

Attest:

_____ Recorder-Treasurer

ORDINANCE NO. NS-1188

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLIC SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

A TRACT OF LAND DESCRIBED AS FOLLOWS: Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, in Section 28, a portion of the Northeast Quarter beginning at the Northwest corner of that certain property described in that certain deed from Clarence E. Wilson and Bonnie Mae Wilson, husband and wife, to John H. McAlpine and recorded in Vol. 135 Deeds, Page 21, Deschutes County Records; thence South parallel to the east line of Section 28 for a distance of 400.00 feet; thence West at a right angle 400.00 feet; thence North parallel to the East line of Section 28 for a distance of 400.00 feet to the North line of the Northeast Quarter; thence East along the North line of the Northeast Quarter 400.00 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 20th day of September, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of September, 1978

Read for the second time the 4th day of October, 1978

Placed upon its passage the 4th day of October, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of October, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1189

AN ORDINANCE AMENDING ORDINANCE NS-1055 SETTING NEW STANDARDS AND PROVIDING FOR AN AMORTIZATION PERIOD.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of these amendments is to improve the appearance of the City of Bend and to provide minimum standards to safeguard life, health, aesthetic qualities, and public welfare by regulating the size, number, location and type of all signs and sign structures not located within a building.

Section 2. Section 3 Definitions of NS-1055 is hereby amended to read as follows:

(1) "Animated Effect" means a sign effect applying sequential illumination of lights, lamps, bulbs or tubes to depict through apparent movement a moving object, thing, person, animal, or event.

(2) "Building Official" means the Building Official of the City of Bend or his duly authorized deputy, who shall be charged with the administration and enforcement of this code.

(3) "Chaser Effect" means a sign effect which tends to lead the eye by producing a lateral, vertical, lineal or circular movement through sequential flashing of lights, lamps, bulbs or tubes.

(4) "Copy Area" means the entire area within a single square or rectangle or a combination of squares or rectangles which enclose the extreme limits of the advertising message or announcement. Decorations related to the specific nature of the advertising message or announcement shall be included.

(5) "Curb Line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

(6) "Display Surface" means the area made available by the sign structure for the purpose of displaying an advertising message.

(7) "Electric Sign" means any sign containing electric wiring.

(8) "Electrical Code" means the electric code of the City of Bend, Oregon, a copy of which is on file in the office of the City Recorder.

(9) "Flashing Sign" means an electric sign with an illuminated portion which does not shine continuously and any part of which flashes, pulsates, or illuminates intermittently or a sign that by mechanical or other means changes its messages, pulsates or shines intermittently.

(10) "Ground Sign" means a permanent on-premise sign which is supported in or upon the ground and not supported by any part of a building.

(11) "Incidental Sign" means signs indicating services, trading stamps, prices, credit cards or other incidental information.

(12) "Incombustible Material" is any material which will not ignite at a temperature of 1200 degrees F during an exposure of five mintues and which will not continue to burn or glow at that temperature. Tests shall be made as specified in the Uniform Building Code of the City of Bend.

(13) "Legal Setback Line" means the legal setback line beyond which no building may be built as established by the Zoning Ordinance of the City of Bend. A legal setback line may be a property line.

(14) "Marquee" means a permanent roof structure attached to and supported by a building and projecting over public property, including any object or decoration attached to or as part of said marquee, except a sign attached on the underside of a marquee or structural projection.

(15) "Outdoor Advertising Sign" or "Billboard" means a sign which advertises goods, products, facilities, or services which are not sold, manufactured, located or distributed on or from the premises on which the sign is located.

(16) "Person" means individuals, corporations, firms, partnerships and associations.

(17) "Plastic, Approved" means those plastic materials approved by the Uniform Building Code of the City of Bend.

(18) "Premise Sign" means a sign which carries only advertisements strictly incidental to a lawful use of the premises on which it is located, including signs, indicating the business transacted at, services rendered, goods sold or produced on the premises, the name of the business, or the name of the person occupying the permises.

(19) "Principal Sign" means the principal permanent on-premise sign designed primarily to identify or advertise a business or facility to motorists or pedestrians approaching the business facility. A "principal sign" is limited to a free-standing, roof, wall or projecting sign or sign located on a marquee face or canopy face.

(20) "Projecting Sign" means any sign other than a wall sign which projects from and is supported by a wall of a building. Projecting means the distance which a sign extends from the building face to which it is attached over the public right-of-way.

(21) "Roof Sign" means a sign erected upon or supported by a roof or parapet.

(22) "Rotating Sign" means a sign that rotates 360 degrees.

(23) "Scintillating Effect" means a sign effect employing a sequential illumination of lights, lamps or bulbs, but not tubes, to produce a random twinkling of light.

(24) "Secondary Sign" means an incidental, permanent on-premise attached wall sign or sign on the face, or ends of a marquee or canopy.

(25) "Shopping Center" means a premises planned and developed as a unit with an undivided or non-segregated parking area that is advertised as a center and which has multiple occupancy by business or service firms, and shall not include a business which does not participate in the maintenance and promotional activities of the center; which fronts on designated arterial or designated collector streets and, which business has a marked or segregated parking or use separate from the "shopping center" parking or access areas.

(26) "Sign" means an advertising sign, outdoor advertising sign, on premise sign, display, temporary sign, message, light, emblem, device, figure, mannequin, painting, drawing, placard, poster or other thing that is designed, used or intended for an advertising purpose, or to inform or to attract the attention of the public, and includes, where applicable, the sign structure, display surface and all other components of the sign.

(27) "Sign Area" means the total area of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration or any other attention-getting device, exclusive of essential structural supports. The area of a sign composed of individual block letters or individual decorative devices, displays, illustrations, etc., or any other attention-getting device, shall be the area included between two sets of horizontal and vertical lines; the horizontal lines shall be contiguous to the top and bottom edges of the farthest projecting elements and the vertical line shall be contiguous to the furthermost projecting lateral elements, as defined above, except as modified under the sign area for wall signs, provided below.

(28) "Sign Structure" means any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may not be an integral part of a building.

(29) "Sign, Under Marquee" means a sign which is erected or maintained under a marquee and which is supported by the marquee.

(30) "Temporary Sign" means any sign, construction of cloth, canvas, light fabric, cardboard, plywood, wood, wall board, plastic, sheet metal or other similar light material, with or without frames, which is not permanently erected or permanently affixed to any sign structure, or building and which is not an electric sign or an internally illuminated sign.

(31) "Trim, Non structural" means molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to a sign structure.

(32) "Uniform Building Code" means the Uniform Building Code, and Uniform Building Code Standard as promulgated by the International Conference of Building Officials and adopted by the City of Bend, Oregon, and adopted by the State as the Oregon State Structural Fire & Life Safety Code.

(33) "Wall Sign" means any sign including painted signs attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

(34) "Zoning Map" means the official "Zoning Map of the City of Bend" as established by the Zoning Ordinance of the City of Bend, Oregon.

Section 3. NS-1055 is hereby amended by creating a new Section 3.1 to read as follows:

"Section 3.1 Exempt Signs. The following signs and devices shall not be subject to the provisions of this ordinance:

(1) Signs placed by a governmental body.

(2) Memorial tablets, cornerstones, or similar plaques not exceeding six (6) square feet.

(3) Flags of the National, State or Local Government.

(4) Temporary political signs not exceeding six (6) square feet, provided said signs are removed within seven (7) days following the election for which they were erected.

(5) Small convenience signs displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, public telephones, parking area entrances and exits, freight entrances and credit card signs, provided said signs do not exceed two (2) square feet in area per sign, nor more than four (4) in number on any parcel of property.

(6) Signs placed by fraternal organizations.

Section 4. Paragraph (g) of Section 9 of NS-1055 is hereby amended to read as follows:

"(g) Wood may be used in signs subject to the requirements of the City's Building and Fire Codes.

Section 5. Paragraph (1) of Section 10 of NS-1055 is hereby amended to read as follows:

"(1) No flashing light, intermittent light, rotating signs or signs with chaser effects, scintillating effects, animated effects or speller effects shall be installed within the City of Bend after September 1, 1975, except for signs expressing time, temperature and date. All such existing signs shall be removed on or before September 1, 1980. No electronically or magnetically actuated message sign shall be installed except as provided above.

Section 6. Section 13 of NS-1055 is hereby amended to read as follows:

"Section 13. Wall Signable Area

(1) The signable area of a wall sign shall be the space between the lower and upper limits on the face of a building as defined below:

(a) The lower limit shall be the lintel or window head of the first story, but in no case shall it be lower than 9 feet from the finished grade immediately below.

(b) The upper limit shall be the window sill of the floor immediately above the lower limit and, in the absence of a window, 2-1/2 feet above such floor.

(c) In the case of a one-story building, the upper limit shall be the roof line or 3 feet maximum above the roof line if there is a parapet.

(2) Sign Area:

(a) The specific sopy for wall signs shall not exceed 15% of the sign area. However, this percentage may be increased to 30% if there is no projecting sign, and up to 45% if there are no projecting signs, free standing signs and canopy signs. In no case shall the copy area exceed 2 square feet per lineal foot of the frontage of the premises. The "sign area" shall be the area enclosed by a frame, and in the absence of a frame, to total permitted signable area.

(b) Identification wall signs with non-illuminated letters not higher than 3 inches, up to a total of 4 square feet in area for each premises, shall be exempted from area calculations.

(c) Only the frontage on which the sign is located shall be used for sign area calculations.

(3) Projection:

(a) A wall sign shall not project beyond 24 inches from the building face and shall not extend above the sill of any window or above guard rails or balustrades immediately above such sign.

(b) Lamps and fixtures used to illuminate a wall sign shall not project more than 3 feet beyond building faces and shall have a minimum clearance of 9 feet.

(4) Location:

(a) Except as permitted in Section 13.4(b) and 13.3(b) no wall sign shall face onto a public lane or alley. A wall sign permitted under Section 13.4(b) projecting over a lane or alley shall have a minimum clearance of 15 feet.

(b) A wall sign located above the permitted signable area shall only be permitted under the following conditions:

1) When the content of a sign consists of prestigious advertising, such as logos and names of buildings or principal tenants and date of erection.

2) When a sign, in the form of individual letters, symbols and logos, is directly attached to, or inscribed on, the building face.

3) No more than one sign per building face and a maximum of four per building, provided that all such signs are identical.

4) The copy area of the sign shall not exceed 1/40 of the area formed by the distance measured from the grade to the bottom of the sign multiplied by the width of the face of the building measured at the bottom of the sign. If there is no distinct width of the building faces such as a circular building, the Building Official shall determine the width of the building faces.

(c) A wall sign may be permitted below the signable area when the Building Official can be assured that the public is satisfactorily protected from the sign and the sign is entirely over private property, and provided the permissible signable area is not exceeded.

Section 7. Paragraph (1) of Section 14. Ground Signs is amended to read as follows:

(1) No sign or sign structure shall be located in a vision clearance area defined by the City Zoning Ordinance.

and new paragraphs (4) and (5) are added to Section 14 of NS-1055 to read as follows:

(4) No ground sign shall be composed of vertical mounted modular cells or letters.

(5) No ground sign shall project into a public right-of-way.

Section 8. Paragraph (1) of Section 15 of NS-1055 is amended to read as follows:

(1) All roof signs shall be submitted to the Planning Commission for approval prior to permit issuance or erection of the same. The supporting members of roof signs shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. All supports shall appear to be an architectural and integral part of the building.

Section 9. Paragraph (2) of Section 16. Billboards is amended to read as follows:

(2) The face size of any billboard located within the City of Bend shall not exceed 12 feet in vertical height or 24 feet in horizontal length.

Section 10. Section 18. Temporary Signs is amended to read as follows:

(1) No temporary sign shall exceed 32 square feet in area or 3 feet in height.

(2) No temporary sign shall project beyond the property line.

(3) No temporary sign shall be located in a vision clearance area as defined by City Zoning Ordinance.

(4) No temporary sign shall be a pennant, banner, or wind activated device or similar type of attention attracting device.

(5) All temporary signs not in conformance with the above standards shall be brought into conformance or removed 30 days after the effective date of this ordinance.

Section 11. Section 19. Establishment of Sign Zones is amended to read as follows:

(1) For the purpose of this ordinance, the following zones are hereby established:

(a) Residential zone, composed of the RS and RM zones as shown on the Zoning Map.

(b) High Density Residential composed of the RH as shown on the Zoning Map.

(c) Neighborhood Commercial composed of the CN as shown on the Zoning Map.

Section 12. Section 20. Location and Number of Signs is amended to read as follows:

(1) General Requirements:

(a) Supports for all signs or sign structures shall be placed in or upon private property and shall not be located in a vision clearance area as defined by the City Zoning Ordinance, nor shall any sign project over public right-of-way except as provided herein.

(b) No sign shall exceed a height as stated herein and in no case exceed a height permitted for a building pursuant to the City Zoning Ordinance.

(2) Signs in Residential Zones:

(a) One non-illuminated name plate or home occupation sign having not more than one and one-half square feet in area for each dwelling unit. Such sign shall not project beyond the property line.

(b) One temporary non-illuminated sign having not more than six square feet of area advertising the sale, lease or rental of the property on which it is located. Such sign shall not project beyond the property line.

(c) One temporary non-illuminated sign having not more than 64 square feet in area advertising the sale of a tract of land or subdivision or of lots in a subdivision. Such sign shall be at least 10 feet from property line.

(d) One non-illuminated sign, not exceeding 25 feet in area identifying a conditional use. Such a sign shall be at least 10 feet from the nearest property line.

(3) Signs in High Density Residential Zone. The following signs are permitted:

(a) For each permitted commercial enterprise in the RH zone:

1) One non-illuminated principal sign not exceeding 32 square feet in area and not exceeding a height of 20 feet.

2) Secondary wall sign not exceeding 20 square feet.

(b) For residential use, signs shall be permitted as provided in (2) above.

(4) Signs in Neighborhood Commercial zone. The following signs are permitted:

(a) One principal wall sign not exceeding 32 square feet in area.

(5) Signs in all other Commercial zones. The following signs are permitted:

(a) No more than one sign per building face and a maximum of four per building.

(b) No sign shall project more than 2 feet over public property.

(c) One under-marquee sign per major entrance not to exceed 6 square feet, 12' x 6'.

(d) One principal ground sign per business which is not in an integrated shopping center. Such sign may be 16 feet in height plus one foot for each 20 feet of frontage with a maximum height of 30 feet. Such signs may have one square foot of sign area for each lineal foot of frontage up to 100 square feet, with 1/2 square foot for each additional lineal foot of frontage, with a maximum limit of 200 square feet.

(e) Secondary wall signs which are subject to the requirements of Section 13(a).

(f) One principal ground sign for an integrated shopping center. Such sign may be 16 feet in height plus one foot for each 20 feet of frontage with a maximum height of 30 feet. Such signs may have one square foot of sign area for each lineal foot of frontage, up to 100 square feet, with 1/2 square foot for each additional lineal foot of frontage, with a maximum limit of 200 square feet.

(g) Only the frontage upon which the sign is located shall be used in determining area and height limits.

(h) Signs for interior businesses of shopping centers shall be consistent with the provision of Section 13 provided that if a business uses the part of the center's ground sign, his wall sign shall be reduced as provided in Section 13.

Section 13. New paragraph 1(c) is added to Section 21. Removal of Signs of NS-1055 as follows:

(c) Removal of Abandoned Signs. Any person who owns or leases a sign shall remove the sign within 30 days after notification by the Building Official when either the business it advertises has discontinued business in the City; or the business it advertises is no longer conducted in or upon the premises on which the sign is located. If the person who owns or leases the sign fails to remove it as provided in this section the Building Official may remove the sign. The following signs need not be removed in accordance with this section:

1) Billboards, where a person has merely leased or contracted advertising space thereon.

2) Signs which the successor to a person's business location or business agrees to maintain, as provided in this code.

Read for the first time the 4th day of October, 1978

Read for the second time the 18th day of October 1978

Passed by the Commission and approved by the Mayor this 18th day of October, 1978.

YES: 6 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1190

AN ORDINANCE VACATING THE ALLEY BETWEEN MINOR AVENUE AND VAIL AVENUE, ALL IN BLOCK 5, RIVERSIDE ADDITION TO CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 16th day of August, 1978 requesting that the following described street location be vacated:

> The alley between Minor Avenue and Vail Avenue all in Block 5 of Riverside Addition to the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Allen R. Litzenberger, said vacation proceedings to vacate the following described property:
>
> The alley between Minor Avenue and Vail Avenue all in Block 5, Riverside Addition to the City of Bend, Deschutes County, Oregon:
>
> The City Commission of the City of Bend have fixed the 18th day of October, 1978 at 7:30 p.m. in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 18th day of October, 1978

Read for the second time the 1st day of November, 1978

Placed upon its passage the 1st day of November, 1978

YES: 5 NO: 0 ABSTAINED: 1

Submitted to and approved by the Mayor this 1st day of November, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1191

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND; AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED, AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

A parcel of land situated in the SE 1/4, Section 4, T. 18 S., Range 12 E.W.M., Deschutes County, State of Oregon being more particularly described as follows: All that portion of the NW 1/4, SE 1/4 Section 4, T. 18 S., Range 12 E.W.M., lying westerly of the westerly right-of-way line of the Great Northern Railway as now located across said NW 1/4, SE 1/4, of Section 4, T. 18 S., Range 12 E.W.M., also known as a portion of Lots 5, 6, and 7, Block 1, Hunnell Acre Tracts, an unrecorded subdivision.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elected to dispense with submitting voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 17th day of January, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of the hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of hearing.

Read for the first time the 6th day of December, 1978

Read the second time the 20th day of December, 1978

Placed upon its passage the 20th day of December, 1978

YES: 4 NO: 0

Submitted to and approved by the Mayor this 20th day of December, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1192

AN ORDINANCE VACATING THE ALLEY IN BLOCK 16, RIVERSIDE ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON BETWEEN QUIMBY AVENUE AND PENN AVENUE.

A petition having been presented to the Bend City Commission on the 4th day of October, 1978 requesting that the following described alley be vacated:

The alley in Block 16, Riverside Addition to the City of Bend, Deschutes County, Oregon between Quimby Avenue and Penn Avenue,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice if hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Robert S. MacLellan; said vacation proceedings to vacate the following described property:
>
> The alley in Block 16, Riverside Addition to Bend, Deschutes County, Oregon,
>
> The City Commission of the City of Bend have fixed the 6th day of December, 1978, at 7:30 p.m. in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 6th day of December, 1978

Read for the second time the 20th day of December, 1978

Placed upon its passage the 20th day of December, 1978

YES: 4 NO: 0

Submitted to and approved by the Mayor this 20th day of December, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1193

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED, AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

All of Lots 5, 6, 7 and 8 of Block 2, Ellis Subdivision, also known as 17-12-28 DB, Tax Lot 1500, and also that strip of property adjoining George A. Jones Road on the west, and adjoining said property on the east.

Section 2. In accordance with the applicable State Statutes the City Commission of the City of Bend, the legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of February, 1979 at the hour of 7:30 p.m., o'clock , in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City of Bend may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of the hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of December, 1978

Read for the second time the 3rd day of January, 1979

Placed upon its passage the 3rd day of January, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1979

Richard C. Carson
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1194

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLIC SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

A TRACT OF LAND DESCRIBED AS FOLLOWS: Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, in Section 28, a portion of the Northeast Quarter beginning at the Northwest corner of that certain property described in that certain deed from Clarence E. Wilson and Bonnie Mae Wilson, husband and wife, to John H. McAlpine and recorded in Vol. 135 Deeds, Page 21, Deschutes County Records; thence South parallel to the east line of Section 28 for a distance of 400.00 feet; thence West at a right angle 400.00 feet; thence North parallel to the East line of Section 28 for a distance of 400.00 feet to the North line of the Northeast Quarter; thence East along the North line of the Northeast Quarter 400.00 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of February, 1979 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of December, 1978

Read for the second time the 3rd day of January, 1979

Placed upon its passage the 3rd day of January, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1979

Richard G. Carlson
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1195

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED: AND SETTING UP A PUBLIC SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

The following described parcels located in the NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M. being more particularly described as follows:

Parcel "A"

All of Tract 10 Boyds Acreage and all of the territory in the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M. lying 494.88 feet east of the westerly boundary of said Section 28, north of Ravenwood Subdivision and west of the westerly right-of-way of Butler Market Road.

Parcel "B"

Beginning at a point where the west right-of-way line of Butler Market Road intersects the north boundary line of the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M., thence southwesterly along said west right-of-way line 935 feet more or less to a point that bears west of the southwest corner of that parcel of property conveyed to John and Maxine Cooper on October 7, 1963 in Vol. 136, Page 559 of the records of Deschutes County Oregon. This property is also known as 17-12-28 AC, Tax Lot 600, thence East 72.00 feet more or less to said southwest corner of said parcel; thence East 376.00 feet; thence S. 0° 07' 52" West 300.00 feet more or less to a point on the north line of Cady Addition; thence S. 88° 57' 33" E. 300.00 feet along the north line of Cady Addition to a point on the west right-of-way line of Jones Road; thence N. 0° 07' 52" E. 965.00 feet more or less along the west right-of-way line of Jones Road to a point on the north boundary of the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M.; thence N. 89° 19' 12" W. 90.00 feet more or less along the north boundary line of the SW 1/4 NE 1/4 of Section 28 to the point of beginning.

Parcel "C"

All of the right-of-way of Butler Market Rd. from its intersection with the north boundary of the SW 1/4 NE 1/4 Section 28, T. 17 S., R. 12 E.W.M. northeasterly to the southwest corner of Lot 1, Block 1 of Choctaw Village.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of February, 1979 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers of the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of December, 1978

Read for the second time the 3rd day of January, 1979

Placed upon its passage the 3rd day of January, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1979

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1196

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas, the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

A PARCEL OF LAND DESCRIBED AS FOLLOWS: Beginning at the North 1/4 corner of Section 6, T. 18 S., R. 12 E.W.M.; thence South 89° 14' 15" East along the North line of said Section 6, 491.44' to the West line of Century Drive and the true point of beginning of this description;

Thence South along the West line of Century Drive 245.73'; thence West 380.70 ft. to the East line of 15th Street; thence South along the East line of 15th Street 295.33 ft.; thence North 84° 49' 00" East 382.28 ft. to the West line of Century Drive; thence southerly along the West line of Century Drive 168.40 ft. thence South 89° 15' 49" West 200.00 ft.; thence South 00° 44' 11" East 150.00 ft.; thence southerly along the westerly line of Century Drive to its intersection with the South line of Simpson Drive; thence North 89° 56' 16" East 100.75 ft. more or less to the Easterly line of Century Drive; thence Northerly along the Easterly line of Century Drive 586 ft. more or less to its intersection with the Southwest corner of that tract of land deeded to Terence O. Skjersaa and Su C. Skjersaa by deed recorded December 13, 1967 in Volume 156, Page 298, Deed Records, Deschutes County, Oregon; thence South 89° 37' 08" East 99.20 ft.; thence North 00° 07' 04" West 100.00 ft. to the South line of the N 1/2 NW 1/4 NE 1/4 of said Section 6; thence Easterly along said South line a distance of 30 ft.; thence North a distance of 130 ft.; thence West a distance of 130 ft. more or less to a point on the Easterly right-of-way line of Century Drive; thence North along said right-of-way line to a point that bears South 89° 12' 15" East a distance of 100 ft. from the true point of beginning for this description; thence North 89° 12' 15" West a distance of 100 ft. to the true point of beginning for this description.

thence No. 89° 15' 49" E. 200.52 ft. to the Westerly line of Century Dr.;

Section 2. In accordance with the applicable State Statutes the City Commission of the City of Bend, the legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of February, 1979 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City of Bend may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of the hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of December, 1978

Read for the second time the 3rd day of January, 1979

Placed upon its passage the 3rd day of January, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1979

Richard G. Carlson
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1197

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

Parcel "A"

Beginning at a point being the centerpoint of the NE 1/4, Section 33, T. 17 S., R 12 E.W.M.; thence east 2850 ft. more or less to the centerline of Central Oregon Irrigation lateral A-2; thence northwesterly along said centerline a distance of 500 ft. more or less to the intersection of the west boundary of the NE 1/4 NW 1/4 of Section 34 T 17 S., R. 12 E.W.M.; thence northerly along said west boundary line 550 ft. more or less to a point 330 ft. south of the north boundary line of Section 34, T. 17 S., R. 12 E.W.M.; thence south 89° 02' 28" east 660 ft. to a point; thence north 00° 25' 34" west 330 ft. to a point on the north boundary line of said Section 34; thence S. 89° 48" 00" west to a point that bears 330' west of the NE corner of the NW 1/4 NW 1/4 Section 34, T. 17 S., R. 12 E.W.M.; thence south 660 ft.; thence west to a point 687 ' east of the west boundary line of the NE 1/4 NE 1/4 Section 33, T. 17 S., R. 12 E.W.M.; thence South 317 ft.; thence west 687'; thence south 300 ft. to the point of beginning.
EXCEPT: All the property lying within the right-of-way of Neff Rd.

PARCEL "B"

Beginning at a point on the southeast corner of Lot 1, Block 3, Eastwood Addition, said point being on the north right-of-way line of Neff Road; thence north 00° 16' 20" E. 667.98 ft. to a point at the southwest corner of Lot 1, Block 12, East of Eastwood Addition; thence north 89° 38' 48" E. 343.71 ft. more or less to a point at the southeast corner of Lot 4, Block 12, East of Eastwood Addition; thence north 0° 16' 20" E. 95.74 ft. to a point on the south boundary line of Crestridge Drive; thence following said right-of-way line 60.69 ft. along a 120.3 foot radius curve to a point at the northwest corner of Lot 11, Block 12, East of Eastwood Addition; thence south 0° 16' 20" W. 96.08 ft.; thence north 89° 38' 48" E. 197.49 feet to a point being the southeast corner of the Plat of East of Eastwood; thence north 1° 26' 23" W. along the east boundary of East of Eastwood Addition 562.55 ft. to the northeast corner of East of Eastwood Addition, said point being on the north line of the SW 1/4 SW 1/4 Section 27; thence north 89° 42' 05" E. a distance of 450 ft. to the northwest corner of Edgecliff Subdivision; thence south along the west boundary of Edgecliff Addition 1286 ft. more or less to a point on the north right-of-way of Neff Road; thence following this northerly right-of-way to a point of beginning.

And also:

All of the SW 1/4 SW 1/4 Section 27, T. 17 S., R. 12 E.W.M. south of the southerly right-of-way of Neff Road.

And also:

All the right-of-way of Neff Road from the west boundary line of Lot 1, Block 2, Eastwood Addition east to the west boundary line of Edgecliff Subdivision.

Section 2. In accordance with the applicable State Statutes the City Commission of the City of Bend, the legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of February, 1979 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City of Bend may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of the hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of December, 1978

Read for the second time the 3rd day of January, 1979

Placed upon its passage the 3rd day of January, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1198

AN ORDINANCE VACATING THE NORTHERLY ONE (1) FOOT OF XERXES AVENUE BETWEEN NE FIRST STREET AND NE TWEET PLACE IN BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 15th day of November, 1978 requesting that the following described street area be vacated:

> THE NORTHERLY ONE(1) FOOT of Xerxes Avenue between NE First Street and NE Tweet Place in Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Darrell W. Landrum; said vacation proceedings to vacate the following described property:
>
> THE NORTHERLY ONE(1) FOOT of Xerxes Avenue between NE First Street and NE Tweet Place in Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 20th day of December, 1978 at 7:30 p.m. in the City Commission Chambers at 720 NW Wall St., City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 20th day of December, 1978

Read for the second time the 3rd day of January, 1979

Placed upon its passage the 3rd day of January, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1199

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND; AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLIC SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

All that portion of the Southeast Quarter of the Northwest Quarter (SE1/4 NW 1/4) of Section 28, T. 17 S., R. 12 E.W.M. lying northerly and westerly from the Powell Butte-Paulina Creek County Road as constituted January 12, 1953, northerly of Fox Addition, and westerly from the road leading north to Boyd Acres from said Powell Butte-Paulina Creek County Road as located January 12, 1953 in said SE 1/4 NW 1/4; EXCEPT: that portion of the SE 1/4 NW 1/4 of Section 28, T. 17 S., R. 12 E.W.M., beginning at a point on the North boundary of said SE 1/4 NW 1/4 said point being 380 feet distance from the NE 1/16 corner marking the NE corner of said SE 1/4 NW 1/4; thence North 89° 23' 40" West a distance of 135.0 feet to a point 50.0 feet, more or less, distance from the centerline of the Pilot Butte Canal; thence S. 82° 34' 20" West a distance of 227.11 feet to a point 50.0 ft. more or less from the centerline of the Pilot Butte Canal; thence S. 34° 57' 20" West a distance of 191.46 feet to a point 50.0 ft. more or less from the centerline of the Pilot Butte Canal; thence S. 10° 44' 40" East a distance of 113.99 ft. to a right-of-way fence of the County Road; thence N. 41° 31' 20" E. a distance of 171.47 ft. along the right-of-way of the County Road; thence N. 72° 16' 20" East 120.76 ft. along the right-of-way fence of the County Road; thence N. 76° 48' 20" East a distance of 238.15 ft. along the right-of-way fence of the County Road; thence N. 8° 48' 40" West a distance of 78.08 ft. to the point of beginning.

Also, EXCEPT that property being described as follows: Beginning at the northwest corner of Lot 4, Bl. 1, Fox Addition; thence N. 22° 04' 50" E. 140.73 ft.; thence S. 72° 44' 58" E. 93.27 ft.; thence

S. 19° 17' 00" W. 140.00 ft. to the NE corner of said Lot 4, Block 1 of Fox Addition; thence N. 72° 56' 00" W. 100.15 ft. to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of March, 1979 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 17th day of January, 1979

Read for the second time the 7th day of February, 1979

Placed upon its passage the 7th day of February, 1979

YES: 7 bO: 0

Submitted to and approved by the Mayor this 7th day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1200

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1191, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 17th day of January at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A parcel of land situated in the SE 1/4, Section 4, T. 18 S., Range 12 E.W.M., Deschutes County, State of Oregon being more particularly described as follows:

All that portion of the NW 1/4, SE 1/4, Section 4, T. 18 S., Range 12, E.W.M., lying westerly of the westerly right-of-way line of the Great Northern Railway as now located across said NW 1/4, SE 1/4, Section 4, T. 18 S., Range 12 E.W.M., also known as a portion of Lots 5, 6, and 7, Block 1, Hunnell Acre Tracts, an unrecorded subdivision.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 17th day of January, 1979

Read for the second time the 7th day of February, 1979

Placed upon its passage the 7th day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1201

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ADDING THERETO NEW CONDITIONAL USES IN THE RS AND RM ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 10 (3) of Ordinance NS-1178 is hereby amended by adding the following new part (r) to read as follows:

"(r) Radio and television transmission facilities."

Section 2. Section 11 (3) of Ordinance NS-1178 is hereby amended by adding the following new part (L) to read as follows:

"(L) Radio and television transmission facilities."

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1202

AN ORDINANCE AMENDING ORDINANCE NS-1178 AND DESIGNATING THE ZONE IN THE CHOCTAW ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance NS-1178 is hereby amended to include the area described below and to designate this area as an RS Urban Standard Residential Zone, being more particularly described as follows:

The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Beginning at the Section corner common to Sections 21, 22, 27 and 28, T. 17 S., R. 12 E.W.M.; thence N. 89° 48' 12" W. for 292.00 feet more or less, thence S. 00° 20' 43" W. for 400.00 feet, thence N. 89° 39' 17" W. for 400.00 feet, thence N. 00° 20' 43" E. for 420.05 feet, thence S. 89° 41' 56" E. for 276.23 feet, thence N. 08° 07' 11" W. for 140.24 feet, thence N. 26° 37' 11" W. for 97.67 feet, thence N. 12° 36' 11" W. for 50.17 feet, thence N. 34° 46' 11" W. for 95.83 feet, thence N. 18° 33' 11" W. for 53.80 feet, thence N. 37° 44' 11" W. for 50.82 feet, thence N. 02° 53' 11" W. for 78.30 feet, thence N. 28° 37' 11" W. for 120.10 feet, thence N. 21° 41' 11" W. for 31.26 feet to the south right-of-way line of the North Unit Canal, thence N. 86° 39' 16" W. for 111.39 feet along the South right-of-way line of the North Unit Canal, thence S. 03° 20' 44" W. for 40.00 feet, thence N. 86° 39' 16" W. for 104.88 feet, thence around a 136.50 foot radius curve left for 70.00 feet (long chord bears S. 78° 39' 14" W. for 69.24 feet), thence S. 63° 57' 44" W. for 160.92 feet, thence around a 136.50 foot radius curve left for 80.72 feet, (long chord bears S. 47° 01' 14" W. for 79.55 feet), thence S. 30° 04' 44" W. for 146.61 feet, thence around a 436.50 foot radius curve right for 153.41 feet, (long chord bears S. 40° 08' 50" W. for 152.62 feet) to the North-South centerline of the SE 1/4 of Section 21, T. 17 S., R. 12 E.W.M., thence S. 00° 07' 48" E. for 244.57 feet alont the North-South centerline to the East 1/16 corner between Sections 21 and 28, thence S. 00° 04' 54" W. along the North-South centerline of Section 28, T. 17 S., R. 12 E.W.M. for 988.52 feet, thence N. 56° 57' 13" E. for 447.72 feet, thence S. 12° 14' 13" E. for 219.36 feet to the North right-of-way line of Butler Market Road, thence S. 23° 50' 35" E. for 60.00 feet to the South right-of-way line of Butler Market Road, thence Northeasterly along the South right-of-way line of Butler Market Road to a point of intersection of said right-of-way with the NW corner of Lot 3, Block 1, Canyon Park Addition. Said point also being a point on the current City limits line, thence, continuing along said South right-of-way line to the point of intersection with the Pilot Butte Canal, thence N. 44° 06' 49" E. for 46.2 feet, thence N. 72° 06' 49" E. for 194.00 feet, thence, North for 144.87 feet, to a point on the North line of Section 27, T. 17 S., R. 12 E.W.M. thence along said Section line S. 89° 45' 43" W. to the Section corner common to Sections 21, 22, 27, and 28, T. 17 S., R. 12 E.W.M. and the point of beginning and the terminus of this description.

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

#93 Huett

LEGAL 3/24/79 corrected legal 4-11-79

ORDINANCE NO. NS-1203

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1194, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 7th day of February, 1979 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A TRACT OF LAND DESCRIBED AS FOLLOWS: Township 17 South, Range 12 E.W.M., Deschutes County, Oregon, in Section 28, a portion of the Northeast 1/4 beginning at the Northwest corner of that certain property described in that certain deed from Clarence E. Wilson and Bonnie Mae Wilson, husband and wife, to John H. McAlpine and recorded in Vol. 135 Deeds, Page 21, Deschutes County Records; thence South parallel to the east line of Section 28 for a distance of 400.00 feet; thence West at a right angle 400.00 feet; thence North parallel to the East line of Section 28 for a distance of 400.00 feet to the North line of the Northeast 1/4; thence East along the North line of the Northeast 1/4 400.00 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979.

Richard A. Carlson
Mayor

ATTEST:

Donnell Kaufman
Recorder-Treasurer

This ordinance was previously submitted to the Deschutes County Clerk and was recorded on April 2, 1979 in Book 296, Page 104. This ordinance is now being resubmitted with a corrected legal description.

ORDINANCE NO. NS-1203 Hwy 97

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1194, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 7th day of February, 1979 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A TRACT OF LAND DESCRIBED AS FOLLOWS: Township 17 South, Range 12 E.W.M., Deschutes County, Oregon, in Section 28, a portion of the Northwest 1/4 beginning at the Northwest corner of that certain property described in that certain deed from Clarence E. Wilson and Bonnie Mae Wilson, husband and wife, to John H. McAlpine and recorded in Vol. 135 Deeds, Page 21, Deschutes County Records; thence South parallel to the east line of Section 28 for a distance of 400.00 feet; thence West at a right angle 400.00 feet; thence North parallel to the East line of Section 28 for a distance of 400.00 feet to the North line of the Northeast 1/4; thence East along the North line of the Northeast 1/4 400.00 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from the after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1204 ROLLING HILLS

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1193, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 7th day of February, 1979 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

All of Lots 5, 6, 7 and 8 of Block 2, Ellis Subdivision, also known as 17-12-28 DB, Tax Lot 1500, and also that strip of property adjoining George A. Jones Road on the west, and the adjoining said property on the east.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979

Richard A. Clarke
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1205 R3625

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1195, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 7th day of February, 1979 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

The following described parcels located in the NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M. being more particularly described as follows:

Parcel "A"

All of Tract 10 Boyds Acreage and all of the territory in the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M. lying 494.88 feet east of the westerly boundary of said Section 28, north of Ravenwood Subdivision and west of the westerly right-of-way of Butler Market Road.

Parcel "B"

Beginning at a point where the west right-of-way line of Butler Market Road intersects the north boundary line of the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M., thence southwesterly along said west right-of-way line 935 feet more or less to a point that bears west of the southwest corner of that parcel of property conveyed to John and Maxine Cooper on October 7, 1963 in Volume 136, Page 559 of the records of Deschutes County, Oregon. This property is also known as 17-12-28 AC, Tax Lot 600, thence East 72.00 feet more or less to said southwest corner of said parcel; thence East 376.00 feet; thence S. 0° 07' 52" West 300.00 feet more or less to a point on the north line of Cady Addition; thence S. 88° 57' 33" E. 300.00 feet along the north line of Cady Addition to a point on the west right-of-way line of Jones Road; thence N. 0° 07' 52" E. 965.00 feet more or less along the west right-of-way line of Jones Road to a point on the north boundary of the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M.; thence N. 89° 19' 12" W. 90.00 feet more or less along the north boundary line of the SW 1/4 NE 1/4 of Section 28 to the point of beginning.

Parcel "C"

All of the right-of-way of Butler Market Road from its intersection with the north boundary of the SW 1/4 NE 1/4 Section 28, T. 17 S., R. 12 E.W.M. northeasterly to the southwest corner of Lot 1, Block 1, of Choctaw Village.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and in being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1206

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1196, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 7th day of February, 1979 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A PARCEL OF LAND DESCRIBED AS FOLLOWS: Beginning at the North 1/4 corner of Section 6, T. 18 S., R. 12 E.W.M.; thence South 89° 14' 15" East along the North line of said Section 6, 491.44 feet to the West line of Century Drive and the true point of beginning of this description;

Thence South along the West line of Century Drive 245.73 feet; thence West 380.70 feet to the East line of 15th Street; thence South along the East line of 15th Street 295.33 feet; thence North 84° 49' 00" East 382.28 feet to the West line of Century Drive; thence southerly along the West line of Century Drive 168.40 feet, thence South 89° 15' 49" West 200.00 feet; thence South 00° 44' 11" East 150.00 feet; thence North 89° 15' 49" East 200.52 feet to the westerly line of Century Drive; thence southerly along the westerly line of Century

Drive to its intersection with the South line of Simpson Drive; thence North 89° 56' 16" East 100.75 feet more or less to the Easterly line of Century Drive; thence Northerly along the Easterly line of Century Drive 586 feet more or less to its intersection with the Southwest corner of that tract of land deeded to Terence O. Skjersaa and Su C. Skjersaa by deed recorded December 13, 1967 to Volume 156, Page 298, Deed Records, Deschutes County, Oregon; thence South 89° 37' 08" East 99.20 feet; thence North 00° 07' 04" West 100.00 feet to the South line of the N 1/2 NW 1/4 NE 1/4 of said Section 6; thence Easterly along said South line a distance of 30 feet; thence North a distance of 130 feet; thence West a distance of 130 feet more or less to a point on the Easterly right-of-way line of Century Drive; thence North along said right-of-way line to a point that bears South 89° 12' 15" East a distance of 100 feet from the true point of beginning for this description; thence North 89° 12' 15" West a distance of 100 feet to the true point of beginning for this description.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1207

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1197, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 7th day of February, 1979 at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Parcel "A"

Beginning at a point being the centerpoint of the NE 1/4, Section 33, T. 17 S., R. 12 E.W.M.; thence east 2850 feet more or less to the centerline of Central Oregon Irrigation lateral A-2; thence northwesterly along said centerline a distance of 500 feet more or less to the intersection of the west boundary of the NE 1/4 NW 1/4 of Section 34, T. 17 S., R. 12 E.W.M.; thence northerly along said west boundary line 550 feet more or less to a point 330 feet south of the north boundary line of Section 34, T. 17 S., R. 12 E.W.M.; thence south 89° 02' 28" east 660 feet to a point; thence north 00° 25' 34" west 330 feet to a point on the north boundary line of said Section 34; thence S. 89° 48' 00" west to a point that bears 330 feet west of the NE corner of the NW 1/4 NW 1/4 Section 34, T. 17 S., R. 12 E.W.M.; thence south 660 feet; thence west to a point 687 feet east of the west boundary line of the NE 1/4 NE 1/4 Section 33, T. 17 S., R. 12 E.W.M.; thence south 317 feet; thence west 687 feet; thence south 300 feet to the point of beginning. EXCEPT: All the property lying within the right-of-way of Neff Road.

Parcel "B"

Beginning at a point on the southeast corner of Lot 1, Block 3, Eastwood Addition, said point being on the north right-of-way line of Neff Road; thence north 00° 16' 20" E. 667.98 feet to a point at thd southwest corner of Lot 1, Block 12, East of Eastwood Addition; thence north 89° 38' 48" E. 343.71 feet more or less to a point at the southeast corner of Lot 4, Block 12, East of Eastwood Addition; thence north 0° 16' 20" E. 95.74 feet to a point on the south boundary line of Crestridge Drive; thence following said right-of-way line 60.69 feet alont a 120.3 foot radius curve to a point at the northwest corner of Lot 11, Block 12, East of Eastwood Addition; thence south 0° 16' 20" W. 96.08 feet; thence north 89° 38' 48" E. 197.49 feet to a point being the southeast corner of the Plat of East of Eastwood; thence north 1° 26' 23" W. along the east boundary of East of Eastwood Addition 562.55 feet to the northeast corner of East of Eastwood Addition, said point being on the north line of the SW 1/4 SW 1/4 Section 27; thence north 89° 42' 05" E. a distance of 450 feet to the northwest corner of Edgecliff Subdivision; thence south along the west boundary of Edgecliff Addition 1286 feet more or less to a point on the north right-of-way of Neff Road; thence following this northerly right-of-way west to a point of beginning.

And also:

All of the SW 1/4 SW 1/4 Section 27, T. 17 S., R. 12 E.W.M. south of the southerly right-of-way of Neff Road.

And also:

All the right-of-way of Neff Road from the west boundary line of Lot 1, Block 2, Eastwood Addition east to the west boundary line of Edgecliff Subdivision.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of February, 1979

Read for the second time the 21st day of February, 1979

Placed upon its passage the 21st day of February, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of February, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1208

Repealed by NS-1361

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 SETTING FORTH PARKING REGULATIONS AND REFERRING TO METER PARKING AND OTHER PARKING VIOLATIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 25a. Enforcement of Meter Parking Violations is amended to add: At any time from and after the fourth 24 hour period the owner and or operator of the vehicle shall be considered delinquent and shall pay the amount of $5.00.

Section 2. Section 26. Other Parking Violations is amended to add: At any time from and after the fourth 24 hour period the owner and or operator of the vehicle shall be considered delinquent and shall pay the amount of $10.00.

Section 3. The costs for processing motor vehicle and drivers license records have been increased by the State Department of Motor Vehicles by law. Therefore, in order to preserve the public safety, an emergency is declared to exist and this ordinance shall take effect upon its passage.

Read for the first time the 21st day of February 1979

Read for the second time the 7th day of March 1979

Placed upon its passage the 7th day of March 1979

YES: 6 NO: 1

Submitted to and approved by the Mayor this 7th day of March 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1209

AN ORDINANCE VACATING A PORTION OF NE WEBSTER AVENUE BETWEEN THE RAILWAY AND NE THIRD STREET AND THE ALLEY ADJACENT TO THE RAILWAY BETWEEN NE WEBSTER AVE. AND NE VAIL AVE. AND A PORTION OF NE VAIL AVE. IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 19th day of September, 1978 requesting the following described area be vacated:

> A portion of NE Webster Avenue between the railway and NE Third Street. The alley adjacent to the railway right-of-way between NE Webster Ave. and NE Vail Ave. and the Northerly twenty feet of NE Vail Ave. between the railway and NE Third Street. All of the vacation area in the Riverside Addition, City of Bend, Deschutes County, Oregon.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of all the owners of the abutting property and of not less than two-thirds in the area of real property to be affected by said vacation, said consent being duly acknowledged, and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by E. R. (Max)Mills; said vacation proceedings to vacate the following described property:

> A portion of NE Webster Ave. between the railway and NE Third Street. The alley adjacent to the railroad right-of-way between NE Webster Ave. and NE Vail Ave. and the Northerly twenty feet of NE Vail Ave. between the railway and NE Third Street. All of the vacation is in the Riverside Addition, City of Bend, Deschutes County, Oregon.

The City Commission of the City of Bend have fixed the 21st day of February, 1979 at 7:30 p.m. in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction , maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of February, 1979

Read for the second time the 7th day of March, 1979

Placed upon its passage the 7th day of March, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of March, 1979

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1210

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1199, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire Distrcit No. 2 and did fix the 7th day of March at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

All that portion of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 28, T. 17 S., R. 12 E.W.M. lying northerly and westerly from the Powell Butte-Paulina Creek County Road as constituted January 12, 1953, northerly of Fox Addition, and westerly from the road leading north to Boyd Acres from said Powell Butte-Paulina Creek County Road as located January 12, 1953 in said SE 1/4 NW 1/4; EXCEPT: That portion of the SE 1/4 NW 1/4 of Section 28, T. 17 S., R. 12 E.W.M., beginning at a point on the North boundary of said SE 1/4 NW 1/4 said point being 380 ft. distant from the NE 1/16 corner marking the NE corner of said SE 1/4 NW 1/4; thence North 89° 23' 40" West a distance of 135.0 ft. to a point 50.0 ft., more or less, distant from the center line of the Pilot Butte Canal; thence S. 82° 34' 20" West a distance of 227.11 feet to a point 50.0 ft. more or less from the center line of the Pilot Butte Canal; thence S. 34° 57' 20" West a distance of 191.46 ft. to a point 50.0 ft. more or less from the center line of the Pilot Butte Canal; thence S. 10° 44' 40" East a distance of 113.99 ft. to a right-of-way fence of the County Road; thence N. 41° 31' 20" E. a distance of 171.47 ft. along the right-of-way of the County Road; thence N. 72° 16' 20" East 120.76 ft. along the right-of-way fence of the County Road; thence N. 76° 48' 20" East a distance of 238.15 ft. along the right-of-way fence of the County Road; thence N. 8° 48' 40" West a distance of 78.08 ft. to the point of beginning; EXCEPT that portion of said SE 1/4, NW 1/4 lying south of the north line of Lots 3 and 4, Block 1, Fox Addition; Also EXCEPT that property being described as follows: Beginning at the northwest corner Lot 4, Bl. 1, Fox Addition; thence N. 22° 04' 50" E. 140.73 ft.; thence S. 72° 44' 58" E. 93.27 ft.; thence S. 19° 17' 00" W. 140.00 ft. to the NE corner of said Lot 4, Bl. 1 Fox Addition; thence N. 72° 56' 00" W. 100.15 ft. to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of March, 1979

Read for the second time the 21st day of March, 1979

Placed upon its passage the 21st day of March, 1979

YES: 4 NO: 0

Submitted to and approved by the Mayor this 21st day of March, 1979

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1211

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

> The Southwest one-quarter of the Southeast one-quarter of Section 20, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon and that portion of the West 1/2 of the NE 1/4 of Section 29, said Township and Range, lying northwesterly of the centerline of the Deschutes River.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 16th day of May, 1979 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 21st day of March, 1979

Read for the second time the 4th day of April, 1979

Placed upon its passage the 4th day of April, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 4th day of April, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1212

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ADDING THERETO RM AND RS ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by adding (RM) Urban Medium Density Residential and (RS) Urban Standard Residential zones as follows:

Block 1, the alley in Block 1, and the vacated portion of Stannium Road lying adjacent thereto; Lot 7, Block 2, all that portion of the alley on Block 2 not previously zoned; and Lots 1,2,3,44,45,46,47,&48,Block 11, in Bonne Home Addition

is zoned RM - Urban Medium Density Residential.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 31, 32, 33, and 34, Block 12; Lot 3 and the Southerly 20 feet of Lot 2, Block 13, all in Bonne Home Addition,

is zoned RS - Urban Standard Residential.

Read for the first time the 21st day of March, 1979

Read for the second time the 4th day of April, 1979

Placed upon its passage the 4th day of April, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 4th day of April, 1979.

Richard A. Carson
Mayor

ATTEST:

James O. Knight
Recorder-Treasurer

ORDINANCE NO. NS-1213

AN ORDINANCE AMENDING ORDINANCE NS-591, ESTABLISHING A PROVISION FOR THE CITY TO SET FILING FEES BY RESOLUTION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 8B. Filing Fees of Ordinance NS-591 is hereby amended to read as follows:

Section 8B. Filing Fees. The City Commission shall establish filing fees for subdivisions and partitions by resolution, and may from time to time amend these fees as the City Commission deems necessary.

Passed by the City Commission and approved by the Mayor this 18th day of April, 1979.

Read for the first time the 4th day of April, 1979

Read for the second time the 18th day of April, 1979

Placed upon its passage the 18th day of April, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 18th day of April, 1979

Richard A. Carson
Mayor

ATTEST:

James O. Knight
Recorder-Treasurer

ORDINANCE NO. NS-1214

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED: AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

PARCEL I - That part of the SE 1/4 of the SW 1/4 of Section 22, Township 17 S., R. 12 E.W.M., Deschutes County, Oregon, lying on the southerly side of the Butler Market Road, LESS: A tract of land located in the SW 1/4 of Section 22, Township 17 S., R. 12 E.W.M. described as follows: Commencing at the S 1/4 corner of said Section 22; thence N. 0° 01' 17" W. along the East line of the SW 1/4 of said Section 22, 1226.05 feet to the southerly right-of-way line of Butler Market Road; thence S. 79° 57' 55" W. along said southerly right-of-way line 10.2 feet to the point of beginning for this description; thence S. 0° 29' 29" E. a distance of 329.53 feet; thence S. 79° 57' 55" W. a distance of 270.75 feet; thence N. 0° 01' 17" W. a distance of 330.00 ft. to said southerly right-of-way line; thence N. 79° 57' 55" E. along said southerly right-of-way line 268.00 feet to the point of beginning.

PARCEL II - That portion of the SW 1/4 of the SW 1/4 of Section 22, T. 17 S., R. 12 E.W.M., Deschutes County, Oregon, lying South and southeasterly of the right-of-way of Butler Market Road as established on September 11, 1944. EXCEPT - those portions conveyed to the County of Deschutes by deeds recorded March 18, 1971, in Book 174, Pages 775 and 776, Deed Records.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 16th day of May, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 4th day of April, 1979

Read for the second time the 18th day of April, 1979

Placed upon its passage the 18th day of April, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 18th day of April, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1215

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING: DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED: AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

PARCEL I - The South 1/2 of the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4, of Section 27, Township 17 South, Range 12 East of the Willamette Meridian.

PARCEL II - The North 1/2 of the NE 1/4 NW 1/4 of Section 27, Township 17 South, Range 12 East of the Willamette Meridian, EXCEPTING - that certain tract of land in the NE 1/4 NW 1/4 deeded to Deschutes County for road purposes by Deed recorded July 8, 1957, in Book 116, at page 516 of Deed Records, Deschutes County, Oregon. SUBJECT TO: Existing telephone, telegraph, power lines, roads, railroads, highways, ditches, canals and pipe lines.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 6th day of June, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 18th day of April, 1979

Read for the second time the 2nd day of May, 1979

Placed upon its passage the 2nd day of May, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1979

Richard G. Carson
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1216

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY CHANGING CERTAIN SPECIAL SETBACK PROVISIONS AND LOCATION OF OFF-STREET PARKING FACILITIES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 26(1) of Ordinance NS-1178 is hereby amended by deleting the following:

"NE Second Street" and adding the following: "NE First Street".

Section 2. Section 24(5)(c) of Ordinance NS-1178 is hereby amended to read as follows:

"(c) Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwellings. All other off-street parking shall be located on the lot with the use; or if not located on the same lot, shall first be approved as a Conditional Use. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the use."

Read for the first time the 18th day of April, 1979

Read for the second time the 2nd day of May, 1979

Placed upon its passage the 2nd day of May, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1217

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ADDING THERETO AN RM ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by adding (RM) Urban Medium Density Residential zone as follows:

A parcel of land situated in the SE 1/4, Section 4, T. 17 S., Range 12 E.W.M., Deschutes County, State of Oregon, being more particularly described as follows:

All that portion of the NW 1/4, SE 1/4, Section 4, T. 18 S., Range 12, E.W.M., lying westerly of the westerly right-of-way line of the Great Northern Railway as now located across said NW 1/4, SE 1/4, of Section 4., T. 18 S., Range 12 E.W.M., also known as a portion of Lots 5, 6, 7, Block 1, Hunnell Acre Tracts, an unrecorded subdivision.

Read for the first time the 18th day of April, 1979

Read for the second time the 2nd day of May, 1979

Placed upon its passage the 2nd day of May, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1218

AN ORDINANCE VACATING A STRIP OF LAND BEING 20 FEET IN WIDTH AND 140 FEET IN LENGTH, LYING SOUTHERLY AND ADJACENT TO LOT 14, BLOCK 13, RIVERSIDE ADDITION TO BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 21st day of March, 1979 requesting that the following described street location be vacated:

> A strip of land being 20 feet in width and 140 feet in length, lying southerly and adjacent to Lot 14, Block 13, Riverside Addition to Bend, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend, said vacation proceedings to vacate the following described property:
>
> > A strip of land being 20 feet in width and 140 feet in length, lying southerly and adjacent to Lot 14, Block 13, Riverside Addition to Bend, Oregon.
>
> The City Commission of the City of Bend have fixed the 18th day of April, 1979 at 7:30 p.m. in the City Commission Chambers at 720 NW Wall Street, City of Bend, as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous placed in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interst will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 18th day of April, 1979

Read for the second time the 2nd day of May, 1979

Placed upon its passage the 2nd day of May, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1219

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING: DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED: AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

PARCEL A: Beginning at the NE corner of the NE¼, NE¼, Sec. 5,T.18 S.,R. 12 E.W.M., thence N. 89° 47' 18" W. along the north boundary line of said Section 5, 1022 feet more or less, to a point which is the intersection of the north right-of-way of Sullivan Place and the east right-of-way of Pilot Butte Canal if extended, thence southeasterly along said east right-of-way to the intersection of the south line of Sullivan Place, thence S. 07° 00' 00" E. 304.70 feet, thence S. 28° 00' 00" E. 171.48 feet to a point on the north right-of-way of the Oregon Trunk Railway, thence southeasterly 100 feet more or less to a point on the southerly right-of-way of the Oregon Trunk Railway, where said Oregon Trunk Railway intersects the east right-of-way of the Pilot Butte Canal, thence N. 43° 32' 00" E. 40.01 feet, thence S. 37° 57' 00" E. 186.20 feet, thence S. 49° 51' 51" W. 25.10 feet to the most westerly corner of Brooks Scanlon County Road (also known as Sullivan Road), this point also being the northerly corner of property lying east of Pilot Butte Canal recorded on 1-1-61 in Volume 31, Page 339, Deed Records, Deschutes County, Oregon, thence S. 40° 08' 09" E. 139.61 feet, thence S. 49° 48' 37" W. 149.71 feet, thence S. 39° 42' 26" E. 54.39 feet, thence S. 40° 08' 00" E. 179.20 feet, thence S. 31° 36' 49" E. 190.63 feet to a point on the south line the NE 1/4, NE 1/4 Section 5, T. 18 S., R. 12 E.W.M., thence east along said line 517.32 feet to the southeast corner of the NE 1/4 NE 1/4 Section 5, T. 18 S., R. 12 E.W.M., thence north along the east line of said Section 5 to the point of beginning.

PARCEL B: Beginning at the northeast corner of the SE 1/4 NE 1/4, Section 5, T. 18 S., R. 12 E.W.M., thence S. 89° 35' 57" W. 517.32 feet, along the north - line of the SE 1/4 NE 1/4 Section 5, T. 18 S., R. 12 E.W.M., thence south 696.65 ft., thence east 463.03 feet to the west right-of-way line of southeast 2nd Street, thence southerly along said right-of-way 604.38 feet more or less to a point where the west right-of-way of southeast 2nd Street intersects the north right-of-way of Wilson Avenue, thence east 60 ft. to the east boundary line of said Section 5. thence north along this boundary 1303.82 ft. to the point of beginning. All in Deschutes County, State of Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and electes to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 6th day of June, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 18th day of April, 1979

Read for the second time the 2nd day of May, 1979

Placed upon its passage the 2nd day of May, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1220

AN ORDINANCE AMENDING THE BEND COMMUNITY ANTENNA CO. FRANCHISE ORDINANCE BY IMPROVING SERVICES AND INCREASING RATES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

NS-806 Expired 7-19-89

Section 1. Section 15 of Ordinance No. NS-806 is amended by adding thereto a new subsection to read:

"(~~4~~) Company shall purchase, construct, install and maintain as part of its technical facilities those improvements and additions to its technical facilities and system services described in a proposal submitted by the franchisee at the Bend City Commission's April 4, 1979 meeting. These improvements are summarized on the franchisee's Letter of Intent which accompanied the proposal and which shall be attached to this Ordinance as Exhibit G and made a part hereof. These improvements shall:

(a) Include the installation of an earth satellite receiving station; and add the following new stations and channels: WTCG-Channel 17 from Atlanta, Georgia; the Christian Broadcast Network; Madison Square Garden Sports Network; C-Span-Cable Satellite Public Affairs Network and Calliope-Children's Programming from the Learning Corporation of America; and

(b) Make available to its subscribers as part of its technical facilities and systems services a premium programming service comparable to Home Box Office or Showtime which features first run movies and special events as a premium service for an additional monthly fee.

(c) The improved technical facilities and system services shall be installed and maintained, and perform in compliance with all the standards and specifications contained in this ordinance for technical facilities and systems services."

Section 2. Section 16 of Ordinance No. NS-806 is amended by adding thereto a new subsection which shall read:

"(6) Upon Company completing the improvement of its technical facilities and system services as described in Section 15 (3)--installation of earth satellite receiving station, addition of stations and premium programming--, and upon the improved facilities and services providing good quality system services as determined by all the standards and specifications contained in this ordinance, Company may increase the maximum rates for its monthly service charges by 6% a year for three years after the improvement of its facilities is completed and the improved facilities perform according to the standards required by this ordinance. This 6% increase shall not apply to connection charges. In addition to the monthly charges Company may charge subscribers to the premium programming service an additional fee for that service which shall be set by Company.

Read for the first time the 2nd day of May, 1979

Read for the second time the 16th day of May, 1979

Placed upon its passage the 16th day of May, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of May, 1979

Richard G. Carlson
Mayor

ATTEST:

James W. Kyle
Recorder-Treasurer

ORDINANCE NO. NS-1221

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ADDING THERETO RM AND RS ZONES.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by adding (RM) Urban Medium Density Residential and (RS) Urban Standard Residential zones as follows:

Residential: All of Tract 10 Boyds Acreage and all of the territory in the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M. lying 494.88 feet east of the westerly boundary of said Section 28, north of Ravenwood Subdivision and west of the westerly right-of-way of Butler Market Road.

is zoned RM - Urban Medium Density Residential.

Beginning at a point where the west right-of-way line of Butler Market Road intersects the north boundary line of the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M., thence southwesterly along said west right-of-way line 935 feet more or less to a point that bears west of the southwest corner of that parcel of property conveyed to John and Maxine Cooper on October 7, 1963 in Volume 136, Page 559 of the records of Deschutes County, Oregon. This property is also known as 17-12-28 AC, Tax Lot 600, thence east 72.00 feet more or less to said southwest corner of said parcel; thence east 376.00 feet; thence S. 0° 07' 52" West 300.00 feet more or less to a point on the north line of Cady Addition; thence S. 88° 57' 33" E. 300.00 feet along the north line of Cady Addition to a point on the west right-of-way line of Jones Rd.; thence N. 0° 07' 52" E. 965.00 feet more or less along the west right-of-way line of Jones Road to a point on the north boundary of the SW 1/4 NE 1/4 of Section 28, T. 17 S., R. 12 E.W.M.; thence N. 89° 19' 12" W. 90.00 feet more or less along the north boundary line of the SW 1/4 NE 1/4 of Section 28 to the point of beginning. And all of the right-of-way of Butler Market Road from its intersection with the north boundary of the SW 1/4 NE 1/4 Section 28, T. 17 S., R. 12 E.W.M. northeasterly to the southwest corner of Lot 1, Block 1 of Choctaw Village.

Also, Lots 5, 6, 7 and 8, Block 2, Ellis Subdivision, City of Bend, Oregon.

is zoned RS - Urban Standard Residential.

Read for the first time the 2nd day of May, 1979

Read for the second time the 16th day of May, 1979

Placed upon its passage the 16th day of May, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of May, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1221A

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ADDING THERETO A NEW CONDITIONAL USE IN THE CB CENTRAL BUSINESS DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 18(3) of Ordinance NS-1178 is hereby amended by adding the following new part (f) to read as follows:

"(f) Small animal veterinary clinic."

Read for the first time the 16th day of May, 1979

Read for the second time the 6th day of June, 1979

Placed upon its passage the 6th day of June, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 6th day of June, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1222

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1211, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 16th day of May, 1979, at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

The Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 20, Township 17 So. Range 12 E.W.M., Deschutes County, Oregon, and that portion of the West One-half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 29, Township 17 South, Range 12 E.W.M., said Township and Range lying northwesterly of the center line of the Deschutes River.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should

proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 16th day of May, 1979

Read for the second time the 6th day of June, 1979

Placed upon its passage the 6th day of June, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor the 6th day of June, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1223

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1214, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 16th day of May, 1979 at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

PARCEL I - That part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 22, Township 17 South, Range 12 E.W.M., Deschutes County, Oregon, lying on the southerly side of the Butler Market Road, LESS: A tract of land located in the Southwest Quarter (SW 1/4) of Section 22, Township 17 South, Range 12 E.W.M., described as follows: Commencing at the South Quarter (S 1/4) corner of said Section 22; thence North 0° 01' 17" West along the East line of the Southwest Quarter (SW 1/4) of said Section 22, 1226.05 feet to the Southerly right-of-way line of Butler Market Road; thence South 79° 57' 55" West along said Southerly right-of-way line 10.2 feet to the point of beginning for this description; thence South 0° 29' 29" East a distance of 329.53 feet; thence South 79° 57' 55" West a distance of 270.75 feet; thence North 0° 01' 17" West a distance of 330.00 feet to said Southerly right-of-way line; thence North 79° 57' 55" East along said Southerly right-of-way line 268.00 feet to the point of beginning.

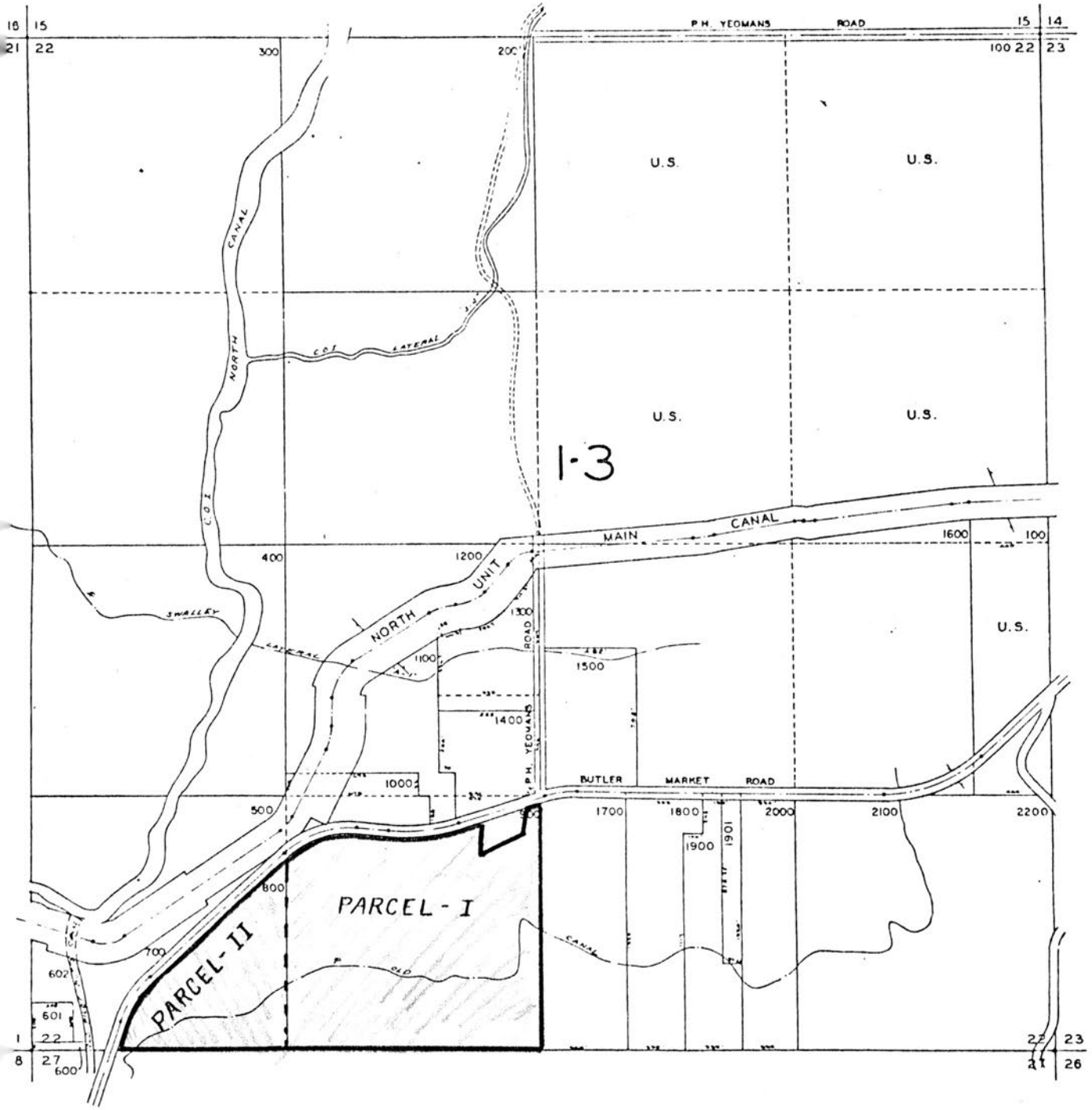
PARCEL II - That portion of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 22, Township 17 South, Range

SEC. 22 T.17S. R.12E.W.M. 17 12 22

DESCHUTES COUNTY

SCALE: 1" = 400'

See Map 17 12 15



See Map 17 12 23

See Map 17 12 27

CITY OF BEND
ANNEXATION ORD. No.

17 12 22

HERITAGE SUB.

12 E.W.M., Deschutes County, Oregon. lying south and southwesterly of the right-of-way of Butler Market Road as established on September 11, 1944. EXCEPT - those portions conveyed to the County of Deschutes by deeds recorded March 18, 1971, in Book 174, Pages 775 and 776, Deed Records.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been hand and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 16th day of May, 1979

Read for the second time the 6th day of June, 1979

Placed upon its passage the 6th day of June, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor the 6th day of June, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1224

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

Beginning at the Northwest corner of the Southeast Quarter (SE 1/4) of Section 4, Township 18 South, Range 12 E.W.M. and run thence South along the West line of said Southeast Quarter (SE 1/4) of Section 4, 330 feet more or less, to a point on the Southwesterly right-of-way of the Great Northern Railway; thence Southeasterly along said Southwesterly right-of-way 1170 feet more or less to a point on the North line of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence East 1405 feet more or less to the Northwest corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence South 660 feet to the Southwest corner of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence East along the South line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4, 655 feet more or less to a point on the West right-of-way of the F. A. Hunnell Road (also known as Ferguson Road); thence Southerly along the west right-of-way of said F. A. Hunnell Road 630 feet more or less to a point on the North line of the Reed Market Road; thence along said North line East 50 feet to a point on the East right-of-way of said F. A. Hunnell Road; thence Northerly along said East

right-of-way 1620 feet more or less to a point on the South line of the North one-half of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4 if extended East; thence along said South line 670 feet more or less to the Southwest corner of said North one-half of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence North 991.35 feet to the Northwest corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence West along the North line of the Southeast Quarter (SE 1/4) of saod Section 4, 1973.7 feet to the place of beginning.

All in Deschutes County, State of Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the day of July, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 16th day of May, 1979

Read for the second time the 6th day of June, 1979

Placed upon its passage the 6th day of June, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor the 6th day of June, 1979

Richard A. Carter
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1225

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE HUNNELL ACRES-BAER ROAD AREA ANNEXATION TO RM AND IL ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of areas to the (RM) Urban Medium Density Residential and (IL) Light Industrial District Zones as follows:

Beginning at the NW corner of the SE 1/4 of Section 4, Township 18 S., Range 12 E.W.M. and run thence South along the West line of said SE 1/4 of Section 4, 330 ft. more or less to a point on the southwesterly R/W of the Great Northern Railway; thence southeasterly along said southwesterly R/W, 1170 ft. more or less to a point on the North line of the SW 1/4 of the SE 1/4 of said Section 4; thence east 730 ft. more or less to a point 15 ft. west of the SE corner of the NW 1/4 of the SE 1/4 of said Section 4 (this point is also known as the SE corner of Tract 4, Block 1, Hunnell Acre Tracts, unrecorded); thence North along the east boundary of said Block 1, Hunnell Acre Tracts (unrecorded) 1338 ft. more or less to a point on the north boundary of the SE 1/4, Section 4, Township 18 South, R. 12 E.W.M.; thence west along that boundary 1300 ft. more or less to the point of beginning.

This area is zoned IL - Light Industrial District.

Beginning at the SE corner of the SE 1/4 Section 4, T. 18 S.,; R. 12 E.W.M.; thence N. 00° 13' 51" W. 659.34 feet along the east line of the SE 1/4 of said Section 4, thence N. 89° 47' 25" W. 20 feet to the true point of beginning of this description; thence northerly along the west right-of-way of F. A. Hunnell Rd. (also known as Ferguson Rd.) 1000 ft. more or less to a point on the south line of the north 1/2 of the SE 1/4 of the NE 1/4 of the SE 1/4 of said Section 4; thence along said South line 620 feet more or less to the SW corner of said N 1/2 of the SE 1/4 of the NE 1/4 of the SE 1/4 of said Section 4; thence N. 991.35 feet to the NW corner of the NE 1/4 of the NE 1/4 of the SE 1/4 of said Section 4; thence West along the North line of the SE 1/4 of said Section 4, 642.90 feet; thence South 1323 feet more or less to a point on the South line of the NE 1/4 of the SE 1/4 of said Section 4; thence S. 89° 42' 34" E. 644.40 feet to the NE corner of the NW 1/4 of the SE 1/4 of the SE 1/4 of said Section 4; thence S. 00° 10' 21" E. 660.00 ft. more or less to the SW corner of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 4; thence S. 89° 47' 25" E. 640 ft. more or less to the true point of beginning for this description.

This area is zoned RM - Urban Medium Density Residential

Read for the first time the 6th day of June, 1979

Read for the second time the 20th day of June, 1979

Placed upon its passage the 20th day of June, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 20th day of June, 1979

Richard C. Carson
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

SHEVLIN PK ROAD - NORTH
BUTTE ANNEX

ORDINANCE NO. NS-1226

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

Beginning at the northeast corner of Lot 1, Block 21, Bonne Home Addition to the City of Bend, Deschutes County, Oregon; and run thence west 49.58 feet; thence south 110 feet to the southwest corner of said Lot 1; thence west 450 ft. to the southwest corner of Lot 10 of said Block 21; thence south 205 feet to a point on the south line of Galveston Avenue; thence west 720 ft. along the south line of said Galveston Avenue to a point on the west line of West Seventeenth Street; thence south along the west line of said West Seventeenth Street 510 feet more or less to a point on the south line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 31, Township 17 S., Range 12 E.W.M.; thence west along said south line and the south line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 31, 593.37 feet; thence north 540 feet; thence north 85° 56' 07" east 506.32 feet to a point on the east line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 31; thence north along said east line and the east line of Government Lot 2 of said Section 31, 2364 feet more or less, to a point on the south line of Shevlin Park Market Road; thence northwesterly along said south line 1330 feet more or less, to a point on the west line of said Section 31; thence south along the west line of said Section 31 and the west line of Section 6, Township 18 South, Range 12 E.W.M., 5150 feet more or less, to the southwest corner of the north half (N 1/2) of Government Lot 4 of said Section 6; thence east 1210 feet more or less, to the southeast corner of said north half (N 1/2) of Government Lot 4; thence north 630 feet more or less, to the northeast corner of said Government Lot 4; thence east 1298.59 feet to the southeast corner of the Southwest Quarter (SW 1/4) of said Section 31; thence north along the east line of said Southwest Quarter (SW 1/4) 2133.47 feet to the place of beginning.

All in Deschutes County, State of Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 18th day of July, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chamber at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 6th day of June, 1979

Read for the second time the 20th day of June, 1979

Placed upon its passage the 20th day of June, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 20th day of June, 1979

Richard A. Carlson
Mayor

ATTEST:

James W. Forbes
Recorder-Treasurer

ORDINANCE NO. NS-1228

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1219, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 6th day of June, 1979 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

PARCEL A: Beginning at the NE corner of the NE 1/4, NE 1/4, Sec. 5, T. 18 S., R. 12 E.W.M., thence N. 89°47'18" W. along the north boundary line of said Section 5, 1022 feet more or less, to a point which is the intersection of the north right-of-way of Sullivan Place and the east right-of-way of Pilot Butte Canal if extended; thence southeasterly along said east right-of-way to the intersection of the south line of Sullivan Place, thence S. 07°00'00" E. 304.70 feet, thence S. 28° 00'00" E. 171.48 feet to a point on the north right-of-way of the Oregon Trunk Railway, thence southeasterly 100 feet more or less to a point on the southerly right-of-way of the Oregon Trunk Railway, where said Oregon Trunk Railway intersects the east right-of-way of the Pilot Butte Canal, thence N. 43°32"00" E. 40.01 feet, thence S. 37°57'00" E. 186.20 feet, thence S. 49°51'51" W. 25.10 feet to the most westerly corner of Brooks Scanlon County Road (also known as Sullivan Road), this point also being the northerly corner of property lying east of Pilot Butte Canal recorded on 1-1-61 in Volume 31, Page 339, Deed Records, Deschutes County Oregon, thence S. 40° 08'09" E. 139.61 feet, thence S. 49° 48'37" W. 149.71 feet, thence S. 39°42'26" E. 54.39 feet, thence S. 40°08'00" E. 179.20 feet, thence S. 31°36'49" E. 190.63 feet to a point on the south line of the NE 1/4, NE 1/4 Section 5, T. 18 S., R. 12 E.W.M., thence east along said line 517.32 feet to the southeast corner of the NE 1/4, NE 1/4, Section 5, T. 18 S., R. 12 E.W.M. thence north along the east line of said Section 5 to the point of beginning.

PARCEL B: Beginning at the northeast corner of the SE 1/4, NE 1/4, Sec. 5, T. 18 S., R. 12 E.W.M., thence S. 89°35'57" W. 517.32 feet, along the north line of the SE 1/4, NE 1/4, Section 5, T. 18 S., R. 12 E.W.M., thence south 696.65 feet, thence east 463.03 feet to the west right-of-way line of Southeast Second Street,thence southerly along said right-of-way 604.38 feet more or less to a point where the west right-of-way of Southeast Second Street intersects the north right-of-way of Wilson Avenue, thence east 60 feet to the east boundary line of said Section 5, thence north along this boundary 1303.82 feet to the point of beginning.

All in Deschutes County, State of Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part

of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 6th day of June, 1979

Read for the second time the 20th day of June, 1979

Placed upon its passage the 20th day of June, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 20th day of June, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1229

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provision of Ordinance No. NS-1215, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 6th day of June, 1979 at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

PARCEL I - The S 1/2 of the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4, of Section 27, Township 17 So., R. 12 E.W.M.

PARCEL II - The N1/2 of the NE 1/4, NW 1/4 of Section 27, T. 17 S., R. 12 E.W.M., EXCEPTING - that certain tract of land in the NE 1/4, NW 1/4 Deeded to Deschutes County for road purposes by Deed recorded July 8, 1957, in Book 116, at page 516 of Deed Records, Deschutes County, Oregon. SUBJECT TO: Existing telephone, telegraph, power lines, roads, railroads, highways, ditches, canals and pipelines.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be

a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 6th day of June, 1979

Read for the second time the 20th day of June, 1979

Placed upon its passage the 20th day of June, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor the 20th day of June, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1230 BUTLER MKT RD ENCLAVE

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE IN AN ENCLAVE ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is hereby amended to include the area described below and to designate this area as an RS Urban Standard Residential Zone, being more particularly described as real property located within the County of Deschutes, State of Oregon, as follows:

A tract of land located in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 17 Sount, Range 12 East. Willamette Meridian, being described as follows:

Beginning at the southwest corner of Lot 1, Block 1, Choctaw Village; thence N. 12°14' 13" west 220.00 feet to a point where Lots 3, 4, and 5, Block 1, meet at a point; thence south 56°57'13" west 450.00 feet to the west boundary of the NE 1/4 of the NE 1/4, Sec. 28, T. 17 S., R. 12 E.W.M.; thence south 0°04'54" west along that boundary 325.85 feet to the southwest corner of the NE 1/4 of the NE 1/4 of said Sect. 28; thence south 89°22'49" east along the south boundary of the NE 1/4 of the NE 1/4 of said Sec. 28, 1111.81 feet more or less to a point 203.29 feet west of the southeast corner of the NE 1/4 of the NE 1/4 of said Sect. 28; thence north 0°20'43" east 213.43 feet; thence south 89°22'22" east 203.29 feet to the east boundary of said Sec. 28; thence north 0°20'43" east along said boundary 570 feet more or less to a point on the northerly right-of-way of Butler Market Road; thence southwesterly 985 feet more or less along said right-of-way to the point of beginning of this description.

Read for the first time the 5 th day of July, 1979

Read for the second time the 1st day of August, 1979

Placed upon its passage the 1st day of August, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1231

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ADDING THERETO TO THE RM ZONE

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by adding to the RM Urban Medium Density Residential zone as follows:

All that portion of the SE 1/4 of the NW 1/4 of Section 28, T. 17 S., R. 12 E.W.M. lying northerly and westerly from the Powell Butte-Paulina Creek County Road as constituted January 12, 1953, northerly of Fox Addition, and westerly from the road leading north to Boyd Acres from said Powell Butte-Paulina Creek County Road as located January 12, 1953 in said SE 1/4 NW 1/4; EXCEPT: That portion of the SE 1/4 NW 1/4 of Section 28, %. 17 S., R. 12 E.W.M., beginning at a point on the North boundary of said SE 1/4 NW 1/4 said point being 380.00 feet distant from the NE 1/16 corner marking the NE corner of said SE 1/4 NW 1/4; thence North 89° 23' 40" West a distance of 135.00 feet to a point 50.00 feet, more or less, distant from the center line of the Pilot Butte Canal; thence S. 82° 34' 20" West a distance of 227.11 feet to a point 50.0 feet more or less from the center line of the Pilot Butte Canal; thence S. 34° 57' 20" West a distance of 191.46 feet to a point 50.00 feet more or less from the center line of the Pilot Butte Canal; thence S. 10° 44' 40" East a distance of 113.99 feet to a right-of-way fence of the County Road; thence N. 41° 31' 20" E. a distance of 171.47 feet along the right-of-way of the County Road; thence N. 72° 16' 20" East 120.76 feet along the right-of-way fence of the County Road; thence N. 76° 48' 20" East a distance of 238.15 feet along the right-of-way fence of the County Road; thence N. 8° 48' 40" West a distance of 78.08 feet to the point of beginning; EXCEPT that portion of said SE 1/4, NW 1/4, lying south of the north line of Lots 3 and 4, Block 1, Fox Addition; also EXCEPT that property being described as follows: Beginning at the northwest corner of Lot 4, Block 1, Fox Addition; thence N. 22° 04' 50" E. 140.73 feet; thence S. 72° 44' 58" E. 93.27 feet; thence S. 19° 17' 00" W. 140.00 feet to the northeast corner of said Lot 4, Block 1, Fox Addition; thence N. 72° 56' 00" W. 100.15 feet to the point of beginning.

Read for the first time the 20th day of June, 1979

Read for the second time the 5th day of July, 1979

Placed upon its passage the 5th day of July, 1979

YES: 4 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1979

Richard C. Carter
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1231

AN ORDINANCE REGULATING GARAGE SALES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1132 (the Business Licensing Code of the City of Bend) is amended by adding to Section 1 the designation "Garage Sale" and the license fee shall be $1.00 per sale.

Section 2. Ordinance No. NS-1132 is amended by adding thereto a new Section 4.1 to read:

"Section 4.1 Garage Sales.

(a) "Garage sale" shall mean the public sale of new or used goods within the City from any private property, including but not limited to garages, porches, carports, yards, when said activity is not otherwise licensed or regulated by applicable ordinances. The offering for sale of one item by public display with a sign indicating the item is for sale and the price thereof attached to or upon such item, and the sale of more than one individual item not offered by public display and where no signs are posted concerning a sale or place of sale are transactions exempt from the provisions of this section.

(b) A person desiring to conduct a garage sale shall make a written application to the City Recorder setting forth the true name and address of the owner of the goods to be sold; the true name and address of the person conducting its sale; a description of the place from which such sale is to be held and the dates and period of time at which the sale is to be conducted.

(c) The City Recorder shall issue a permit for a period of seven consecutive days, provided however that no individual or group of individuals shall be granted more than two seven day permits in any twelve month period, nor shall a permit be granted for any one location more than twice in any twelve month period without specific City Commission approval.

(d) There shall be allowed only one sign posted on the premises from which the garage sale is to be held and one sign at the closest street intersection. All signs must be promptly removed when the sale is over. No other signs shall be posted on the premises or at any other public or private place advertising the sale."

Read for the first time the 5th day of July, 1979

Read for the second time the 18th day of July, 1979

Placed upon its passage the 18th day of July, 1979

YES 5 NO 0

Submitted to and approved by the Mayor this 18th day of July, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1233

AN ORDINANCE ACCEPTING STATE REVENUE SHARING FUNDS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to ORS 471.810, the City of Bend, Deschutes County, State of Oregon does elect to receive and accept State Revenue Sharing Funds for the fiscal year 1979-80.

Read for the first time the 5th day of July, 1979

Read for the second time the 18th day of July, 1979

Placed upon its passage the 18th day of July, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of July, 1979

Richard A. Clark
Mayor

ATTEST:

Recorder-Treasurer

NE 1ST ENCLAVE

ORDINANCE NO. NS-1234

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

Beginning at a point on the north line of the SE 1/4 of the NW 1/4 of Section 28 T. 17 S., R. 12 E.W.M. said point being N. 89° 23' 40" W. 380.00 feet from the NE corner of the SE 1/4 of the NE 1/4 of said Section 28; thence N. 89° 23' 40" W. 135.00 feet to a point 50 feet more or less from the centerline of the Pilot Butte Canal; thence S. 82° 34' 20" W. 227.11 feet to a point 50 feet more or less from the centerline of the Pilot Butte Canal; thence S. 34° 57' 20" W. 191.46 feet to a point 50 feet more or less from the centerline of the Pilot Butte Canal; thence S. 10° 44' 40" E. 113.99 feet to a point on the northerly right-of-way of Studio Road; thence southwesterly along said right-of-way 470 feet more or less to a point N. 19° 17' 00" E. 140.00 feet from the NE corner of Lot 4, Block 1, Fox Addition; thence N. 72° 44' 58" W. 93.27 feet; thence S. 22° 04' 50" W. 140.73 feet to the NW corner of said Lot 4; thence S. 72° 56' 00" E. 100.15 feet to the NE corner of said Lot 4; thence along the westerly right-of-way of said Studio Road S. 18° 00' 00" W. 495 feet more or less to a point on the south line of said SE 1/4 of the NW 1/4 of Section 28; thence east 45 feet more or less to a point on the westerly right-of-way of Pilot Butte canal; thence southerly along said right-of-way 1,020 feet more or less to a point on the west line of the NE 1/4 of the SW 1/4 of Section 28; thence south along the west line of said NE 1/4 of the SW 1/4 365 feet more or less to the SW corner thereof; thence along the south line of said NE 1/4 of the SW 1/4 S. 88° 20' 35" E. 459.00 feet to a point on the east line of NE 6th Street; thence north 274.94 feet to the NW corner of Lot 1, Block 2, Neal Addition; thence east 420.00 to the west line of B & L Acres Replat; thence north 100 feet to the NW corner thereof; thence along the north line of said Plat, east 435.00 feet to the west line of Butler Market Road; thence along said

west line south 400.00 feet to the north line of the George A. Jones Road #293 (if extended west); thence east along said north line 1,336.58 feet; thence north along the west line of said Jones Road 420.00 feet to the NE corner of Lot 4, Block 2, Ellis Subdivision; thence west 540.00 feet to the NW corner of Lot 1, Block 2, said Ellis Subdivision; thence north along the west line of said Block 2, 580.00 feet; thence west 30.00 feet; thence north 120.00 feet; thence east 570.00 feet to the west line of said Jones Road; thence north along said west line 184.87 feet to the NE corner of Lot 9, Block 2 said Ellis Subdivision; thence N. 88° 57' 33" W. 600.00 feet to the NE corner of Lot 14, Block 1, said Ellis Subdivision; thence N. 0° 07' 52" E. 100.00 feet; thence N. 88° 57' 33" W. 403.60 feet to a point on the easterly line of Butler Market Road; thence along said easterly line N. 36° 03' 15" E. 300 feet more or less to a point which bears S. 53° 56' 45" E. 60.00 feet from the SE corner of Lot 1, Block 2, Ravenwood Subdivision; thence N. 53° 56' 45" W. 60.00 feet to the SE corner of said Lot 1; thence N. 86° 44' 45" W. 356.85 feet to the SW corner of Lot 3, Block 2 said Ravenwood Subdivision; thence N. 0° 07' 15" E. along the west line of said Ravenwood Subdivision 795 feet more or less to the NW corner of Lot 8, Block 2 of said Ravenwood Subdivision, said point also being on the south line of Studio Road; thence along said south line westerly 360 feet more or less to a point which bears S. 8° 48' 40" E. 138.08 feet from the place of beginning; thence N. 8° 48' 40" W. 138.08 feet to the place of beginning of this description.

Read for the first time the 5th day of July, 1979

Read for the second time the 18th day of July, 1979

Placed upon its passage the 18th day of July, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of July, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1235

AN ORDINANCE VACATING AN AREA KNOWN AS NE PENN AVENUE AND THE ALLEY BETWEEN THIS AREA AND DESCHUTES PLACE ALL IN BLOCK 9, LYTLE ADDITION, CITY OF BEND, DESCHUTES COUNTY, OREGON.

The Bend City Commission on January 17, 1979 did request that the following described area be vacated:

An area known as NE Penn Avenue between Division Street and the Oregon Trunk Railway and the alley between the area known as NE Penn Avenue and Deschutes Place all in Block 9, Lytle Addition, City of Bend, Deschutes County, Oregon.

and stating the purpose for which the described property is to be used and the reason for such vacation, and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend, said vacation proceedings to vacate the following described property:

A 30 foot strip of land commencing at the section corner common to Sections 28, 29, 32 and 33, T. 17 S., R. 12 E.W.M. Deschutes County, Oregon.

Thence; N. 89° 55' 14" W. along the section line between Sections 29 and 32 a distance of 584.12 feet to the point of beginning for this description. Said point of beginning being further described as being the intersection of the westerly right-of-way line of the Oregon Trunk Railway and the section line between Section 32 and 29. Thence, N. 89° 55' 14" W. a distance of 240.73 feet. Thence along a 260 foot radius curve right, said curve having a long chord bearing of N. 19° 51' 29" E. and a long chord distance of 21.88 feet. Thence, S. 89° 55' 14" E. a distance of 238.87 feet to a point on the westerly right-of-way line of the Oregon Trunk Railway. Thence, southerly along said westerly right-of-way S. 16° 39' 00" W. a distance of 31.30 feet to the point of beginning and the terminus of this description. This property is also known as Penn Avenue.

SHOULD BE 31.88 JCB 4-24-80

Also, the vacation of an alley off of the above described property described as follows:

Commencing at the section corner common to Sections 29, 28, 32 and 33, T. 17 S., R. 12 E.W.M. Deschutes County, Oregon.

Thence, N. 89° 55' 14" W. a distance of 680 feet to a point. Thence, N. 0° 35' 40" E. a distance of 30 feet to the true point of beginning for this description. Thence, N. 0° 35' 40" E. a distance of 138.18 feet. Thence, S. 59° 31' 08" W. a distance of 23.35 feet. Thence S. 0° 35' 40" W. a distance of 126.31 feet. Thence S. 89° 55' 14" E. a distance of 20 feet to the point of beginning and the terminus of this description. All of the above described properties are in the Lytle Addition of the City of Bend.

The City Commission of the City of Bend having fixed the 21st day of February, 1979 at 7:30 p.m. in the City Commission Chambers at 720 NW Wall Street, City of BEnd, as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of February, 1979

Read for the second time the 18th day of July, 1979

Placed upon its passage the 18th day of July, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of July, 1979

Richard G. Carlson
Mayor

ATTEST:

Thomas W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1236

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annxes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

A tract of land located in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 17 South, Range 12 East, Willamette Meridian, being described as follows:

Beginning at the southwest corner of Lot 1, Block 1, Choctaw Village; thence N. 12°14'13" west 220.00 feet to a point where Lots 3, 4, and 5, Block 1, meet at a point; thence south 56°57'13" west 450.00 feet to the west boundary of the NE 1/4 of the NE 1/4, Section 28, T. 17 S., R. 12 E.W.M.; thence south 0°04'54" west along that boundary 325.85 feet to the southwest corner of the NE 1/4 of the NE 1/4 of said Section 28; thence south 89°22'49" east along the south boundary of the NE 1/4 of the NE 1/4 of said Section 28, 1111.81 feet more or less to a point 203.29 feet west of the southeast corner of the NE 1/4 of the NE 1/4 of said Section 28; thence north 0°20'43" east 213.43 feet; thence south 89° 22'22" east 203.29 feet to the east boundary of said Section 28; thence north 0°20'43" east along said boundary 570 feet more or less to a point on the northerly right-of-way of Butler Market Road; thence southwesterly 985 feet more or less along said right-of-way to the point of beginning of this description.

Read for the first time the 5th day of July, 1979

Read for the second time the 18th day of July, 1979

Placed upon its passage the 18th day of July, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor the 18th day of July, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1237

AN ORDINANCE AMENDING THE CITY REFUSE COLLECTION FRANCHISES BY INCREASING THE RATES AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinances No. NS-819 and Section 6 of Ordinance No. NS-820 are amended to read:

"Section 6. The maximum rates that may be charged by the grantee for franchise services are:

For collection in containers holding 32 gallons or less:

a. One pickup of one can each week	
*curb or roadside	$3.65 per month
**backyard or other	4.30 per month
b. One pickup of additional can each week	
* curb or roadside	$2.15 per month
**backyard or other	2.90 per month
c. Special pickup	$2.90 per month

*Curbside means "at the curb," "Foot of the driveway,", "at the alley," "where the truck or scooter can drive to the pickup area."

**Any location other than "curb pickup."

For collection of containers hold 1 cubic yard or 1-1/2 cubic yards: (Seven 32 gallon cans - 1 yard
Ten 32 gallon cans - 1-1/2 yards)

a. One pickup for 1 cubic yard each week	20.00 per month plus container rent and maintenance
b. One pickup of 1-1/2 cubic yards each week	25.80 per month plus container rent
c. Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week or pro-rate part of monthly rate.	
For collections in containers holding 30 gallons or less for persons age 65 or older the rate will be $2.50 per month for one pickup per week (curb rate) if such persons apply to the refuse collector for this reduced rate.	$2.50 curb rate 3.00 backyard rate

Compactor Rates:

a. 1-3 yard container	Double loose rate
b. 4-6 yard container	Triple loose rate

Collection of bulk refuse:

$3.00 for each yard per pickup of $17.65 for each hour of work requiring one truck and one man or $29.40 for each hour of work requiring one truck and 2 men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 75 feet	Regular rate
75 to 100 feet	Additional 25%
100 to 125 feet	Additional 50%
125 to 150 feet	Additional 75%
Over 150 feet	Additional 100%

Pickups inside buildings and different floors:

Pickup inside building	Additional 50%
Pickup from one flight above or one flight below ground level	Additional 75%
Two flights above or below ground level	Additional 75%

Section 9. EMERGENCY CLAUSE: That inasmuch as it is necessary for the immediate prevention of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof and it is deemed necessary and advisable for these garbage rates to proceed as speedily as possible.

NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 18th day of July, 1979

Read for the second time the 1st day of August, 1979

Placed upon its passage the 1st day of August, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1979

Richard A. Clark
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1238 HUNNELL ACRES

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1224, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 18th day of July, 1979 at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described proeprty, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter (SE 1/4) of Section 4, Township 18 South, Range 12 E.W.M. and run thence South along the West line of said Southeast Quarter (SE 1/4) of Section 4, 330 feet more or less, to a point on the Southwesterly right-of-way of the Great Northern Railway; thence Southeasterly

along said Southwesterly right-of-way 1170 feet more or less to a point on the North line of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence East 1405 feet more or less to the Northwest corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence South 660 feet to the Southwest corner of said Northeast Quarter (NE 1/4) of the Southeast Quater (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence East along the South line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; 655 feet more or less to a point on the West right-of-way of the F. A. Hunnell Road (also known as Ferguson Road); thence Southerly along the west right-of-way of said F. A. Hunnell Road 630 feet more or less to a point on the North line of the Reed Market Road; thence along said North line East 50 feet to a point on the East right-of-way of said F. A. Hunnell Road; thence Northerly along said East right-of way 1620 feet more or less to a point on the South line of the North one-half of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4 if extended East; thence along said South line 670 feet more or less to the Southwest corner of said North one-half of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence North 991.35 feet to the Northwest corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 4; thence West along the North line of the Southeast Quarter (SE 1/4) of said Section 4, 1973.7 feet to the place of beginning.

All in Deschutes County, State of Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 18th day of July, 1979

Read for the second time the 1st day of August, 1979

Placed upon its passage the 1st day of August, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor the 1st day of August, 1979

Richard G. Carlson
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1239 SHEVLIN PK MKT RD

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1226, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 18th day of July, 1979, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice there of to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 21, Bonne Home Addition to the City of Bend, Deschutes County, Oregon; and run thence west 49.58 feet; thence south 110 feet to the southwest corner of said Lot 1; thence west 450 feet to the southwest corner of Lot 10 of said Block 21; thence south 205 feet to a point on the south line of Galveston Avenue; thence west 720 feet along the south line of said Galveston Avenue to a point on the west line of West Seventeenth Street; thence south along the west line of said West Seventeenth Street 510 feet more or less to a point on the south line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 31, Township 17 S., R. 12 E.W.M.; thence west along said south line and the south line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 31, 593.37 feet; thence North 540 feet; thence North 85° 56' 07" East 506.32 feet to a point on the east line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 31; thence North along said east line and the east line of Government Lot 2 of said Section 31, 2,364 feet more or less, to a point on the south line of Shevlin Park Market Road; thence northwesterly along said south line 1,330 feet more or less, to a point on the west line of said Section 31; thence south along the west line of said Section 31 and the west line of Section 6, Township 18 South, Range 12 E.W.M., 5,150 feet more or less, to the southwest corner of the north half (N 1/2) of Government Lot 4 of said Section 6; thence east 1,210 feet more or less, to the southeast corner of said north half (N 1/2) of Government Lot 4; thence north 630 feet more or less, to the northeast corner of said Government Lot 4; thence east 1298.59 feet to the southeast corner of the Southwest Quarter (SW 1/4) of said Section 31; thence north along the east line of said Southwest Quarter (SW 1/4) 2133.47 feet to the place of beginning.

All in Deschutes County, State of Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries

of the City shall be extended to include the aforedescribed real property.

Read for the first time the 18th day of July, 1979

Read for the second time the 1st day of August, 1979

Placed upon its passage the 1st day of August, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1240 HUNNELL ACRES

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE HUNNELL ACRES - BAER ROAD AREA ANNEXATION TO RM AND IL ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of areas to the (RM) Urban Medium Density Residential and (IL) Light Industrial District zones as follows:

Beginning at the northwest corner of the SE 1/4 of Section 4, T. 18 S. R. 12, E.W.M. and run thence south along the west line of said SE 1/4 of Section 4, 330 feet more or less to a point on the southwesterly right-of-way of the Great Northern Railway; thence southeasterly along said southwesterly right-of-way 1170 feet more or less to a point on the north line of the SW 1/4 of the SE 1/4 of said Section 4; thence east 730 feet more or less to a point 15 feet west of the southeast corner of the NW 1/4 of the SE 1/4 of said Section 4, (this point is also known as the southeast corner of Tract 4, Block 1, Hunnell Acre Tracts, unrecorded); thence north along the east boundary of said Block 1, Hunnell Acre Tracts (unrecorded) 1338 feet more or less to a point on the north boundary of the SE 1/4, Section 4, T. 18 S., R. 12 E.W.M.; thence west along that boundary 1300 feet more or less to the point of beginning,

this area is zoned IL - Light Industrial District;

and

beginning at the southeast corner of the SE 1/4, Section 4, T. 18 S., R. 12 E.W.M.; thence N. 00° 13' 51" W. 659.34 feet along the east line of the SE 1/4 of said Section 4, thence N. 89° 47' 25" W. 20 feet to the true point of beginning of this description; thence northerly along the west right-of-way of F.A. Hunnell Road (also known as Ferguson Road) 1000 feet more or less to a point on the south line of the north half of the SE 1/4 of the NE 1/4 of the SE 1/4 of said Section 4; thence along said south line 620 feet more or less to the southwest corner of said north-half of the SE 1/4 of the NE 1/4 of the SE 1/4 of said Section 4; thence north 991.35 feet to the northwest corner of the NE 1/4 of the NE 1/4 of the SE 1/4 of said Section 4; thence west along the north line of the SE 1/4 of said Section 4, 642.90 feet; thence south 1323 feet more or less to a point on the south line of the NE 1/4 of the SE 1/4 of said Section 4; thence S. 89° 42' 34" 644.40 feet to the northeast corner of the NW 1/4 of the SE 1/4 of the SE 1/4 of said Section 4; thence S. 00° 10' 21" E. 660.00 feet more or less to the southwest corner of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 4; thence S. 89° 47' 25" E. 640 feet more or less to the true point of beginning for this description,

this area is zoned RM - Urban Medium Density Residential District.

Read for the first time the 18th day of July, 1979

Read for the second time the 1st day of August, 1979

Placed upon its passage the 1st day of August, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1241 SHEVLIN PARK

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE SHEVLIN PARK ROAD-OVERTURF BUTTE AREA ANNEXATION TO RS AND RM ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of areas to the (RS) Urban Standard Residential District and (RM) Urban Medium Density Residential District zones as follows:

Beginning at the northeast corner of Lot 1, Block 21, Bonne Home Addition to the City of Bend, Deschutes County, Oregon; and run thence west 49.58 feet; thence south 110 feet to the southwest corner of said Lot 1; thence west 450 feet to the southwest corner of Lot 10 of said Block 21; thence south 205 feet to a point on the south line of Galveston Avenue; thence west 720 feet along the south line of said Galveston Avenue to a point on the west line of said West Seventeenth Street 510 feet more or less to a point on the south line of the NE 1/4 of the SW 1/4 of Section 31, Township 17 S., R. 12 E.W.M.; thence west along said south line and the south line of the NW 1/4 of the SW 1/4 of said Section 31, 593.37 feet; thence north 540 feet; thence north 85° 56' 07" east 506.32 feet to a point on the east line of said NW 1/4 of the SW 1/4 of Section 31; thence north along said east line and the east line of Government Lot 2 of said Section 31, 2,364 feet more or less, to a point on the south line of Shevlin Park Market Road; thence northwesterly along said south line 100 feet more or less to a point on the north line of said Government Lot 2; thence west along said north line 1200 feet more or less to the northwest corner of said Government Lot 2, said point also being on the west line of said Section 31; thence south along the west line of said Section 31 and the west line of Section 6, Township 18 S., R. 12, E.W.M., 4600 feet more or less, to the southwest corner of the north half of Government Lot 4 of said Section 6; thence east 1,210 feet more or less, to the southeast corner of said north half of Government Lot 4; thence north 630 feet more or less, to the northeast corner of said Government Lot 4; thence east 1298.59 feet to the southeast corner of the SW 1/4 of said Section 31; thence north along the east line of said SW 1/4, 2133.47 feet to the place of beginning, all in Deschutes County, State of Oregon,

this area is zoned RS - Urban Standard Residential District;

and

Beginning at the northwest corner of Government Lot 2, Section 31, Township 17 S., R. 12, E.W.M. said point also being on the west line of said Section 31; thence north along said west line 550 feet more or less to a point on the south line of Shevlin Park Market Road; thence southeasterly along said south line 1330 feet

more or less to a point on the north line of said Government Lot 2; thence west 1200 feet more or less to the place of beginning, all in Deschutes County, State of Oregon,

this area is zoned RM - Urban Medium Density Residential District.

Read for the first time the 18th day of July, 1979

Read for the second time the 1st day of August, 1979

Placed upon its passage the 1st day of August, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1242

AN ORDINANCE VACATING A PORTION OF BLOCK 4, WIESTORIA ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, STATE OF OREGON, LOCATED AT THE CORNER OF NE SECOND STREET AND NE PENN AVENUE.

A petition having been presented to the Bend City Commission on the 22nd day of May, 1979, requesting that the following described area be vacated:

A PORTION OF BLOCK 4, WIESTORIA ADDITION, as follows: Beginning at a point on the west boundary of Lot 3, Block 4, of Wiestoria Addition, said point being 120.0 feet north of the southwest corner of said Block 4; thence north for 180.0 feet; thence east 60.0 feet to a point on the north line of Lot 5, Block 4; thence south 18°16'13" west a distance of 189.56 feet to the point of beginning, in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by David Franke; said vacation proceedings to vacate the following described property:

A PORTION OF BLOCK 4, WIESTORIA ADDITION, as follows: Beginning at a point on the west boundary of Lot 3, Block 4, of Wiestoria Addition, said point being 120.0 feet north of the southwest corner of said Block 4; thence north for 180.0 feet; thence east 60.0 feet to a point on the north line of Lot 5, Block 4; thence south 18°16'13" west a distance of 189.56 feet to the point of beginning, in the City of Bend, Deschutes County, Oregon.

The City Commission of the City of Bend have fixed the 1st day of August, 1979 at 7:30 p.m., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the

proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 1st day of August, 1979

Read for the second time the 15th day of August, 1979

Placed upon its passage the 15th day of August, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor the 15th day of August, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORD. NO NS 1243 IS ON FOLLOWING PAGES

ORDINANCE NO. NS-1243

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

PARCEL 1: Township 17 South, Range 11 E.W.M.

Section 24: The Southeast Quarter (SE¼), the east half of the Southwest Quarter (E½ SW¼).

Section 25: The Northeast Quarter (NE¼), the Northeast Quarter of the Northwest Quarter (NE¼ NW¼). EXCEPT that portion described as follows: A parcel of land containing 2.85 acres, more or less, situated in the Southwest Quarter of the Northeast Quarter (SE¼ NE¼) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian, Deschutes County, Oregon: Beginning at a point which bears North 600.69 feet and East 603.12 feet of the center of said Section 25 (C¼ corner): thence North 00°11'49" East 211.00 feet; thence North 89°56'02" East 394.00 feet; thence North 00°11'49" East 118.00 feet; thence North 89°56'02" East 130.16 feet; thence South 03°04'12" West 198.18 feet; thence along the arc of a 610.00 radius curve to the left 116.40 feet, the long chord of which bears South 02°23'48" East 116.22 feet; thence South 07°51'47" East 15.13 feet; thence South 89°56'02" West 521.61 feet to the point of beginning of this description. Also EXCEPT that portion described as follows: Beginning at a point which is located North 812.12 feet and East 977.09 feet from the center one-quarter corner of said Section 25; thence North 00°03'58" West 106.48 feet; thence South 89°56'02" West 118.00 feet; thence North 00°03'58" West 81.67 feet; thence South 89°56'02" West 70.00 feet; thence North 00°03'58" West 136.67 feet; thence North 89°56'02" East 326.88 feet to a point on the Westerly right-of-way line of College Way; thence along said line along the following courses: Along the arc of a 390.00 foot radius curve to the right 123.69 feet, (the long chord of which bears South 06°00'55" East 123.18 feet); thence South 03°04'12" West 188.91 feet; thence leaving said right-of-way line of College Way South 89°56'02" West 144.99 feet to the point of beginning of this description; beginning at a point which bears North 811.69 feet and East 603.84 feet of the center of said Section 25 (C¼ corner); thence North 00°11'49" East 324.82 feet, thence North 89°56'02" East 183.75 feet; thence South 00°03'58" East 136.57 feet; thence North 89°56'02" East 70.00 feet: thence South 00°03'58" East 81.67 feet; thence North 89°56'02" East 118.00 feet; thence South 00°03'58" East 106.48 feet; thence South 89°56'02" West 373.24 feet to the point of beginning of this description; commencing at the East Quarter (E¼) corner of said Section 25; thence South 89° 56'02" West along the East-West Center Section line of said Section, 1309.82 feet to a point that is 20.00 feet Easterly of and parallel to the Easterly right-of-way line of College Way; thence North 07°51'47" West along said parallel line 637.15 feet; thence along the arc of a 490.00 foot radius curve right 36.69 feet, the chord of which bears North 05°43'04" West 36.68 feet to the true point of beginning of this description; thence continuing along said parallel line along the arc of said 490.00 foot radius curve right 56.81 feet, the chord of which bears North 00°15'05" West 56.78 feet; thence North 03°04'12" East 200.50 feet; thence leaving said parallel line North 81°58'22" East 258.00 feet to a point on the Westerly right-of-way line of a proposed street alignment; thence Southerly along said proposed right-of-way line along the arc of a 337.99 foot radius curve left 135.52 feet, the chord of which bears South 19°30'49" East 134.61 feet; thence along the arc of a 286.77 foot radius curve right 128.03 feet, to a point, the long chord of which bears South 18°12'38" East 126.97 feet; said point being 20.00 feet Northerly of and parallel to the Northerly right-of-way line of the proposed Easterly extension of Regency Drive; thence Westerly along said parallel line along the arc of a 1043.17 foot radius curve left 77.31 feet, the chord of which bears South 84°15'38" West 77.30 feet; thence South 82°08'13" West 276.30 feet to the true point of beginning of this description and terainus thereof.

PARCEL 2: Township 17 South, Range 12 E.W.M.

Section 19: The South Half (S½).

Section 20: The Southwest Quarter.(SW¼).

Section 29: The Northwest Quarter (NW¼), the West half of the Northeast Quarter of the Southwest Quarter (W½ NE¼,SW¼) EXCEPT that part described as follows: Beginning at a stake at the Southwest corner of the Northeast Quarter of the Southwest Quarter (NE¼ SW¼); thence 660 feet North; thence 330 feet East; thence 660 feet South, thence 330 feet West to the point of beginning. Also EXCEPT that portion described as follows: Commencing at a point on the North line of said Block 6, said point being common to said Lots 1 and 3; thence North 89°55'36"

East along the North line of said Block 6, 21.37 feet to the true point of beginning; thence leaving said line due South 44.58 feet; thence due West 112.64 feet; thence along the arc of a 72.00 foot radius curve right 1.87 feet; the chord of which bears North 30°59'24" East 1.87 feet; thence North 31°43'45" East 65.00 feet; thence along the arc of a 739.04 foot radius curve left 65.12 feet; the chord of which bears North 29°12'16" East 65.10 feet; thence South 53°36'09" East 56.82 feet; thence due South 35.42 feet to the point of beginning and terminus of this description.

Section 30: The East half of the Northeast Quarter (E½ NE¼), the North half of the Northwest Quarter of the Northeast Quarter (N½ NW¼,NE¼), the Northeast Quarter of the Southwest Quarter (NE¼,SW¼); the Southwest Quarter of the Northeast Quarter (SW¼,NE¼) SAVE AND EXCEPT THE FOLLOWING PARCEL: Beginning at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SW¼,NE¼), Section 30, Township 17 South, Range 12 E.W.M.; thence west along the north boundary of the SW¼, NE¼ Section 30, 400 feet; thence South 300 feet; thence East 400 feet to the east boundary of the SW¼, NE¼, Section 30; thence north along the east boundary of the SW¼, NE¼, Section 30 to the point of beginning. Also EXCEPT that portion described as follows: Commencing at the Southwest corner of said NE¼, NE¼; thence North 00°12'09" West along the West line of said NE¼, NE¼ a distance of 319.95 feet to the true point of beginning of this description; thence North 00°12'09" West along said West line a distance of 365.00 feet; thence South 46°24'26" East a distance of 245.12 feet; thence South 43°35'34" West a distance of 130.78 feet; thence on the arc of a 1177.93 foot radius curve to the left a distance of 132.97 feet to the West line of said NE¼, NE¼, the chord of said curve bears South 40°21'33" West a distance of 132.90 feet to the true point of beginning and terminus of this description.

Lot 1, Lot 2, the Northeast Quarter of the Northwest Quarter (NE¼, NW¼) EXCEPT a parcel described as follows: Beginning at a point on the East boundary of said NE¼, NW¼ of Section 30, Township 17 South, Range 12 E.W.M., said point being North 0°00'43" West a distance of 200.00 feet from the Southeast corner of said NE¼, NW¼ of Section 30, Township 17 South, Range 12 E.W.M.; thence South 89°59'17" West a distance of 500.00 feet; thence North 0°00'43" West a distance of 500.00 feet; thence North 89°59'17" East a distance of 500.00 feet; thence South 0°00'43" East a distance of 500.00 feet to the point of beginning;

the Southeast Quarter of the Northwest Quarter (SE¼, NE¼) of Section 30.

PARCEL 3: Township 17 South, Range 11 E.W.M.

Section 24: The Northeast Quarter of the Northeast Quarter (NE¼, NE¼), the Southeast Quarter of the Northeast Quarter (SE¼, NE¼), the West half of the Northeast Quarter (W½ NE¼) and the East half of the Northwest Quarter (E½ NW¼), EXCEPTING THEREFROM the following described parcel: Beginning in the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW¼, NE¼) of said Section 24; thence South along the East line of said NW¼ of the NE¼ a distance of 500 feet to a point; thence West parallel to the North line of said NW¼ of the NE¼ a distance of 500 feet to a point; thence Southwesterly to the Southwest corner of the SE¼ of the NW¼ of said Section 24; thence North along the West line of the East half of the NW¼ of said Section 24 to the Northwest corner of the NE¼ of the NW¼ of said Section 24; thence East along the North line of said Section 24 to the point of beginning. Also EXCEPT that portion described as follows: Beginning at the Northeast corner of Section Twenty-four (24), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon; thence following along the North boundary line of said Section 24 South 89°59'05" West 1287.65 feet; thence leaving the North boundary line of said Section 24 South 00°20'23" East 500.00 feet; thence South 89°59'05" West 233.27 feet to the true point of beginning of this description which is on the approximate centerline of the Tumalo Irrigation District canal; thence following along the approximate centerline of said canal South 45°02'32" East 200.00 feet; thence leaving the approximate centerline of said canal South 54° 12'21" West 510.00 feet; thence South 89°28'48" West 435.00 feet; thence North 44°48'02" East 625.00 feet; thence North 89°59'05" East 266.73 feet to the true point of beginning of this description. Also EXCEPT that portion lying North of the Tumalo Irrigation District canal.

PARCEL 4: Township 17 South, Range 12 E.W.M.

Section 19: The Northwest Quarter (NW¼), the Southwest Quarter of the Northeast Quarter (SW¼, NE¼), the North half of the Northeast Quarter (N½, NE¼) EXCEPT the East 30 feet and ALSO EXCEPT that portion lying Northerly from the Deschutes River. Also EXCEPT that portion of the Northwest Quarter (NW¼) lying North of the Tumalo Irrigation District canal. Also EXCEPT that portion of the Northeast Quarter (NE¼) lying within the official plat of Awbrey Meadows.

Section 20: The Southwest Quarter of the Northwest Quarter (SW¼, NW¼).

PARCEL 5: A parcel of land containing 0.72 acres, more or less, located in the Northwest Quarter of the Northeast Quarter (NW¼, NE¼) Section Thirty (30), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid parcel of land being more particularly described as follows: Commencing at the Southeast corner of said NW¼, NE¼; thence North 89°43'19" West along the South line of said NW¼, NE¼ a distance of 182.27 feet; thence on the arc of a 2695.53 foot radius curve to the left a distance of 61.60 feet, the chord of which bears North 25°38'19" East 61.60 feet; thence North 24°58'19" East a distance of 24.11 feet; thence on the arc of a 1398.15 foot radius curve to the right a distance of 205.52 feet, the chord of which bears North 29°11'41" East a distance of 205.34 feet; thence on the arc of a 1177.93 foot curve to the right a distance of 76.46 feet to the East line of said NW¼ NE¼, the chord of said curve bears North 35°15'56" East a distance of 76.45 feet; thence South 00°12'09" East along said East line a distance of 319.95 feet to the true point of beginning and terminus of this description. Also EXCEPT from parcels 1, 2, 3, 4 and 5 that portion previously annexed to the City of Bend: Beginning at a point on the East-West centerline of Section 25, Township 17 South, Range 11, E.W.M., Deschutes County, Oregon, said point being on the East right-of-way of the extension of College Way, and further being South 2,641.08 feet and West 1,346.12 feet of the Northeast corner of said Section 25; thence following the East right-of-way of the extension of College Way North 07° 51'47" West 633.05 feet; thence along the arc of a 520.00 foot radius curve to the right 99.22 feet, the long chord of which bears North 02°23'47" West 99.08 feet; thence North 03°04'12" East 268.92 feet; thence along the arc of a 480.00 foot radius curve to the left 91.34 feet, the chord of which bears North 02°22' 54" West 91.20 feet; thence leaving the East right-of-way of the extension of College Way South 89°56'02" West 91.03 feet; thence along the arc of a 390.00 foot radius curve to the left of 37.17 feet, the chord of which bears North 12° 22'17" West 37.16 feet; thence North 15°09'09" West 136.92 feet; thence along the arc of a 331.26 foot radius curve to the right 139.60 feet, the long chord of which bears North 03°01'42" West 138.57 feet; thence North 09°02'41" East 133.24 feet; thence along the arc of a 518.92 foot radius curve to the right 192.35 feet, the long chord of which bears North 19°39'50" East 191.25 feet; thence North 30° 16'59" East 112.00 feet; thence along the arc of a 338.14 foot radius curve to the left 182.79 feet, the long chord of which bears North 14°47' 46" East 180.58 feet; thence North 00°41'25" West 1,070.00 feet; thence North 49° 59'17" East 1,008.97 feet; thence South 48°25'07" East 2,261.30 feet; thence South 00°26'30" West 2,200.00 feet; thence North 89°33'30" West 1,060.00 feet; thence South 89°56'02" West 1,340.11 feet to the point of beginning for this description.

PARCEL 6: That portion of the following described land lying Easterly of Shevlin Park as conveyed by deed recorded January 14, 1921 in Book 30 Page 331 Deed Records and Southeasterly of Tumalo Creek: The East half of the Southwest Quarter (E½ SW¼) of Section Twenty-three (23); the Northwest Quarter (NW¼), the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), the North half of the Northeast Quarter (N½ NE¼), the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) and the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section Twenty-six (26), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon.

PARCEL 7: That portion of Section Five (5) lying North and West of the Deschutes River; that portion of the East half of the Northeast Quarter (NE¼) of Section Six (6), lying South of the South line of the official plat of Enterprise Acres, those portions of the Southeast Quarter (SE¼) of Section Six (6) and the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of Section Six (6), lying West of the Deschutes River and East of Century Drive those portions of the West half of the Northeast Quarter (NE¼) of Section Seven (7), the East half of the Northwest Quarter (NW¼) of Section Seven (7), the Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of Section Seven (7), and South half of the Southwest Quarter (S½ SW¼) of Section Seven (7) lying West of the Deschutes River and East of Century Drive and a tract of land lying in Government Lot Two (2) (SW¼ NW¼) and Government Lot Three (3) (NW¼ SW¼) of Section Seven (7), the aforesaid tract being more particularly described as follows: Beginning at a point on the Southerly right-of-way line of the Shevlin-Hixon Railroad (Brooks Scanlon Logging Road) at a point where said right-of-way line intersects the East-West center section line of said Section, said point further being North 2658.45 feet and East 496.80 feet from the Southwest corner of said Section 7; thence Northeasterly along said right-of-way line, 1136 feet, more or less, to a point on the East line of aforesaid Government Lot 2; thence leaving said right-of-way line South 00°25' 14" East along said East line of said Government Lot 2, 765 feet, more or less, to the Southeast corner of said lot; thence South 00°04'05" West along the East line of aforesaid Government Lot 3, 1327.66 feet to the Southeast corner of said lot; thence North 89°57'49" West along the South line of said Lot, 370.05 feet;

thence leaving said line North 18°03'28" West, 1398.08 feet to a point on the North line of said Government Lot 3; thence North 89°52'20" West along said line, 45.25 feet to the point of beginning and terminus of this description. All in Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon. EXCEPT a 50 foot strip of land more or less lying South of Lot 4 of Enterprise Acres and North of the Brooks Scanlon Logging Road. Also EXCEPT that portion of said Section Seven (7) described as follows: Beginning at the Northwest corner of Government Lot 4 of said Section 7; thence South 89°57'49" East along the North line of said Lot, 958.38 feet; thence leaving said line South 17°30' East, 753 feet, more or less, to a point of intersect with the centerline of the Deschutes River; thence Southwesterly along said centerline, 1305 feet, more or less, to a point on the West line of said Government Lot 4; thence North 00°44'02" East along said line, 1220 feet, more or less, to the point of beginning and terminus of this description. Also EXCEPT that portion shown on the Official Plat No. 95, Ski House Condominium Section, Mt. Bachelor Village.

PARCEL 8: Lots Five (5) and Six (6) of Enterprise Acres, Deschutes County, Oregon.

PARCEL 9: That portion of the North half of Section Five (5), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, lying East of the Deschutes River and West of the South prolongation of the West line of Broadway Street.

PARCEL 10: A parcel of land in the North half of Government Lot Two (2), sometimes called the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) in Section Six (6), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, described as follows: Commencing at the Southwest corner of Lot One (1) Enterprise Acres, said Southwest corner being located on the Easterly right-of-way line of Century Drive; thence Southerly along the Easterly right-of-way line of Century Drive 50.21 feet to a point on the Northerly boundary of Brooks Scanlon Logging Road, being the true point of beginning; thence continuing Southerly along said Easterly right-of-way line of Century Drive to a point on the South boundary of the North half of Government Lot Two (2) (NW¼ NE¼); thence Easterly along said South boundary extended Easterly to its intersection with the Westerly boundary of Lot Four (4), Enterprise Acres, extended Southerly; thence Northerly along the extended boundary of Lot Four (4), Enterprise Acres, to a point on the Northerly boundary of the Brooks Scanlon Logging Road, said point being located a distance of 50.32 feet South from the Southwest corner of Lot 4, Enterprise Acres; thence South 84°49' West along the Northerly boundary of the Brooks Scanlon Logging Road 783.26 feet to the point of beginning. EXCEPT that portion described as follows: The South One Hundred Thirty (130) feet of the West One Hundred Thirty (130) feet of the following described parcel: That portion of the North half of the Northwest Quarter of the Northeast Quarter (N½ NW¼ NE¼) of Section Six (6), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, lying East of the East line of Century Drive. Also EXCEPT that portion described as follows: Commencing at the Northeast corner of said Section 6; thence North 89°14'15" West along the North line of said Section 6 a distance of 1,318.79 feet to the Northeast corner of the NW¼ of the NE¼ of said Section 6; thence South 00°06'32" East along the East line of the NW¼ of the NE¼ of said Section 6 a distance of 320.15 feet; thence leaving said East line South 84°51'07" West a distance of 117.27 feet to the true point of beginning of this description; thence continuing South 84°51'07" West a distance of 431.65 feet; thence South 00°00'19" East a distance of 34.00 feet; thence North 86°40'34" East a distance of 235.20 feet; thence North 78°10'09" East a distance of 113.41 feet; thence North 66°55'00" East a distance of 91.42 feet to the point of beginning and terminus of this description.

PARCEL 11: A strip of land containing 1.18 acres, more or less, over and across a portion of the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) of Section Nineteen (19) Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; the aforesaid strip of land being 60.00 feet in width, lying 30.00 feet on either side of the following described centerline: COMMENCING at the Northeast corner of said Section 19, thence South 00°11'54" West along the East line of said Section, 1319.14 feet to the North one-sixteenth (1/16) corner between said Sections 19 and 20; thence leaving said line North 89°36'28" West along the North line of said SE¼ NE¼, 540.23 feet to true point of beginning of this description, said point also being on the centerline of said road right-of-way; thence leaving said North line along said centerline along the arc of a 706.49 foot radius curve left 45.85 feet, the chord of which bears South 61°11'42" West 45.84 feet; thence South 59°20'10" West 292.88 feet; thence along the arc of a 1517.83 foot radius curve right 304.38 feet (the long chord of which bears South 65°04'51" West 303.87 feet); thence along the arc of a 951.74 foot radius curve left 212.08 feet; the chord of which bears South 64°26'31" West 211.64 feet to a point on the West line of said SE¼ NE¼ of said Section 19, said point being the point of terminus of this description, said point lying South 38°00'54" West 2165.42 feet from the Northeast corner of said Section 19.

PARCEL 12: A strip of land containing 2.03 acres, more or less, over and across a portion of the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) of Section Nineteen (19), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; the aforesaid strip of land being 80.00 feet in width, lying 40.00 feet on either side of the following described centerline: COMMENCING at the Northeast corner of said Section 19, thence South 00°11'54" West along the East line of said Section 19, 2638.28 feet to the East one-quarter corner of said Section 19; thence leaving said East line North 89° 33'25" West along the East-West center Section line of said Section 19, 373.28 feet to the true point of beginning of this description; said point being a point of intersection with the centerline of said road right-of-way; thence leaving said East-West center Section line along said centerline along the arc of a 5264.38 foot radius curve left 399.63 feet; the chord of which bears North 58°45'27" West 489.74 feet; thence along the arc of a 366.31 foot radius curve left 209.34 feet, the chord of which bears North 75°07'47" West 206.51 feet to a point on the West line of said SE¼ NE¼; said point also being the point of terminus of this description, said point further being South 32°19'35" West 2495.03 feet from the Northeast corner of said Section 19.

PARCEL 13: A strip of land containing 3.21 acres, more or less, over and across a portion of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of Section Nineteen (19) and the North one-half of the Northwest Quarter (N½ NW¼) of Section Twenty (20), all in Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; the aforesaid strip of land being 60.00 feet in width, lying 30.00 feet on either side of the following described centerline: COMMENCING at the Northeast corner of said Section 19, thence North 89°39'31" West along the North line of said Section 19, 30.00 feet; thence leaving said line South 00°11'54" West along a line that is 30.00 feet Westerly of and parallel to the east line of said Section 19, 844.56 feet to the true point of beginning of this description, said point also being on the centerline of said road right-of-way; thence leaving said line along said right-of-way centerline along the arc of 690.00 foot radius curve right 352.29 feet, the chord of which bears North 57°31'15" East 348.48 feet; thence along the arc of a 577.34 foot radius curve left 444.99 feet (the long chord of which bears North 50°04'01" East 434.06 feet); thence North 27°59'10" East 91.82 feet; thence along the arc of a 173.43 foot radius curve right 348.51 feet (the long chord of which bears North 85°33'16" East 292.76 feet); thence South 36°52'38" East 110.77 feet; thence along the arc of a 489.96 foot radius curve right 291.12 feet (the long chord of which bears South 19°51'19" East 286.86 feet); thence South 02°50'00" East 254.87 feet; thence along the arc of a 92.82 foot radius curve left 240.54 feet (the long chord of which bears South 77°04'22" East 178.66 feet); thence along the arc of a 199.17 foot radius curve right 193 feet, more or less, the chord of which bears North 56°28'00" East 186 feet, more or less, to a point of intersection with the existing centerline of Archie Briggs Road and the Westerly boundary of the Plat of Rimrock West, Deschutes County, Oregon, said point being the point of terminus of this description, said point lying South 60°07'00" East 1655 feet, more or less, from the Northwest corner of said Section 20. SUBJECT TO: All easements, restrictions, and rights-of-ways of record.

PARCEL 14: A strip of land 100 feet in width, 50 feet on each side of the centerline of Brooks Scanlon logging road as presently located and constructed over and across Government Lot 2 in Section Seven (7), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

PARCEL 15: That portion of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon lying Southwesterly of a line 200 feet Northeasterly of and parallel with the Northeasterly right-of-way line of Shevlin Park Road.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 3rd day of October, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 15th day of August, 1979.

Read for the second time the 5th day of September, 1979.

Placed upon its passage the 5th day of September, 1979.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 5th day of September, 1979.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS - 1244

AN ORDINANCE AMENDING ORDINANCE NO. 1178 BY DESIGNATING THE ZONING IN AN AREA KNOWN AS THE CENTURY DRIVE AREA ANNEXATION TO CC ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of an area to the CC Convenience Commercial District zone as follows:

A PARCEL OF LAND DESCRIBED AS FOLLOWS: Beginning at the North 1/4 corner of Section 6, T. 18 S., R. 12 E.W.M.; thence South 89° 14' 15" East along the North line of said Section 6, 491.44 ft. to the West line of Century Drive and the true point of beginning of this description;

Thence South along the West line of Century Drive 245.73 ft.; thence West 380.70 feet to the East line of 15th Street; thence South along the east line of 15th Street 295.33 ft.; thence North 84° 49' 00" East 382.28 ft. to the West line of Century Drive; thence southerly along the West line of Century Drive 168.40 fet. thence South 89° 15' 49' West 200.00 ft.; thence South 00° 44' 11" East 150.00 ft.; thence North 89° 15' 49" East 200.52 ft. to the westerly line of Century Drive; thence southerly along the westerly line of Century Drive to its intersection with the South line of Simpson Drive; thence North 89° 56' 16" East 100.75 feet more or less to the Easterly line of Century Drive; thence Northerly along the Easterly line of Century Drive 586 ft. more or less to its intersection with the Southwest corner of that tract of land deeded to Terence O. Skjersaa and Su C. Skjersaa by deed recorded December 13, 1967 in Volume 156, Page 298, Deed Records, Deschutes County, Oregon; thence South 89° 37' 08" East 99.20 feet; thence North 00° 07' 04" West 100.00 ft. to the South line of the N 1/2 NW 1/4 NE 1/4 of said Section 6: Thence Easterly along said South Line a distance of 30 ft.; thence North a distance of 130 feet; thence West a distance of 130 ft. more or less to a point on the Easterly right-of-way line of Century Drive; thence North along said right-of-way line to a point that bears South 89° 12' 15" East a distance of 100 ft. from the true point of beginning for this description; thence North 89° 12' 15" West a distance of 100 ft. to the true point of beginning for this description.

Read for the first time the 15th day of August, 1979.

Read for the second time the 5th day of September 1979.

Placed upon its passage the 5th day of September, 1979.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 5th day of September, 1979.

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS - 1245

AN ORDINANCE AMENDING THE TRANSIENT ROOM TAX ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 15 (1) of Ordinance No. N.-1052 is amended to read:

"Tourist Promotion Fund. A special fund called a Tourist Promotion Fund shall be established for the purpose of promoting tourism within the City of Bend. Monies budgeted to this fund shall be paid directly into this fund from monies collected pursuant to the tax imposed by this Ordinance. No monies from the City's general fund shall be used in the tourist promotion fund. The tourist promotion fund shall be used for the promotion of tourism and the City is authorized to enter into a contract with the Bend Chamber of Commerce to carry out this purpose."

Read for the first time the 5th day of September 1979.

Read for the second time the 19th day of September 1979.

Placed upon its passage the 19th day of September 1979.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 19th day of September, 1979.

ATTEST:

Mayor

Recorder Treasurer

ORDINANCE NO. NS-1246

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 CHANGING RS - URBAN STANDARD RESIDENTIAL TO CC - CONVENIENCE COMMERICAL ZONE.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the zoning map of the City of Bend are changed as follows:

The zone of Lot 3 and Lot 24, Block 114; and Lot 3, and Lot 24, Block 113, and the Northerly 10 feet of Lot 4, Block 113, First Addition to Bend Park, City of Bend, Deschutes County, Oregon,

is changed from RS-Urban Standard Residential to CC - Convenience Commercial.

Read for the first time the 19th day of September, 1979

Read for the second time the 3rd day of October, 1979

Placed upon its passage the 3rd day of October, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 3rd day of October, 1979

Mayor

ATTEST:

Recorder-Treasurer

Neff-Division Rd.

ORDINANCE NO. NS-1247

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING: DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED: AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> The Northwest Quarter of the Northwest Quarter (NW 1/4, NW 1/4) of Section Thirty-five (35), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian; also all that portion of Neff Road abutting the north line of the above described tract of land, all in Deschutes County, Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of November, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2 at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 19th day of September, 1979

Read for the second time the 3rd day of October, 1979

Placed upon its passage the 3rd day of October, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor the 3rd day of October, 1979

Richard A. Carson
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1248

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE MOE PROPERTY ANNEXATION TO IL AND RM ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of areas to the IL - Light Industrial District and RM - Urban Medium Density Residential District zones as follows:

The West one-half (W 1/2) of Tracts 3 & 4, Block 3, Hunnell Acre Tracts,

this area is zoned IL - Light Industrial District:

and

The East one-half (E 1/2) of Tracts 3 & 4, Block 3, Hunnell Acre Tracts,

this area is zoned RM - Urban Medium Density Residential District.

Read for the first time the 19th day of September, 1979

Read for the second time the 3rd day of October, 1979

Placed upon its passage the 3rd day of October, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor the 3rd day of October, 1979

Mayor

ATTEST:

Recorder-Treasurer

MOE Property

ORDINANCE NO. NS-1249

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

The Southeast Quarter of the Southeast Quarter (SE 1/4, SE 1/4) of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, said parcel also known as Tracts 3 and 4, Block 3, Hunnell Acre Tracts (unrecorded) excepting therefrom that portion lying within the right-of-way of Hunnell Road, in Deschutes County, Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of November, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and

place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2 at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 19th day of September, 1979

Read for the second time the 3rd day of October, 1979

Placed upon its passage the 3rd day of October, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 3rd day of October, 1979

Richard A. Davis
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1250

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE MT. VIEW HIGH SCHOOL AREA ANNEXATION TO RS, RM AND RH ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of areas to the RS-Urban Standard Residential District, RM - Urban Medium Density Residential District, and RH - Urban High Density Residential District zones as follows:

> The South one-half of the NE 1/4 of the NE 1/4 of Section 27, T. 17 S., R. 12 E.W.M.; the North one-half of the SE 1/4 of the NE 1/4, Section 27, T. 17 S., R. 12 E.W.M.; and the SE 1/4 of the SE 1/4 of the NE 1/4, Section 27, T. 17 S., R. 12 E.W.M., all in Deschutes County, Oregon.

this area is zoned RS - Urban Standard Residential District;

> The West one-half of the South one-half of the SE 1/4 of the NE 1/4 of Section 27, T. 17 S., R. 12 E.W.M., Deschutes County, Oregon,

this area is zoned RM - Urban Medium Density Residential District;

> The NE 1/4 of the SE 1/4 of Section 27, T. 17 S., R. 12 E.W.M., Deschutes County, Oregon; EXCEPT the South 330 feet of the West 540 feet,

this area is zone RH - Urban High Density Residential District.

Read for the first time the 19th day of September, 1979

Read for the second time the 3rd day of October, 1979

Placed upon its passage the 3rd day of October, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor the 3rd day of October, 1979

Mayor

ATTEST:

Recorder-Treasurer

MT. VIEW HIGH SCHOOL AREA ORDINANCE NO. NS-1251

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING: DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED: AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> The South one-half of the Northeast Quarter of the Northeast Quarter (S1/2 NE 1/4 NE 1/4); the Southeast Quarter of the Northeast Quarter (SE 1/4, NE 1/4); the Northeast Quarter of the Southeast Quarter (NE 1/4, SE 1/4) except the South 330 feet of the West 540 feet, all in Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) E.W.M.; also all that portion of Denser Road abutting the East line of the above described tract of land, in Deschutes County, Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 7th day of November, 1979, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2 at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 19th day of September, 1979

Read for the second time the 3rd day of October, 1979

Placed upon its passage the 3rd day of October, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor the 3rd day of October, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1252

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 45, RIVERSIDE ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, LOCATED EAST OF NE FOURTH STREET BETWEEN NE VAIL AVENUE AND NE UNDERWOOD AVENUE.

A petition having been presented to the Bend City Commission on the 5th day of September, 1979, requesting that the following described street location be vacated:

> A portion of THE ALLEY IN BLOCK 45, RIVERSIDE ADDITION from the east line of NE Fourth Street, easterly to the west line of Studio Road, said Block being bounded on the north by NE Vail Avenue and on the south by NE Underwood Avenue, in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Richard H. Webster; said vacation proceedings to vacate the following described area:
>
> A portion of THE ALLEY IN BLOCK 45, RIVERSIDE ADDITION from the east line of NE Fourth Street, easterly to the west line of Studio Road, said Block being bounded on the north by NE Vail Avenue and on the south by NE Underwood Avenue, in the City of Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 3rd day of October, 1979, at 7:30 p.m., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 3rd day of October, 1979

Read for the second time the 17th day of October, 1979

Placed upon its passage the 17th day of October, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 17th day of October, 1979

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS- 1253

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1243, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 3rd day of October, 1979, at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

PARCEL 1: Township 17 South, Range 11 E.W.M.

Section 24: The Southeast Quarter (SE¼), the east half of the Southwest Quarter (E½ SW¼).

Section 25: The Northeast Quarter (NE¼), the Northeast Quarter of the Northwest Quarter (NE¼ NW¼). EXCEPT that portion described as follows: A parcel of land containing 2.85 acres, more or less, situated in the Southwest Quarter of the Northeast Quarter (SW¼ NE¼) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian, Deschutes County, Oregon: Beginning at a point which bears North 600.69 feet and East 603.12 feet of the center of said Section 25 (C¼ corner): thence North 00°11'49" East 211.00 feet; thence North 89°56'02" East 394.00 feet; thence North 00°11'49" East 118.00 feet; thence North 89°56'02" East 130.16 feet; thence South 03°04'12" West 198.18 feet; thence along the arc of a 610.00 radius curve to the left 116.40 feet, the long chord of which bears South 02°23'48" East 116.22 feet; thence South 07°51'47" East 15.13 feet; thence South 89°56'02" West 521.61 feet to the point of beginning of this description. Also EXCEPT that portion described as follows: Beginning at a point which is located North 812.12 feet and East 977.09 feet from the center one-quarter corner of said Section 25; thence North 00°03'58" West 106.48 feet; thence South 89°56'02" West 118.00 feet; thence North 00°03'58" West 81.67 feet; thence South 89°56'02" West 70.00 feet; thence North 00°03'58" West 136.67 feet; thence North 89°56'02" East 326.88 feet to a point on the Westerly right-of-way line of College Way; thence along said line along the following courses: Along the arc of a 390.00 foot radius curve to the right 123.69 feet, (the long chord of which bears South 06°00'55" East 123.18 feet); thence South 03°04'12" West 188.91 feet; thence leaving said right-of-way line of College Way South 89°56'02" West 144.99 feet to the point of beginning of this description; *beginning at a point which bears North 811.69 feet and East 603.84 feet of the center of said Section 25 (C¼ corner); thence North 00°11'49" East 324.82 feet, thence North 89°56'02" East 183.75 feet; thence South 00°03'58" East 136.57 feet; thence North 89°56'02" East 70.00 feet: thence South 00°03'58" East 81.67 feet; thence North 89°56'02" East 118.00 feet; thence South 00°03'58" East 106.48 feet; thence South 89°56'02" West 373.24 feet to the point of beginning of this description; *commencing at the East Quarter (E¼) corner of said Section 25; thence South 89° 56'02" West along the East-West Center Section line of said Section, 1309.82 feet to a point that is 20.00 feet Easterly of and parallel to the Easterly right-of-way line of College Way; thence North 07°51'47" West along said parallel line 637.15 feet; thence along the arc of a 490.00 foot radius curve right 36.69 feet, the chord of which bears North 05°43'04" West 36.68 feet to the true point of beginning of this description; thence continuing along said parallel line along the arc of said 490.00 foot radius curve right 56.81 feet, the chord of which bears North 00°15'05" West 56.78 feet; thence North 03°04'12" East 200.50 feet; thence leaving said parallel line North 81°58'22" East 258.00 feet to a point on the Westerly right-of-way line of a proposed street alignment; thence Southerly along said proposed right-of-way line along the arc of a 337.99 foot radius curve left 135.52 feet, the chord of which bears South 19°30'49" East 134.61 feet; thence along the arc of a 286.77 foot radius curve right 128.03 feet, to a point, the long chord of which bears South 18°12'38" East 126.97 feet; said point being 20.00 feet Northerly of and parallel to the Northerly right-of-way line of the proposed Easterly extension of Regency Drive; thence Westerly along said parallel line along the arc of a 1043.17 foot radius curve left 77.31 feet, the chord of which bears South 84°15'38" West 77.30 feet; thence South 82°08'13" West 276.30 feet to the true point of beginning of this description and terminus thereof.

*also except

*also except

PARCEL 2: Township 17 South, Range 12 E.W.M.

Section 19: The South Half ($S\frac{1}{2}$).

Section 20: The Southwest Quarter.($SW\frac{1}{4}$).

Section 29: The Northwest Quarter ($NW\frac{1}{4}$), the West half of the Northeast Quarter of the Southwest Quarter ($W\frac{1}{2}$ $NE\frac{1}{4}$,$SW\frac{1}{4}$) EXCEPT that part described as follows: Beginning at a stake at the Southwest corner of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ $SW\frac{1}{4}$); thence 660 feet North; thence 330 feet East; thence 660 feet South, thence 330 feet West to the point of beginning. Also EXCEPT that portion described as follows: Commencing at a point on the North line of [redacted]e plat Block 6*/said point being common to said Lots 1 and 3; thence North 89°55'36" [redacted] Awbrey East along the North line of said Block 6, 21.37 feet to the true point of [redacted]ights beginning; thence leaving said line due South 44.58 feet; thence due West 112.64 feet; thence along the arc of a 72.00 foot radius curve right 1.87 feet; the chord of which bears North 30°59'24" East 1.87 feet; thence North 31°43'45" East 65.00 feet; thence along the arc of a 739.04 foot radius curve left 65.12 feet; the chord of which bears North 29°12'16" East 65.10 feet; thence South 53°36'09" East 56.82 feet; thence due South 35.42 feet to the point of beginning and terminus of this description.

Section 30: The East half of the Northeast Quarter ($E\frac{1}{2}$ $NE\frac{1}{4}$), the North half of the Northwest Quarter of the Northeast Quarter ($N\frac{1}{2}$ $NW\frac{1}{4}$,$NE\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$,$SW\frac{1}{4}$); the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$,$NE\frac{1}{4}$) SAVE AND EXCEPT THE FOLLOWING PARCEL: Beginning at the Northeast corner of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$,$NE\frac{1}{4}$), Section 30, Township 17 South, Range 12 E.W.M.; thence west along the north boundary of the $SW\frac{1}{4}$, $NE\frac{1}{4}$ Section 30, 400 feet; thence South 300 feet; thence East 400 feet to the east boundary of the $SW\frac{1}{4}$, $NE\frac{1}{4}$, Section 30; thence north along the east boundary of the $SW\frac{1}{4}$, $NE\frac{1}{4}$, Section 30 to the point of beginning. Also EXCEPT that portion described as follows: Commencing at the Southwest corner of said $NE\frac{1}{4}$, $NE\frac{1}{4}$; thence North 00°12'09" West along the West line of said $NE\frac{1}{4}$, $NE\frac{1}{4}$ a distance of 319.95 feet to the true point of beginning of this description; thence North 00°12'09" West along said West line a distance of 365.00 feet; thence South 46°24'26" East a distance of 245.12 feet; thence South 43°35'34" West a distance of 130.78 feet; thence on the arc of a 1177.93 foot radius curve to the left a distance of 132.97 feet to the West line of said $NE\frac{1}{4}$, $NE\frac{1}{4}$, the chord of said curve bears South 40°21'33" West a distance of 132.90 feet to the true point of beginning and terminus of this description.

Lot 1, Lot 2, the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$, $NW\frac{1}{4}$) EXCEPT a parcel described as follows: Beginning at a point on the East boundary of said $NE\frac{1}{4}$, $NW\frac{1}{4}$ of Section 30, Township 17 South, Range 12 E.W.M., said point being North 0°00'43" West a distance of 200.00 feet from the Southeast corner of said $NE\frac{1}{4}$, $NW\frac{1}{4}$ of Section 30, Township 17 South, Range 12 E.W.M.; thence South 89°59' 17" West a distance of 500.00 feet; thence North 0°00'43" West a distance of 500.00 feet; thence North 89°59'17" East a distance of 500.00 feet; thence South 0°00'43" East a distance of 500.00 feet to the point of beginning;

the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$, $NE\frac{1}{4}$) of Section 30.

PARCEL 3: Township 17 South, Range 11 E.W.M.

Section 24: The Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$, $NE\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$, $NE\frac{1}{4}$), the West half of the Northeast Quarter ($W\frac{1}{2}$ $NE\frac{1}{4}$) and the East half of the Northwest Quarter ($E\frac{1}{2}$ $NW\frac{1}{4}$), EXCEPTING THEREFROM the following described parcel: Beginning at the Northeast corner of the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$, $NE\frac{1}{4}$) of said Section 24; thence South along the East line of said $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ a distance of 500 feet to a point; thence West parallel to the North line of said $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ a distance of 500 feet to a point; thence Southwesterly to the Southwest corner of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Section 24; thence North along the West line of the East half of the $NW\frac{1}{4}$ of said Section 24 to the Northwest corner of the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Section 24; thence East along the North line of said Section 24 to the point of beginning. Also EXCEPT that portion described as follows: Beginning at the Northeast corner of Section Twenty-four (24), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon; thence following along the North boundary line of said Section 24 South 89°59'05" West 1287.65 feet; thence leaving the North boundary line of said Section 24 South 00°20'23" East 500.00 feet; thence South 89°59'05" West 233.27 feet to the true point of beginning of this description which is on the approximate centerline of the Tumalo Irrigation District canal; thence following along the approximate centerline of said canal South 45°02'32" East 200.00 feet; thence leaving the approximate centerline of said canal South 54° 12'21" West 510.00 feet; thence South 89°28'48" West 435.00 feet; thence North 44°48'02" East 625.00 feet; thence North 89°59'05" East 266.73 feet to the true point of beginning of this description. Also EXCEPT that portion lying North of the Tumalo Irrigation District canal.

PARCEL 4: Township 17 South, Range 12 E.W.M.

Section 19: The Northwest Quarter (NW¼), the Southwest Quarter of the Northeast Quarter (SW¼, NE¼), the North half of the Northeast Quarter (N½, NE¼) EXCEPT the East 30 feet and ALSO EXCEPT that portion lying Northerly from the Deschutes River. Also EXCEPT that portion of the Northwest Quarter (NW¼) lying North of the Tumalo Irrigation District canal. Also EXCEPT that portion of the Northeast Quarter (NE¼) lying within the official plat of Awbrey Meadows.

Section 20: The Southwest Quarter of the Northwest Quarter (SW¼, NW¼).

PARCEL 5: A parcel of land containing 0.72 acres, more or less, located in the Northwest Quarter of the Northeast Quarter (NW¼, NE¼) Section Thirty (30), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid parcel of land being more particularly described as follows: Commencing at the Southeast corner of said NW¼, NE¼; thence North 89°43'19" West along the South line of said NW¼, NE¼ a distance of 182.27 feet; thence on the arc of a 2695.53 foot radius curve to the left a distance of 61.60 feet, the chord of which bears North 25°38'19" East 61.60 feet; thence North 24°58'19" East a distance of 24.11 feet; thence on the arc of a 1398.15 foot radius curve to the right a distance of 205.52 feet, the chord of which bears North 29°11'41" East a distance of 205.34 feet; thence on the arc of a 1177.93 foot curve to the right a distance of 76.46 feet to the East line of said NW¼ NE¼, the chord of said curve bears North 35°15'56" East a distance of 76.45 feet; thence South 00°12'09" East along said East line a distance of 319.95 feet to the true point of beginning and terminus of this description. Also EXCEPT from parcels 1, 2, 3, 4 and 5 that portion previously annexed to the City of Bend: Beginning at a point on the East-West centerline of Section 25, Township 17 South, Range 11, E.W.M., Deschutes County, Oregon, said point being on the East right-of-way of the extension of College Way, and further being South 2,641.08 feet and West 1,346.12 feet of the Northeast corner of said Section 25; thence following the East right-of-way of the extension of College Way North 07° 51'47" West 633.05 feet; thence along the arc of a 520.00 foot radius curve to the right 99.22 feet, the long chord of which bears North 02°23'47" West 99.08 feet; thence North 03°04'12" East 268.92 feet; thence along the arc of a 480.00 foot radius curve to the left 91.34 feet, the chord of which bears North 02°22' 54" West 91.20 feet; thence leaving the East right-of-way of the extension of College Way South 89°56'02" West 91.03 feet; thence along the arc of a 390.00 foot radius curve to the left of 37.17 feet, the chord of which bears North 12° 22'17" West 37.16 feet; thence North 15°09'09" West 136.92 feet; thence along the arc of a 331.26 foot radius curve to the right 139.60 feet, the long chord of which bears North 03°01'42" West 138.57 feet; thence North 09°02'41" East 133.24 feet; thence along the arc of a 518.92 foot radius curve to the right 192.35 feet, the long chord of which bears North 19°39'50" East 191.25 feet; thence North 30° 16'59" East 112.00 feet; thence along the arc of a 338.14 foot radius curve to the left 182.79 feet, the long chord of which bears North 14°47' 46" East 180.58 feet; thence North 00°41'25" West 1,070.00 feet; thence North 49° 59'17" East 1,008.97 feet; thence South 48°25'07" East 2,261.30 feet; thence South 00°26'30" West 2,200.00 feet; thence North 89°33'30" West 1,060.00 feet; thence South 89°56'02" West 1,340.11 feet to the point of beginning for this description.

PARCEL 6: That portion of the following described land lying Easterly of Shevlin Park as conveyed by deed recorded January 14, 1921 in Book 30 Page 331 Deed Records and Southeasterly of Tumalo Creek: The East half of the Southwest Quarter (E½ SW¼) of Section Twenty-three (23); the Northwest Quarter (NW¼), the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), the North half of the Northeast Quarter (N½ NE¼), the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) and the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section Twenty-six (26), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon.

PARCEL 7: That portion of Section Five (5) lying North and West of the Deschutes River; that portion of the East half of the Northeast Quarter (NE¼) of Section Six (6), lying South of the South line of the official plat of Enterprise Acres, those portions of the Southeast Quarter (SE¼) of Section Six (6) and the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of Section Six (6), lying West of the Deschutes River and East of Century Drive those portions of the West half of the Northeast Quarter (NE¼) of Section Seven (7), the East half of the Northwest Quarter (NW¼) of Section Seven (7), the Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of Section Seven (7), and South half of the Southwest Quarter (S½ SW¼) of Section Seven (7) lying West of the Deschutes River and East of Century Drive and a tract of land lying in Government Lot Two (2) (SW¼ NW¼) and Government Lot Three (3) (NW¼ SW¼) of Section Seven (7), the aforesaid tract being more particularly described as follows: Beginning at a point on the Southerly right-of-way line of the Shevlin-Hixon Railroad (Brooks Scanlon Logging Road) at a point where said right-of-way line intersects the East-West center

section line of said Section, said point further being North 2658.45 feet and East 496.80 feet from the Southwest corner of said Section 7; thence Northeasterly along said right-of-way line, 1136 feet, more or less, to a point on the East line of aforesaid Government Lot 2; thence leaving said right-of-way line South 00°25' 14" East along said East line of said Government Lot 2, 765 feet, more or less, to the Southeast corner of said lot; thence South 00°04'05" West along the East line of aforesaid Government Lot 3, 1327.66 feet to the Southeast corner of said lot; thence North 89°57'49" West along the South line of said Lot, 370.05 feet; thence leaving said line North 18°03'28" West, 1398.08 feet to a point on the North line of said Government Lot 3; thence North 89°52'20" West along said line, 45.25 feet to the point of beginning and terminus of this description. All in Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon. EXCEPT a 50 foot strip of land more or less lying South of Lot 4 of Enterprise Acres and North of the Brooks Scanlon Logging Road. Also EXCEPT that portion of said Section Seven (7) described as follows: Beginning at the Northwest corner of Government Lot 4 of said Section 7; thence South 89°57'49" East along the North line of said Lot, 958.38 feet; thence leaving said line South 17°30' East, 753 feet, more or less, to a point of intersect with the centerline of the Deschutes River;thence Southwesterly along said centerline, 1305 feet, more or less, to a point on the West line of said Government Lot 4; thence North 00°44'02" East along said line, 1220 feet, more or less, to the point of beginning and terminus of this description. Also EXCEPT that portion shown on the Official Plat No. 95, Ski House Condominium Section, Mt. Bachelor Village.

PARCEL 8: Lots Five (5) and Six (6) of Enterprise Acres, Deschutes County, Oregon.

PARCEL 9: That portion of the North half of Section Five (5), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, lying East of the Deschutes River and West of the South prolongation of the West line of Broadway Street.

PARCEL 10: A parcel of land in the North half of Government Lot Two (2), sometimes called the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) in Section Six (6), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, described as follows: Commencing at the Southwest corner of Lot One (1) Enterprise Acres, said Southwest corner being located on the Easterly right-of-way line of Century Drive; thence Southerly along the Easterly right-of-way line of Century Drive 50.21 feet to a point on the Northerly boundary of Brooks Scanlon Logging Road, being the true point of beginning; thence continuing Southerly along said Easterly right-of-way line of Century Drive to a point on the South boundary of the North half of Government Lot Two (2) (NW¼ NE¼); thence Easterly along said South boundary extended Easterly to its intersection with the Westerly boundary of Lot Four (4), Enterprise Acres, extended Southerly; thence Northerly along the extended boundary of Lot Four (4), Enterprise Acres, to a point on the Northerly boundary of the Brooks Scanlon Logging Road, said point being located a distance of 50.32 feet South from the Southwest corner of Lot 4, Enterprise Acres; thence South 84°49' West along the Northerly boundary of the Brooks Scanlon Logging Road 783.26 feet to the point of beginning. EXCEPT that portion described as follows: The South One Hundred Thirty (130) feet of the West One Hundred Thirty (130) feet of the following described parcel: That portion of the North half of the Northwest Quarter of the Northeast Quarter (N½ NW¼ NE¼) of Section Six (6), Township Eighteen (18) South,Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, lying East of the East line of Century Drive. Also EXCEPT that portion described as follows: Commencing at the Northeast corner of said Section 6; thence North 89°14'15" West along the North line of said Section 6 a distance of 1,318.79 feet to the Northeast corner of the NW¼ of the NE¼ of said Section 6; thence South 00°06'32" East along the East line of the NW¼ of the NE¼ of said Section 6 a distance of 320.15 feet; thence leaving said East line South 84°51'07" West a distance of 117.27 feet to the true point of beginning of this description; thence continuing South 84°51'07" West a distance of 431.65 feet; thence South 00°00'19" East a distance of 34.00 feet; thence North 86°40'34" East a distance of 235.20 feet; thence North 78°10'09" East a distance of 113.41 feet; thence North 66°55'00" East a distance of 91.42 feet to the point of beginning and terminus of this description.

PARCEL 11: A strip of land containing 1.18 acres, more or less, over and across a portion of the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) of Section Nineteen (19) Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; the aforesaid strip of land being 60.00 feet in width, lying 30.00 feet on either side of the following described centerline: COMMENCING at the Northeast corner of said Section 19, thence South 00°11'54" West along the East line of said Section, 1319.14 feet to the North one-sixteenth (1/16) corner between said Sections 19 and 20; thence leaving said line North 89°36'28" West along the North line of said SE¼ NE¼, 540.23 feet to true point of beginning of this description, said point also being on the

centerline of said road right-of-way; thence leaving said North line along said centerline along the arc of a 706.49 foot radius curve left 45.85 feet, the chord of which bears South 61°11'42" West 45.84 feet; thence South 59°20'10" West 292.88 feet; thence along the arc of a 1517.83 foot radius curve right 304.38 feet (the long chord of which bears South 65°04'51" West 303.87 feet); thence along the arc of a 951.74 foot radius curve left 212.08 feet; the chord of which bears South 64°26'31" West 211.64 feet to a point on the West line of said SE¼ NE¼ of said Section 19, said point being the point of terminus of this description, said point lying South 38°00'54" West 2165.42 feet from the Northeast corner of said Section 19.

PARCEL 12: A strip of land containing 2.03 acres, more or less, over and across a portion of the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) of Section Nineteen (19), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; the aforesaid strip of land being 80.00 feet in width, lying 40.00 feet on either side of the following described centerline: COMMENCING at the Northeast corner of said Section 19, thence South 00°11'54" West along the East line of said Section 19, 2638.28 feet to the East one-quarter corner of said Section 19; thence leaving said East line North 89° 33'25" West along the East-West center Section line of said Section 19, 373.28 feet to the true point of beginning of this description; said point being a point of intersection with the centerline of said road right-of-way; thence leaving said East-West center Section line along said centerline along the arc of a 5264.38 foot radius curve left 399.63 feet; the chord of which bears North 58°45'27" West 489.74 feet; thence along the arc of a 366.31 foot radius curve left 209.34 feet, the chord of which bears North 75°07'47" West 206.51 feet to a point on the West line of said SE¼ NE¼; said point also being the point of terminus of this description, said point further being South 32°19'35" West 2495.03 feet from the Northeast corner of said Section 19.

PARCEL 13: A strip of land containing 3.21 acres, more or less, over and across a portion of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of Section Nineteen (19) and the North one-half of the Northwest Quarter (N½ NW¼) of Section Twenty (20), all in Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; the aforesaid strip of land being 60.00 feet in width, lying 30.00 feet on either side of the following described centerline: COMMENCING at the Northeast corner of said Section 19, thence North 89°39'31" West along the North line of said Section 19, 30.00 feet; thence leaving said line South 00°11'54" West along a line that is 30.00 feet Westerly of and parallel to the east line of said Section 19, 844.56 feet to the true point of beginning of this description, said point also being on the centerline of said road right-of-way; thence leaving said line along said right-of-way centerline along the arc of 690.00 foot radius curve right 352.29 feet, the chord of which bears North 57°31'15" East 348.48 feet; thence along the arc of a 577.34 foot radius curve left 444.99 feet (the long chord of which bears North 50°04'01" East 434.06 feet); thence North 27°59'10" East 91.82 feet; thence along the arc of a 173.43 foot radius curve right 348.51 feet (the long chord of which bears North 85°33'16" East 292.76 feet); thence South 36°52'38" East 110.77 feet; thence along the arc of a 489.96 foot radius curve right 291.12 feet (the long chord of which bears South 19°51'19" East 286.86 feet); thence South 02°50'00" East 254.87 feet; thence along the arc of a 92.82 foot radius curve left 240.54 feet (the long chord of which bears South 77°04'22" East 178.66 feet); thence along the arc of a 199.17 foot radius curve right 193 feet, more or less, the chord of which bears North 56°28'00" East 186 feet, more or less, to a point of intersection with the existing centerline of Archie Briggs Road and the Westerly boundary of the Plat of Rimrock West, Deschutes County, Oregon, said point being the point of terminus of this description, said point lying South 60°07'00" East 1655 feet, more or less, from the Northwest corner of said Section 20. SUBJECT TO: All easements, restrictions, and rights-of-ways of record.

PARCEL 14: A strip of land 100 feet in width, 50 feet on each side of the centerline of Brooks Scanlon logging road as presently located and constructed over and across Government Lot 2 in Section Seven (7), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

PARCEL 15: That portion of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon lying Southwesterly of a line 200 feet Northeasterly of and parallel with the Northeasterly right-of-way line of Shevlin Park Road.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 3rd day of October, 1979.

Read for the second time the 17th day of October, 1979.

Placed upon its passage the 17th day of October, 1979.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 17th day of October, 1979.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1254

AN ORDINANCE AMENDING THE SIGN CODE BY PROVIDING A VARIANCE FOR ADMINISTRATIVE ERROR.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. A new Section 21(L)(d) is added to Ordinance No. NS-1055 to read:

Section 21(L)(d) Variance for Administrative Error. The City Commission may grant a variance from the provisions of this ordinance to any person who has erected a sign in violation of this ordinance if it determines:

(1) That the person justifiably relied on an erroneous decision by a City official in erecting the sign, and

(2) Requiring removal of the sign as provided in this ordinance would create a substantial hardship on the person who erected the sign, and

(3) That the variance granted will be consistent with the objectives of this ordinance.

Read for the first time the 17th day of October, 1979

Read for the second time the 7th day of November, 1979

Placed upon its passage the 7th day of November, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of November, 1979

Richard A. Carter
Mayor

ATTEST:

James W. Kenfoot
Recorder-Treasurer

ORDINANCE NO. NS-1255 NS-1255 repealed by NS-1498, passed 7-19-89

AN ORDINANCE REGULATING THE UNLOADING OF PETROLEUM FUELS WITH A FLASH POINT OF LESS THAN 100° FAHRENHEIT

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

(1) "Fuel" means petroleum fuel with a flash point of less than 100° Fahrenheit and does not include liquid propane gas.

(2) "Public way" means all streets, alleys, sidewalks or other thoroughfares, ways or places used or intended for use by the general public.

(3) "Vehicle" means a truck, a truck and trailer, or any other combination of trucks and trailers.

Section 2. All vehicles unloading fuel at garages, service stations or any other dispensary of such fuels within the City of Bend shall comply with the following requirements:

(1) No portion of the delivery vehicle shall be standing on any public way.

(2) The delivery vehicle and operator shall comply with all applicable Federal, State and local laws, rules and regulations.

(3) The operator of the delivery vehicle shall remain at the control valve at all times while fuel is being discharged.

Section 3. All vehicles with a capacity in excess of 2,500 gallons and not exceeding 5,000 gallons which unload fuel at garages, service stations or any other dispensary of such fuels within the City of Bend shall comply with the following additional requirements:

(1) Deliveries shall be permitted only at places designated by the City Fire Marshal which shall be places:

(a) Where the delivery vehicle is able to enter and leave the premises without backing into public ways.

(b) Which will permit the delivery without encountering other significant hazards.

(2) During delivery the delivery vehicle shall be parked so that it can be driven forward from the danger area in case of an emergency.

(3) All delivery vehicles shall use nozzles of the self-sealing type.

(4) Only one discharge hose shall be used at a time from the delivery vehicle.

(5) Barricades of a minimum of 30" high shall be used to keep vehicles and unauthorized persons away from the area of the delivery vehicle and hoses during delivery operations.

(6) The tanks on all delivery vehicles shall be divided into at least two separate compartments.

(7) All delivery vehicles and operators shall comply with all applicable Federal, State and local laws, rules and regulations.

Section 4. Vehicles in excess of 5,00 gallons may not unload fuel at garages, service stations or any dispensary of such fuels within the City of Bend unless they meet all of the following requirements:

(1) Deliveries shall be permitted at places designated by the City Fire Marshal after he has inspected each station requesting larger delivery vehicles to insure that the facility may safely accept those vehicles. A special permit may be issued based on traffic conditions, size and location of storage facilities, types of tank fill devices, slope of the ground, surrounding exposures in case of an emergency and other significant hazards that might be encountered. The permit may contain special instructions as necessary for the delivery.

(2) Vehicles and station location and design shall meet all of the requirements as set forth in Section 3 of this Ordinance.

(3) All deliveries shall be made between the hours of 6:30 p.m. and 6:30 a.m.

(4) Should the fill facilities be located in close proximity to the service islands to constitute a hazard, the station shall be closed during delivery operations.

Section 5. The owner of any property where fuel is being transferred and the operator of any such transfer truck, shall be liable for any and all costs incurred by the City in the event of any fuel spilled during the transfer process, including but not limited to costs of clean up, water purification and damage to the City sewer system, special equipment and chemicals needed to make the spill safe or extinguish any fire that may occur from said spill.

The tanker operator shall immediately notify the Bend Fire Department upon his discovery of any petroleum fuel spill.

Section 6. Any person who violates any of the provisions of this Ordinance shall be punished by a fine of not more than $500.00 or by imprisonment for not more than 100 days or both.

Section 7. Repealer. Ordinance No. NS-373, as enacted April 5, 1950, is hereby repealed upon passage and the effective date of this ordinance.

Read for the first time the 17th day of October, 1979

Read for the second time the 7th day of November, 1979

Placed upon its passage the 7th day of November, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of November, 1979

Richard A. Carter
Mayor

ATTEST:

James W. Kingsley
Recorder-Treasurer

ORDINANCE NO. NS-1256

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE NEFF-DENSER ROAD AREA ANNEXATION TO RM AND RS ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of areas to the (RM) Urban Medium Density Residential District and (RS) Urban Standard Residential District zones as follows:

Area A - A tract of land located in Section Thirty-five (35), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: the Northwest Quarter of the Northwest Quarter (NW 1/4, NW 1/4) of said Section Thirty-five (35), less and excepting the South One-half (S 1/2) of the Southwest Quarter of the Northwest Quarter (SW 1/4, NW 1/4) of the Northwest Quarter (NW 1/4) of said Section Thirty-five (35) and the rights-of-way of Neff and Denser Roads,

this area is zoned RM - Urban Medium Density Residential District; and

Area B - A tract of land located in Section Thirty-five (35) Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: The South One-half (S 1/2) of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW 1/4, NW 1/4, NW 1/4) of Section Thirty-five (35),

this area is zoned RS - Urban Standard Residential District.

Read for the first time the 7th day of November, 1979

Read for the second time the 21st day of November, 1979

Placed upon its passage the 21st day of November, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor the 21st day of November, 1979

Richard A. Clark
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1257 HUNNELL ACRES - MOE PROPERTY

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1249, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 7th day of November, 1979, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in

a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> The Southeast Quarter of the Southeast Quarter (SE 1/4, SE 1/4) of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, said parcel also known as Tracts 3, & 4, Block 3, Hunnell Acre Tracts (unrecorded) excepting therefrom that portion lying within the right-of-way of Hunnell Road, in Deschutes County, Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from the after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of November, 1979

Read for the second time the 21st day of November, 1979

Placed upon its passage the 21st day of November, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor the 21st day of November, 1979

Mayor

ATTEST:

Recorder- Treasurer

ORDINANCE NO. NS-1258 MT. VIEW Hi AREA

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1251, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 7th day of November, 1979, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No.2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing

to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> The South one-half of the Northeast Quarter of the Northeast Quarter (S 1/2, NE 1/4, NE 1/4); the Southeast Quarter of the Northeast Quarter (SE 1/4, NE 1/4); the Northeast Quarter of the Southeast Quarter (NE 1/4, SE 1/4) except the South 330 feet of the West 540 feet, all in Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian; also all that portion of Denser Road abutting the East line of the above described tract of land, in Deschutes County, Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of Noevember, 1979

Read for the second time the 21st day of November, 1979

Placed upon its passage the 21st day of November, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of November, 1979

Richard C. Clinton
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1259 NEFF-DENSER AREA

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1247, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and fix the 7th day of November, 1979, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing

in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> The Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Thirty-five (35), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian; also all that portion of Neff Road abutting the north line of the above described tract of land, all in Deschutes County, Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of November, 1979

Read for the second time the 21st day of November, 1979

Placed upon its passage the 21st day of November, 1979

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of November, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1260

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY AMENDING THE PROVISIONS OF HOME OCCUPATIONS AND ADDING A SIDE AND REAR YARD REQUIREMENT TO THE GENERAL INDUSTRIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 25(15) of Ordinance No. NS-1178 is hereby amended to delete the following shown in brackets:

Home Occupation. An occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee or other persons being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinanry meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupations shall be a secondary use on the premises, shall not occupy more than 25 percent of the floor area of one floor of the dwelling and there shall be no stock in trade stored or displayed, or goods sold, upon the premises. Sighs shall be permitted according to the provisions of the City Sign Code. [Notice to property owners shall be given as provided in Administrative Resolution.] For purposes of this Ordinance, nursery schools and kindergartens shall not be considered as home occupations in residential zones.

Section 2. Section 21(5) (e), (f), and (g) or Ordinance No. NS-1178 are hereby amended to read as follows:

"(e) Side Yard: None, except when abutting a lot in an "R" District and then the side yard shall be a minimum of 20 feet. The required side yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet."

"(f) Rear Yard: None, except when abutting a lot in an "R" District and then the rear yard shall be a minimum of 20 feet. The required rear yard shall be increased by 1/2 foot for each foot by which the building height exceeds 20 feet.?

"(g) Lot Coverage: No requirements."

Section 3. Section 10(2) of Ordinance No. NS-1178 is hereby amended by adding thereto the following new subsection (f) to read as follows:

"(f) Central Oregon Community College, subject to site plan approval for new buildings or structures."

Read for the first time the 21st day of November, 1979

Read for the second time the 5th day of December, 1979

Placed upon its passage the 5th day of December, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of December, 1979

Richard A. Carson
Mayor

ATTEST:

James O. Berglund
Recorder-Treasurer AT

ORDINANCE NO. NS-1261

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178, BY DEFINING DAY CARE FACILITY AND CHANGING DAY CARE CENTERS FROM CONDITIONAL USE TO PERMITTED USE IN THE RM ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4 of Ordinance NS-1178 is hereby amended by adding a new Section 4(44a) to read as follows:

"(44a) Day Care Center of Facility. An agency, organization, or individual providing day time care of six or more children not related by blood, marriage to, or not the legal wards or foster children of the attendant adult."

Section 2. Section 11(2) is hereby amended by adding a new Section (i) to read:

"(i) Day care, kindergarten, nursery school."

Section 3. Section 11(3)(c) is hereby amended by deleting the following words:

"including nursery schools, kindergartens and day nurseries, but"

Read for the first time the 5th day of December, 1979

Read for the second time the 19th day of December, 1979

Placed upon its passage the 19th day of December, 1979

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of December, 1979

Richard O. Carson
Mayor

ATTEST:

James C. Kaufman
Recorder-Treasurer

ORDINANCE NO. NS-1262

AN ORDINANCE VACATING THAT CERTAIN ALLEY IN BLOCK 6, WIESTORIA ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, SAID ALLEY BOUNDED BY NE NORTON AVENUE, NE OLNEY AVENUE, NE THIRD STREET AND NE FOURTH STREET.

A petition having been presented to the Bend City Commission on the 17th day of October, 1979, requesting that the following described street location be vacated:

> That certain ALLEY IN BLOCK 6, WIESTORIA ADDITION, from the east line of the alley running north and south through said Block 6, easterly 250 feet to the west line of NE Fourth Street, in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Verna I. Barta; said vacation proceedings to vacate the following described area:

That certain ALLEY IN BLOCK 6, WIESTORIA ADDITION, from the east line of the alley running north and south through said Block 6, easterly 250 feet to the west line of NE Fourth Street, in the City of Bend, Deschutes County, Oregon.

The City Commission of the City of Bend have fixed the 19th day of December, 1979 at 7:30 p.m., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 19th day of December, 1979

Read for the second time the 2nd day of January, 1980

Placed upon its passage the 2nd day of January, 1980

YES: 6 NO: 0

Submitted to and approved by the Mayor this 2nd day of January, 1980

Chester D. MacMillan
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1263

AN ORDINANCE AMENDING ORDINANCE NS-1178, BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RM URBAN MEDIUM DENSITY RESIDENTIAL TO IL LIGHT INDUSTRIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed as follows:

The NW 1/4 of the NE 1/4 of the SE 1/4 of Section 4, T. 18 S., R. 12 E.W.M., Deschutes County, Oregon, being more particularly described as follows: beginning at the center-east 1/16 corner of said Section 4; thence S. 89°13' 03" E. along the east-west centerline of said Section 4 a distance of 657.55 feet to the northeast corner of said NW 1/4, NE 1/4, SE 1/4; thence S. 00° 10' 10" E. along the east line of said NW 1/4, NE 1/4, SE 1/4; a distance of 661.17 feet to the southeast corner of said NW 1/4, NE 1/4, SE 1/4; thence N. 89° 27' 39" W. along the south line of said NE 1/4, NE 1/4, SE 1/4; a distance of 658.17 feet to the southwest corner of said NW 1/4, NE 1/4, SE 1/4; thence N. 00° 06' 46" W. along the west line of said NW 1/4, NE 1/4, SE 1/4; a distance of 662.00 feet to the point of beginning. Subject to all rights, rights-of-ways, easements and covenants of record. This parcel is also known as Lots 7 and 8, Block 2, Hunnel Acre Tracts (Unrecorded); and is changed from RM Urban Medium Density Residential to IL Light Industrial.

Read for the first time the 19th day of December, 1979

Read for the second time the 2nd day of January, 1980

Placed upon its passage the 2nd day of January, 1980

YES: 6 NO: 0

Submitted to and approved by the Mayor this 2nd day of January, 1980

Chester S. MacMillan
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

Repealed by ORD. NO. NS-1399 ORDINANCE NO. NS-1264

AN ORDINANCE AMENDING ORDINANCE NO. NS-951, PROVIDING FOR PAYMENT OF ATTORNEYS FEES ON BEHALF OF INDIGENT DEFENDENTS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 is hereby amended to read as follows:

(2) Appointed Attorney fees may not exceed the following schedule:

(a) When a plea of guilty is entered or if for any reason the matter is concluded prior to trial, $50.00.

(b) When a plea of not guilty is entered and trial is held, $100.00 for each day of trial but not exceeding two days in any one case.

Read for the first time the 16th day of January, 1980

Read for the second time the 6th day of February, 1980

Placed upon its passage the 6th day of February, 1980

YES: 6 NO: 0

Submitted to and approved by the Mayor this 6th day of February, 1980

Chester S. MacMillan
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

Repealed by Ord NS-1442

ORDINANCE NO. NS-1265

ORD. NS-828

AN ORDINANCE AMENDING AN ORDINANCE REGULATING THE USE OF PUBLIC WAYS AND PUBLIC PROPERTY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That portion of Section 1 relating to the payment of a fee shall be changed to read as follows:...., a fee equal to three percent for Northwest Bell Inc. and three and one-half percent for Pacific Power & Light Company of the users gross local service revenues, excluding USA revenues, resulting from the use of the apparatus within the corporate limits of the City of Bend.

Read for the first time the 6th day of February, 1980

Read for the second time the 20th day of February, 1980

Placed upon its passage the 20th day of February, 1980

YES: 6 NO: 0 ABSTAIN: 1

Submitted to and approved by the Mayor this 20th day of February, 1980

Chester D MacMillan
Mayor

ATTEST:

James O Kenfoot
Recorder-Treasurer AT

ORDINANCE NO. NS-1266

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE IN AN ENCLAVE ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is hereby amended to include the area described below and to designate this area as an RS Urban Standard Residential Zone, being more particularly described as real property located within the County of Deschutes, State of Oregon, as follows:

A Forty (40) acre tract of land, more particularly described as follows:

The Southeast Quarter of the Northwest Quarter (SE 1/4, NW 1/4), Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian.

Read for the first time the 20th day of February, 1980

Read for the second time the 5th day of March, 1980

Placed upon its passage the 5th day of March, 1980

YES: 5 NO: 0

Submitted to and approved by the Mayor this 5th day of March, 1980

Chester D MacMillan
Mayor

ATTEST:

James O Kenfoot
Recorder-Treasurer

Wells Acres Property - Zone Chg.

ORDINANCE NO. NS-1267

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

A Forty (40) acre tract of land, more particularly described as follows:

The Southeast Quarter of the Northwest Quarter (SE 1/4, NW 1/4), Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon.

Read for the first time the 20th day of February, 1980

Read for the second time the 5th day of March, 1980

Placed upon its passage the 5th day of March, 1980

YES: 5 NO: 0

Submitted to and approved by the Mayor this 5th day of March, 1980

Chester S MacMillan
Mayor

ATTEST:

James W Kerfoot
Recorder-Treasurer

Wells Acres - Annex Ord.

ORDINANCE NO. NS-1268

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE IN AN ENCLAVE ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is hereby amended to include the area described below and to designate this area as an RS Urban Standard Residential Zone, being more particularly described as real property located within the County of Deschutes, State of Oregon, as follows:

All property southeast of the center line of the Deschutes River located in the Southwest Quarter of the Northeast Quarter (SW 1/4, NE 1/4), Section Twenty-nine (29) , Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian and all property west of the east line of the Deschutes River in the Northwest Quarter of the Southeast Quarter (NW 1/4, SE 1/4), Section Twenty-nine (29), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian.

Read for the first time the 20th day of February, 1980

Read for the second time the 5th day of March, 1980

Placed upon its passage the 5th day of March, 1980

YES: 5 NO: 0

Submitted to and approved by the Mayor this 5th day of March, 1980

Chester S MacMillan
Mayor

ATTEST:

James W Kerfoot
Recorder-Treasurer

Magee - Sawyer Zone Chg.

ORDINANCE NO. NS-1269

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

> All property southeast of the center line of the Deschutes River located in the Southwest Quarter of the Northeast Quarter (SW 1/4, NE 1/4), Section Twenty-nine (29), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian and all property west of the east line of the Deschutes River in the Northwest Quarter of the Southeast Quarter (NW 1/4, SE 1/4), Section Twenty-nine (29), Township Seventeen (17), Range Twelve (12) East. Willamette Meridian, in Deschutes County, Oregon.

Read for the first time the 20th day of February, 1980

Read for the second time the 5th day of March, 1980

Placed upon its passage the 5th day of March, 1980

YES: 5 NO: 0

Submitted to and approved by the Mayor this 5th day of March, 1980

Chester S. MacMillan
Mayor

ATTEST:

Recorder-Treasurer

mazill - Dwyer Annex.

ORDINANCE NO. NS-1270

AN ORDINANCE VACATING A PORTION OF BAER ROAD AT THE SE NINTH STREET INTERSECTION CORNER, IN SECTION 4, T. 18 S., R. 12 E.W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 7th day of November, 1979 requesting that the following described area location be vacated:

> A portion of Baer Road in Section 4, T. 18 S., R. 12 E.W.M., said portion being more particularly described as follows: Beginning at the center quarter corner of said Section 4 and run thence S. 89°18'46" E. 230.40 feet; thence N. 1°08'12" W. 506.58 feet to the true point of beginning of this description; thence on a 221.47 foot radius curve left (the long chord of which bears N. 45°32'12" W. 309.91 feet) a distance of 343.24 feet; thence S. 89°56'12" E. 173.71 feet; thence on a 281.47 foot radius curve right (the chord of which bears S. 45°32'12" E. 61.68 feet) a distance of 61.80 feet; thence S. 1°08'12" E. 173.71 feet to the true point of beginning, in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by William E. Miller; said vacation proceedings to vacate the following described area:

A portion of Baer Road in Section 4, T. 18 S., R. 12 E.W.M., said portion being more particularly described as follows: Beginning at the center quarter corner of said Section 4 and run thence S. 89°18'46" E. 230.50 feet; thence N. 1°08'12" W. 506.58 feet to the true point of beginning of this description; thence on a 221.47 foot radius curve left (the long chord of which bears N. 45°32'12" W. 309.91 feet) a distance of 343.24 feet; thence S. 89°56'12" E. 173.71 feet; thence on a 281.47 foot radius curve right (the chord of which bears S. 45°32'12" E. 173.71 feet to the true point of beginning, in the City of Bend, Deschutes County, Oregon.

The City Commission of the City of Bend have fixed the 20th day of February, 1980 at 7:30 p.m., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejuduced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 20th day of February, 1980

Read for the second time the 5th day of March, 1980

Placed upon its passage and approved by the Mayor this 5th day of March, 1980

YES: 5 NO: 0

Lester S. MacMillan
Mayor

ATTEST:

James McKenzie
Recorder-Treasurer

ORDINANCE NO. NS-1271

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS IN THE CITY OF BEND.

THE CITY DOES ORDAIN AS FOLLOWS:

Section 1. That the following street name changes be implemented:

a. NE Larix Court to NE Sycamore Court; NE Tsuga Court to NE LaPoint Court; and NE Thuja Court to NE Mistletoe Court, all in Tamarack Park Subdivision.

b. NE Margaret Lane to NE Kim Lane in Williamson Park Subdivision.

Read for the first time the 5th day of March, 1980

Read for the second time the 19th day of March , 1980

Placed upon its passage the 19th day of March, 1980

YES: 4 NO: 0

Submitted to and approved by the Mayor this 19th day of March, 1980

Clinton S. MacMillan
Mayor

ATTEST:

Recorder-Treasurer

AMENDED BY ORD. #'s NS-1335, NS-1389, NS-1416, NS-1515

ORDINANCE NO. NS-1272

AN ORDINANCE GRANTING FRANCHISES AND PROVIDING FOR THE MANAGEMENT AND COLLECTION OF SOLID WASTE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known as the "Solid Waste Management Ordinance."

Section 2. Purposes, Policy and Scope. It is declared to be the public policy of the City of Bend to regulate solid waste management to:

(1) Insure safe, efficient, economical and comprehensive solid waste service.

(2) Insure fair and equitable consumer rates and to prohibit rate preferences or other practices that might be discriminatory.

(3) Conserve energy and material resources, reduce solid wastes and promote material and energy recovery in all forms.

(4) Provide for technologically and economically feasible resource recovery.

(5) Eliminate overlapping service and thereby to increase efficiency and to decrease truck noise, street wear, energy waste, air pollution and public inconvenience.

(6) Protect public health and the environment.

(7) Provide public service standards.

(8) Protect against improper and dangerous handling of hazardous wastes.

(9) Provide a basis and incentive for investment in solid waste equipment, facilities, sites and technology.

Section 3. Definitions.

(1) City: The City of Bend.

(2) Commission: The City Commission of the City of Bend.

(3) Franchisee: The person or persons granted a franchise by this Ordinance or a subsequent Ordinance or a subcontractor to such person or persons.

(4) Hazardous Waste: Any waste:

(a) Defined as hazardous waste by or pursuant to ORS Chapter 459; or

(b) Defined as hazardous waste by another governmental unit having jurisdiction; or

(c) Determined by competent authority to be hazardous to service workers, to service equipment, or to the public.

(5) Person: Any individual, partnership, association, corporation, trust, firm, estate, joint venture or other private legal entity or any public agency.

(6) Resource Recovery: The process of obtaining useful material or energy resources from solid waste, including reuse, recycling, and other materials recovery or energy recovery of or from solid waste.

(7) Service: The collection, transportation or disposal of or resource recovery from solid waste.

(8) Solid Waste: All solid waste or semi-solid waste including, without limitation, garbage, rubbish, refuse, trash, ashes or swill, news print or waste paper, corregated or cardboard, grass clippings, compost, residential, commercial, industrial, governmental or institutional wastes, discarded home or industrial appliances, equipment or furniture, vehicle parts or tires, vegetable or animal wastes, and other wastes.

(9) Solid Waste Management: The prevention of or reduction of solid waste; management of service; and, facilities and equipment necessary or convenient to such activities.

(10) Waste: Material that is no longer directly useable by the source, generator or producer of the material, which material is to be disposed of or to be resource recovered by another person.

(a) The fact that all or any part of the material may have value and thus be recovered does not remove them from this definition.

Section 4. Persons and Practices Exempt from Franchise. Nothing in this Ordinance requires a franchise from the following persons for the following businesses or practices:

(1) The collection, transportation and reuse of repairable or cleanable discards by a private charitable organization regularly engaged in such business or activity, including, without limitation, Salvation Army, St. Vincent De Paul, Goodwill and similar organizations.

(2) The collection, transportation and reuse or recycling of totally source separated materials or operation of a collection center for totally source separated materials by a religious, charitable, benevolent or fraternal organization which organization was not organized or operated for any solid waste management purpose and which organization is using the activity for fund raising; including, without limitation, scouts and churches.

(3) The Collection, transportation or redemption of returnable beverage containers under ORS Chapter 459 and that portion thereof commonly known as the "Bottle Bill."

(4) The generator or producer who transports and disposes of waste created as an incidental part of regularly carrying on the business or service of auto wrecking, to the extent licensed by the State of Oregon; demolition, land clearing or construction; janitorial service; gardening, park maintenance or landscaping service; street sweeping; auto body recovery; or septic tank pumping or sludge collection. "Janitorial Service" does not include cleanup of accumulated or stores wastes.

(5) The transportation by a person of solid waste generated or produced by such person to a disposal site, resource recovery site or market. The transportation by a landlord of residential property of solid waste generated or produced by tenants or occupants to a disposal site, resource recovery site or market.

(6) The purchase of totally source separated solid waste for fair market value; however, the Commission may require that anyone making such purchase apply for an exemption as described in Subsection (9) below.

(7) The providing of service to a state or federal agency under written contract with such agency.

(8) The providing of service for wastes determined by competent authorities to be hazardous.

(9) Any practice, business or activity may be exempted by the Commission after public hearing thereon. In considering whether the Commission shall exempt such practice, business or activity, it may consider the purposes and standards of this Ordinance and may require terms and conditions as it deems necessary in the public interest.

Section 5. Practices Prohibited Without a Franchise. Unless exempted by Section 4 or franchised pursuant to Section 6 of this Ordinance, no person shall:

(a) Solicit customers for service; or

(b) Advertise the providing of service; or

(c) Provide service in the City.

Section 6. Grant of Exclusive Franchise. There is hereby granted to JOE CHOTARD dba BEND GARBAGE COMPANY and CASCADE DISPOSAL,INC., the exclusive right, privilege and franchise to provide service within the City limits as of date of this Ordinance and any area that may hereafter be annexed to the City, and, for that purpose, to utilize the streets of the City. JOE CHOTARD dba BEND GARBAGE COMPANY and CASCADE DISPOSAL, INC., will operate within the City in areas described on Exhibit "A", which are subject to change by the Dispute Committee's ruling and Commission approval.

Section 7. Franchise Term. The rights, privileges and franchise herein granted shall begin on April 15, 1980, and shall be considered as a continuing seven (7) year franchise. That is, beginning on April 15 of each year the franchise will be considered renewed for an additional one (1) year term, unless at least thirty (30) days prior to March 15 of any year the Commission shall notify the Franchisee in writing of intent to terminate the franchise. Upon the giving of such notice of termination, the Franchisee shall have a franchise which will terminate six (6) years from the date of the notice of termination. The Commission may after extend the term or reinstate continuing renewal upon mutual agreement with the Franchisee. Nothing in this section restricts the Commission from suspending, modifying or revoking the franchise for cause pursuant to Section 9 of this Ordinance.

Section 8. Franchisee Responsibility:

(1) The Franchisee shall:

(a) Dispose of solid waste at the site approved by local government unit having jurisdiction and

comply with all applicable laws, rules and regulations.

(b) Provide and keep in force public liability insurance in the amount of not less than $500,000.00 for injury to a single person, $500,000.00 to a group of persons and $100,000.00 property damage, all relating to a single occurrence. In addition to the above described insurance, Franchisee shall keep and maintain "umbrella coverage" in the amount of $2,000,000.00. Such insurance shall be evidenced by a Certificate of Insurance filed with the City Recorder.

(c) Within 30 days after the effective date of this Ordinance, file with the City Recorder a written acceptance of this franchise by endorsing acceptance on a copy of this Ordinance.

(d) Provide sufficient collection vehicles, containers, facilities, personnel, and finances to provide good service.

(e) Respond promptly and effectively to any complaint on service.

(f) Provide a performance bond in the amount of $5,000.00 with a surety licensed to do business in the State of Oregon conditioned upon the full and faithful performance of this Agreement and franchise and this Ordinance. In the event that the City Commission finds that the Franchisee has adequate experience and otherwise meets the requirements to guarantee service, it may waive, by resolution, all or part of the bond requirements and may attach any necessary condition to the waiver.

(2) The Franchise is not required to store, collect, transport, transfer, dispose of or resource recover any of what is determined by competent authorities to be hazardous waste; provided, however, that the Franchisee may provide such service outside this Ordinance in compliance with all applicable laws, ordinances and regulations.

(3) The Franchisee may subcontract with others, to provide a portion of the service where Franchisee does not have the necessary equipment or service; however, such subcontract shall be with the approval of the City Manager and/or the City Commission. Such a subcontract shall not relieve the Franchisee of total responsibility for providing and maintaining service and from compliance with this Ordinance.

(4) The Franchisee shall not:

(a) Give any rate preference to any person, locality or type of solid waste stored, collected, transported, disposed of or resource recovery. This paragraph shall not prohibit uniform classes of rates based upon length of haul, type of quality of solid waste handled and location of customers so long as such rates are reasonably based upon cost of the particular service and are approved by the Commission, nor shall it prevent any person from volunteering service at reduced cost for a charitable, community, civic or benevolent purpose.

(b) (1) Transfer this franchise in any way or any interest therein, or transfer any ownership interest in franchise, including but not limited to the transfer of franchisee stock to any other person without prior written approval of the Commission.

(2) A pledge of this franchise or any interest in franchisee or its stock as financial security shall be considered as a transfer for purposes of this section. The Commission may attach whatever conditions it deems necessary to any transfers.

Section 9. Suspension, Modification or Revocation of Franchise.

(1) Failure to provide good service or otherwise comply with the provisions of this Ordinance after written notice shall be grounds for modification, suspension or revocation of the franchise.

(2) After written notice from the City Manager that such grounds exist, the Franchisee shall have at least sixty (60) days from the date of mailing of the notice in which to comply or request a public hearing before the Commission.

(3) At a public hearing, the Franchisee and other interested persons shall have an opportunity to present oral, written or documentary evidence to the Commission.

(4) In the event the Commission finds an immediate and serious danger to the public it may take such action as it deems necessary in the public interests.

Section 10. Termination of Service. The Franchisee shall not terminate service to any customers unless:

(1) The street or road access is blocked and there is no alternate route.

(2) Excessive weather conditions render providing service unduly hazardous to persons providing service or such termination is caused by accidents or casualties caused by an act of God, public enemy or vandalism, or

(3) A customer is not complying with the prohibitions of Section 12 of this ordinance or has not paid for service provided after a regular billing and after a fifteen (15) day written notice to pay, or

(4) Ordered by a legislative, administrative or judicial body having jurisdiction.

Section 11. Rate Determination

(1) Rates for service shall be those contained in the document marked "Exhibit B", attached hereto and by this reference hereby incorporated in this Ordinance.

(2) By April 15 of every year, Franchisee shall file with the City a financial report in the form attached hereto as "Exhibit C" and made a part hereof. Such report shall be accompanied by a Schedule "C" from Franchisee's federal income tax return.

(3) The Franchisee may file an application yearly for an adjustment in rate, such application to be received by the City no later than April 15 of any one year. The City shall act upon such request for rate adjustment no later than June 30 of the same year, and the new rate increase or decrease will begin July 1. Rates shall be changed by resolution of the Commission.

(4) Rates charged shall be those set as provided herein. Nonscheduled services may be provided at the reasonable cost of providing the service.

(5) Franchisee shall bill and collect on a current billing basis. When Franchisee has experienced collection problems on a particular account, he may require other than current billing basis. Such other procedures will be subject to disapproval by the City and will be reasonable business practice.

(6) If approved in the rate schedule, Franchisee may charge a starting charge to any customer who has been previously terminated for failure to pay for service.

(7) Rates shall be uniform or uniform within zones or classes of service.

(8) Nothing in the above section shall prohibit City from requiring qualified senior citizen rates. Qualifications for such senior citizen rates shall be determined by a Franchisee Dispute Committee as described in Section 16 hereof.

(9) Franchisee may require the owner of rental or leased premises to accept responsibility for the payment for service to such facilities as a condition for providing such service.

Section 12. Public Responsibility. In addition to and not in lieu of compliance with ORS Chapter 459, and other applicable laws and regulations:

(1) No person shall place hazardous waste for collection or disposal by Franchisee without notice. This shall not apply to minor quantities of wastes generated at or by a single family residential unit.

(2) No unauthorized person shall place material in or remove material from a solid waste collection container without permission of the owner of the container. For the purpose of this section, the Franchisee is the "owner" of containers supplied by Franchisee.

(3) No unauthorized person shall remove solid waste placed out for collection and resource recovery by the Franchisee or a person exempted by Section 4 of this Ordinance and operating solely within the exemption.

(4) Unless permitted by the Franchisee, no person shall install or use any container of one cubic yard or greater in capacity for pickup by Franchisee other than those supplied by Franchisee. The purpose of this subsection is to insure safe equipment, sizes and weights and facilitate Franchisee utilizing the most efficient collection equipment and methods. Rates for use of Franchisee's containers and drop boxes shall be included in the adopted rate schedule.

(5) The Franchisee is not required to service an underground container unless the person responsible for it places the can above ground prior to time of collection.

(6) No can for residential service shall be located behind any locked or latched door, gate or inside of any building or structure.

(7) The Franchisee is not required to handle containers designed for mechanical pickup exceeding safe loading weights or volumes as established by the Franchisee to protect service workers, the customer, the public and the collection equipment.

(8) The Franchisee is not required to handle containers designed for manual pickup exceeding thirty-two (32) gallons in size or sixty (60) pounds in loaded weight. Such containers shall be of rigid, fireproof, and rodent proof construction and not subject to cracking or splitting. Such containers shall be round and tapered at the bottom and have proper handholds and bales.

(9) Unless special service or service equipment is provided by the collector for handling unconfined waste, materials such as rubbish and refuse, brush, leaves, tree cuttings and other debris for manual pickup and collection shall be in securely tied bundles or in any box, sack or other receptacles and solid waste so bundled, tied or contained shall not exceed sixty (60) pounds in weight.

(10) Where a customer requires an unusual volume of service or a special type of service requiring substantial investment in equipment, the Franchisee may require a contract with the customer as necessary to finance and assure amortization of such equipment. The purpose of this provision is to assure that such equipment not become a charge against other rate payers who are not benefited.

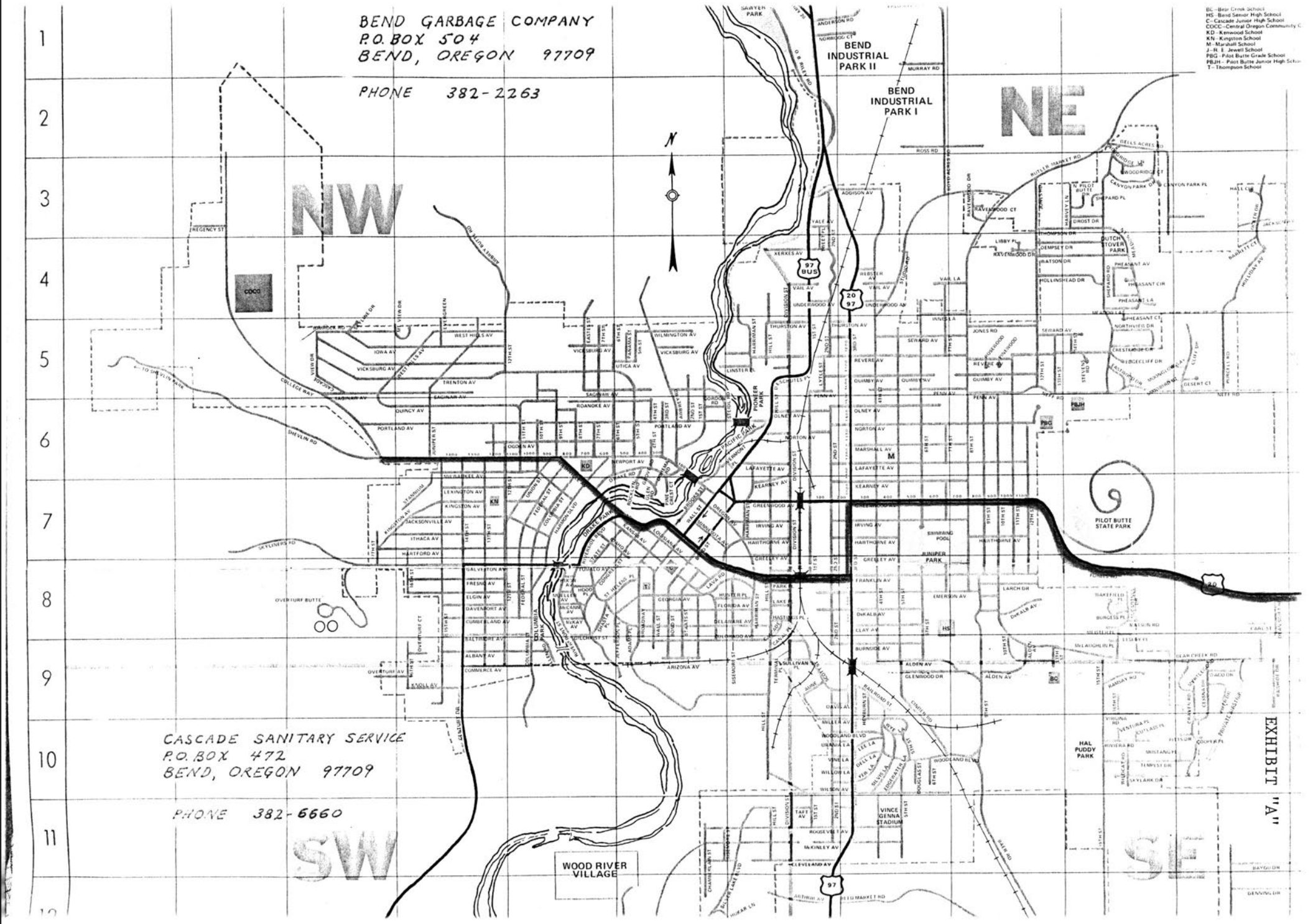
(11) Franchisee may charge extra for return service to a container or drop box or roll off box that is blocked by automobiles or other obstacles.

(12) Every person who generates or produces wastes shall remove or have removed all putrescible wastes at least every seven days. More frequent removal may be required where facility or service involves the public health. All wastes shall be removed at sufficient frequency as to prevent health hazards, nuisances or pollution.

[redacted] [redacted]

BEND GARBAGE COMPANY
P.O. BOX 504
BEND, OREGON 97709

PHONE 382-2263



CASCADE SANITARY SERVICE
P.O. BOX 472
BEND, OREGON 97709

PHONE 382-6660

EXHIBIT "A"

EXHIBIT "C"

CITY OF BEND

APPLICATION FOR SOLID WASTE COLLECTION RATE INCREASE

SUMMARY SHEET

	Base Year 1980	With Rate Request Projected-1980
Base year taxable income		
Less non-business income		
Net business income		
Base year expenses		
Non-related expenses		
Subtotal		
Add actual value of owners and family services not paid in cash		
Add replacement cost on equipment over IRS depreciation-per year		
Add capital budget for extra equipment to meet new growth		
Income taxes - corporate rates		
Net expenses		
Net loss		
10% return projected		
Projected differential		

EXHIBIT "D"

COMPLAINT FORM

Complaint Taken: _____ City Cascade Bend

Complaint Taken: Date: _____ Time: _____

Complainant's Name: _____

Address: _____

Phone Number: _____

Nature of Complaint: _____

_____

_____

_____

_____

Problem Resolved: Date: _____ Time: _____

Copies Forwarded to: _____ Date: _____

EXHIBIT "B"

ORDINANCE NO. NS-1237

AN ORDINANCE AMENDING THE CITY REFUSE COLLECTION FRANCHISES BY INCREASING THE RATES AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinances No. NS-819 and Section 6 of Ordinance No. NS-820 are amended to read:

"Section 6. The maximum rates that may be charged by the grantee for franchise services are:

For collection in containers holding 32 gallons or less:

a. One pickup of one can each week	
*curb or roadside	$3.65 per month
**backyard or other	4.30 per month
b. One pickup of additional can each week	
* curb or roadside	$2.15 per month
**backyard or other	2.90 per month
c. Special pickup	$2.90 per month

*Curbside means "at the curb," "Foot of the driveway,", "at the alley," "where the truck or scooter can drive to the pickup area."

**Any location other than "curb pickup."

For collection of containers hold 1 cubic yard or 1-1/2 cubic yards: (Seven 32 gallon cans - 1 yard
Ten 32 gallon cans - 1-1/2 yards)

a. One pickup for 1 cubic yard each week	20.00 per month plus container rent and maintenance
b. One pickup of 1-1/2 cubic yards each week	25.80 per month plus container rent
c. Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week or pro-rate part of monthly rate.	
For collections in containers holding 30 gallons or less for persons age 65 or older the rate will be $2.50 per month for one pickup per week (curb rate) if such persons apply to the refuse collector for this reduced rate.	$2.50 curb rate 3.00 backyard rate

Compactor Rates:

a. 1-3 yard container	Double loose rate
b. 4-6 yard container	Triple loose rate

Collection of bulk refuse:

$3.00 for each yard per pickup of $17.65 for each hour of work requiring one truck and one man or $29.40 for each hour of work requiring one truck and 2 men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 75 feet	Regular rate
75 to 100 feet	Additional 25%
100 to 125 feet	Additional 50%
125 to 150 feet	Additional 75%
Over 150 feet	Additional 100%

Pickups inside buildings and different floors:

Pickup inside building	Additional 50%
Pickup from one flight above or one flight below ground level	Additional 75%
Two flights above or below ground level	Additional 75%

Section 9. EMERGENCY CLAUSE: That inasmuch as it is necessary for the immediate prevention of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof and it is deemed necessary and advisable for these garbage rates to proceed as speedily as possible.

NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 18th day of July, 1979

Read for the second time the 1st day of August, 1979

Placed upon its passage the 1st day of August, 1979

YES: 5 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1979

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1238 Annexation

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1224, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 18th day of July, 1979 at the hour of 7:30 p.m. in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described proeprty, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter (SE 1/4) of Section 4, Township 18 South, Range 12 E.W.M. and run thence South along the West line of said Southeast Quarter (SE 1/4) of Section 4, 330 feet more or less, to a point on the Southwesterly right-of-way of the Great Northern Railway; thence Southeasterly

CITY COUNCIL OF THE CITY OF BEND

INTERPRETATION OF SECTION 4 OF ORDINANCE NO. 1272

BACKGROUND

Ordinance No. 1272 regulates the provision of solid waste service in the City of Bend. Section 5 of the Ordinance prohibits the provision of solid waste service in Bend by persons other than the two franchisees, each of which has an exclusive service territory. Section 4 provides a number of exemptions from the exclusive franchise provisions of Section 5.

Randy Mahaney dba Clean Up Industries (Clean Up) has been providing construction site cleanup services for at least 8 years in Bend. Clean Up offers cleanup services to both new construction and remodeling sites. Clean Up's services include cleaning up debris from the construction sites, placing the debris in containers owned by Clean Up, and then hauling the containers to an appropriate disposal site.

Clean Up also leaves containers on-site while not engaged in site clean-up, and construction contractors, property owners, and others place debris in Clean Up's containers. Some loads that Clean Up hauls for disposal have been entirely or mostly filled by persons other than Clean Up employees.

The City and the franchisees have accepted that Clean Up may haul materials that Clean Up places in its containers under the exception provided in Section 4(4), which exempts:

> The generator or producer who transports and disposes of waste created as an incidental part of regularly carrying on the business or service of auto wrecking, to the extent licensed by the State of Oregon; demolition, land clearing or construction; janitorial service; gardening, park maintenance or landscaping service; street sweeping; auto body

recovery; or septic tank pumping or sludge collection. "Janitorial service" does not include cleanup of accumulated[1] or stored wastes.

The franchisees object to Clean Up's hauling of any waste that was not placed in the containers by Clean Up. The franchisees argue that the last sentence of Section 4(4): "'Janitorial service' does not include cleanup of accumulated or stored wastes," means that Clean Up cannot transport any waste place in containers by others because this would be the "cleanup of accumulated or stored[2] wastes."

Clean Up takes the position that it should be allowed to continue as it has been doing and that the exemption of Section 4(4) allows it to haul waste in its containers so long as it is providing substantial site cleanup services on a project.

To clarify the extent of the exemption provided by Section 4(4), the City Council provides this interpretation that is intended to provide guidance to City staff, to the franchisees, and to anyone providing construction cleanup services. While the need for this interpretation arose from one entity's practices, the interpretation is intended to apply generally to all.

For purposes of the following interpretation, "construction cleanup company" means any individual or entity of any sort providing construction site cleanup services. A construction cleanup company acts through its principals and employees.

INTERPRETATION

"Janitorial service" as that term is used in Section 4(4) of Ordinance No. 1272 includes construction site cleanup for both new construction and remodeling.

A construction cleanup company may transport waste it cleans up from a construction site to a licensed transfer station or disposal site within the exemption provided by Section 4(4).

A construction cleanup company that transports any waste that was placed in its container by persons other than the construction cleanup company violates the exclusive franchise provision of Section 5.

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[1] Council adopts the following definition of "accumulated", based on the definitions of "accumulate" found at http://en.wiktionary.org/wiki/accumulate#English:

Heaped or piled up in a great mass.

[2] Council adopts the following definition of "stored," based on the definition of the verb "store" found at http://en.wiktionary.org/wiki/store#English:

Kept in a place meant for keeping materials when not in use.

Approved by unanimous vote of the City Council on October 6, 2010.

Kathy Eckman, Mayor

Approved as to form:

Gary Firestone, Assistant City Attorney

(13) All garbage and putrescible materials shall be stored in cans supplied by the generator or producer or in containers supplied by the Franchisee. When cans are used, they shall be covered except during loading and emptying.

(14) The producer or generator of waste shall clean both cans and containers and shall keep the area around such cans or containers free of accumulated wastes. The Franchisee shall clean the containers yearly. If the Franchisee finds that such containers are becoming a health hazard, he may clean the containers more often, but such service will be a maintenance charge to the producer or generator.

(15) Approved disposal methods shall be as follows:

(a) No person shall burn, dump, or in any other manner dispose of solid waste upon any street, alley, public place or private property within the City except as provided in this Ordinance.

(b) Wastepaper, boxes, rubbish and debris; brush, leaves, grass, wood, and cuttings from trees, lawns, shrubs and gardens (but excepting paper, cardboard or wood containers in commercial quantities), may be burned on private property in furnaces; or, upon special permit from the Fire Chief, may be burned in outside fireplaces or private incinerators approved by the Fire Chief; or in open fires, upon a permit secured from the Fire Chief.

(16) The City reserves the right to require the separation of component parts or materials in or from solid wastes and require the deposit thereof in separate cans, containers, receptacles or places and prescribe the method of disposal or resource recovery thereof.

Section 13. Construction. Any finding by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid shall not invalidate any other provision of this Ordinance.

Section 14. Penalties. Violation by any person of the provisions of this Ordinance upon conviction, shall be punished by a fine of not more than $500.00. Each day in violation is a separate offense.

Section 15. Complaints. If either the City or Franchisee receives a complaint, such complaint will be handled by filling out the form delineated on Exhibit "D" attached hereto and made a part hereof. Such forms will be filled out in triplicate. If Franchisee receives the complaint, he is responsible for filling out the information required on such form and sending a copy to the City within thirty (30) days of the resolution of such problem. If the City should receive a complaint, they will forward to the Franchisee two copies of the form. Franchisee will be responsible for returning one copy of the form within five (5) days of receipt of it, indicating the action taken.

Section 16. Franchisee Disputes. Any disputes between the Franchisees will be settled by the Franchisee Dispute Committee. Such Committee shall consist of a representative of each Franchisee and three representatives of the City. Any action taken by the Committee must be approved by the Commission. The Committee shall also consider reallocation of territories when requested by any Franchisee. The Franchisees acknowledge that the territories may be reallocated from time to time during the term of their franchise.

Section 17. Repealing Ordinances No. NS-634, NS-819, NS-820 and any other conflicting Ordinances. Ordinance No. NS-634, NS-819 and NS-820 are hereby repealed and all other Ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Read for the first time the 2nd day of April, 1980.
Read for the second time the 16th day of April, 1980.
Placed upon its passage the 16th day of April, 1980
YES: 7 NO: 0

Submitted to and approved by the Mayor this 16th day of April, 1980.

Chester S MacMillan
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS- 1273

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $4,340,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO; PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND DECLARING AN EMERGENCY.

CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend has created Local Inprovement District No. 604 pursuant to City of Bend Resolution No. 1498 for the construction of a bridge across the Deschutes River together with an east-west arterial connecting Colorado Avenue and Century Drive and other improvements contemplated by Resolution No. 1498.

Section 2. City of Bend Resolution No. 1510 has assessed the $4,340,000 cost of this project to property within Local Improvement District No. 604 according to law.

Section 3. All of the property within Local Improvement District No. 604 is owned by Brooks Resources Corporation, an Oregon corporation, and Brooks Resources Corporation has submitted its written application to the City of Bend to pay the $4,340,000 assessment in installments pursuant to ORS 223.205 et seq (The Bancroft Bonding Act). Brooks Resources Application states that Brooks Resources Corporation is the owner of all of the property assessed and waives all irregularities or defects, jurisdictional or otherwise, in the proceedings to make the improvement for which the assessment is levied and in the apportionment of the costs thereof.

Section 4. The amount of Brooks Resources' assessment contained in its application, including all unpaid assessments or previously bonded liens, does not exceed double the assessed value of the property within Local Improvement District No. 604 as shown by the last tax role of Deschutes County.

Section 5. Each and every act and thing required by laws of the State of Oregon and by the Charter and Ordinances of the City of Bend precedent to the issuance of these bonds has been heretofore regularly done and performed in the manner and at the time required by law.

Section 6. That the City of Bend shall issue bonds in the name of and under the corporation seal of said City in the amount of $4,340,000. All bonds will be in the denomination of Five Thousand ($5,000) Dollars, numbered consecutively from one to 868 both numbers inclusive, said bonds to bear date of June 1, 1980, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto. Said bonds shall, by the terms thereof, mature serially in numerical order according to the attached Exhibit "A" which is a part hereof. The bonds shall bear interest at not to exceed a net effective rate of ten (10) percent per annum and interest shall be payable semi-annually beginning December 1, 1980. The principal shall be payable annually on June 1 of each year beginning June 1, 1982. The interest shall be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 20. City reserves the right to redeem any of the bonds then outstanding on any interest payment date beginning June 1, 1990. The bonds may be called in inverse numerical order.

Section 7. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form:

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF DESCHUTES
CITY OF BEND IMPROVEMENT BOND
SERIES 20

KNOW ALL MEN BY THESE PRESENTS that the City of Bend, in the County of Deschutes, State of Oregon, for value received hereby agrees and promises to pay to the bearer the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of June, 19___, without grace, with interest thereon at the rate of ____% per annum, payable semi-annually on the 1st days June and December of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

All bonds maturing after June 1, 1990 are subject to call and redemption in inverse numerical order on June 1, 1990 and on any interest payment date thereafter.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.205 Oregon Revised Statutes et seq. as amended and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuance of this bond.

For the fulfillment of the conditions of this obligation, the full faith and credit of the City of Bend are hereby irrevocably pledged.

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this _____ day of _____, 1980.

COUNTERSIGNED:

James W. Kerfoot
Recorder

Chester S. MacMillan
Mayor

COUPON

No. _____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on 1st day of December, 19_____

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No._____ Series 20.

COUNTERSIGNED:

James W. Kerfoot
Recorder

Chester S. MacMillan
Mayor

Section 8. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 21st day of May, 1980, by the insertion of an advertisement thereof once each week for two successive weeks in the Bulletin, a newspaper published in the City of Bend and one insertion in the Daily Bond Buyer printed in New York City.

Section 9. The improvements to be financed by the proceeds from sale of these bonds must be completed during the construction

season to provide relief from City's serious traffic problems. Therefore for the peace, health and safety of the inhabitants of the City of Bend an emergency is hereby declared to exist and this ordinance shall take effect immediately after its enactment.

Read for the first time the 4th day of April, 1980

Read for the second time the 16th day of April, 1980

Placed upon its passage the 16th day of April, 1980

YES: 7 NO: 0

Passed by the City Commission and approved by the Mayor this 16th day of April, 1980.

Chester S. MacMillan
Mayor

ATTEST:

Recorder-Treasurer

EXHIBIT "A"
CITY OF BEND IMPROVEMENT BOND
SERIES 20

DATE	PRINCIPAL
6/1/82	95,000
6/1/83	100,000
6/1/84	110,000
6/1/85	120,000
6/1/86	130,000
6/1/87	145,000
6/1/88	160,000
6/1/89	170,000
6/1/90	190,000
6/1/91	205,000
6/1/92	225,000
6/1/93	245,000
6/1/94	265,000
6/1/95	290,000
6/1/96	315,000
6/1/97	345,000
6/1/98	375,000
6/1/99	410,000
6/1/2000	445,000

ORDINANCE NO. NS- 1274

AN ORDINANCE INCREASING THE TRANSIENT ROOM TAX TO 6%.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3 of Ordinance NS-1052 is amended by increasing the transient room tax from 5% to 6% of the rent charged by the operator.

Section 2. Section 15(1) of Ordinance NS-1052 is amended to read:

> "(1) Tourist Promotion Fund. A special fund called a Tourist Promotion Fund shall be established for the purpose of promoting tourism within the City of Bend. 25% of the monies collected pursuant to the tax imposed by this ordinance shall be used for the promotion of tourism and the City is authorized to enter into a contract with the Bend Chamber of Commerce to carry out this purpose."

Read for the first time the 7th day of May, 1980

Read for the second time the 21st day of May, 1980

Placed upon its passage the 21st day of May, 1980

YES: 6 ABSTAIN: 1

s/s Chester S. MacMillan
Mayor

ORDINANCE NO. NS- 1275

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property:

> The Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section Twenty-nine (29) and the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section Thirty (30) in Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, Except the South 300 feet of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section Thirty (30).

Read for the first time the 21st day of May, 1980

Read for the second time the 4th day of June, 1980

Placed upon its passage the 4th day of June, 1980

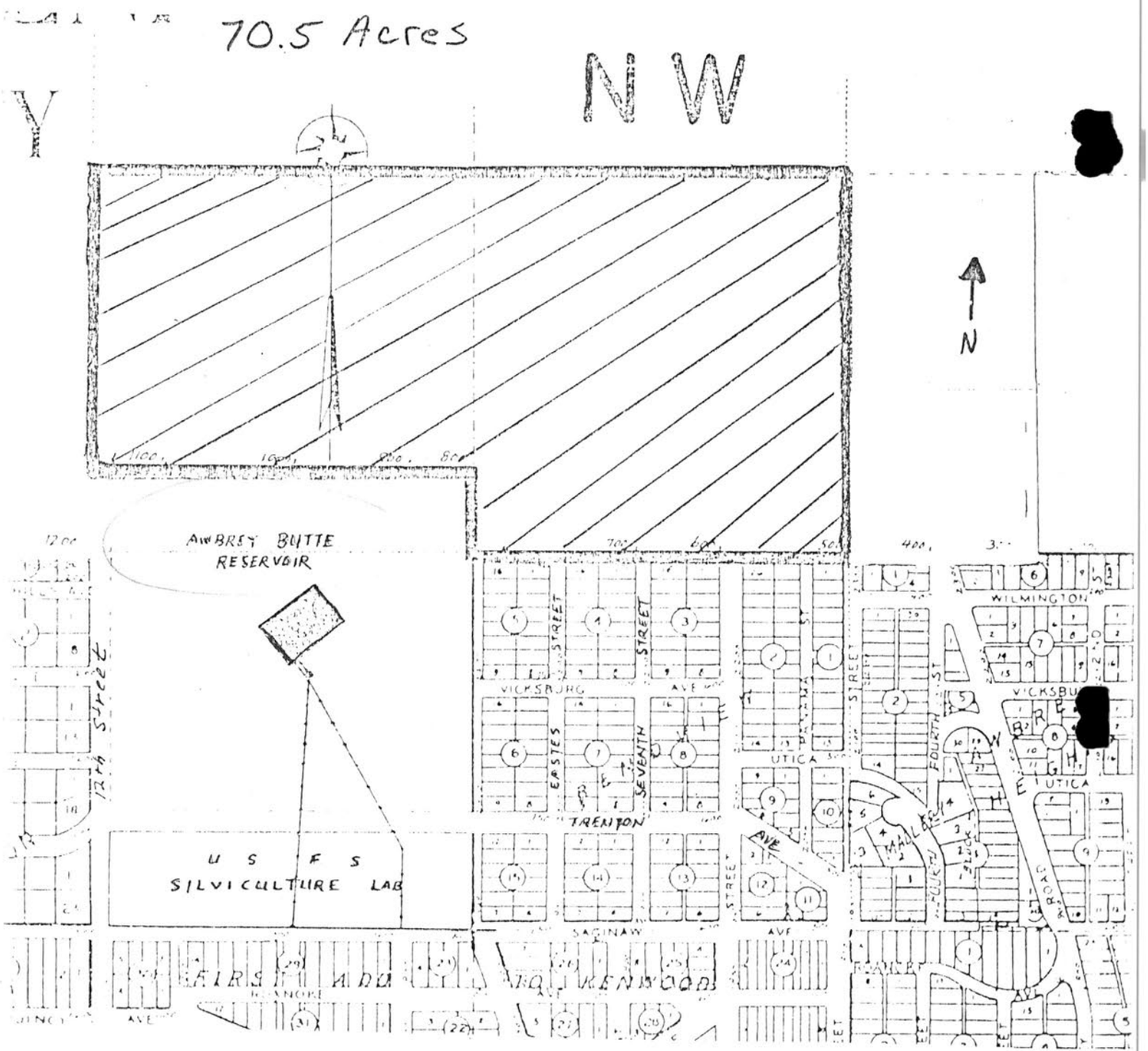
YES: 5 NO: 0

Submitted to and approved by the Mayor this 4th day of June, 1980.

Chester S MacMillan
Mayor

ATTEST:

Recorder-Treasurer


70.5 Acres
N W
N
AUBREY BUTTE
RESERVOIR
U S F S
SILVICULTURE LAB
12th Street
VICKSBURG AVE
TRENTON
UTICA
SAGINAW AVE
WILMINGTON
EASTES STREET
SEVENTH STREET
FOURTH ST
FAIRFIELD
KENWOOD

ORDINANCE NO. NS- 1276

AN ORDINANCE VACATING NE NORTON AVENUE FROM THE EASTERLY RIGHT-OF-WAY OF THE OREGON TRUNK RAILWAY EASTERLY TO THE WEST RIGHT-OF-WAY OF NE FIRST STREET, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY ORDAINS AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 30th day of January, 1980 requesting that the following described street location be vacated:

> NE NORTON AVENUE from the easterly right-of-way of the Oregon Trunk Railway easterly to the west right-of-way of NE First Street, in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by C.L. Hannum; said vacation proceedings to vacate the following described area:
>
> > NE NORTON AVENUE from the Easterly right-of-way of the Oregon Trunk Railway Easterly to the West right-of-way of NE First Street, in the City of Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 7th day of May, 1980, at 7:30 P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of May, 1980.

Read for the second time the 4th day of June, 1980.

Placed upon its passage and approved by the Mayor the 4th day of June, 1980.

YES: 5 NO: 0

Chester S MacMillan
Mayor

ATTEST:

James W Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1277 - dispensing Valhalla Heights Phase IV

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING: DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A parcel of land located in the Southwest Quarter (SW1/4) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

That part of the Southwest Quarter, Southwest Quarter (SW 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE 1/4 NW 1/4 SW 1/4) of said Section twenty-five (25) lying northeasterly of Shevlin Park Road. Said parcel contains 8.85 acres, more or less.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 6th day of August, 1980, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 18th day of June, 1980.

Read for the second time the 2nd day of July, 1980.

Placed upon its passage the 2nd day of July, 1980.

YES: 5 NO: 0

Submitted to and approved by the Mayor the 2nd day of July, 1980.

Chester S MacMillan
Mayor

ATTEST:

James W Kerfoot
Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1278 Summer Hill-dispensing

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> A parcel of land located in the Northwest Quarter, of the Northeast Quarter (NW 1/4, NE 1/4) of Section Eight (8), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon:
>
> Beginning at the north quarter corner of Section 8, thence S. 0°36'21"W. 14.82 feet to the point of beginning of the herein described tract of land; thence east 539.21 feet along the south right-of-way line of Hayes Avenue; thence S. 17°09'45" W. 183.07 feet; thence south 70.00 feet; thence S. 70°29'29" E. 140.66 feet; thence S. 10°31'33" E. 232.20 feet; thence along the north right-of-way line of the C.O.I. main canal, along a 599.83 foot radius curve to the right 385.95 feet (the chord of which bears S. 71°34'40" W. 379.33 feet); thence N. 89°59'20" W. 307.07 feet; thence N. 0°36'21" E. 640.03 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 6th day of August, 1980, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 18th day of June, 1980.

Read for the second time the 2nd day of July, 1980.

Placed upon its passage the 2nd day of July, 1980.

YES: 5 NO: 0

Submitted to and approved by the Mayor the 2nd day of July, 1980.

Chester S. MacMillan
Mayor

ATTEST:

James W. Kenfoot
Recorder-Treasurer of the City of Bend

 AMENDED BY ORD. # NS-1340

Repealed 8-4-82 NS-1361

ORDINANCE NS - 1279

AN ORDINANCE ESTABLISHING A NEW CRIMINAL CODE FOR THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Title. This ordinance shall be referred to as the 1980 Criminal Code for the City of Bend.

Section 2: Application of the Oregon Criminal Code. Provisions of the Oregon Criminal Code of 1971, as they now exist, relating to defenses, burden of proof, general principles of criminal liability, parties, general principles of justification, classification of offenses and penalties shall apply to offenses defined and made punishable by this ordinance.

Section 3: Definitions. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code, as they now exist, shall be applicable throughout this ordinance.

OFFENSES

The following sections of the Oregon Criminal Code of 1971 are hereby adopted and incorporated into the Bend Criminal Code by reference.

Section 4: Offenses Against the City and Public Justice.

(1)	162.075	False Swearing
(2)	162.085	Unsworn Falsification
(3)	162.145	Escape
(4)	162.175	Aiding an Unauthorized Departure
(5)	162.195	Failure to Appear
(6)	162.235	Obstructing Governmental Administration
(7)	162.295	Tampering with Physical Evidence
(8)	162.305	Tampering with Public Records
(9)	162.315	Resisting Arrest
(10)	162.355	Simulating Legal Process
(11)	162.365	Criminal Impersonation
(12)	162.375	Initiating a False Report
(13)	162.245	Refusing to Assist a Peace Officer

Section 5: Offenses Against Persons.

(1)	163.160	Assault
(2)	163.190	Menacing
(3)	163.195	Recklessly Endangering Another Person
(4)	163.200	Criminal Mistreatment
(5)	163.245	Custodial Interference
(6)	163.465	Public Indecency

Section 6: Offenses Against Property.

(1)	164.045	Theft
(2)	164.065	Theft of Lost or Mislaid Property
(3)	164.085	Theft by Deception
(4)	164.095	Theft by Receiving
(5)	164.125	Theft of Services
(6)	164.140	Criminal Possession of Leased Property
(7)	164.235	Possession of Burglar Tools
(8)	164.243	Criminal Trespass (guest)
(9)	164.245	Criminal Trespass (2nd Degree)
(10)	164.255	Criminal Trespass (1st Degree)
(11)	164.265	Criminal Trespass (with Firearm)
(12)	164.345	Criminal Mischief (3rd Degree)
(13)	164.354	Criminal Mischief (2nd Degree)
(14)	164.805	Littering

Section 7: Offenses Against Public Order.

(1) 166.025 Disorderly Conduct except subsection (1) (c) thereof
(2) 166.045 Loitering
(3) 166.065 Harassment except subsection (1) (c) thereof
(4) 166.095 Misconduct with Emergency Calls
(5) 166.240 Carrying Concealed Weapon
(6) 166.250 Unlawful Possession of Weapon
(7) 166.260 Persons not affected by ORS 166.250
(8) 166.320 Setting Springguns
(9) 166.190 Pointing Firearm
(10) Discharge of Weapons

(a) No person other than an authorized peace officer shall fire or discharge any gun or other weapon, including spring or air actuated pellet guns, or weapon which propels a projectile by use of a bow or sling, explosives or jet or rocket propulsion. This shall constitute a class A Misdemeanor.

(b) The provisions of this Section shall not be construed to prohibit the firing or discharging of any weapon by any person in the defense or protection of his property, person or family or at any place duly licensed or designated or commonly used for target practice.

Section 8: Offenses against Public Health and Decency.

(1) 167.810 Creating a Hazard
(2) 167.850 Cruelty to Animals
(3) 167.865 Animal Fighting

Section 9: Controlled Substances and Alcohol.

(1) 167.222 Frequenting a Place where Controlled Substances are used.
(2) 167.247 Seizure of Controlled Substances
(3) 471.410 Furnish Liquor to a Minor
(4) 471.430 Minor in Possession
(5) 471.610 Confiscation of Liquor
(6) 475.005 to 475.992 Possession of Controlled Substance
(These sections are incorporated as they apply to Misdemeanors and violations.)

Section 10: Gambling.

(1) The following provisions of Oregon Laws 1971 Chapter 473 as amended by Oregon Laws 1974 Chapter 7 relating to gambling offenses are hereby adopted:

(a) ORS 167.117 except subsection (4)(b) and subsection (12)(b).
(b) ORS 167.142
(c) ORS 167.147
(d) ORS 167.153

(2) No persons shall knowingly promote gambling or profit from unlawful gambling.

(3) No person shall possess gambling records of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise; or of a kind commonly used in the operation, promotion or playing of a lottery or numbers scheme or enterprise.

(4) Social games shall be permitted only in private homes and charitable organizations when no house player, house banker or house odds exist and where there is no house income from the operation of the social games, provided such charitable organizations shall have first obtained a social game gambling license approved by the City Commission.

(5) License Fees. The annual fee for a social game gambling license for premises containing one to four tables shall be the sum of $150, and for each additional table the sum of $75.00. The license fee shall be paid January 1st of each year. Religious organizations are exempt from this fee.

(6) Application for License. Applications for licenses issued hereunder shall be made upon blank forms prepared by the City Recorder and shall state:

(a) The full name, age, residence, present and previous occupations of all persons financially interested in the business in which the game shall be operated.

(b) The past criminal record, if any, of all persons who may have interest in the business

(c) A specific description of the location of the principal place of business of the applicant, and of the location of the social game when in operation.

(d) Information concerning the type or types of social game or games to be played, number of participants, number of gambling tables to be used, maximum betting of each game and a statement from the applicant that there will be no house player, house banker, house odds or house income from the opration of the social game.

(e) Such other information as the City shall find reasonably necessary to effectuate the general purpose of this ordinance and to make a fair determination of whether the terms hereof have been complied with.

(7) Investigation of Applicants. Upon the filing of an application for a social game gambling license, the Chief of Police shall investigate and determine if the character, competency and integrity of the applicant are such as to command the confidence of the public, and if the applicant has ever been convicted of any felony or misdemeanor involving moral turpitude. Upon the completion of the investigation, the Chief of Police shall report his findings upon the applicant to the City Commission, who shall then act upon the application at a regular or special meeting of the City Commission. Licenses under this ordinance shall be granted only to persons of ascertained good moral character and upon approval of the City Commission.

(8) Conditions of Licensing.

(a) Transferability. Licenses issued hereunder shall not be transferable and any attempt to transfer said license shall work a forfeiture of said license.

(b) Revocation and Suspension. Licenses issued hereunder shall be subject to revocation or suspension by the City Commission for good cause shown.

(c) Term. The term of a license issued under this ordinance shall be one year from the effective date thereof.

(d) Renewal. No renewal of a license issued under this ordinance shall be issued without the approval of the City Commission.

(e) Areas within licensed premises used for social gambling shall be accessible for police inspection upon police request.

Section 11: Repealer. All of Ordinance No. NS-737 except sections 5, 15, 31, 32, 36, 37, 38, 39, 40, 41, 42 and 43 is repealed.

Section 12: Effect of Repeal. Repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at time of repeal or for any offense committed under the repealed ordinance.

Section 13: Extraterritorial Effect. All police and penal ordinances of the City enacted to protect property and preserve peace and order, including the penalties of fine and imprisonment, now or hereafter enacted and applicable within the City limits, shall apply with equal force and effect to all lands owned or controlled by the City located outside the boundaries of the City and the right to make arrests and serve process shall likewise apply.

Section 14: Severability. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Read for the first time the 2nd day of July, 1980.

Read for the second time the 16th day of July, 1980.

Placed upon its passage the 16th day of July, 1980

YES: 6 NO: 0

Submitted to and approved by the Mayor the 16th day of July, 1980.

ATTEST:

Chester S. MacMillan
Mayor

James W. Kerfoot
Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1280

Repealed by NS-1326

AN ORDINANCE AMENDING NS-860 BY RESTRICTING THE AMPLIFICATION OF SOUND IN PARKS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 13 of Ordinance No. NS-860 is amended to read:

"13. No person shall use any device that amplifies sound nor play a radio, tape recorder or record player in public parks or in vehicles parked on streets adjacent to public parks if the sound can be heard outside the vehicle. This regulation shall not apply to Vince Genna Stadium.

Read for the first time the 18th day of June 1980.

Read for the second time the 16th day of July 1980.

Placed upon its passage the 16th day of July, 1980.

YES: 6 NO: 0

Submitted to a approved by the mayor the 16th day of July, 1980.

Chester S. MacMillan
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer of the City of Bend

VALHALLA HEIGHTS PHASE IV

ORDINANCE NO. NS-1281

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provision of Ordinance No. NS-1277, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 6th day of August, 1980, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice therof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the

County of Deschutes, State of Oregon, more particularly described as follows:

A parcel of land located in the Southwest Quarter (SW 1/4) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East of the Eillamette Meridian, Deschutes County, Oregon, more particularly described as follows:

That part of the Southwest Quarter, Southwest Quarter (SW 1/4, SW 1/4) and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE 1/4 NW 1/4 SW 1/4) of said Section Twenty-five (25) lying northeasterly of Shevlin Park Road. Said parcel contains 8.85 acres, more or less.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 6th day of August, 1980.

Read for the second time the 20th day of August, 1980.

Placed upon its passage the 20th day of August, 1980.

YES: 4 NO: 0

Submitted to and approved by the Mayor the 20th day of August, 1980.

Mayor Pro-Tem

ATTEST:

Recorder-Treasurer

VALHALLA HEIGHTS PHASE IV
ANNEXATION ZONING

ORDINANCE NO. NS-1282

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE VALHALLA HEIGHTS PHASE IV AREA ANNEXATION TO AN RS ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of an area to the (RS) Urban Standard Residential Zone as follows:

A parcel of land located in the Southwest Quarter (SW 1/4) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

That part of the Southwest Quarter, Southwest Quarter (SW 1/4, SW 1/4) and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE 1/4 NW 1/4 SW 1/4) of said Section Twenty-five (25) lying northeasterly of Shevlin Park Road. Said parcel contains 8.85 acres, more or less.

Read for the first time the 6th day of August, 1980.

Read for the second time the 20th day of August, 1980.

Placed upon its passage the 20th day of August, 1980.

YES: 4 NO: 0

Submitted to and approved by the Mayor the 20th day of August, 1980.

Mayor Pro-Tem

ATTEST:

Recorder-Treasurer

SUMMER HILL

ORDINANCE NO. NS-1283

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provision of Ordinance No. NS-1278, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 6th day of August, 1980, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A parcel of land located in the Northwest Quarter, of the Northeast Quarter (NW 1/4, NE 1/4) of Section Eight (8), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon:

Beginning at the north quarter corner of Sec. 8, thence S. 0°36'21" W. 14.82 feet to the point of beginning of the herein described tract of land; thence east 539.21 feet along the south right-of-way line of Hayes Avenue; thence S. 17°09'45" W. 183.7 feet; thence south 70.00 feet; thence S. 70°29'29" E. 140.66 feet; thence S. 10°31'33" E. 232.20 feet; thence along the north right-of-way line of the C.O.I. main canal, along a 599.83 foot radius curve to the right 385.95 feet (the chord of which bears S. 71°34'40" W. 379.33 feet); thence N. 89°59'20" W. 307.07 feet; thence N. 0°36'21" E. 640.03 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance

does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the afore-described real property.

Read for the first time the 6th day of August, 1980.

Read for the second time the 20th day of August, 1980.

Placed upon its passage the 20th day of August, 1980.

YES: 4 NO: 0

Submitted to and approved by the Mayor the 20th day of August, 1980.

Mayor Pro-Tem

ATTEST:

Recorder-Treasurer

SUMMER HILL ANNEXATION ZONING

ORDINANCE NO. NS-1284

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONING IN THE SUMMER HILL AREA ANNEXATION TO AN RS ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of an area to the (RS) Urban Standard Residential Zone as follows:

A parcel of land located in the Northwest Quarter, of the Northeast Quarter (NW 1/4, NE 1/4) of Section Eight (8), Township Eighteen (18) South, Range twelve (12) East of the Williamette Meridian, Deschutes County, Oregon:

Beginning at the north quarter corner of Sec. 8, thence S. 0°36'21" W. 14.82 feet to the point of beginning of the herein described tract of land; thence east 539.21 feet along the south right-of-way line of Hayes Avenue; thence S. 17°09'45" W. 183.07 feet; thence south 70.00 feet; thence S. 70°29'29" E. 140.66 feet; thence S. 10° 31'33" E. 232.20 feet; thence along the north right-of-way line of the C.O.I. main canal, along a 599.83 foot radius curve to the right 385.94 feet (the chord of which bears 71°34'40" W. 379.33 feet); thence N. 89°59'20" W. 307.07 feet; thence N. 0°36'21" E. 640.03 feet to the point of beginning.

Read for the first time the 6th day of August, 1980.

Read for the second time the 20th day of August, 1980.

Placed upon its passage the 20th day of August, 1980.

YES: 4 NO: 0

Submitted to and approved by the Mayor the 20th day of August, 1980.

Mayor Pro-Tem

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1285

AN ORDINANCE VACATING THE ALLEY IN BLOCK 6, LYTLE ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 7th day of May, 1980 requesting that the following decribed street location be vacated:

> That portion of the ALLEY IN BLOCK 6, LYTLE ADDITION from the east line of the Oregon Trunk Railway easterly to the west line of Lytle Street, City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vaction proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Al Damon and Robert Hollipeter; said vacation proceedings to vacate the following described area:
>
> > That portion of the ALLEY IN BLOCK 6, LYTLE ADDITION from the east line of the Oregon Trunk Railway easterly to the west line of Lytle Street, City of Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 6th day of August, 1980, at 7:30 o'clock p.m., in the City Commission Chambers at 720 N.W. Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 6th day of August, 1980.

Read for the second time the 20th day of August, 1980.

Placed upon its passage the 20th day of August, 1980.

YES: 4 NO: 0

Submitted to and approved by the Mayor the 20th day of August, 1980.

Peter Barnes
Mayor Pro-Tem

ATTEST:

James O. Kryger
Recorder-Treasurer

MANCHESTER ADDITION, DIVISION 1 and DIVISION 2

ORDINANCE NO. NS-1286

AN ORDINANCE VACATING THE PLATS KNOWN AS MANCHESTER ADDITION, DIVISION 1, AND MANCHESTER ADDITION, DIVISION 2, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 21st day of May, 1980 requesting that the following described areas be vacated:

> The entire plat, including all lots, blocks and roads, known as MANCHESTER ADDITION, DIVISION 1, filed February 28, 1917; and the entire plat, including all lots, blocks and roads, known as MANCHESTER ADDITION, DIVISION 2. filed November 10, 1920, said plats located within the City of Bend, County of Deschutes, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a request by Brooks Resources, Inc.; said vacation proceedings to vacate the following described area:
>
> > The entire plat, including all lots, blocks and roads, known as MANCHESTER ADDITION, DIVISION 1, filed February 28, 1917; and the entire plat, including all lots, blocks and roads, known as MANCHESTER ADDITION, DIVISION 2, filed November 10, 1920, said plats located within the City of Bend, County of Deschutes, State of Oregon.
>
> The City Commission of the City of Bend have fixed the 6th day of August, 1980, at 7:30 o'clock p.m., in the City Commission Chambers at 720 N.W. Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will recieve and hear all objections to said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenence, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or divice to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County Oregon.

Read for the first time the 6th day of August, 1980.

Read for the second time the 20th day of August, 1980.

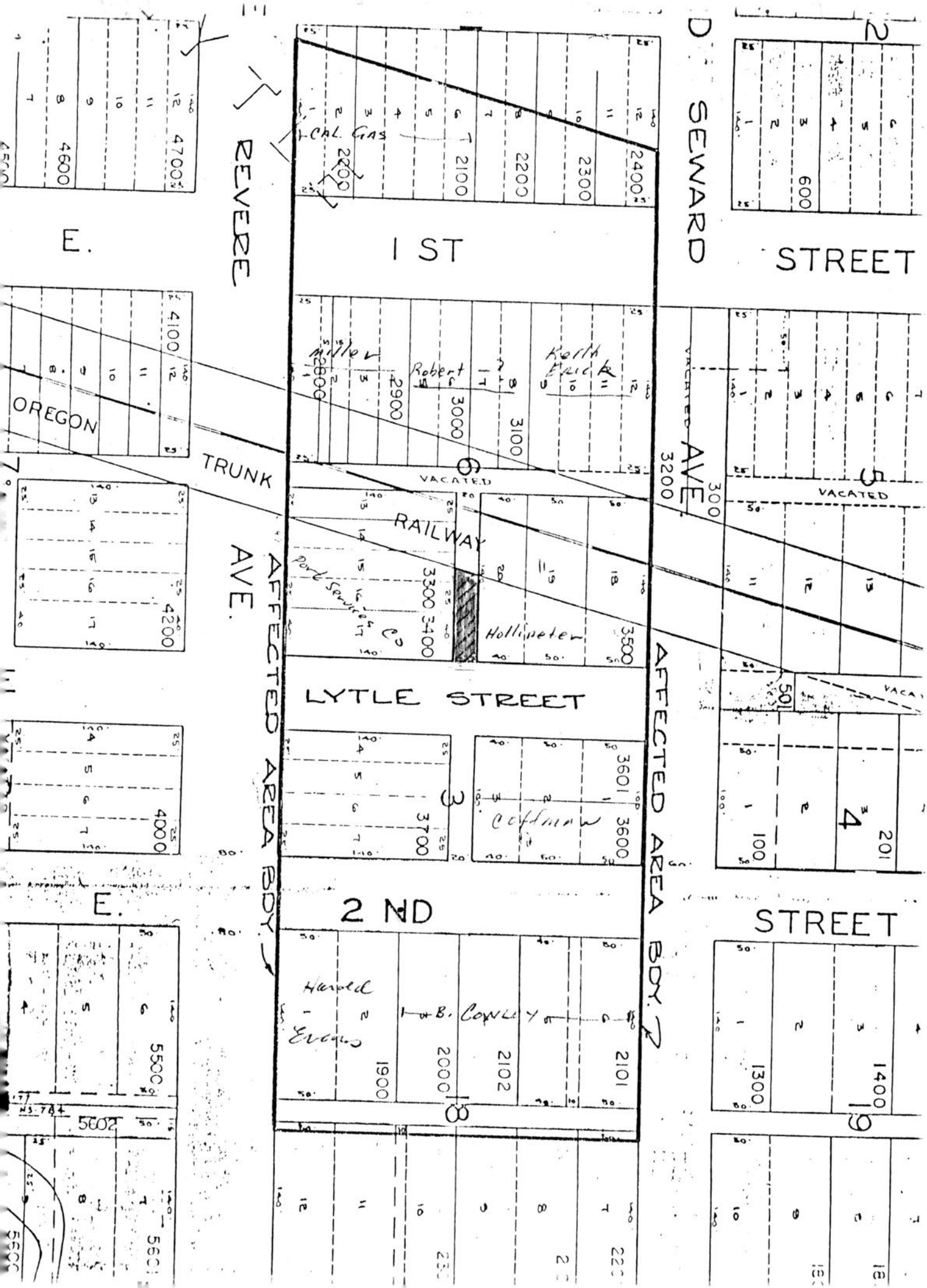
Placed upon its passage the 20th day of August, 1980.

YES: 4 NO: 0

ATTEST:

Recorder-Treasurer

Mayor Pro-Tem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ORDINANCE NO. NS-1287

AN ORDINANCE VACATING A PORTION OF SE SECOND STREET, LOCATED BETWEEN SE WOODLAND BOULEVARD AND SE WILLOW LANE, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 5th day of February, 1980 requesting that the following described street location be vacated:

> A parcel of land in the SE 1/4 of the NE 1/4 of Section 5, Township 18 S., Range 12 E., W.M. said parcel being all that portion of SE SECOND STREET lying westerly of a line that is 60 feet west of and parallel to the east line of said SE 1/4 of the NE 1/4 of Section 5, T.18 S., R. 12 E., W.M.
>
> This petition is hereby made subject to the condition that a minimum of 60 feet of right-of-way be provided prior to the finalization of this petition,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Ray F. Springer; said vacation proceedings to vacate the following described area:
>
> > A parcel of land in the SE 1/4 of the NE 1/4 of Section 5, Township 18 S., Range 12 E., W.M. said parcel being all that portion of SE Second Street lying westerly of a line that is 60 feet west of and parallel to the east line of said SE 1/4 of the NE 1/4 of Section 5, T18 S., R. 12 E., W.M.
> >
> > This petition is hereby made subject to the condition that a minimum of 60 feet of right-of-way be provided prior to the finalization of this petition.
>
> The City Commission of the City of Bend have fixed the 7th day of May, 1980 at 7:30 p.m., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

> Read for the first time the 21st day of May 1980.
> Read for the second time the 20th day of August 1980.
> Placed upon its passage and approved by the Mayor the 20th day of August 1980.

YES: 5 NO: 0

ATTEST:

Mayor Pro-Tem

Recorder-Treasurer of the City of Bend

CITY OF BEND - HILLIS

ORDINANCE NO. NS-1288

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY CHANGING AN AREA FROM RS-URBAN STANDARD RESIDENTIAL ZONE TO CG-GENERAL COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed as follows:

> that portion of the Southeast Quarter of the Southeast Quarter (SE 1/4, SE 1/4) of Section Thirty-three (33), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian as follows:
> Beginning at the south 1/16th corner between Sections 33 and 34, T. 17 S., R. 12 E., W.M.; thence N. 89°42'39" W. 384.10 feet to the true point of beginning of this description; thence S. 137.26 feet; thence N. 89°42'39" W. 276.00 feet; thence N. 137.26 feet; thence S. 89°42'39" E. 276.00 feet to the true point of beginning, in the City of Bend, Deschutes County, Oregon,

is changed from RS-Urban Standard Residential Zone to CG-General Commercial Zone.

Read for the first time the 20th day of August, 1980.

Read for the second time the 3rd day of September, 1980.

Placed upon its passage the 3rd day of September, 1980.

YES: 5 NO: 0

Submitted to and approved by the Mayor the 3rd day of September, 1980.

ATTEST:

Mayor

Recorder-Treasurer

REPEALED BY NS-1476

ORDINANCE NO. NS-1289

AN ORDINANCE PROVIDING FOR THE PRESERVATION OF HISTORIC SITES AND BUILDINGS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Purpose.

Districts, buildings and sites in the City of Bend having special historic and pre-historic association or significance should be preserved as a part of the heritage of the citizens of the city and for the education, enjoyment and pride of

the citizens, as well as the beautification of the city and enhancement of the value of such property. To that end, regulatory controls and administrative procedures are necessary.

Section 2.

This ordinance shall be administered by the Deschutes County Historical Landmarks Commission (Landmarks Commission). The Landmarks Commission shall be appointed by the Deschutes County Board of Commissioners and the mayors of the cities in accordance with County Ordinance No. 21 and shall act in accordance with County Ordinance No. 21.

Section 3. Designation of Historical Building or Site.

A. Upon receipt of a request to designate a particular building or site within the city limits of Bend as an historical building or site, or upon direction by the Bend City Commission on its own motion the City Planning Department shall advise the owner of such building or site and shall fix a date and time for a public hearing before the City Commission thereon. The Planning Department shall notify abutting owners, the Bend Urban Area Planning Commission and shall transmit a copy of the request to the Landmarks Commission unless such request has come from the Landmarks Commission. The Landmarks Commission shall submit its recommendation to the Bend City Commission at least 10 days prior to the public hearing.

B. At such public hearing, the owner of the property involved, the owners of all abutting property and a representative of the Landmarks Commission, shall be entitled to be heard and the City Commission may hear all other interested parties.

C. Any request for historic designation must be filed with the City Planning Department before the date of application for any building, conditional use or any other application or permit which might be affected by such historic designation.

D. If the City Commission determines that a building inside the City limits to be designated as an historical building has architectural significance or is of historical importance based upon past or present use, the City Commission may designate such building as an historical building. If the City Commission finds that a particular site had a prior use involving the establishment, growth or particular incidents relating to the history of the city, the City Commission may designate the same as an historical site.

E. If any historical building has been demolished or destroyed, the city on its own motion or upon recommendation of the Landmarks Commission, may remove the historical building designation therefrom. If the designation is proposed to be removed from any historical building or site for any other reason than set forth in the preceding sentence, then similar notices, recommendations, and hearings shall be held as upon the designation of a building or site as historical in the first instance.

F. An historical or architecturally significant interior space or other portion of a public building may be designated as an historical building in the same manner as provided in this section, and provision of this ordinance relating to historical buildings shall also be applicable to such designated interior space or other portion of a public building.

G. The City Commission may make a recommendation regarding any request to designate a particular building or site within the urban growth area as an historical building or site. As used in this section "urban growth area", is that area outside the city limits but within the urban growth boundary.

H. At the time of annexation to the city all designated historical sites within the annexation shall automatically revert to within city jurisdiction unless a public hearing is held to remove the site from the historical designation.

Section 4. Designation of Historical Districts.

A. Upon receipt of a request to designate an area as an historical district, or upon direction by the City Commission, the Planning Department shall fix a date and time for a public hearing before the City Commission thereon. The Planning Department shall notify owners within the proposed historical district, the Bend Urban Area Planning Commission and shall transmit a copy of the request to the Landmarks Commission unless such request has been made by the Landmarks Commission.

B. At such hearing the owners of any property involved, the owners of all abutting property, a representative of the Landmarks Commission, and a representative of the City Urban Area Planning Commission shall be entitled to be heard, and the City Commission may hear all other interested parties.

C. If the City Commission determines that an area proposed to be designated as an historical district has architectural significance or is of historical importance based upon past or present use, the City Commission may designate such area as an historic district. If the City Commission determines that an area outside the city limits but inside the adopted urban growth boundary proposed to be designated as an historical district for the same reasons, the City Commission may recommend to the Board of County Commissioners that such area be designated as an historical district.

D. All sites or buildings within a district need not be of historical or architectural significance provided the district as a whole is of such importance or significance.

E. If the primary or significant buildings within an historical district have been demolished or destroyed, the City Commission, on its own motion, may remove the historical district designation. If the designation is proposed to be removed from any historical district for any other reason than set forth in the preceeding sentence, then similar notices, recommendations and hearings shall be held as upon the designation of the historical district in the first sentence.

F. Any request for a historic district designation must be filed with the Landmarks Commission before the date of application for any building, conditional use, or any other application or permit which might be affected by such historic designation.

G. If a designated historical district is within an area of annexation at the time of annexation by the city, that historical district shall automatically revert to within city jurisdiction unless a public hearing is held to remove the historic district designation.

Section 5. Designation not a Recommendation for Federal Action.

Nothing in this ordinance nor the designation of an historical district under Section 6 shall be interpreted as a recommendation by the City Commission supporting designation of any building or structure as a "certified Historic Structure" for purposes of Section 191 (d), (1), (b) or (c) of the Federal Tax Reform Act of 1976. No such recommendation or certification shall be made without notice to affected parties and an additional hearing thereof.

Section 6. Exterior Remodeling or New Structure.

A. Whenever the City Building Department receives a building permit application for exterior remodeling of a designated historical building or new construction on a site within a designated historic district, the application shall be transmitted, before action to the Landmarks Commission. A copy of any application described above received by the Landmarks Commission shall be transmitted to the appropriate building department. Copies of the transmittals shall be sent to the City Planning Department. All application must be accompanied by plans and specifications; the Landmarks Commission may require additional sketches.

B. Exterior remodeling regulated by this ordinance shall be deemed to include any change or alteration in color, design, or other exterior treatment. Any proposed change or alteration to the exterior of a designated historical building, or any building in a designated historical district, which change does not require a permit from the Building Department, shall be submitted to the Landmarks Commission for review and approval of such change. The Landmarks Commission shall approve the change if the treatment proposed is determined to be harmonious and compatible with the appearance and charcater of the historical building or historical district, and shall disapprove the application if found detrimental as unsightly, grotesque, otherwise adversely affecting the stability of values of adjacent properties or adversely affecting the educational and historical value of the building.

Decisions shall be subject to appeal to the City Commission on the same terms and conditions as set forth in this section.

C. At the Landmarks Commission hearing the applicant, a representative of the City Building Department, and the Bend Urban Area Planning Commission shall be entitled to be heard. The Landmarks Commission may also hear any other interested party.

D. If the Landmarks Commission determines that the proposed remodeling or new structure will not adversely affect the character of the district, building and site, or finds that the proposed exterior remodeling or new structure will enhance the historical value of the district, building or site, the Landmarks Commission shall approve the issuance of a permit therefor by the Building Department, and upon compliance with the building regulations and other regulations of the city, such permit shall be issued. If the Landmarks Commission finds such action appropriate, it shall approve the application for a permit for exterior remodeling or for a new structure in an historical district or for new construction in an historical district, or on an historical site, upon conditions which the Landmarks Commission imposes, to promote and preserve the historical or architectural integrity of the district, building or site. Upon conditional approval, the building permit may be issued in accordance with such condition. However, if found necessary and appropriate, the Landmarks Commission may reject the application. In such event the building permit shall not be issued thereafter unless the action of the Landmarks Commission is reversed on appeal as set forth below.

E. If the Landmarks Commission has imposed conditions on its approval of an application or has disapproved an application as set forth in the preceding subsection, the applicant or the owner or occupant of the building or site involved or any other party may appeal the decision of the Landmarks Commission to the City Commission by filing with the City Planning Department, with a copy to the City Building Department and the Landmarks Commission, a notice of appeal. Such notice shall be filed within fifteen (15) days after such decision of the Landmarks Commission. A time and date shall be fixed for the appeal hearing, notice of which shall be mailed to the appellant and all parties who appeared at the original hearing. The City Commission may affirm, modify or reject the Landmarks Commission decision.

Section 7. Demolition Permits - Building Condemnation.

A. If an application is made for demolition of any historical building, or the demolition of a structure on a designated historical site or within a designated historical district, the application shall be transmitted, before action, to the Landmarks Commission. The Landmarks Commission shall within thirty days after the application is initially filed, hold a hearing on the issuance of such permit. The applicant for the permit, the owner of the property and any other such occupant of the property shall be entitled to be heard. The Landmarks Commission may hear all other interested parties. The Landmarks Commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving the designated historical district, building and sites, the character of the neighbrohood and all other factors which it finds appropriate. The Landmarks Commission may reject the application if it determines that in the interest of preserving historical values the structure should not be demolished. In the event the application is granted issuance of the permit shall be suspended for a period fixed by the Landmarks Commission, not to exceed 120 days from the date of application. Within the suspension period, the Landmarks Commission may request an extension of the suspension period by the City Commission. If the City Commission determines that there is a program or project under way which could result in public or private acquisition of the historical building or site and the preservation or restoration of such building or site, and that there is reasonable ground to believe that the program or project may be successful, the City Commission may extend the suspension period an additional period not to exceed 180 days to a total of not more than 300 days from the date of application for a demolition permit. During the suspension period, no permit shall be issued for such demolition nor shall any person demolish the building or structure, unless the City Commission has granted an appeal and directed the issuance. If at the end of 300 days the program or project is unsuccessful and the applicant has not withdrawn his application for the demolition permit, the City Building Department shall issue the permit, if the applicant otherwise complies with the applicable code and ordinances of the city.

B. Action by the Landmarks Commission suspending issuance of permit for demolition may be appealed by the applicant, the owner or the occupant, by filing a notice of appeal as provided in Section 8 (E) of this ordinance.

C. Before any action is taken to condemn a building or structure designated as an historical building or site, or any building or structure within a designated historic district, the Landmarks Commission shall review the report of the City Building Department and any other city department relating to the condition of the building and premises and the extent of its danger, deterioration or decay. The Landmarks Commission shall report on its review and make a recommendation concerning city action to the City Commission before official action of condemnation is instituted.

D. The Landmarks Commission may identify specific structures within a designated historical district which will be exempt from the provisions of this section governing review of a permit for demolition.

E. The same procedure as stated in this section shall apply to building extraction.

Section 8. Record of Demolished Historical Buildings - Artifacts.

A. If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Landmards Commission shall keep a pictorial and graphic history of the historical building or historical site with additional data as it may obtain.

B. To the extent funds are available or the Landmarks Commission may obtain donations thereof, the Landmarks Commission shall obtain artifacts from the building or site which it deems worthy of preservation such as carvings or other material it deems of artistic or historical importance.

Section 9. Signs - Plaques.

A. The owner of a designated historical building or site, or the occupant thereof with the consent of the owner may install an identification plaque or sign indicating the name, date, architect or other appropriate information upon the property, provided that the size, material, design, location and text of such plaque or sign is approved by the Deschutes County Historical Society.

Section 10. Redevelopment and Neighborhood Improvement Projects.

In any redevelopment project or neighborhood improvement project administered by a department of the city or submitted to the City Commission for its review and recommendations, the proposed action relating to a designated historical district, building or site shall be submitted to the Landmarks Commission for its review and recommendation. A report thereon by the Landmarks Commission shall be filed with the City Commission and a copy shall be sent to the appropriate city department.

Section 11. Appeals.

Appeals from actions of the Landmarks Commission shall be to the Bend City Commission and may be filed by the applicant, the owner, occupant or abutting landowner of the site or district concerned, or by any other person who participated in the initial hearing. Appeals must be filed within fifteen (15) days from the date of action by the Landmarks Commission, shall be filed on a form provided by the Planning Department, and shall be accompanied by the fee set for appeals by the Bend City Commission. The appeal shall be conducted in the same manner as appeals in other land use matters.

Decisions of the Bend City Commission may be appealed to the Land Use Board of Appeals in accordance with rules and procedures established by state law and that Board.

Read for the first time the 20th day of August 1980.

Read for the second time the 17th day of September 1980.

Placed upon its passage the 17th day of September 1980

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of September 1980.

Chester S. MacMillan
Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1290

AN ORDINANCE AMENDING THE SEWERAGE ORDINANCE BY PROVIDING FOR TERMINATION OF WATER SERVICE TO THOSE PERSONS WHO REFUSE TO HOOK-UP TO THE SEWER SYSTEM.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. A new section shall be added to Section 2 of Ordinance No. NS-1012 to read:

"(5) City water service may be terminated to any property which has not hooked up to the sewer system in compliance with the provisions of this Ordinance or any other applicable law, rule or regulation"

Read for the 1st time the 17th day of September 1980.

Read for the 2nd time the 1st day of October 1980.

Placed upon its passage the 1st day of October 1980.

YES: 6 NO: 0

Submitted to and approved by the Mayor Pro-Tem this 1st day of October 1980.

ATTEST:

Mayor Pro-Tem

Recorder-Treasurer of the City of Bend

C. J. DUGAN ANNEXATION
VICINITY OF CASCADE LAKES HWY & SIMPSON AVE.

ORDINANCE NO. NS-1291

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to wit:

A tract of land located in the East one-half (E-1/2) of the West one-half (W-1/2) of the Northeast Quarter (NE-1/4) of Section Six (6), Township Eighteen (18) South, Range Twenve (12) East, of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the northeast corner of Section 6, Township 18 South, Range 12 East, Willamette Meridian; thence S. 64°08'23"W. 1463.40 feet to the true point of beginning; thence S. 0°07'15" E. 659.66 feet; thence S. 0°07'59" E. 1320.33 feet; thence N. 89°37'46" W. 551.24 feet to the East right-of-way of the Cascade Lakes Highway; thence along a 1959.86 foot radius curve left 26.87 feet (chord bears N. 1°39'53" E. 26.87 feet), thence commence a spiral curve left, offset 50.00 feet from a 9.00°, 600 foot standard highway spiral whose offset length is 608.44 feet (chord bears N. 4°50'34" W. 607.77 feet); thence N. 7°51'44" W. 360.62 feet; thence commence a partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 300.21 feet (chord bears N. 7°29'04" W. 300.20 feet) to the intersection with the South line of Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 40.27 feet (chord bears N. 6°34'12" W. 40.26 feet) to the intersection with the centerline of said Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 40.24 feet (chord bears N.6°13'27" W. 40.24 feet) to the intersection with the North line of Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral which offset length is 17.57 feet (chord bears N. 5°57'10" W. 17.56 feet); thence along a 5679.58 foot radius curve right, 381.64 feet (chord bears N. 3°56'14" W.

381.57 feet); thence commence a partial spiral curve right offset 50.00 feet from a 2.00°, 400 foot standard highway spiral which offset length is 115.40 feet (chord bears N. 1°29'09" W. 115.38 feet); thence, departing from the east right-of-way of the Cascade Lakes Highway, S. 89°58'53" E. 98.60 feet; thence N. 0°05'57" W. 100.00 feet; thence S. 89°36'01" E. 627.31 feet to the true point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the day 5th day of November 1980, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 1st day of October, 1980.

Read for the second time the 15th day of October 1980.

Placed upon its passage the 15 th day of October 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 15th day of October, 1980.

Chester S. MacMillan
Mayor

ATTEST:

James W. Kenfoot
Recorder-Treasurer of the City of Bend

TADEVIC -BOULET ANNEXATION
SHEVLIN PARK ROAD, WEST OF COLLEGE WAY

ORDINANCE NO. NS-1292

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO.2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property, to-wit:

That portion of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW-1/4 SW-1/4 SE-1/4) of Section Twenty-five (25), Twonship Seventeen (17) South, Range Eleven (11) East, Willamette Meridian, Deschutes County, Oregon, lying north of Shevlin Park Road.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 5th day of November, 1980, at the hour of 7:30 o'cloct P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general

circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 1st day of October, 1980.

Read for the Second time the 15th day of October, 1980.

Placed upon its passage the 15th day of October, 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 15th day of October, 1980.

Chester S MacMillan
Mayor

ATTEST:

James O Kerfoot
Recorder-Treasurer of the City of Bend

ANNEXATION
DESCHUTES PINE SALES

ORDINANCE NO. NS-1293

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTED COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes prusuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

A tract of land located in the Northwest Quarter of the North-east Quarter (NW-1/4 NE-1/4) and the Northeast Quarter of the Northwest Quarter (NE-1/4 NW-1/4) of Section Seven (7), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract being more particularly described as follows:

Commencing at the North Quarter (N-1/4) corner of said Section 7: thence South 00°18'52" East along the North-South center of section line, a distance of 132.90 feet; thence North 72°00'01" West, a distance of 60.00 feet to the point of beginning for this description; thence South 72°00'01" East, a distance of 221.00 feet; thence South 03°00'00" East, a distance of 145 feet; thence North 72°44'24" West, a distance of 249.87 feet; thence North 08°31'53" East, a distance of 140.51 feet to the point of beginning.

Read for the first time the 1st day of October, 1980.

Read for the second time the 15th day of October, 1980

Placed upon its passage the 15th day of October, 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 15th day of October, 1980.

Chester S MacMillan
Mayor

ATTEST:

James O Kerfoot
Recorder-Treasurer of the City of Bend

DESIGNATING THE ZONE
DESCHUTES PINE SALES

DESIGNATING THE ZONE
DESCHUTES PINE SALES

ORDINANCE NO. NS-1294

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE IN AN ENCLAVE ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is hereby amended to include the area described below and to designate this area as a CL Limited Commercial Zone, being more particularly described as real property located within the County of Deschutes, State of Oregon, as follows:

A tract of land located in the Northwest Quarter of the Northeast Quarter (NW-1/4 NE-1/4) and the Northeast Quarter of the Northwest Quarter (NE-1/4 NW-1/4) of Section Seven, Township Eighteen South, Range Twelve, East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract being more particularly described as follows:

Commencing at the North Quarter (N-1/4) corner of said Section 7; thence South 00°18'52" East along the North-South center of section line, a distance of 132.90 feet; thence North 72°00'01" West, a distance of 60.00 feet to the point of beginning for this description: thence South 72°00'01" East, a distance of 221.00 feet; thence South 03°00'00" East, a distance of 145.00 feet; thence North 72°44'24" West, a distance of 249.87 feet; thence North 08°31'53" East, a distance of 140.51 feet to the point of beginning.

Read for the first time the 1st day of October 1980.

Read for the second time the 15th day of October 1980.

Placed upon its passage the 15th day of October 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of October 1980.

Christen S MacMillan
Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ANNEXATION
MT. BACHELOR VILLAGE

ORDINANCE NO. NS-1295

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

A parcel of land located in the East-half (E-1/2) of the Northwest Quarter (NW-1/4) of Section Seven (7), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Plat of Ski House Condominium, Mt. Bachelor Village, described as follows: Commencing at the initial point which is East, 2166.539 feet and South, 970.010 feet from the northwest corner of Section 7, Township 18, South, Range 12 East, W.M., Deschutes County, Oregon, thence South 32°08'54" West, 254.36 feet; thence

South 24°46'42" West, 171.74 feet; thence South 47°08'22" West, 370.65 feet; thence North 68°40'54" West, 252.86 feet; thence North 19°33'52" East, 133.15 feet; thence North 74°22'32" East, 182.14 feet; thence North 44°14'00" East, 154.68 feet; thence North 17°21'10" East, 233.04 feet; thence North 11°02'27" East, 205.60 feet; thence South 60°51'36" East, 294.03 feet; thence South 31°00'41" East, 40.75 feet to the initial point of this subdivision; also

Plat of Ski House II Condominium Section, Mt. Bachelor Village, described as follows: Commencing at the initial point which is located East, 2166.54 feet and South 970.01 feet from the northwest corner of Section 7, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon; thence North 31°00'41" West, 40.75 feet along the boundary of the plat of Ski House Condominium Section, Mt. Bachelor Village; thence leaving said boundary North 13°15'19" East, 61.20 feet; thence North 53°20'24" East, 415.16 feet; thence South 21°24'34" East, 80.90 feet; thence South 00°59'13" East, 198.27 feet; thence South 24°29'56" West, 104.97 feet; thence South 64°46'05" West, 313.97 feet; thence North 31°55'16" West, 128.38 feet to a point on the boundary of the above said plat; thence along said boundary North 32°08'54" East, 64.36 feet to the initial point of this subdivision.

Read for the first time the 1st day of October, 1980.

Read for the second time the 15th day of October 1980

Placed upon its passage the 15th day of October, 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 15th day of October, 1980.

Chester S. MacMillan
Mayor

ATTEST:

James O. Kayfoot
Recorder-Treasurer of the City of Bend

DESIGNATING THE ZONE
MT. BACHELOR VILLAGE

ORDINANCE NO. NS-1296

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE IN AN ENCLAVE ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is hereby amended to include the areas described below, and to designate these areas as RS Urban Standard Residential Zone, being more particularly described as real property located within the County of Deschutes, State of Oregon, as follows:

Plat of Ski House Condominium Section, Mt. Bachelor Village, described as follows: commencing at the initial point which is east, 2166.539 feet and south, 970.010 feet from the northwest corner of Section 7, Township 18 South, Range 12 East, W. M., Deschutes County, Oregon, thence South 32°08' 54" West, 254.36 feet; thence South 24°46'42" West, 171.74 feet; thence South 47°08'22" West, 370.65 feet; thence North 68°40'54" West, 252.86 feet; thence North 19°33'52" East, 133.15 feet; thence North 74°22'32" East, 182.14 feet; thence North 44°14'00" East, 154.68 feet; thence North 17°21'10" East, 233.04 feet; thence North 11° 02'27" East, 205.60 feet; thence South 60°51'36" East 294.03 feet; thence South 31°00'41" East, 40.75 feet to the initial point of this subdivision; also:

Plat of Ski House II Condominium Section, Mt. Bachelor Village, described

as follows: commencing at the initial point which is located East, 2166.54 feet and South 970.01 feet from the northwest corner of Section 7, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon; thence North 31°00'41" West, 40.75 feet along the boundary of the plat of Ski House Condominium Section, Mt. Bachelor Village, thence leaving said boundary North 13°15'19" East, 61.20 feet; thence North 53°20' 24" East, 415.16 feet; thence South 21°24'34" East, 80.90 feet; thence South 00°59'13" East, 198.27 feet; thence South 24°29'56" West, 104.97 feet; thence South 64°46'05" West, 313.97 feet; thence North 31°55'16" West, 128.38 feet to a point on the boundary of the above said plat; thence along said boundary North 32° 08' 54" East, 64.36 feet to the initial point of this subdivision.

Read for the first time the 1st day of October 1980.

Read for the second time the 15th day of October 1980.

Placed upon its passage the 15th day of October 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of October 1980.

Chester S MacMillan
Mayor

ATTEST:

James W Kerfoot
Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1297

AN ORDINANCE AMENDING THE TRANSIENT ROOM TAX BY EXEMPTING OCCUPANTS WHOSE RENT IS PAID BY A DESCHUTES UNITED WAY AGENCY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinance No. NS-1052 is amended by adding thereto a new subsection to read:

"(5) Any occupant whose rent is paid by a Deschutes United Way Agency as a form of charitable assistance to the occupant."

Read for the first time the 1st day of October 1980.

Read for the second time the 15th day of October 1980.

Placed upon its passage the 15th day of October 1980.

Submitted to and approved by the Mayor the 15th day of October 1980.

YES: 7 NO: 0

Chester S MacMillan
Mayor

ATTEST:

James W Kerfoot
Recorder-Treasurer of the City of Bend

ALLEY VACATION: Bounded by NE5th, NE6th, & NE Burnside & NE Alden

2

ORDINANCE NO. NS-1298

AN ORDINANCE VACATING THE ALLEY IN BLOCK 10, NORTHWEST TOWNSITE COMPANY'S FIRST ADDITION, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 30th day of May, 1980 requesting that the following described street location be vacated:

> THE ALLEY IN BLOCK 10, NORTHWEST TOWNSITE COMPANY'S FIRST ADDITION, located as follows: said Block bordered on the north by NE Burnside Avenue; on the south by Alden Avenue; on the east by NE Sixth Street and on the west by NE Fifth Street, City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by James O. Arntz; said vacation proceedings to vacate the following described area:
>
> > THE ALLEY IN BLOCK 10, NORTHWEST TOWNSITE COMPANY'S FIRST ADDITION, located as follows: said block bordered on the north by NE Burnside Avenue; on the south by Alden Avenue; on the east by NE Sixth Street and on the west by NE Fifth Street, City of Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 15th day of October, 1980, at 7:30 O'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole,conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 15th day of October, 1980.

Read for the second time the 5th day of November, 1980.

Placed upon its passage the 5th day of November, 1980.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 5th day of November, 1980.

Chester S. MacMillan
Mayor

ATTEST:

Recorder-Treasurer

VACATION OF A PORTION OF NE VAIL AVE.
at NE 4th & Studio Rd.

204

ORDINANCE NO. NS-1299

AN ORDINANCE VACATING THE SOUTHERLY 10 FEET OF NE VAIL AVENUE, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 7th day of June, 1980 requesting that the following described street location be vacated:

> THE SOUTHERLY 10 FEET OF NE VAIL AVENUE from the east right-of-way of NE Fourth Street easterly to the westerly right-of-way of Studio Drive as said southerly 10 feet abuts Block 45, Riverside Addition, City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Terry Howard; said vacation proceedings to vacate the following described area:
>
> > The SOUTHERLY 10 FEET OF NE VAIL AVENUE from the east right of way of NE Fourth Street easterly to the westerly right-of-way of Studio Drive as said southerly 10 feet abuts Block 45, Riverside Addition, City of Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 15th day of October, 1980, at 7:30 o'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole,conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 15th day of October, 1980.

Read for the second time the 5th day of November, 1980.

Placed upon its passage the 5th day of November, 1980.
YES: 6 NO: 0

Submitted to and approved by the Mayor the 5th day of November, 1980.

ATTEST:

James W. Kinyon

Recorder-Treasurer

Chester S. MacMillan

Mayor

ORDINANCE NO. NS-1300

AN ORDINANCE CREATING A JOINT BEND URBAN AREA PLANNING COMMISSION, DESCRIBING THE POWERS AND DUTIES THEREOF, AND REPEALING ORDINANCE NO. NS-691.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Formation. Pursuant to Agreement between the City of Bend and Deschutes County dated August 27, 1980, there is hereby created a joint Bend Urban Area Planning Commission. It shall be the Planning Commission for the City of Bend and the unincorporated area of Deschutes County within the adopted Bend Urban Growth Boundary.

Section 2. Membership and Expenses. The Commission shall be composed of seven members who reside within the Urban Growth Boundary. Three members shall be appointed by the Board of County Commissioners or Deschutes County, Oregon, and four members shall be appointed by the Bend City Commission. The Board of County Commissioners shall appoint one member for a term of two years and two members for a term of four years. The Bend City Commission shall appoint two members for a term of four years and two members for a term of two years.

(1) Commission members shall receive no compensation, but shall be reimbursed for authorized expenses.

(2) A member of the Commission may be removed by the appointing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by resolution, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties, or three successive unexcused absences from regular meetings, by said member, he or she shall be removed.

(3) Vacancies in the Commission shall be filled by the appropriate appointing authority for the unexpired term of the predecessor in the office.

(4) No more than two voting members of the Commission may engage principally in buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling, or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

(5) No Commission member shall serve more than two full terms or ten years, whichever is greater.

(6) The membership of the Commission shall, as much as possible, be representative of the various geographical parts of the Bend Urban Growth Boundary.

Section 3. Election of Chairman and Vice-Chairman. At its first meeting in January of each year, the Commission shall elect from amoung its membership a Chairman and a Vice-Chairman. No person shall be Chairman for more than two years in succession.

Section 4. Quorum. A majority of the members of the Commission shall constitute a quorum. The Commission may establish rules, regulations, and procedures for its operation consistent with the laws of the State, City of Bend, and Deschutes County.

Section 5. Meeting Schedule. The Commission shall meet at least once a month. Not less than one meeting every two months shall be devoted in part or in full to comprehensive planning within the Bend Urban Growth Boundary.

Section 6. Conflicts of Interest. A member of the Commission shall not participate in any Commission proceeding or action in which any of the following have a direct substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business with which he is negotiating for or has an arrangement or understanding concerning propective investment or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the matter is being considered.

Section 7. Powers and Duties. The Commission shall have the following duties:

(1) Carry out a comprehensive planning program, using citizen input and public hearings when appropriate, within the Bend Urban Growth Boundary, and coordinate its activities with other jurisdictions, planning bodies, and districts.

(2) Review those land use applications within its jurisdiction under City of Bend and Deschutes County Ordinances. Any appeals from the Commission shall be to the respective governing body having jurisdiction.

(3) Review and act on all appeals of land use and other decisions.

(4) Act as the Citizen Involvement Committee within the Bend Urban Growth Boundary and advise the governing bodies on citizen involvement programs. Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare within the Bend Urban Growth Boundary.

(5) All land use decisions rendered by the Commission shall be supported by adequate written findings of fact.

Section 8. Advisory Role. The Commission may:

(1) Recommend and make suggestions to the Bend City Commission, Board of County Commissioners of Deschutes County, Oregon, and other public authorities concerning the laying out, widening, extending, and locating of public thoroughfares, parking of vehicles, relief of traffic congestion, betterment of housing and sanitation conditions; and establishment of districts for limiting the use, height, area, bulk, and other characteristics of buildings and structures related to land development within the Bend Urban Growth Boundary.

(2) Recommend to the Bend City Commission, Board of County Commissioners of Deschutes County, Oregon, and other public authorities plans for regulating the future growth, development and beautification of the Bend Urban Growth Boundary; development within the Bend Urban Growth Boundary of proper sanitation, public utilities, transportation facilities, and appropriate incentives for overall energy conservaiton

(3) Recommend to the Bend City Commission and the Board of County Commissioners of Deschutes County, Oregon, and other public authorities, plans for promotion, development and regulation of the economic needs of the community.

(4) Make economic surveys and study the needs of present and potential industrial and other business needs within the Bend Urban Growth Boundary.

Section 9. Staff Services. The City of Bend and Deschutes County Planning staffs will hold joint responsibility for preparing staff reports and submitting them to the hearings body. A standard format shall be adopted and used for all reports submitted. If the land for which an application has been filed is located in the City of Bend, the City Planning staff will prepare the staff report and send it to the Deschutes County Planning staff for review and comment. If the land for which an application has been filed is outside City of Bend city limits but inside the Bend Urban Growth Boundary, the County Planning staff shall prepare the report for review and comment prior to submission to the hearings body. In the event of disagreement, each staff may present separate staff reports.

Section 10. Review. The Bend City Commission and Board of County Commissioners of Deschutes County, Oregon, shall have the power to review, on its own motion, and hear appeals of, any decision made by the hearings body, Hearings Officer, or Commission which affects land under its jurisdiction.

Section 11. Effect. This Ordinance shall take effect on January 1, 1981.

Section 12. Ordinance No. NS-691 and all amendments thereto are hereby repealed.

Read for the first time the 5th day of November, 1980.

Read for the second time the 19th day of November, 1980.

Placed upon its passage the 19th day of November, 1980.

YES: 5 NO: 0

Chester S. MacMillan
Mayor

ATTEST:

James W. Kinyon
Recorder-Treasurer fo the City of Bend

ORDINANCE NO. NS-1301

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1292, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 5th day of November, 1980, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> That portion of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW-1/4 SW-1/4 SE-1/4) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian, Deschutes County, Oregon, lying north of Shevlin Park Road.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the aforegoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the Clty of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 5th day of November, 1980.

Read for the second time the 19th day of November, 1980.

Placed upon its passage the 19th day of November, 1980.

YES: 5 NO: 0

Submitted to and approved by the Mayor the 19th day of November, 1980.

ATTEST:

Chester J. MacMillan
Mayor

Ronald Kerfoot
Recorder-Treasurer

Tadevic-Boulet, COCC

ORDINANCE NO. NS-1302

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE OF AN ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is hereby amended to include the area described below and to designate this area as an RS Urban Standard Residential Zone, being more particularly described as real property located within the County of Deschutes, State of Oregon, as follows:

That portion of the southwest quarter of the southwest quarter of the southeast quarter (SW 1/4 SW 1/4 SE 1/4) of Section 25, Township 17 south, Range 11 East, W. M., Deschutes County, Oregon, lying north of Shevlin Park Road.

Read for the first time the 5th day of November, 1980.

Read for the second time the 19th day of November, 1980.

Placed upon its passage the 19th day of November, 1980.

YES: 5 NO: 0

Submitted to and approved by the Mayor this 19th day of November, 1980.

Chester S. MacMillan
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

C.J. Dugan (Vicinity of Cascade Lakes Hwy. & Simpson Avenue)

ORDINANCE NO. NS-1303

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1291, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 5th day of November, 1980, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A tract of land located in the East one-half (E-1/2) of the West one-half (W-1/2) of the Northeast Quarter (NE-1/4) of Section Six (6), Township Eighteen (18) South, Range Twelve (12) East, of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the northeast corner of Section 6, Township 18 South, Range 12 East, Willamette Meridian; thence S. 64°08'23" W. 1463.40 feet to the

true point of beginning; thence S. 0°07'15" E. 659.66 feet; thence S. 0°07'59" E. 1320.33 feet; thence N. 89°37'46" W. 551.24 feet to the East right-of-way of the Cascade Lakes Highway; thence along a 1959.86 foot radius curve left 26.87 feet (chord bears N. 1°39'53" E. 26.87 feet); thence commence a spiral curbe left, offset 50.00 feet from a 9.00°, 600 foot standard highway spiral whose offset length is 608.44 feet (chord bears N. 4°50'34" W. 607.77 feet); thence N. 7°51'44" W. 360.62 feet; thence commence a partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 300.21 feet (chord bears N. 7°29'04" W. 300.20 feet) to the intersection with the South line of Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 40.27 feet (chord bears N. 6°34'12" W. 40.26 feet) to the intersection with the centerline of said Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 40.24 feet (chord bears N. 6°13'27" W. 40.24 feet) to the intersection with the North line of said Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00.°, 400 foot standard highway spiral which offset length is 17.57 feet (chord bears N. 5°57'10" W. 17.56 feet); thence along a 5679.58 foot radius curve right, 381.64 feet (chord bears N. 3°56'14" W. 381.57 feet); thence commence a partial spiral curve right offset 50.00 feet from a 2.00°, 400 foot standard highway spiral which offset length is 115.40 feet (chord bears N. 1°29'09" W. 115.38 feet); thence departing from the east right-of-way of the Cascade lakes Highway, S. 89°58'53" E. 98.60 feet; thence N. 0°05'57" W. 100.00 feet; thence S. 89°36'01" E. 627.31 feet to the true point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 5th day of November, 1980.

Read for the second time the 19th day of November, 1980.

Placed upon its passage the 19th day of November, 1980.

YES: 5 NO: 0

Submitted to and approved by the Mayor the 19th day of November, 1980.

Chester S. MacMillan
Mayor

ATTEST:

Thomas W. Kingsford
Recorder-Treasurer of the City of Bend

C. J. DUGAN

ORDINANCE NO. NS-1304

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE OF AN ANNEXATION AREA (C. J. DUGAN, FILE NO. 118).

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of an area to the CH Highway Commercial District zone, as follows:

A tract of land located in the East one-half (E-1/2) of the West one-half (W-1/2) of the Northeast Quarter (NE-1/4) of Section Six (6), Township Eighteen (18) South, Range Twelve (12) East, of the Willamette Meridian, Deschutes County, Oregon, more parti-

cularly described as follows:

Beginning at the northeast corner of Section 6, Township 18 South, Range 12 East, Willamette Meridian; thence S. 64°08'23" W. 1463.40 feet to the true point of beginning; thence S. 0°07'15" E. 659.66 feet; thence S. 0°07'59" E. 1320.33 feet; thence N. 89°37'46" W. 551.24 feet to the East right-of-way of the Cascade Lakes Highway; thence along a 1959.86 foot radius curve left 26.87 feet (chord bears N. 1°39'53" E. 26.87 feet); thence commence a spiral curve left, offset 50.00 feet from a 9.00°, 600 foot standard highway spiral whose offset length is 608.44 feet (chord bears N. 4°50'34" W. 607.77 feet); thence N. 7°51'44" W. 360.62 feet; thence commence a partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 300.21 feet (chord bears N. 7°29'04" W. 300.20 feet) to the intersection with the South line of Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 40.27 feet (chord bears N. 6°34'12" W. 40.26 feet) to the intersection with the centerline of said Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral whose offset length is 40.25 feet (chord bears N. 6°13;27" W. 40.24 feet) to the intersection with the North line of said Simpson Avenue; thence continuing along said partial spiral curve right, offset 50.00 feet from a 2.00°, 400 foot standard highway spiral which offset length is 17.57 feet (chord bears N. 5°57'10" W. 17.56 feet); thence along a 5679.58 foot radius curve right, 381.64 feet (chord bears N. 3°56'14" W. 381.57 feet); thence commence a partial spiral curve right offset 50.00 feet from a 2.00°, 400 foot standard highway spiral which offset length is 115.40 feet (chord bears N. 1°29'09" W. 115.38 feet); thence, departing from the east right-of-way of the Cascade Lakes Highway, S. 89°58'53" E. 98.60 feet; thence N. 0°05'57" W. 100.00 feet; thence S. 89°36'01" E. 627.31 feet to the true point of beginning.

Read for the first time the 5th day of November, 1980.

Read for the second time the 19th day of November, 1980.

Placed upon its passage the 19th day of November, 1980.

YES: 5 NO: 0

Submitted to and approved by the Mayor the 19th day of November, 1980.

Chester S MacMillan
Mayor

ATTEST:

James M Kinyon
Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1305

AN ORDINANCE CHANGING THE NAME OF A CERTAIN STREET IN THE CITY OF BEND.

THE CITY DOES ORDAIN AS FOLLOWS:

Section 1. That the following street name change be implemented;

a. Allen Court to Flower Court in the Valley View Subdivision.

Read for the first time the 3rd day of December, 1980.

Read for the second time the 17th day of December, 1980.

Placed upon its passage the 17th day of December, 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 17th day of December, 1980.

ATTEST:

James M Kinyon
Recorder-Treasurer of the City of Bend

Chester S MacMillan
Mayor

ORDINANCE NO. NS-1306

AN ORDINANCE VACATING THE EAST 100 FEET OF THE ALLEY IN BLOCK 7, CENTER ADDITION, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID ALLEY LOCATED OFF NE SECOND STREET BETWEEN NE FRANKLIN AVENUE AND NE GREELEY AVENUE.

A petition having been presented to the Bend City Commission on the 1st day of October, 1980 requesting that the following described street location be vacated:

> The East 100 feet of that certain alley in Block 7, Center Addition, City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Kenneth Underhill; said vacation proceedings to vacate the following described area:
>
> > The East 100 feet of that certain alley in Block 7, Center Addition, City of Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 3rd day of December, 1980, at 7:30 o'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind. wire pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 3rd day of December, 1980.

Read for the second time the 17th day of December, 1980.

Placed upon its passage the 17th day of December, 1980.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 17th day of December, 1980.

Chester S. MacMillan
Mayor

ATTEST:

Thomas O. Keyser SL
Recorder-Treasurer

ORDINANCE NO. NS-1307

AN ORDINANCE VACATING THE ALLEY IN BLOCK 3 AND 4, RIVERSIDE ADDITION: PART OF DIVISION STREET, HILL STREET, LAKESIDE PLACE, MINOR AVENUE AND XERXES AVENUE, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 17th day of September requesting that the following described street locations in the City of Bend, Deschutes County, Oregon, be vacated:

> That certain ALLEY IN BLOCK 3 and that certain ALLEY IN BLOCK 4, Riverside Addition; DIVISION STREET from the northerly line of Minor Avenue northerly to the north line of Riverside Addition; DIVISION STREET from the north line of Xerxes Avenue (if extended west) southerly to the south line of Orokla Addition; HILL STREET from the northerly line of Minor Avenue northerly to the southerly line of Lakeside Place as platted in Riverside Addition; LAKESIDE PLACE from the southerly line of Minor Avenue in the plat of Riverside Addition northerly and northeasterly to the north line of said Riverside Addition; MINOR AVENUE from the west line of Lakeside Place (if extended north) as platted in the Replat of Blocks 1 and 2, Riverside Addition, westerly to the east line of Lakeside Place as platted in Riverside Addition; and XERXES AVENUE from the east line of Lot 18 (if extended south) Block 7, Orokla Addition, westerly 100 feet,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Lorin Morgan and/or Marguerite Sawyer; said vacation proceedings to vacate the following described street areas in the City of Bend, Deschutes County, Oregon:
>
> That certain ALLEY IN BLOCK 3, Riverside Addition;
> That certain ALLEY IN BLOCK 4, Riverside Addition;
> DIVISION STREET from the northerly line of Minor Avenue northerly to the north line of Riverside Addition;
> DIVISION STREET from the north line of Xerxes Avenue (if extended west) southerly to the south line of Orokla Addition;
> HILL STREET from the northerly line of Minor Avenue northerly to the southerly line of Lakeside Place as platted in Riverside Addition;
> LAKESIDE PLACE from the southerly line of Minor Avenue in the plat of Riverside Addition northerly and northeasterly to the north line of said Riverside Addition.
> MINOR AVENUE from the west line of Lakeside Place (if extended north) as platted in the Replat of Blocks 1 and 2, Riverside Addition, westerly to the east line of Lakeside Place as platted in Riverside Addition; and
> XERXES AVENUE from the east line of Lot 18 (if extended south) Block 7, Orokla Addition, westerly 100 feet.
>
> The City Commission of the City of Bend have fixed the 3rd day of December, 1980, at 7:30 o'clock p.m., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenence, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause

or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Inasmuch as it is necessary for the immediate preservation of the public peace, health, and safety by reason of time limitations in the development and general improvement of the herein described areas, AN EMERGENCY IS DELARED TO EXIST and this ordinance shall become effective immediately upon its passage.

Read for the first time the 3rd day of December, 1980.

Read for the second time the 17th day of December, 1980.

Placed upon its passage and submitted to and approved by the Mayor the 17th day of December, 1980.

YES: 7 NO: 0

ATTEST:

Chester S MacMillan
Mayor

James M Kinford
Recorder-Treasurer

ORDINANCE NO. NS-1308

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE NS-1178 BY ADDING NEW ZONES, REVISING THE SITE PLAN PROCEDURE, AND CHANGES THAT MAKE THE CITY AND COUNTY ZONING ORDINANCES SIMILAR.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Ordinance No. NS-1178 be changed in the following respects. New material added is underlined, and material to be deleted is in brackets.

1. Section 4. (41a) Condominim. A type of residential development utilizing zero lot lines, individual ownerships of units, and common ownership of open space and other facilities, and which are regulated, in part by state law (ORS 91.010 - 91.652).

2. Section 4. (47)(a) Dwelling, Single Family. A building designed or used for residence purposes by not more than one family and containing one dwelling unit only, except for mobile homes as defined herein; also excluding such temporary structures as tents, teepees, travel trailers, and other similar uses.

3. Section 4. (55a) Grade (Ground Level). The average elevation of the finished ground elevation at the centers of all walls of a building, walk; the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

4. Section 4. (58a) Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.

5. Section 5. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

Section 5. Classification of Zoning Distances. For the purposes of this Ordinance, the City is divided into zoning districts designated as follows:

Zoning District	Map Symbol and Abbreviated Designations
Urban Area Reserve	UAR

Zoning District	Map Symbol and Abbreviated Designations
Residential - Urban Standard Density	RS
Residential - Urban Medium Density	RM
Residential - Urban High Density	RH
Commercial - Neighborhood	CN
Commercial - Convenience	CC
Commercial - Limited	CL
Commercial - Highway	CH
Commercial - General	CG
Commercial - Central	CB
Industrial - Park	IP
Industrial - Light	IL
Industrial - General	IG
Flood Plain District	FP

6. Section 9A. Urban Area Reserve Zone - UAR-10

(1) Purpose: To serve as a holding category as urban growth takes place elsewhere in the planning area, and to be preserved as long as possible as useful open space until needed for orderly growth.

(2) Permitted Uses. The following uses are permitted:

(a) Farm uses as defined in this ordinance.

(b) Single family dwellings.

(c) Home occupation subject to Subsection (15) of Section 25.

(d) Other accessory uses and accessory buildings and structures customarily appurtenanced to a permitted use subject to Subsection (2) of Section 27.

(e) Day Care Center facilities subject to site review - Section 24 and Section 25 (17).

(3) Conditional Uses. The following conditional uses may be permitted subject to a conditional use permit and the provisions of Section 29.

(a) Dude or guest ranch.

(b) Commercial riding stable subject to Subsection 5 or Section 25.

(c) Livestock sales yard.

(d) Commercial livestock feeding yard.

(e) Mining, quarrying, or other extraction, processing, or refining of ore or other natural resource material, subject to Subsection 10. of Section 25.

(f) Cemeteries and mausoleums, crematories, columbariums, and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district and subject to Subsection 3 of Section 25.

(g) Churches.

(h) Community Buildings, lodges, and fraternal organizations, except those carried on as a business for profit.

(i) Public, parochial, and private schools, but not including business, dancing, trade, technical, or similar schools.

(j) Parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses, or similar uses.

(k) Recreation facility, public or private; but not including such intensive commercial recreation uses as a race track or amusement park.

(L) Utility substations or pumping stations with no equipment storage and sewage treatment facilities, subject to Subsection 12 of Section 25.

(m) Double-wide mobile home as a single family dwelling subject to Subsection (11) of Section 25.

(n) Kennel or animal hospital, subject to Section 25, Subsection (2).

(o) Planned unit development subject to Section 30.

(p) Destination resort.

(q) Plant Nursery, subject to Section 25, Subsection (19).

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 feet in height.

(5) Lot Requirements. The following requirements shall be observed:

(a) Lot Area: Each lot shall have a minimum area of ten (10) acres.

(b) Lot Width: Each lot shall have a minimum average width of 300 feet with a minimum street frontage of 150 feet.

(c) Front Yard: The front yard shall be a minimum of 50 feet from the existing street right of way line or the ultimate street right of way as adopted on the comprehensive plan or official map, except that any lot of record less than one acre in size lawfully created prior to the effective date of this ordinance shall have a minimum front yard of 30 feet.

(d) Side Yard: There shall be a minimum side yard of 10 feet.

(e) Rear Yard: There shall be a minimum rear yard of 50 feet.

(6) Off-Street Parking. Off-street parking shall be provided as required in Section 24.

(7) Other Required Conditions. See Section 25 applying to Special Uses where applicable.

7. Section 10.(2)(g). Park rehabilitation, minor betterment and repairs.

8. Section 10.(3)(s). Plant nursery subject to Section 25, Subsection 19.
(t) Condominiums.

9. Section 11.(2)(c). Multiple family dwellings, apartment houses, [and] and dwelling group[.], and condominiums.

10. Section 11.(3)(h). Buildings over [35] 30 feet in height.

11. Section 11.(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet[.] without approval of a conditional use permit.

12. Section 12.(4). Height Regulations. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 45 feet [.] without approval of a conditional use permit.

13. Section 13.(3)[(b) Conversion of an existing dwelling unit to a permitted use.]

14. Section 14.(3)[(b) Conversion of an existing dwelling unit to a permitted use.]

15. Section 15.(3)[(e) Conversion of an existing dwelling unit to a permitted use.]

16. Section 16.(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

[(a) Automotive Sales lot (used).]

(a)[(b)] Drive-in theater, golf driving range and minature golf course.

(b)[(c)] Existing industrial uses.

(c)[(d)] Trailer park and campground.

(d)[(e)] Building over 35 feet in height.

(e)[(f)] Auction house or yard.

[(g) Contractor's office and equipment storage yard or storage and rental of equipment commonly used by contractors.]

(f)[(h)] Wholesale business, storage, warehousing, transfer company, and trucking company.

(g)[(i)] Department store.

(h)[(j)] Towing service where no wrecked or impounded vehicles are kept on the site.

(i)[(k)] Residential use.

17. Section 17(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet without conditional use permit approval.

18. Section 19.(4) Height Regulations. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed a height of 45 feet, without a conditional use permit approval.

19. Section 20. Light Industrial District, or IL District.

(1) Purpose. This district is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the City.

(2) Permitted uses. The following uses are permitted in the IL District subject to the provisions of Section 23.

(a) Any permitted use in the IP District.

[(b) Ambulance Service.]

[(c) All types of automobile, motorcycle, truck and equipment sales, service, repair and rental. Automobile and truck service stations subject to Section 25.]

[(d) Boat building, sales and repair.]

(b)[(e)] Cold storage plants including storage and office.

[(f) Equipment sales, service, rental and repair.]

(c)[(g)] Fuel oil distributors.

(d)[(h)] Printing, publishing and book binding.

(e)[(i)] Public utility buildings and yards.

[(j) Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars and taverns.]

[(k) Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.]

[(L) Trailer sales, storage and rental.]

(f)[(m)] Veterinary clinic and hospitals operated entirely within an enclosed building.

(g)[(n)] Light fabrication and repair shops such as blacksmith, cabinet, electric motor, hearing, machine, sheet metal, sign, stone monuments, upholstery and welding.

(h)[(o)] Assembly, manufacture, or preparation of articles and merchandise from the following previously prepared types of materials: Bone canvas, cellophane, cloth, cork, feathers, felt, fiber, leather, precious or semi-precious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding sawmills, lumber mills, planning mills, and molding plants), yarns and paint not employing a boiling process.

(i)[(p)] Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfume, pharmaceuticals, perfumed toilet soap, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as sauerkraut, vinegar and yeast.

(j)[(q)] Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drug, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise.

(k)[(r)] Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dying plants, tire retreading, recapping and rebuilding.

(L)[(s)] [Storage or sale yard for building materials,] Contractor's equipment, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.

(m)[(t)] Manufacture of concrete products and ceramic products using only previously pulverized clay.

(n)[(u)] Manufacture of musical instruments, novelties, rubber or metal stamps toys, optical goods or precision instruments or equipment.

(o)[(v)] Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.

(p)[(w)] Commercial parking lot.

(q)[(x)] Planned Unit Development subject to the provisions of Section 30.

(r)[(y)] Other similar uses which the Commission may find to be similar to those listed as permitted in this district and which are not in consistent with the purpose of this district.

(s)[(z)] Accessory uses and buildings customarily appurtentnant to a permitted use, such as incidental storage, are permitted.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Buildings over 35 feet in height.

(b) Livestock feed and sales yard.

(c) Ambulance service.

(d) Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars, and taverns.

(e) All types of automobile, motorcycle, truck and equipment sales, service, repair and rental. Automobile and truck service stations.

(f) Boat building and repair.

(g) Retail or combination retail/wholesale lumber and building materials. yard, not including concrete mixing.

(h) Trailer sales, storage, and rental.

(i) Wholesale distribution of all standard types of prepared or packaged merchandise, such as automobile supplies, hardware, leather goods, plumbing supplies, textiles and fabrics, and general merchandise.

(j) Commercial parking lot.

(k) Nursery school, kindergarten and day-care facility.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 35 feet without a Conditional Use Permit approval.

20. Section 21. General Industrial District, or IG District

(1) Purpose. This district is intended to provide for the establishment of light and heavier industrial uses essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and residential and light commercial uses.

(2) Permitted uses. The following uses are permitted subject to the provisions of Section 23.

(a) Any permitted use in the IL District.

(b) Any manufacturing, processing, repairing, research, assembling, wholesale or storage uses, excepting the manufacturing of explosives and the slaughtering of animals.

[(c) Ambulance service.]
[(d) All types of automobile, motorcycle, truck and equipment sales, service, repair and rental.]

[(e) Boat building, sales and repair.]

(c)[(f)] Public buildings and public utility structures and yards, including railroad yards.

[(g) Service commercial uses such as banks, offices, restaurants, cafes, bars and taverns.]

(d)[(h)] Veterinary clinic.

(e)[(i)] Commercial parking lot.

(f)[(j)] Planned Unit Development subject to the provisions of Section 30.

(g)[(k)] Other similar uses which the Commission may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district.

(h)[(L)] Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.

(3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.

(a) Asphalt plant.

(b) Wrecking yard or junk yard.

(c) Buildings over 35 feet in height.

(d) Livestock feed or sales yard.

(e) Any conditional use permitted in the IL District.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 35 feet without Conditional Use Permit approval.

21. Section 23 (3) Site Plan: Contents and Procedure.

(a) Any site plan shall be filed on a form as provided by the Planning Department and shall be accompanied by such drawings, sketches, and descriptions as the City deems necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.

(b) Prior to filing a site plan, the applicant shall confer with the Planning Director concerning the requisites of formal application.

(c) Following the pre-application meeting; the applicant shall file with the

Planning Director a site plan, which shall contain the items listed in (e) below.

(d) The applicant, after pre-application conference with the Planning Director, shall submit a site development plan, existing natural plant materials inventory of all trees 6" or greater in diameter and other significant species, landscape plan, and architectural drawings (indicating floor plans and elevations) with the following information.

(e) The final site development plan shall indicate the following:

(1) Access to site from adjacent rights of way, streets, and arterials.

(2) Parking and circulation areas.

(3) Location, dimensions (height and bulk) and design of buildings and signs.

(4) Orientation of windows and doors.

(5) Entrances and exits.

(6) Private and shared outdoor recreation spaces.

(7) Pedestrial circulation.

(8) Public play areas.

(9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery.

(10) Areas to be landscaped.

(11) Exterior lighting.

(12) Special provisions for handicapped persons.

(13) Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.

(14) Signs.

(15) Other site elements and information which will assist in the evaluation of site development.

(16) Public improvements.

(f) The landscape plan shall indicate:

(1) The size, species, and approximate locations of existing natural plant materials proposed to be retained, and new plant materials proposed to be placed on site.

(2) Proposed site contouring.

(3) An explanation of how drainage and soil erosion is to be delt with during and after construction.

Section 23 (4) Site Plan Criteria. Approval of a final site plan shall be based on the following criteria.

(a) Relation of site plan elements to the environment.

(1) The elements of the site plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

(2) The elements of the site plan should promote energy conservation, and provide adequate protection from adverse climatic conditions, noise, and air pollution.

(3) Each element of the site plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.

(4) In Commercial and industrial zones adjacent to State or Federal

highways, and/or lying in County jurisdiction within urban growth boundaries, a coordinated circulation and access plan shall be submitted for the site and all properties in the immediate vicinity (no more than 1/4 mile to each site) to assure the public's safety in entering or leaving the sites, as well as when traveling through the area. This requirement may be waived by the Planning Director if adequate access control and efficient and safe circulation can be obtained without the development and approval of a coordinated circulation and access plan.

(5) Safety and Privacy. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

(6) Special needs of Handicapped. When deemed appropriate, the site plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.

(7) Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.

(8) Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be harmonious with proposed and neighboring buildings and structures.

(9) Drainage. Surface drainage systems shall be designed so as to not adversely affect neighboring properties, streets, and/or surface and subsurface water quality.

(10) Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impacts on the site and neighboring properties.

(11) Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.

(12) Signs and Graphics. The location, texture, lighting, movement and materials of all exterior signs, graphics, or other informational or directional features shall be compatible with the other elements of the site plan and surrounding properties.

(13) Guidelines designed to assist applicants in developing site plans shall be adopted by the City Commission after review and recommendation by the Planning Commission.

(14) Specific criteria which are outlined for each zone shall be a required part of the site plan (e.g., lot setbacks, etc.).

Section 23 (5) Required Minimum Standards.

(a) Private and shared outdoor recreation areas in residential developments.

(1) Private areas. Each ground level living unit in a residential development subject to site plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened, or otherwise designed to provide privacy for unit residents and their guests.

(2) Shared areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development as follows:

Units with one or two bedrooms: 200 square feet per unit.

Units with three or more bedrooms: 300 square feet per unit.

(3) Storage. In residential developments, convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

(b) Required Landscaped Areas.

(1) The following landscape requirements are established for multi-family, commercial, and industrial developments, subject to site plan approval:

(a) A minimum of 15 percent of the lot area shall be landscaped.

(b) All areas subject to the final site plan and not otherwise improved shall be landscaped.

(2) In addition to the requirements of subpart (1) of subsection (b) above, the following landscape requriements shall apply to the parking and loading areas:

(a) A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 15 square feet per parking space.

(b) In addition to the landscaping required under subpart (2)(a) of this subsection, a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least five feet in width.

(c) A landscaped strip separating a parking or loading area from a street shall contain:

(1) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and

(2) Low shrubs, not to reach a height greater than 3'0", spaced no more than 8 feet apart, on the average; and

(3) Vegetative ground cover if required.

(3) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(4) The landscaping in a parking area shall have a width of not less than five feet.

(5) Provision shall be made for watering planting areas where such care is required.

(6) Required landscaping shall be continuously maintained and kept alive and attractive.

(7) Maximum height of tree species shall be considered when planting under overhead utility lines.

(8) "Landscaped" means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways, and similar features.

22. Section 24 (4)(f)

Commercial

Beauty parlor and barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1-1/2 spaces for each additional chair.
Retail store except stores selling bulky merchandise [and grocery stores 1,500 square feet gross floor area or less]	1 space per 300 square feet of gross floor area.
[supermarkets, grocery stores 1,501 to 4,000 square feet:]	[1 space per 150 square feet of gross floor area]

[4,001 square feet and over:]	[1 space per 100 square feet of gross floor area]
Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building:	1 space per 600 square feet of gross floor area
Bank or office (except medical and dental):	1 space per 300 square feet of gross floor area
Medical and dental office or clinic:	1 space per 150 square feet of gross floor area
Eating or drinking establishments:	1 space per [60] 120 square feet of gross floor area
Mortuaries:	1 space per 4 seats or 8 feet of bench length in chapels

23. Section 27 (10)

River Setback. In all zones where a new building is to be erected, an existing building enlarged or a new off-street parking facility created on property abutting the Deschutes River, the following setbacks from the river's edge shall apply:

[(a) In residential zones where a single family, duplex or triplex is being constructed, there shall be a minimum setback of 20 feet from the river's edge, the measurement of which shall include both the horizontal and vertical distances. Where this setback reduces the building area below 35 percent of the lot, the front yard setback provided by this Ordinance may be reduced to 10 feet and the side yard setback may be reduced to a minimum of 5 feet on each side in order to obtain a 35% buildable area.]

[(b) In Commercial or industrial zones or multi-family housing projects subject to site plan review, the minimum setback from the river's edge shall be established during the site plan review process. Appropriate setback adjustments may be made during the review process using the standards in subsection (a) of this section as a guideline.]

(a) In the central existing built up part of the urban area:

(1) In residential zones where a single-family, duplex, or triplex is being constructed, there shall be a minimum setback of 20 feet from the river's edge, the measurement of which shall include both the horizontal and vertical distances. Where this setback reduces the building area below 35 percent of the lot, the front yard setback provided by this Ordinance may be reduced to 10 feet and the side yard setback may be reduced to a minimum of 5 feet on each side in order to obtain a 35 percent buildable area.

(2) In commercial or industrial zones or multi-family housing projects subject to site plan review, the minimum setback from the river's edge shall be established during the site plan review process. Appropriate setback adjustments may be made during the review process using the standards in Subsection (a) of this Section as a guideline.

(b) In the undeveloped section of the urban area, any new development proposed within 100 feet of the river's edge shall first be through a conditional use procedure as set forth in Section 29.

24. [Section 36 (2) Penalties for Violations. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $200 or by imprisonment in the City Jail for a term not to exceed 100 days or both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed or contained by such a person, firm or corporation and shall be punishable as herein provided.]

Section 36 (2) Penalties for Violation. A violation of the provisions of this Ordinance is punishable upon conviction by:

(a) A fine of not more than $100 for each day of violation where the offense is a continuing offense but such fine may not exceed $1,000.

(b) A fine of not more than $500 where the offense is not a continuing offense.

25. Section 31. Variances. Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provisions thereof, variances may be granted as provided in this section. This section shall not be used to allow a use that is not permitted by this Ordinance for the district in which the land is located.

(1) Authorization to Grant or Deny Variances. The [Planning Commission] Hearings Body may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance the [Planning Commission] Hearings Body may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance.

(2) Conditions for Granting a Variance. A variance may be granted if, on the basis of the application, investigation and evidence submitted, the [Commission] Hearings Body makes the following findings:

[(a) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.]

[(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.]

[(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.]

[(d) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.]

[(e) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.]

(a) That the literal application of the ordinance would create difficulties resulting in greater private expense than public benefit.

(b) That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.

(c) That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.

(d) That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

(3) Conditions for Granting a Variance to Off-Street Parking or Loading Facilities. The [Commission] Hearings Body may grant a variance to the regulation prescribed by this Ordinance with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted, the [Commission] Hearings Body makes the findings prescribed in subsection (2) above and the following additional findings:

(a) That neither present not anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

(b) That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

(c) That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.

(4) Application for Variance. A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the City Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The [Planning Commission] Hearings Body may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

(5) Public Hearings. Before a variance is permitted, the proposed variance shall be considered by the [Planning Commission] Hearings Body at a public hearing. Notice of said hearing shall be given as provided in Section 35.

(6) Action of the [Planning Commission] Hearings Body. The [Planning Commission] Hearings Body may approve, disapprove or approve with conditions the application subject to the standard procedures of Seciton 35. The City Planning Director shall notify the applicant, in writing, of the [Planning Commission's] Hearings Body's action within five days after the [Planning Commission] Hearings Body has rendered its decision. The [Planning Commission] Hearings Body may attach conditions to an authorized variance which it feels are necessary to protect the public interest and carry out the purpose of this Ordinance.

(7) Time Limit on Approval of a Variance. Authorization of a variance shall be void after one year unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional year on request to and approval by the [Planning Commission] Hearings Body.

26. Section 25. (19) Plant Nursery. Plant nursery deals primarily in the raising and selling of shrubs, trees, ornamental bedding plants and the like. Such a use may be approved in a UAR, SR 2-1/2, RS, or RL zone upon compliance with the following standards, and as a conditional use in these zones.

1. Locate on an arterial street.

2. If the proposed location is on a major highway, such as 97, 20, then access to the site shall be from a frontage road or secondary street.

3. Since these operations are commercial in nature, they shall be permanently and well landscaped, respecting the character of a residential area or entrance into the community.

4. Site plan review shall consider the need for a subdued use of lights, the need for adequate parking, berms, screens, etc., and for the separation of the parking lot and business activities from existing and future residences.

27. Section 25. (20) Low head hydroelectric generating facilities shall be considered a conditional use in all zones subject to the procedures of Section 29 and the following standards:

(a) A facility shall meet the requirements of the area of special interest policies in the Comprehensive plan; and

(b) That the location or construction of such a facility where noise, light glare or other impacts might be offensive shall mitigate such impacts as part of the design and construction of the facility.

Read for the first time the 17th day of December, 1981.

Read for the second time the 7th day of January, 1981.

Placed upon its passage the 7th day of January, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 7th day of January, 1981.

ATTEST: Mayor

Recorder-Treasurer of the City of Bend

BROOKS RESOURCES-CRANE SHED AREA

ORDINANCE NO. NS-1309

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A tract of land containing 29.19 acres, more or less, located in the North one-half of Section Five (5), Township Eighteen (18) South, Range Twelve(12) East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a 3" brass cap marking the North one-quarter corner of said Sec. 5, thence S. 89°46'50" E., following the north line of said Sec. 5, a distance of 896.30 feet to a point on an existing cyclone fence line; thence S. 70°19'33" W., following the said existing fence line, a distance of 277.53 feet to an angle point in the said fence line; thence S. 40°36'05" W., following the said fence line, a distance of 80.20 feet to an angle point in the said fence line; thence S. 05°53'45" W. a distance of 113.40 feet to an angle point in the said fence line; thence S. 06°55'43" W. a distance of 79.67 feet to a 5/8" iron rod with a plastic cap on the North line of the Brooks-Willamette Corporation lease property (as described in an unrecorded document); thence following the northerly and westerly boundaries of the said lease property the following 3 courses and distances and 2 curves; N. 89°30'25" W. (N. 89°30'48" W. record per lease) a distance of 74.15 feet; following the arc of a 629.48 foot radius curve left a distance of 211.94 feet (chord bears S. 80°50'52" W. 210.94 feet); S. 71°12'08" W. (S. 71°11'45" W. record per lease) a distance of 36.83 feet; thence following the arc of a 758.23 foot radius curve right a distance of 206.58 feet (chord bears S. 79°00'26" W. 205.94 feet); S. 02°47'16" E. (S. 02° 47'39" E. record per lease) a distance of 109.33 feet to a 5/8" iron rod with a plastic cap; thence leaving the boundary of the said lease parcel S. 61°13'35" W. a distance of 280.91 feet to a 5/8" iron rod with a plastic cap; thence following the arc of a 400.00 foot radius curve right 198.20 feet (chord bears S. 75° 25'17" W. 196.18 feet) to a 5/8" iron rod with a plastic cap; thence S. 89°36' 59" W. a distance of 270.84 feet to a 5/8" iron rod with a plastic cap; thence S. 09°13'14" W. a distance of 145.91 feet to a point on an existing fence line; thence N. 72°25'40" W., following the said fence line, a distance of 159.39 feet to an angle point in the fence; thence N. 65°21'49" W., following the said fence line, a distance of 31.10 feet to an angle point in the fence; thence N. 54°19'19" W., following the said fence line, a distance of 104.54 feet to an angle point in the fence; thence N. 47°11'53" W., following the said fence line, a distance of 136.44 feet thence leaving said fence line S. 26°14'46" W. a distance of 356.89 feet, more or less, to the centerline of the Deschutes River; thence N. 63°45'14" W., following the said river centerline, a distance of 96.70 feet, more or less, to a point on the easterly line of that tract of land designated as Parcel 10 in the Deed to Brooks Resources Corporation recorded in Volume 278, page 148 to 152, inclusive, of Deschutes County Deed Records; thence N. 06°55'43" W., following the said easterly line of said tract a distance of 936.12 feet to a 5/8" iron rod with a plastic cap on the north line of said Sec. 5; thence N. 89°43'48" E., following the north line of Sec. 5, a distance of 88.16 feet to a 3" Brass Cap marking the West one-sixteenth corner common to Sec. 5 and 32; thence N. 89°43'48" E., following the north line of said Sec. 5, a distance of 1317.48 feet to the "Point of Beginning" the terminus of this description. SUBJECT TO: All easements, restrictions and rights-of-way of record.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 4th day of February, 1981, at the hour of 7:30 P.M. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 17th day of December, 1980.
Read for the second time the 7th day of January, 1981.
Placed upon its passage the 7th day of January, 1981.
YES: 7 NO: 0
Submitted to and approved by the Mayor the 7th day of January, 1981.

ATTEST:

Recorder-Treasurer

Mayor

THOMPSON, SHEPARD, PIERATT PROPERTY

ORDINANCE NO. NS- 1310

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A parcel of land located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼, SE¼, SE¼) of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon and described as follows:

Beginning at a point which is the Northeast corner of said NW¼ of the SE¼ of the SE¼ of said Sec. 4; thence S. 00° 10' 07" E. 661.16 feet; thence N. 89°47' 55" W. 110.00 feet; thence N. 00°10' 07" W. 297.45 feet; thence N. 89° 47' 55" W. 389.15 feet; thence N. 03° 01' 20" E. 365.63 feet; thence S. 89° 37' 16" E. 478.81 feet to the point of beginning.

Subject to all easements, restrictions and right-of-ways of record.

and

Beginning at a point which is the Northwest corner of said NW¼ of the SE¼ of the SE¼ of said Sec. 4; thence S. 89° 37' 16" E. 180.00 feet; thence S. 03° 01' 20" W. 365.63 feet; thence N. 89° 47' 55" W. 160.00 feet; thence N. 00° 06' 46" W. 365.75 feet to the point of beginning, containing 1.43 acres more or less.

Subject to a road easement which is the westerly 15.00 feet to the above described easement and any other easements, restrictions and right-of-ways of record.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 4th day of February, 1981, at the hour of 7:30 P.M., o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 17th day of December, 1980.

Read for the second time the 7th day of January 1981.

Placed upon its passage the 7th day of January, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of January, 1981.

ATTEST: Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1311

AN ORDINANCE CHANGING THE SEWER HOOK-UP REGULATIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Section 2(4) of Ordinance No. NS-1012 is amended to read:

"(4) All property used for human occupancy or employment which is within 100 feet of a public sanitary sewer shall be hooked up to the sewer provided the property can be served by the sewer from a public street, alley or right-of-way or a sewer easement. The property shall be hooked up to the public sanitary sewer within 90 days after the date official notice is given to hook up (unless extended pursuant to City policy). The hook-up shall be accomplished in compliance with all applicable Federal, State and City laws, regulations and policies."

Section 2: Immediate passage of this Ordinance is necessary to protect the health, safety and welfare of the public because the City's sewerage system and sewer treatment plant is ready for immediate use and all persons should be hooked up without delay. Therefore an emergency is declared to exist and this Ordinance shall become effective immediately upon its passage.

Read for the first time the 21st day of January, 1981.

Read for the second time the 4th day of February, 1981.

Placed upon its passage the 4th day of February, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 4th day of February, 1981.

ATTEST: Mayor

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1312

AN ORDINANCE VACATING A PORTION OF ARMOUR ROAD IN THE PLAT OF EASTSIDE BUSINESS AND INDUSTRIAL PARK, CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 17th day of December, 1980 requesting that the following described street location be vacated:

A portion of Armour Road in the Plat of Eastside Business & Ind. Park:

Parcel 1
Beginning at the corner common to Lot 1, Block 7 and Lot 4, Block 8 and Armour Road as per said plat; thence following the Northerly line of said Lot 1 along the arc of a 50.00 foot radius curve left 37.82 feet (chord bears North 67°37'48" West 36.93 feet); thence South 89°18'03" East a distance of 23.54 feet; thence following the arc of a 526.98 foot radius curve left 10.78 feet (chord bears North 89°53'13" East 10.78 feet); thence South 00°41'57" West a distance of 13.75 feet to the "Point of Beginning" and terminus of this description.

Parcel 2
Beginning at the corner common to Lot 3, Block 6 and Lot 1, Block 8 and Armour Road as per said plat; thence South 00°08'02" West a distance of 21.60 feet; thence following the arc of a 466.98 foot radius curve right 22.50 feet (chord bears South 89°19'09" West 22.49 feet); thence North 89°18'03" West a distance of 23.54 feet to the Southerly line of said Lot 3; thence following the Southerly line of said Lot 3 along the arc of a 50.00 foot radius curve left 37.82 feet (chord bears North 69°01'42" East 36.93 feet); thence following along the arc of a 60.00 foot radius curve right 14.33 feet (chord bears North 54°11'59" East 14.30 feet) to the "Point of Beginning" and terminus of this description.

Parcel 3
Beginning at the corner common to Lot 3, Block 6 and Lot 1, Block 8 and Armour Road as per said plat; thence following the Southerly line of said Lot 1 along the arc of a 60.00 foot radius curve right 81.39 feet (chord bears South 80°05'54" East 75.29 feet) to the corner common to said Lot 1 and Lot 2, Block 8 and said Armour Road; thence following the arc of a 466.98 foot radius curve right 74.80 feet (chord bears South 83°21'01" West 74.72 feet); thence North 00°08'02" East a distance of 21.60 feet to the "Point of Beginning" and terminus of this description.

Parcel 4
Beginning at the corner common to Lot 1, Block 7 and Lot 4, Block 8 and Armour Road as per said plat; thence North 00°41'57" East a distance of 13.75 feet; thence following the arc of a 526.98 foot radius curve left 99.02 feet (chord bears North 84°08'39" East 98.87 feet) to the corner common to Lot 3 and 4 of Block 8 and Armour Road; thence following along the arc of a 60.00 foot radius curve right 120.72 feet (chord bears South 76°24'04" West 101.36 feet) to the "Point of Beginning" and the terminus of this description,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Babler-Taygrim; said vacation proceedings to vacate the following described area:

A portion of ARMOUR ROAD in the Plat of Eastside Business and Industrial Park, City of Bend, Deschutes County, Oregon:

Parcel 1
Beginning at the corner common to Lot 1, Block 7 and Lot 4, Block 8 and Armour Road as per said plat; thence following the Northerly line of said Lot 1 along the arc of a 50.00 foot radius curve left 37.82 feet (chord bears North 67°37'48" West 36.93 feet); thence South 89°18'03" East a distance of 23.54 feet; thence following the arc of a 526.98 foot radius curve left 10.78 feet (chord bears North 89°53'13" East 10.78 feet); thence South 00°41'57" West a distance of 13.75 feet to the "Point of Beginning" and terminus of this description.

Parcel 2
Beginning at the corner common to Lot 3, Block 6 and Lot 1, Block 8 and Armour Road as per said plat; thence South 00°08'02" West a distance of 21.60 feet; thence following the arc of a 466.98 foot radius curve right 22.50 feet (chord bears South 89°19'09" West 22.49 feet); thence North 89°18'03" West a distance of 23.54 feet to the Southerly line of said Lot 3; thence following the Southerly line of said Lot 3 along the arc of a 50.00 foot radius curve left 37.82 feet (chord bears North 69°01'42" East 36.93 feet); thence following along the arc of a 60.00 foot radius curve right 14.33 feet (chord bears North 54°11'59" East 14.30 feet) to the "Point of Beginning" and terminus of this description.

Parcel 3
Beginning at the corner common to Lot 3, Block 6 and Lot 1, Block 8 and Armour Road as per said plat; thence following the Southerly line of said Lot 1 along the arc of a 60.00 foot radius curve right 81.39 feet (chord bears South 80°05'54" East 75.29 feet) to the corner common to said Lot 1 and Lot 2, Block 8 and said Armour Road; thence following the arc of a 466.98 foot radius curve right 74.80 feet (chord bears South 83°21'01" West 74.72 feet); thence North 00°08'02" East a distance of 21.60 feet to the "Point of Beginning" and terminus of this description.

Parcel 4
Beginning at the corner common to Lot 1, Block 7 and Lot 4, Block 8 and Armour Road as per said plat; thence North 00°41'57" East a distance of 13.75 feet; thence following the arc of a 526.98 foot radius curve left 99.02 feet (chord bears North 84°08'39" East 98.87 feet) to the corner common to Lot 3 and 4 of Block 8 and Armour Road; thence following along the arc of a 60.00 foot radius curve right 120.72 feet (chord bears South 76°24'04" West 101.36 feet) to the "Point of Beginning" and the terminus of this description,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of January, 1981.

Read for the second time the 4th day of February, 1981.

Placed upon its passage the 4th day of February, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 4th day of February, 1981.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1313

AN ORDINANCE VACATING THE WESTERLY 250 FEET OF THE ALLEY IN BLOCK 10, WIESTORIA ADDITION, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID ALLEY LOCATED BETWEEN NE MARSHALL, NORTON, FOURTH AND FIFTH STREETS.

A petition having been presented to the Bend City Commission on the 17th day of December, 1980 requesting that the following described alley location be vacated:

> The westerly 250 feet of THE ALLEY in Block 10, Wiestoria Addition, City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Floyd E. Burks; said vacation proceedings to vacate the following described street area:
>
> > The westerly 250 feet of THE ALLEY in Block 10, Wiestoria Addition, City of Bend, Deschutes County, Oregon.
>
> The City Commission of the City of Bend have fixed the 21st day of January, 1981, at 7:30 o'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of January, 1981.

Read for the second time the 4th day of February, 1981.

Placed upon its passage the 4th day of February, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 4th day of February, 1981.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1314

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ADOPTING A NEW ZONING MAP

WHEREAS the City Commission of the City of Bend has held joint hearings with the Deschutes County Board of Commissioners on changes to the City and County zoning ordinances and maps, as recommended by the City and County Planning Commissions; and

WHEREAS the existing City zoning map has become too small to encompass all the areas annexed to the City; and

WHEREAS changes are included that reflect the recommendation of the Planning Commission and advisory committee that are consistent with the amended Bend Area General Plan and are found to be in the public interest; therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The zoning map provided for in Section 7 of Ordinance No. NS-1178 is hereby replaced by the two piece map entitled Zoning Map of the City of Bend attached hereto as Exhibit "A". The zoning map adopted on July 5, 1978 and all amendments thereto are hereby repealed.

Section 2. Inasmuch as it is necessary for the immediate preservation of the public peace, health, and safety by reason of time limitations in adopting the Bend Area General Plan and zoning amendments for submission to the Land Conservation and Development Commission, AN EMERGENCY IS DECLARED TO EXIST and this ordinance shall become effective immediately upon its passage.

Read for the first time the 4th day of February, 1981.

Read for the second time the 18th day of February, 1981.

Placed upon its passage and submitted to and approved by the Mayor the 18th day of February, 1981.

YES: 7 NO: 0

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1315

AN ORDINANCE AMENDING ORDINANCE NS-1178, BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RS URBAN STANDARD RESIDENTIAL TO RH URBAN HIGH DENSITY RESIDENTIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed as follows:

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the South 1/4 corner of said Section 25; thence South 89° 54' 34" West, 577.19 feet along the south line of said Section 25; thence North 24° 45' 32" East, 637.74 feet to a point on the Southerly right of way of the Shevlin Park Road; thence South 65° 14' 28" East, 91.22 feet along said right of way; thence around a 2834.79 foot radius curve right, 257.62 feet, long chord bears South 62° 38' 16" East, 257.53 feet to a point on the North and South Centerline of said Section 25; thence South 00° 11' 49" West, 421.64feet along said North and South Centerline of Section 25; to the point of beginning, containing 5.37 acres, more or less. This parcel is changed from RS Urban Standard Residential to RH Urban High Density Residential.

Read for the first time the 4th day of February, 1981.

Read for the Second time the 18th day of February, 1981.

Placed upon its passage and submitted to and approved by the Mayor the 18th day of February, 1981.

YES: 7 NO: 0

ATTEST:

Recorder-Treasurer

Mayor

THOMPSON, SHEPARD, PIERATT PROPERTY

ORDINANCE NO. NS-1316

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1310, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 4th day of February, 1981, at the hour of 7:30 P.M., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A parcel of land located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼, SE¼, SE¼) of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon and described as follows:

Beginning at a point which is the Northeast corner of said NW¼ of the SE¼ of the SE¼ of said Sec. 4; thence S. 00° 10' 07" E. 661.16 feet; thence N. 89°47' 55" W. 110.00 feet; thence N. 00°10' 07" W. 297.45 feet; thence N. 89° 47' 55" W. 389.15 feet; thence N. 03° 01' 20" E. 365.63 feet; thence S. 89° 37' 16" E. 478.81 feet to the point of beginning.

Subject to all easements, restrictions and right-of-ways of record.

and

Beginning at a point which is the Northwest corner of said NW¼ of the SE¼ of the SE¼ of said Sec. 4; thence S. 89° 37' 16" E. 180.00 feet; thence S. 03° 01' 20" W. 365.63 feet; thence N. 89° 47' 55" W. 160.00 feet; thence N. 00° 06' 46" W. 365.75 feet to the point of beginning, containing 1.43 acres more or less.

Subject to a road easement which is the westerly 15.00 feet to the above described easement and any other easements, restrictions and right-of-ways of record.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 4th day of February, 1981.

Read for the second time the 18th day of February, 1981.

Placed upon its passage the 18th day of February, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 18th day of February, 1981.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1317

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE OF AN ANNEXATION AREA (THOMPSON, SHEPARD, PIERATT PROPERTY, FILE NO. 119).

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed by the addition thereto of an area to the IL Light Industrial District zone, as follows:

A parcel of land located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼, SE¼, SE¼) of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon and described as follows:

Beginning at a point which is the Northeast corner of said NW¼ of the SE¼ of the SE¼ of said Sec. 4; thence S. 00° 10' 07" E. 661.16 feet; thence N. 89°47' 55" W. 110.00 feet; thence N. 00°10' 07" W. 297.45 feet; thence N. 89° 47' 55" W. 389.15 feet; thence N. 03° 01' 20" E. 365.63 feet; thence S. 89° 37' 16" E. 478.81 feet to the point of beginning.

Subject to all easements, restrictions and right-of-ways of record.

and

Beginning at a point which is the Northwest corner of said NW¼ of the SE¼ of the SE¼ of said Sec. 4; thence S. 89° 37' 16" E. 180.00 feet; thence S. 03° 01' 20" W. 365.63 feet; thence N. 89° 47' 55" W. 160.00 feet; thence N. 00° 06' 46" W. 365.75 feet to the point of beginning, containing 1.43 acres more or less.

Subject to a road easement which is the westerly 15.00 feet to the above described easement and any other easements, restrictions and right-of-ways of record.

Read for the first time the 4th day of February, 1981.

Read for the Second time the 18th day of February, 1981.

Placed upon its passage the 18th day of February, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 18th day of February, 1981.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1318

NS-1318 repealed by NS-1495, passed 7-19-89

AN ORDINANCE REPEALING ELECTRICAL CODE ORDINANCE NO. NS-480; REPEALING FIRE ZONE ORDINANCE NO. NS-1035 AND AMENDING STATE BUILDING CODE ORDINANCE NO. NS-1031.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-480 is repealed.

Section 2. Ordinance No. NS-1035 is repealed.

Section 3. Section 1 or Ordinance NO. NS-1031 is amended to read:

Section 1. Standards Applicable to Building. Every person, firm and corporation engaging in building and related activities within the City of Bend shall comply with all applicable provisions of each of the specialty codes making up the State Building Code and Chapter 70 of the Appendix as adopted by the Director of the State Department of Commerce and all applicable provisions of the Fire and Life Safety Code as adopted

by the State Fire Marshal on March 1, 1978, and thereafter.

Read for the first time the 4th day of February, 1981.

Read for the second time the 18th day of February, 1981.

Placed upon its passage the 18th day of February, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of February, 1981.

ATTEST: _____
Mayor

_____
Recorder-Treasurer

AWBREY BUTTE ENCLAVE #2

ORDINANCE NO. NS-1319

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

A tract of land, being a portion of Lots one (1) and Three (3), Block Six (6), Plat of Awbrey Heights as filed in Book 1, Page 28, Plat Records of Deschutes County, Oregon, and also being a portion of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW 1/4, NE 1/4, SW 1/4) of Section Twenty-nine (29), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract being more particularly described as follows:

Commencing at a point on the North line of said Block 6, said point being common to said Lots 1 and 3; thence North 89°55'36" East along the North line of said Block 6, 21.37 feet to the true point of beginning; thence leaving said line due South 44.58 feet; thence due West 112.64 feet; thence along the arc of a 72.00 foot radius curve right 1.37 feet; the chord of which bears North 30°59'24" East 1.87 feet; thence North 31°43'45" East 65.00 feet; thence along the arc of a 739.04 foot radius curve left 65.12 feet; the chord of which bears North 29°12'16" East 65.10 feet; thence South 53°36'09" East 56.82 feet; thence due South 35.42 feet to the point of beginning and terminus of this description.

EXCEPT that portion lying within Lots 1 and 3, Block 6, of said plat of Awbrey Heights.

Read for the first time the 18th day of February, 1981.

Read for the second time the 4th day of March, 1981.

Placed upon its passage the 4th day of March, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 4th day of March, 1981.

ATTEST: _____
Mayor

_____
Recorder-Treasurer

AWBREY BUTTE ENCLAVE #3

ORDINANCE NO. NS-1320

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

A tract of land beginning at a stake at the Southwest corner of the Northeast Quarter of the Southwest Quarter (NE 1/4, SW 1/4); thence 660 feet North; thence 330 feet East; thence 660 feet South; thence 330 feet West, to the point of beginning, in Section Twenty-nine (29), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon;

EXCEPT: Beginning at an iron pin driven in the ground North 89°55'36" East, 152.43 feet from the Southwest corner of the NE 1/4 SW 1/4 of Section 29, Township 17 South, Range 12, East of the Willamette Meridian, and running thence North 0°13'06" West, 245.3 feet; thence North 89°55' 36" East, 177.57 feet; thence South 0°13'06" East, 245.3 feet; thence South 89°55'36" West, 177.57 feet to the point of beginning.

Read for the first time the 18th day of February, 1981.

Read for the second time the 4th day of March, 1981.

Placed upon its passage the 4th day of March, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 4th day of March, 1981.

ATTEST:

Mayor

Recorder-Treasurer

NEFF ROAD ENCLAVES ANNEXATION

ORDINANCE NO. NS-1321

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

Parcels of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4), Section thirty-four (34) Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, indicated as Tax Lots 200, 300 and 400 Map 17-12-34BA, further described as follows:

Beginning at a point on the north line of Section 34, Township 17 South, Range 12 East, W.M., said point being S. 89° 34' 26" W. 340.5 feet from the north one-quarter corner of said Section 34 and running thence S. 0° 25' 34" E. 155.8 feet; thence N. 89° 02' 28" W. 240.0 feet; thence N. 0° 25' 34" W. 150.0 feet; thence N. 89° 34' 26" E. 240.0 feet to the place of beginning. Excepting therefrom that portion within the right-of-way of Neff Road, being the north 30 feet of the above described tract of land.

Read for the first time the 4th day of March, 1981.

Read for the second time the 18th day of March, 1981

Placed upon its passage the 18th day of March 1981.

Yes: 6 No: 0

Submitted to and approved by the Mayor the 18th day of March, 1981.

Mayor

ATTEST:

Recorder-Treasurer

NEFF ROAD ENCLAVES - DESIGNATING ZONE

ORDINANCE NO. NS-1322

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY DESIGNATING THE ZONE IN AN ENCLAVE ANNEXATION AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is hereby amended to include the area described below and to designate this area as an RM Urban Medium Density Residential Zone, being more particularly described as real property located within the County of Deschutes, State of Oregon, as follows:

Beginning at a point on the north line of Section 34, Township 17 South, Range 12 East W.M. said point being S. 89° 34' 26" W. 340.50 feet from the North 1/4 corner of said Section 34 and running thence S. 0° 25' 34: E. 155.80 feet; thence N. 89° 02' 28" West 240.00 feet; thence N. 0° 25' 34" W. 150.00 feet; thence N. 89° 34' 26" E. 240.00 feet to the place of beginning. Excepting therefrom that portion within the right of way of Neff Road, being the North 30 feet of the above described tract of land.

Read for the first time the 4th day of March, 1981.

Read for the second time the 18th day of March, 1981.

Placed upon its passage the 18th day of March, 1981.

Yes: 6 No: 0

Submitted to and approved by the Mayor this 18th day of March, 1981.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1323 NS-1323 repealed by NS-1498, passed 7-19-89.

AN ORDINANCE AMENDING ORDINANCE NO. NS-948 AND ADOPTING THE 1979 EDITION OF THE UNIFORM FIRE CODE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-948 is amended to read:

"Section 1. Adoption of Uniform Fire Code. There is hereby adopted by the City of Bend for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, being the 1979 Edition, except such portions as are deleted, modified or amended by Section 7 of this ordinance. Not less than three (3) copies of said Code have been and are now filed in the office of the City Recorder-Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Bend."

Section 2. Section 4 of Ordinance No. NS-948 is amended to read:

"Section 4. Establishment of Limits of District in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited.

(1) The limits referred to in Section 79.201 of the Uniform Fire Code in which storage of Class I flammable liquids in outside above ground tanks is prohibited, are hereby established as follows: The corporate limits of the City of Bend.

(2) The limits referred to in Section 79.601 of the Uniform Fire Code in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: The corporate limits of the City of Bend."

Section 3. Section 5 of Ordinance No. NS-948 is amended to read:

"Section 5. Establishment of Limits in which Bulk Storage of Liquified Petroleum Gases is to be Restricted.

The limits referred to in Section 82.105(a) of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: The corporate limits of the City of Bend."

Section 4. Section 6 of Ordinance No. NS-948 is amended to read:

"Section 6. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited.

The limits referred to in Section 77.106 (b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The corporate limits of the City of Bend."

Section 5. Section 7 of Ordinance No. NS-948 is amended to read:

"Section 7. Amendments Made in the Uniform Fire Code. The Uniform Fire Code is amended and changed in the following respects:

(1) Section 10.309 of the 1979 Edition of the Uniform Fire Code is amended to read as follows:

AUTOMATIC SPRINKLER SYSTEMS

Section 10.309. (s) General. Automatic sprinkler systems shall be provided in accordance with the provisions of this section.

(b) Where Required. Automatic sprinkler systems shall be installed and maintained in operable condition as specified in this article in the following locations:

1. All occupancies exceeding 3000 square feet except Group R, Division 3, Group M, and Group B-2.

(a) Any building over two stories in height except R-3 occupancies.

(b) Any existing basement shall be provided with automatic sprinklers upon change of occupancy or change of storage.

(c) The provisions of this section shall apply to all new construction or change of occupancy in existing construction.

A. In every story or basement of all buildings when the floor area exceeds 1500 square feet and there is not provided at least 20 square feet of opening entirely above the adjoining ground level in each 50 lineal feet or fraction thereof of exterior wall in the story of basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches. Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

If any portion of a basement is located more than 75 feet from openings required in this section, the basement shall be provided with an approved automatic sprinkler system.

B. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

C. All rooms where nitrate film is stored or handled shall be equipped with an approved automatic sprinkler system as specified in U.B.C. Standard No. 48-1.

D. In protected combustible fiber storage vaults as in Section 9.118 of this code.

2. Group A Occupancies.

(a) In all basements.

(b) When the occupance has over 3,000 square feet of floor area which can be used for exhibition or display purposes.

(c) In any enclosed usable space below or over a stairway in Group A, Divisions 2, 2.1, 3 and 4 Occupancies.

(d) Under the roof and gridiron, in the tie and fly galleries and in all places behind the proscenium wall of stages; over enclosed platforms in excess of 500 square feet in area, and in dressing rooms, workshops and storerooms accessory to such stages or enclosed platforms.

EXCEPTIONS:

1. Stages or enclosed platforms open to the auditorium room on three or more sides.

2. Altars, pulpits or similar platforms and their accessory rooms.

3. Stage gridirons when side-wall sprinklers with 135° F. rated heads with heat-baffle plates are installed around the entire perimeter of the stage at points not more than 30 inches below the gridiron nor more than 6 inches below the baffle plate.

4. Under stage or under enclosed platform areas less than 4 feet in clear height used exclusively for chair or table storage and lined on the inside with materials approved for one-hour fire-resistive construction.

3. Group E. Occupancies.

(a) In all basements.

(b) In any enclosed usable space below or over a stairway.

4. Group I Occupancies.

EXCEPTIONS:

1. In hospitals of Types I, II Fire-resistive and II One-hour construction, the automatic sprinkler system may be omited from operating, delivery, cardiac, X-ray and intensive care rooms and patient sleeping rooms not exceeding 450 square feet in area when each such room is provided with smoke detectors connected to a continuously attended station or location within the building. Increases for area and height specified in Sections 506(c) and 507 shall not apply when this exception is used.

2. In jails, prisons and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously monitored location. Opening of the valve will cause the piping system to be charged. Sprinkler heads in such systems shall be equipped with fusible elements or the system in U.B.C. Standard No. 38-1.

5. Group H Occupancies.

(a) In Group H, Divisions 1 and 2 Occupancies larger than 1500 square feet in floor area.

(b) In Group H, Division 3 Occupancies larger than 3000 square feet in floor area.

(c) In Group H, Division 4 Occupancies.

(d) In rooms where flammable or combustible liquids are stored or handled in excess of 30 gallons of Class I-A, 60 gallons of Class I-B, 90 gallons of Class I-C, 120 gallons of Class II, 250 gallons of Class III-A, or any combination of flamable liquids totaling 240 gallons.

(e) For paint spray booths or rooms and for special provisions on hazardous chemicals and magnesium, and calcium carbide, see Section 45.208, Articles 48, 49 and 80. See also Section 10.301.

6. Group B, Division 2 Occupancies.

(a) Where the floor area exceeds 12,000 square feet on any floor or 24,000 square feet on all floors.

EXCEPTION: Office buildings, municipal police and fire stations.

(b) In buildings used for high-piled combustible storage, fire protection shall be in accordance with Article 81.

(c) In all basements.

(c) Alarms. When serving more than 100 sprinklers, automatic sprinkler systems shall be supervised by an approved central, proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location.

(d) Permissible Omissions. Subject to the approval of the building official with the concurrence of the chief of the fire department, sprinklers may be omitted in rooms or areas as follows:

1. Where sprinklers are considered undesirable because of the nature of the contents or in rooms or areas which are of noncombustible construction with wholly noncombustible contents and which are not exposed by other areas. Sprinklers shall not be omitted from any room merely because it is damp or of fire-resistive construction.

2. Sprinklers shall not be installed where the application of water or flame and water to the contents may constitute a serious life or fire hazard, as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium powder, and sodium peroxide.

3. Safe deposit or other vaults of fire-resistive construction, when used for the storage of records, files and other documents, when stored in metal cabinets.

4. Communication equipment areas under the exclusive control of a public communication utility agency, provided:

   A. The equipment areas are separated from the remainder of the building by one-hour fire-resistive occupancy separation; and

   B. Such areas are used exclusively for such equipment; and

   C. An approved automatic smoke detection system is installed in such areas and is supervised by an approved central, proprietary or remote station service, or a local alarm which will give an audible signal at a constantly attended location; and

   D. Other approved fire-protection equipment, such as portable fire extinguishers or Class II standpipes, is installed in such areas.

5. Other approved automatic fire-extinguishing systems may be installed to protect special hazards or occupancies in lieu of automatic sprinklers.

(2) Section 11.101 (b) is amended by inserting 20 feet for 50 feet as it appears therein. Further, the following sentence is added: An approved waste burner is one made of non-combustible materials with a 1/4 inch mesh cover and without openings into the combustion chamber.

(3) Section 11.105 is amended by deleting paragraph (c) and renumbering paragraphs (d) and (e) and (d) respectively. The new paragraph (c) is now amended by inserting 1/4 inch for 1/2 inch as it appears therein.

(4) Section 11.106 (a) is amended to read: Any residential incinerator shall be installed in accordance with the provisions of the Uniform Mechanical Code (U.B.C. Vol. II)

(5) Seciton 11.112 (b) 2. is amended by inserting 20 feet for 25 feet as it appears therein.

(6) All applicable provisions of the Uniform Fire Code shall be subject to the provisions and regulations of Ordinances No. NS-275, NS-277, NS-358, and NS-1255.

(7) Section 78.101 is amended to read: "Fireworks" means any combustible or explosive composition or substance, or any combination of such compositions of substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, ballons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compounds; but does not include:

(a) Sparklers, toy pistol paper caps, toy pistols, toy canes, toy guns, or other devices in which paper caps containing 125 grains or less of explosive compound are used. and when the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smouldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.

(b) Snakes or similar smoke producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no aftersmouldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.

For purposes of this section "sparklers" means materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials, attached to a wire or other non-combustible central support, with such materials arranged in a cylindrical shape not more than 10 inches in length not more than 1/4 inch in diameter and which shall not burn more rapidly than 1 inch in 10 seconds, but not including materials encased within a container of any character. "Explosive substance" or "explosive mixture" as used in this section shall mean any substance so arranged as to burn in less than 1 second. "Combustible substance" shall mean any substance so arranged as to burn in more than 1 second.

Section 78.102 is amended by adding subsection (d). No person shall sell any fireworks within the City limits of Bend unless such fireworks have first been inspected and approved by the Fire Marshal of the City of Bend."

Read for the first time the 18th day of March, 1981.

Read for the second time the 1st day of April, 1981.

Placed upon its passage the 1st day of April, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of April, 1981.

ATTEST:

Mayor

Recorder-Treasurer

Vacation-Near Suntree Mobile Homes
960' S. of Wilson on SE 15th Street

ORDINANCE NO. NS-1324

AN ORDINANCE VACATING A PARCEL OF LAND IN THE EAST HALF OF THE SOUTHEAST QUARTER (E½ SE¼) OF SECTION FOUR (4), TOWNSHIP EIGHTEEN (18) SOUTH, RANGE TWELVE (12) EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 7th day of January, 1981 requesting that the following described area be vacated:

A parcel of land in the East half (E½) of the Southeast Quarter (SE¼) of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the southeast corner of Section 4, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Thence North 0°13'51" West, 1035.41 feet along the East line of Section 4; thence North 89°42'34" West, 20.00 feet to the true point of beginning. Thence North 89°42'34" West, 638.96 feet; thence North 0°10'21" West, 614.80 feet; thence South 89°32'52" East, 638.96 feet to the Westerly right-of-way of 15th Street; thence South 0°13'51" East, 613.00 feet to the true point of beginning. Containing 9.00 acres more or less, except the East 20.00 feet thereof,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Dean Pieratt and Gene M. Thompson; said vacation proceedings to vacate the following described area:

A parcel of land in the East half (E½) of the Southeast Quarter (SE¼) of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the southeast corner of Section 4, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Thence North 0° 13'51" West, 1035.41 feet along the East line of Section 4; thence North 89°42'34" West, 20.00 feet to the true point of beginning. Thence North 89°42'34" West, 638.96 feet; thence North 0°10'21" West, 614.80 feet; thence South 89°32'52" East, 638.96 feet to the Westerly right-of-way of 15th Street; thence South 0°13'51" East, 613.00 feet to the true point of beginning. Containing 9.00 acres more or less, except the East 20.00 feet thereof.

The City Commission of the City of Bend have fixed the 1st day of April,1981, at 7:30 o'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings, to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the said hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction,maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County. Oregon.

Read for the first time the 1st day of April, 1981.

Read for the second time the 15th day of April, 1981.

Placed upon its passage the 15th day of April, 1981.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 15th day of April, 1981.

ATTEST:

Recorder-Treasurer

Mayor

VACATION:
ALLEY, BLOCK 1, NORTH ADDITION

ORDINANCE NO. NS-1325

AN ORDINANCE VACATING THAT CERTAIN ALLEY IN BLOCK 1, NORTH ADDITION, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 7th day of January, 1981 requesting that the following described street location be vacated:

That certain ALLEY IN BLOCK 1, NORTH ADDITION TO BEND from the south line of Lots 7 and 13 of said Block 1 (if extended across said alley) southwesterly 70 feet to the north line of NW Vermont Street, City of Bend, County of Deschutes, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Pacific Trailways; said vacation proceedings to vacate the following described street area:
>
> > That certain ALLEY IN BLOCK 1, NORTH ADDITION TO BEND from the south line of Lots 7 and 13 of said Block 1 (if extended across said alley) southwesterly 70 feet to the north line of NW Vermont Street, City of Bend, County of Deschutes, Oregon.
>
> The City Commission of the City of Bend have fixed the 1st day of April, 1981, at 7:30 o'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 1st day of April, 1981.
Read for the second time the 15th day of April, 1981.
Placed upon its passage the 15th day of April, 1981.
YES: NO:
Submitted to and approved by the Mayor the 15th day of April, 1981.

ATTEST:

Recorder-Treasurer

Mayor

1340
1354

Repealed 8-4-83
NS-1361

ORDINANCE NO. NS-1326

AN ORDINANCE PROVIDING FOR CERTAIN CIVIL INFRACTIONS, PENALTIES THEREFORE AND REPEALING THE CRIMINAL PENALTIES FOR SAID INFRACTIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Civil Infraction Procedure. Enforcement of these Civil Infractions shall be in accordance with the Bend Civil Infraction Procedure.

CIVIL INFRACTIONS

ANIMALS

Section 2. Dog at Large.

1. Definitions. As used in this section,

a. "Owner" shall mean a person, firm, association or corporation owning, keeping, or harbouring a dog,

b. "At Large" shall mean off the premises of the owner or person having control, custody or possession of the dog while the dog is not under the complete control of the owner or such person by adequate leash; except that a dog in obedience or field training exercise under the direct supervision of a handler and, a dog within a vehicle, shall not be considered to be "at large" as herein defined if it is off a leash.

2. Dogs Not to be At Large. It shall be unlawful for a dog to run at large or to be permitted to run at large. Any owner whose dog is at large shall be responsible for the dog at large.

3. Violation of the section shall be a Class C infraction.

Section 3. Licensing of Dogs.

1. Every dog within the City of Bend that has a set of permanent canine teeth shall be licensed. The license tag shall be procured from the City Recorder and attached to a collar worn by the dog.

2. Every person (including firms and corporations) owning or maintaining or controlling a dog within the City of Bend shall cause dogs for which a license is required to become licensed not later than 30 days after that person becomes the owner or person maintaining or in control of the dog.

3. The City Manager is authorized to enter into an agreement with Deschutes County whereby the City will license dogs within the City limits as provided by State Law.

4. Licenses shall not be required for dogs owned by dealers, breeders or exhibitors where such dogs are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealers, breeders or exhibitors to and from a dog show or fair; nor for guide dogs used by blind persons.

5. Any dog within the City of Bend which is in violation of this or any other applicable ordinance or law dealing with dog control shall be subject to impoundment. The City Manager is authorized to contract with any responsible organization for the operation of a dog pound at which such dogs may be impounded.

6. Violation of this section shall be a Class C infraction.

Section 4. Animals at Large.

1. Definitions. As used in this section.

a. "Owner," shall mean a person, firm, association or corporation owning, keeping or harboring an animal listed in subsection (2).

b. "At Large", shall mean off the premises of the owner or person having control, custody or possession not under the complete control of said person by adequate leash or bridle.

2. It shall be unlawful for the owner having the care or control of any horses, cattle, sheep, goats, swine or like animals to permit such animals to run at large in the City of Bend.

3. Violation of this section shall be a Class C infraction.

Section 5. Abatement of Animal Violations.

1. Dogs or animals set forth in Section 4 which are Nuisances. A dog or other animal set forth in Section 4 is a nuisance if it:

a. Runs at large, or

b. Howls or barks and thereby disturbs more than one household or barks continuously for more than fifteen minutes.

c. Bites a person or shows a propensity to bite persons.

2. Impounding. An animal which is a nuisance as herein defined; or is unlicensed as required by law may be impounded by the Animal Control Officer of the City of Bend or by his agent or by a police officer.

3. All animals impounded because of a violation of this or any other applicable ordinance or law shall be handled as follows:

a. The animal pound operator shall make every reasonable effort to locate the owner of the animal and notify the owner that the animal has been impounded and what must be done to release the animal. If the dog is licensed, the operator shall make every reasonable effort to contact the owner by telephone or in person. If the animal is not licensed the pound operator is not required to use any particular method of giving notice to the owner.

b. Impounded animals may be reclaimed by paying the reasonable expense of keeping the animal and such other fees or amounts, such as licenses and fines, as are provided by law.

c. Animals which are not reclaimed within 5 days of being impounded shall be disposed of by the pound operator either selling the animal, securing a home for the animal, or destroying the animal in a humane manner.

4. Seizing Certain Dogs. A dog found biting a person or which has bitten any person may be summarily seized by a person and promptly delivered to any member of the Bend Police Department or Dog Control Officer for impounding.

5. Rabid Dogs.

a. Whenever it becomes necessary to safeguard the public from the dangers of rabies, the mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeable infected with rabies. All dogs noticeable infected with rabies and displaying vicious propensities may be killed by the City without notice to the owner.

b. If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian for a period of two weeks. The owner shall notify the poundmaster of the fact that his dog has been exposed to rabies; and at his discretion, the poundmaster is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

c. It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his permises or beyond the limits of the City without the written permission of the poundmaster. Every owner, or other person, upon ascertaining a dog is rabid, shall immediately notify the poundmaster or a policeman, who shall either remove the dog to the pound or summarily destroy it.

d. A violation of this subsection shall be a Class A infraction.

6. Dog Waste.

a. It shall be unlawful for a person owning or keeping a dog to allow the dog to deposit solid waste matter on any property other than that of the person owning or keeping said dog, but it shall be a defense to this action if such owner or keeper removes the solid waste deposited by his dog on any property other than his own.

b. A violation of this subsection shall be a Class C infraction.

ALCOHOL

Section 6. Liquor Definitions. For purposes of Sections 7 to 11, the following words and phrases mean:

1. Alcoholic Liquor. Any alcoholic beverage containing more than one-half of 1 percent alcohol by volume, and every liquor or solid, patented or not, containing alcohol and capable of being consumed by a human being.

2. Commission. The Oregon Liquor Control Commission.

3. Distilled Spirits or Distilled Liquor. Any alcoholic beverage containing more than 14 percent of alcohol by volume, including sweet wines and all spirituous liquor.

4. Licensee. A person who has an alcoholic liquor license from the commission authorizing such person to sell or dispense alcoholic liquor.

5. Licensed premises. The room or inclosure at the address within the corporate limits of the City for which a license has been issued by the commission for the serving, mixing, handling or selling of alcoholic liquor.

6. Liquor Control Act. The state law so designated by ORS 471.027 as not or hereafter amended and supplemented, and including the Oregon Distilled Liquor Control Act as defined by ORS 472.020 as now or hereafter amended and supplemented.

7. Minor. Any person under the age of 21 years.

8. Other responsible relative.

a. An adult who is the spouse of a minor,

b. An adult, related to a minor, who has taken over the parental duties of governing the minor's actions and

c. A duly appointed, qualified and acting guardian who has taken over the parental duties of governing a minor's actions.

9. Sell. To solicit or receive an order; to keep or expose for sale; to deliver for value or in any way other than purely gratuitously; to peddle; to keep with intent to sell; to traffic in; or for any consideration, promised or obtained, directly or indirectly, or under any pretext or by any means, to procure or allow to be procured for any other person.

Section 7. Drinking on Unlicensed Premises.

1. Definitions. The following definitions shall apply to this section.

a. "Public Place". Public places are those places defined as such in ORS 161.015 (9).

b. "Premises open to the public" are those premises which are open to the general public whether privately or publicly owned irrespective of whether or not said premises are actually open at the time.

2. No person shall drink or be in possession of an open container of alcoholic beverages in a public place or premises open to the public unless such place or premises has been licensed by the Oregon Liquor Control Commission to sell intoxicating liquor for consumption or on premises for which a permit has been issued by the City of Bend.

3. Violation of this section shall be a Class B infraction.

Section 8. Public Intoxication and Drinking.

1. No person shall create, while in a state of intoxication, any disturbance of the public in any public or private business or place.

2. A violation of this section shall be enforced through Section 8(a) of this ordinance.

Section 8 (a). Intoxicated Persons.

1. Any person who is intoxicated in a public place may be taken or sent to his home or to a treatment facility by the police. However, if the intoxicated person is incapacitated, his health appears to be in immediate danger, or the police have reasonable cause to believe the person is dangerous to himself or to any other person, he shall be taken by the police to an appropriate treatment facility. A person shall be deemed incapacitated when he is unable to make a rational decision as to the acceptance of assistance.

2. The director of the treatment facility shall determine whether a person shall be admitted as a patient, or referred to another treatment facility, or denied referral or admission. If he is incapacitated or his health appears to be in immediate danger, or if the director has reasonable cause to believe the person is dangerous to himself or to any other person, he must be admitted.

3. In the absence of any treatment facility, an intoxicated person who would otherwise be taken by the police to a treatment facility may be taken to the City jail, where he may be held until he is no longer intoxicated or incapacitated.

4. Unless the person has within 48 hours applied for voluntary admission to the treatment facility, he shall be discharged.

5. An intoxicated person taken into custody by the police for a violation of a City ordinance shall immediately be taken to an available treatment facility, if any, when his condition of intoxication requires emergency medical treatment.

6. The records of a patient at a treatment facility shall be confidential and shall not be disclosed without the consent of the patient. A patient's request that no disclosure be made of his admission to a treatment facility shall be honored unless he is incapacitated or disclosure of his admission is otherwise required by law.

7. No peace officer, treatment facility and staff, physician, or judge shall be held criminally or civilly liable for actions pursuant to this section; provided that he acts in good faith, on probable cause, and without malice.

Section 9. Minors, Employment in Liquor Establishment.

1. A person who operates an establishment licensed under the laws of the State of Oregon to vend or distribute intoxicating liquor shall not employ or permit any minor to handle, distribute, or sell any intoxicating liquor.

2. A violation of this section shall constitute a Class B infraction.

Section 10. Consumption by Licensee.

1. It shall be unlawful for any licensee holding a license for the sale of alcoholic liquor, or any employee thereof, while on duty, to consume alcoholic liquor upon the premises where employed, or to be under the influence of liquor while on duty.

2. A violation of this section shall be a Class B infraction.

Section 11. Minors, Employment in Certain Places.

1. No person shall employ a minor in or about any cardroom, poolroom, billiard room, or shooting gallery where intoxicating beverages are consumed.

2. A violation of this section shall constitute a Class B infraction.

NUISANCES

Section 12. Deschutes River.

1. It shall be unlawful for any unauthorized person to operate any motor propelled boat on the Deschutes River within the limits of the City of Bend; or for any unauthorized person to operate any boat, whether motor propelled or not, within 100 feet of the islands located immediately below the Tumalo Bridge in the Deschutes River within the limits of the City of Bend. This prohibition against boating shall not apply to boats coming to or going from abutting properties provided these boats do not unnecessarily disturb wild life.

2. No person or persons shall loiter or congregate on any bridge across the Deschutes River or fish or dive from any such bridge into the river, or swim in the Deschutes River within the corporate limits of the City of Bend.

3. A violation of this section shall constitute a Class A infraction.

Section 13. Children Confined in Vehicles.

1. No person who has under his control or guidance any minor child under eight years of age shall at any time lock or confine, or permit to be locked or confined, or leave unattended, such child in any automobile, stage, coach, bus, or other vehicle or place upon the streets, alleys, or ways for a period to time longer than 10 minutes. It shall be lawful and the duty of any policeman or other peace officer, finding a child or children confined in violation of the terms of this ordinance, to enter such automobile, stage, coach, bus or other vehicle and remove such child, such officer having the right, if necessary, to break the doors or windows of such vehicle in order to save the life of such child or to save such child from great mental or physical suffering.

2. A violation of this section shall constitute a Class A infraction.

Section 14. Taking, Retention or Mutilation of Public Records.

1. No person shall without proper authority take or remove any public record, document, book, paper or personal property of any kind owned by the City.

2. No person without proper authority shall mutilate or destroy any public record, document, book or paper on file or kept on record in any public office of the City.

3. No person shall retain any public record, document, book or paper after lawful demand has been made for the return thereof.

4. A violation of this section shall constitute a Class B infraction.

Section 15. Destruction of Official Notices and Signs.

1. No unauthorized person shall deface, alter, remove or tear down any official notice or bulletin or any official sign or signal posted or placed in conformity with the laws.

2. A violation of this section shall constitute a Class C infraction.

Section 16. Removal of Barricades.

1. No person shall remove, alter or damage any danger notice or barricade erected or maintained by authority of the City in, around, across or along any sidewalk or roadway. For the purposes of this section any danger sign or barricade lawfully erected by a contractor in connection with the work of paving or improving any sidewalk or roadway under contract with the City for such improvement shall be deemed to be erected by authority of the City.

2. A violation of this section shall constitute a Class B infraction.

Section 17. Protection of Asphalt.

1. No person shall spill or permit to be spilled or otherwise to come in contact with any pavement composed wholly or in part of asphalt or similar substance, any liquid petroleum product, acid, or other liquid substance that may, if deposited on such pavement, tend to disintegrate or injure the same; nor shall any person burn anything on said pavement.

2. A violation of this section shall constitute a Class B infraction.

Section 18. Travel Over New Street Improvements.

1. No person shall walk or ride or cause a vehicle to be operated, or cast any object, along or upon any pavement, walk, curb or other surface of any hard surface street improvement within the City before that portion of pavement, walk, curb or other surface has been opened for public travel by the City.

2. A violation of this section shall constitute a Class B infraction.

Section 19. Obstructing Public Ways.

1. No person shall, except as authorized by law, obstruct, cause to be obstructed, assist in obstructing or interfere with any public way, including streets, alleys and sidewalks, by depositing or storing personal property on public ways or in any other manner obstructing or interfering with public ways.

2. This section shall not apply to the delivery of merchandise or equipment provided delivery is accomplished within a reasonable time.

3. Any obstruction of a public way between sunset and sunrise shall be illuminated by warning lights clearly visible 200 feet in all directions.

4. No person shall use any public way for display or sale of goods except authorized by the City Commission.

5. No unauthorized person shall deposit any garbage, earth, debris or rubbish of any kind on any public way or in the Deschutes River within the City of Bend.

6. A violation of this section shall be a Class C infraction.

Section 20. Sidewalks.

1. No person or persons shall fail or refuse to move on or to disperse when lawfully ordered to do so by any police officer.

2. No person shall obstruct any entrance to any building or loiter unnecessarily about or near any entrance, stairway or hall leading to any building.

3. No person shall keep or leave open any cellar door or grating of any kind located in or upon any sidewalk except when the same is necessarily open during the immediate use thereof, and when being used such opening shall be properly guarded and protected.

4. No person shall lead, ride, tie, or fasten any goat, horse, cow, sheep, swine, or similar animal in such a manner as to permit it to remain on or go along any parking strip, sidewalk area, or public pathway.

5. It shall be unlawful for any person to ride, drive, or operate upon any public sidewalk within the limits of the City of Bend any motorcycle, automobile, buggy, wagon, hack, or other vehicle or conveyance; provided, however, that this ordinance shall not apply to the use of baby carriages or perambulators upon sidewalks.

6. Violation of this section shall be a Class C infraction.

Section 21. Public Urination.

1. No person shall urinate in public by exposing his or her genitals in view of others except in urinals and restrooms provided for that purpose.

2. Violation of this section shall be a Class B infraction.

Section 22. Curfew for Minors.

1. No minor under the age of 18 years shall be in or upon any street, highway, park, alley, or other public place between the hours of 10:00 p.m. and 4:00 a.m. of the following morning if the following morning is that of a school day in the Bend Public School system, and the hours of 12:00 p.m. and 4:00 a.m. on other days, unless such minor is accompanied by a parent, guardian, or other person 21 years of age or over and authorized by the parent or by law to have care and custody of the minor, or unless such minor is then engaged in a lawful pursuit or activity which requires his presence in such public places during the hours specified in this section.

2. No parent, guardian, or person having the care and custody of a minor under the age of 18 years shall allow such minor to be in or upon any street, highway, park, alley, or other public place between the hours specified in subsection (1) of this section, except as otherwise provided in that section.

3. A violation of subsections (1) and (2) of this section shall be a Class B infraction.

4. Enforcement. Peace officers and other law enforcement officers may take or send the minor to his residence and notify the parents, guardian, or person having care and custody of the minor concerning the violation.

Section 23. Parks.

1. Definitions:

a. "Public Parks" means all property owned or controlled by the City of Bend, Oregon, or by the Bend Metropolitan Park and Recreation District and operated for the public's recreational use.

b. "City Property" shall mean any other real property owned or controlled by the City of Bend, Oregon, either within or without the City limits, except maintained City streets.

c. "Person" means any person, firm or corporation; but does not include City of Bend Metropolitan Park and Recreation District personnel, or those acting with the authority or permission of the Bend City Commission or the Bend Metropolitan Park and Recreation District.

Section 24. Violations.

1. Persons using public parks and any other City property shall obey the following rules and regulations:

a. No person shall cut or remove or damage any flowers, trees or trails.

b. No person shall build any fire except in a stove or fireplace provided therefore. Fires shall not be left unattended and every fire must be extinguished before its user leaves the park. Portable gas, gasoline, charcoal and oil camp stoves may be used in the parks only if in safe operating condition and can only be operated in a safe manner.

c. No person shall camp or use parks overnight except in areas designated for camping or in connection with activities authorized by the City Commission.

d. No person shall damage or injure in any way any building, installation, equipment or other property in public parks.

e. No person shall sell any merchandise, or service or operate any concession in public parks without permission of the City Commission.

f. No person shall litter parks. All garbage and refuse of any kind must be deposited in proper receptacles provided for this purpose. Garbage and refuse shall not be brought to parks.

g. No person shall operate or park any motor vehicle except on roads or designated parking areas.

h. No person shall operate or bring any vehicle with gross weight exceeding 5 tons into a public park except buses carrying passengers to the park.

i. No person shall ride or lead any house in public parks except on a designated bridle path. Horses or other animals shall not be tied to any tree or shrub in such a manner as to cause damage to such tree or shrub.

j. No person shall use golf clubs, archery equipment, discus, javelin, shot put or model aircraft in parks except as permitted by the City Recreation Department.

k. No person shall hunt, pursue, trap, kill, injure or disturb the habitat of any bird or animal.

L. No person shall possess any loaded firearm, except those persons authorized to carry firearms under ORS 166.260.

m. No person shall dig up, deface or remove dirt, stones, rock or other substance nor make any excavation.

n. No person shall erect any signs, markers or instructions without City permission.

o. No person shall wash any clothing or materials or clean any fish in streams, springs, pools, wells or rivers.

p. No person shall use any device that amplifies sound nor play a radio, tape recorder or record player in public parks or in vehicles parked on streets adjacent to public parks if the sound can be heard outside the vehicle. This regulation shall not apply to Vince Genna Stadium.

2. A violation of the rules and regulations set forth in Section 24 shall be a Class B infraction.

Section 25. Repealers. NS. 120, 177, 413, 775, 860, and 1280 are hereby repealed.

Section 26. Effective Date. The effective date of this ordinance shall be June 19, 1981.

Read for the first time the 6th day of May, 1981.

Read for the second time the 20th day of May, 1981.

Placed upon its passage the 20th day of May, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of May, 1981

ATTEST:

Mayor

Recorder-Treasurer

252 AMENDED BY ORD. # NS-1340
Repealed by ORD. NO. NS-1399

ORDINANCE NO. NS-1327

AN ORDINANCE ESTABLISHING AN INFRACTION PROCEDURE FOR VIOLATION OF CERTAIN CITY ORDINANCES; AMENDING SAID ORDINANCES; PROVIDING A SCHEDULE OF FINES FOR VIOLATION OF SAID ORDINANCES; AND REPEALING THE PENALTY SECTION OF SAID ORDINANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Establishment and Purpose.

1. A procedure to handle violations of City ordinances as infractions, subject to the provisions set forth below, is hereby established.

2. An infraction procedure has been established for the purpose of de-criminalizing penalties for violations of certain ordinances and for the purpose of providing a convenient and practical forum for the hearing and determination of cases arising out of said violation.

Section 2. Definitions. For the purpose of this ordinance, the following definitions apply:

1. General. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal code and Oregon Criminal Procedure Statutes, as they now exist, shall be applicable throughout this ordinance.

2. City Infraction. An offense against the City in the form of a violation of one of the City ordinances or section thereof designated in Section 3 constitutes an infraction and shall be handled in accordance with the procedures established by this ordinance. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist and a separate citation may be filed for each such infraction.

3. Fine; Fine Schedule. The penalty to be imposed for an infraction is a fine, forfeiture, fine and forfeiture, or other civil penalty. The appropriate fine shall be determined by reference to the fine schedule in Section 17. The procedure established by this ordinance shall be the exclusive procedure for imposing a fine. Provided, however, this section shall not be read to prohibit in any way alternative remedies, including abatement, nor shall the City be prohibited from recovering any expense incurred in an abatement procedure.

4. Person. The term "person" as used in this ordinance shall be construed to include any person, firm, partnership, corporation or association of persons.

Section 3. Application and Amendment. The infraction procedure prescribed by this ordinance applies to and hereby amends the following ordinances of the City of Bend: NS-223, 277, 333, 455, 469 (Sections 6-3.2 to 6-3.79), 480, 607, 634, 701, 704, 752, 828, 891, 947, 948, 1012, 1031, 1049, 1052, 1055, 1122, 1126, and 1132. Ordinances imposing infractions enacted after the effective date of this ordinance shall expressly incorporate the infraction procedure set out herein.

Section 4. Procedure. When a City officer or police officer has reasonable grounds to believe a person has committed an infraction, the officer may issue to that person a citation for the offense. A police officer may either arrest the person or issue a citation.

Section 5. Citation and Complaint. A citation conforming to exhibit "A", attached hereto and incorporated by reference shall be used for all infractions, excepting traffic offenses. Additional parts may be inserted by law enforcement agencies or the Municipal Court for administrative use.

Section 6. Private Person may commence actions for infraction; complaint; service of summons.

1. A private person may commence an action for an infraction by certifying to the complaint before the Municipal Judge, clerk or deputy clerk of the court or before a Bend police officer. This action will be entered in the court record.

2. A complaint under subsection (1) of this section shall contain a form of certificate in which the complainant shall certify that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. A certificate conforming to this section shall be deemed equivalent of a sworn complaint.

3. When the complaint is certified by a private person, the court shall cause the summons to be delivered to the defendant.

Section 7. Minimum requirements for summons. A summons in an infraction offense is sufficient if it contains the following:

1. The name of the court, the name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.

2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the offense is alleged to have occurred.

3. A notice to the person cited that a complaint will be filed with the court based on the offense.

4. The amount of bail, if any, fixed for the offense.

Section 8. Minimum requirements for complaint. Except as provided in this section, a complaint in an infraction offense is sufficient if it contains the following:

1. The name of the court, the name of the state or of the city or other public body in whose name the action is brought and the name of the defendant.

2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the offense is alleged to have occurred.

Section 9. Delivery of summons to person cited; delivery of other parts of citation.

1. An officer issuing the citation shall cause:

   a. The summons to be delivered to the person cited; and
   b. The complaint and abstract of court record to be delivered to the court.

Section 10. Appearance by defendant.

1. The defendant shall either appear in court at the time indicated in the summons, or prior to such time shall deliver to the court the summons, together with cash, check or money order in the amount of the bail set forth in the summons, and inclosing therewith:

   a. A request for a hearing, or
   b. A statement of matters in explanation or mitigation of the offense charged, or
   c. The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be inclosed with the guilty plea.

2. In any case in which the defendant personally appears in court at the time indicated in the summons, if he desires to plead guilty and the judge accepts the plea, the judge shall hear any statement in explanation or mitigation that the defendant desires to make.

Section 11. Effect of statement in explanation or mitigation. If a defendant has submitted to the court a written statement as provided in paragraph (b) of subsection (1) of Section 10, it constitutes a waiver of hearing and consent to judgement by the court declaring a forfeiture of bail on the basis of such statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the court.

Section 12. Fixing hearing date; notice to defendant. If the defendant requests a hearing, or if pursuant to Section 13 the court directs that a hearing be held, the court shall fix a date and time for the hearing and, unless notice is waived, shall at least five days in advance of the hearing mail to the defendant notice of the date and time so fixed.

Section 13. Hearing discretionary with the Court. In any case the court may direct a hearing be held. Otherwise, the court may enter the appropriate judgement, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine. No fine may be imposed in excess of the bail deposited by the defendant unless a hearing is held.

Section 14. Warrant for arrest.

1. If a person cited fails to comply with the provisions of Section 10 of this ordinance, or if he fails to appear at any time fixed by the court, a warrant for his arrest may be issued.

2. No warrant of arrest for failure to appear may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail. Unless a warrant has been issued before the expiration of that period the order of forfeiture shall be deemed the final disposition of the case.

Section 15. Trial; burden of proof.

1. The trial of any infraction shall be by the court without a jury. The trial of any infraction shall not commence until the expiration of seven days from the date of arrest or citation for the infraction unless the defendant waives the seven-day period.

2. The City shall have the burden of proving the alleged ordinance in fraction by a preponderance of the evidence.

3. The defendant may be represented by counsel, but counsel shall not be provided at public expense. If defense counsel is to appear, written notice shall be provided to the municipal court five days prior to the hearing date, excluding weekends and holidays.

4. If the person alleged to have committed the infraction desires that witnesses be ordered to appear by subpoena, he must so request in writing from the court at the time the answer is returned, or subsequently by mail at any time five days prior to the scheduled hearing. Subject to the same five day limitation, the complaining official or city attorney, as appropriate, may also request the court that certain witnesses be ordered to appear by subpoena. If a fine is declared in the final order, the order shall also provide that the person shall pay any witness fees payable in connection with the hearing.

5. After due consideration of the evidence and arguments presented at the hearing, the court shall determine whether the infraction as alleged in the complaint shall be entered in the municipal court records. When a determination is made that an infraction has been committed, an appropriate order shall be entered in the municipal court records. In addition to any fine, forfeiture, fine and forfeiture or other civil penalty, the court shall assess court costs.

Section 16. Enforcement.

1. Deliquent fines and those brought to default judgement which were assesed for infractions occurring on real property may be held as city liens against said property and collected in the same manner as other such debts owing to the city.

2. Nothing in this section shall limit the city from revoking or denying any city license or permit held or desired by a person owing a fine to the city.

3. If any person neglects or refuses to pay a fine imposed within the time allowed by the court, the court shall have the authority to issue a warrant requiring the defendant to appear and show cause why he should

not be found in contempt of court. In determining whether or not the person is in contempt, the court shall follow the procedures set forth in ORS Chapter 33. A person found in contempt may be ordered confined in the city jail one day for each $25.00 of such fine. Provided, however, the court shall not order any person confined, pursuant to the provisions of this section, to more than five (5) days in the city jail.

Section 17. Schedule of fines.

1. Infractions are classified for the purpose of determining fines into the following categories:

a. Class A infraction
b. Class B infraction
c. Class C infraction

2. An assessment of a fine for an infraction shall be an assessment to pay an amount not exceeding:

a. $500 for a Class A infraction
b. $250 for a Class B infraction
c. $100 for a Class C infraction

3. Infractions of specific Bend ordinances are classifies as follows:

Bend City Ordinance No.		Class
NS-223	Peddlers	B
NS-277	Explosives (licensing)	A
NS-333	Electricity Tax	C
NS-455	Jaywalk	C
NS-469	(Sections 6-3.2 to 6-3.79)Traffic	B
NS-480	Electric Code	C
NS-607	Public Dances	B
NS-634	Garbage Collection	B
NS-701	Buildings	B
NS-704	Sound Trucks	B
NS-752	Bus Service	B
NS-828	Use of Public Property	C
NS-891	Water Sprinkling	C
NS-947	Solicitation	B
NS-948	Fire Code	A
NS-1012	Sewer Regulation	A
NS-1031	Building Code	B
NS-1049	Plumbing Code	B
NS-1052	Motel Tax	A
NS-1055	Signs	B
NS-1122	Ambulances	A
NS-1126	Fire Alarm Sales	B
NS-1132	Business License	B

Section 18. Bail Schedule. The court is hereby directed to establish a bail schedule for each class of civil infractions. A copy of this schedule is to be kept at the office of the Municipal Court clerk.

Section 19. Appeal. An appeal from a judgement involving a civil infraction may be taken by either party in the manner provided for in the City Charter.

Section 20. Repealer. The criminal penalties for violations of the following ordinances are hereby repealed: NS-223, 277, 333, 455, 469 (sections) 6-3.2 to 6-3.79), 480, 607, 634, 701, 704, 752, 828, 891, 947, 948, 1012, 1031, 1049, 1052, 1055, 1122, 1126, and NS-1132.

Section 21. Severability. It shall be considered the legislative intent of this ordinance that if any part of this ordinance is held to be unconstitutional or otherwise void, or is repealed or impliedly repealed by City ordinance, federal or state law, each and every other provision hereof shall remain in force.

Read for the first time the 6th day of May, 1981.

Read for the second time the 20th day of May, 1981.

Placed upon its passage the 20th day of May, 1981.

YES: 7 NO: 0

Passed by the City Commission and approved by the Mayor this 20th day of May, 1981

ATTEST:

Recorder-Treasurer

Mayor

CITY OF _____

CITATION AND COMPLAINT

STATE OF OREGON)
)
CITY OF _____) DOCKET NO. _____
)
COUNTY OF DESCHUTES) MUNICIPAL COURT

THE UNDERSIGNED CITY OFFICER CERTIFIES AND SAYS:

THAT ON THE ____DAY OF _____, 19____ at _____ /_/a.m./_/p.m.

NAME _____
(Last) (First) (Middle)

RES. ADD. _____ PHONE _____

CITY _____ STATE _____

BUS. ADD. _____ PHONE _____

CITY _____ STATE _____

DOB _____ OPER LIC NO. OR SOC SEC NUMBER _____

DID UNLAWFULLY COMMIT THE OFFENSE OF: _____

_____ IN VIOLATION OF CITY

ORDINANCE _____ BY: _____

I CERTIFY THAT I HAVE REASONABLE GROUNDS TO AND DO BELIEVE THAT THE ABOVE PERSON COMMITTED THE ABOVE OFFENSE CONTRARY TO LAW.

DATE OFFICER NO.

I HEREBY CERTIFY THAT I SERVED A COPY OF THIS CITATION AND COMPLAINT ON THE ABOVE NAMED DEFENDANT.

DATE OFFICER NO.

APPEAR IN COURT AT _____M. ON ____ DAY OF _____, 19___

SCHEDULED BAIL
$

LOCATED AT _____

IMPORTANT NOTICE: THIS COMPLAINT WILL BE FILED IN THE COURT INDICATED, FAILURE TO COMPLY WITH THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS CITATION MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

ORDINANCE NO. NS-1328

AN ORDINANCE AMENDING THE BEND CRIMINAL CODE BY ADDING PROVISIONS PROHIBITING AND FALSELY CERTIFYING COMPLAINTS FOR CIVIL INFRACTIONS, INTERFERENCE WITH FIRE CONTROL AND HARRASSMENT AND SETTING PENALTIES FOR VIOLATIONS.

The City of Bend does ordain as follows:

Section 1. Subsections 14 and 15 are hereby added to Section 4 of NS-1279, the Bend Criminal Code defining offenses against the City and Public Justice as follows:

14. False Certification. Any person who, in connection with the issuance of a civil infraction citation or filing a complaint as defined in the City of Bend Civil Infraction procedure ordinance, knowingly certifies falsely to the matters set forth therein commits a Class A Misdemeanor.

15 Fire Control.

a. No person shall intentionally give any false alarm of fire or aid or abet in the commission of such an act.

b. No person at a fire shall conduct himself in a disorderly manner or refuse to obey promptly any order of any member of the Fire Department or resist, obstruct or hinder any member of the Fire Department. For the purposes of this section, all members of the Fire Department are endowed with the same powers of arrest as are conferred upon peace officers for violations of the City ordinances.

c. A violation of this subsection shall be a Class A Misdemeanor.

Section 2. Subsection 11 is hereby added to Section 7 of NS-1279, the Bend Criminal Code, defining offenses against public order as follows:

11. Harassment. A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he or she conveys sexually offensive or threatening messages to another person, anonymously or otherwise, by telephone, mail or other form of written communication and causes annoyance or alarm. Harassment is a Class B Misdemeanor.

Section 3. Repealer. NS-737 is hereby repealed.

Section 4. Effective Date. The effective date of this ordinance will be June 19, 1981.

Read for the first time the 6th day of May, 1981.

Read for the second time the 20th day of May, 1981.

Placed upon its passage the 20th day of May, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of May, 1981.

ATTEST:

Mayor

Recorder-Treasurer

Moving Buildings

ORDINANCE NO. NS-1329

NS-1329 repealed by NS-1495, passed 7-19-89.

AN ORDINANCE AMENDING ORDINANCE NO. NS-701.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The deposit required by Section 1(1)(d) of Ordinance No. NS-701 is increased from $1,500 to $5,000.

Section 2. A new subparagraph shall be added to subsection (3) of Section 1 of Ordinance No. NS-701 to read:

"(e) If the person who makes the deposit required by subparagraph (d) above is not entitled to a return of all of the deposit as provided in subparagraph (d) the City Commission in its sole discretion may direct that a portion of the deposit be returned upon such terms and conditions as the City Commission may determine."

Section 3. A new subparagraph shall be added to subsection (3) of Section 1 of Ordinance No. NS-701 to read:

"(f) Secure a building permit for the site to which the moved building is to be relocated."

Section 4. Section 1(3)(d)(3) of Ordinance No. NS-701 is amended by adding thereto the following sentence:

"After relocation the building and the site to which it is moved shall be improved or developed so that they are comparable to the general neighborhood as determined by the City. The Improvement or development may be include painting the building if necessary, landscaping the site or paving any off-street parking spaces if required."

Read for the first time the 20th day of May, 1981.

Read for the second time the 3rd day of June, 1981.

Placed upon its passage the 3rd day of June, 1981.

YES: 5 NO: 0

Submitted to and approved by the Mayor the 3rd day of June, 1981.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1330

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED: AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

Parcels of land located in Sections Thirty-three (33) and Thirty-four (34), Township Seventeen (17) S., Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon:

Beginning at a point on the south line of the NW¼ of the SW¼ (NW¼ SW¼) of Section 34, Township 17 S, Range 12 E.W.M., said point being S. 89°53'46" E. 558.77 feet from the southwest corner of the NW¼ of the SW¼ of said Section 34; thence along the south line of said NW¼ of the SW¼, Section 34 and the south line of the NE¼ of the SE¼ of Section 33, Township 17 S, Range 12 E.W.M. W. 1878.8 feet to the southwest corner of said NE¼ of the SE¼ of said Section 33; thence along the west line of said NE¼ of the SE¼ of Section 33 and the west line of the SE¼ of the NW¼ of said Section 33 north 1750 feet, more or less, to a point on the southerly right-of-way of Central Oregon Highway No. 20; thence along the southerly right-of-way of said Highway No. 20, southeasterly 3140 feet, more or less, to a point N. 0°02'57" W. 481.35 feet from the point of beginning; thence S. 0°02'57" E. 481.35 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 17th day of June, 1981, at the hour of 7:30 P.M. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of May, 1981.

Read for the second time the 3rd day of June, 1981.

Placed upon its passage the 3rd day of June, 1981.

YES: NO:

Submitted to and approved by the Mayor the 3rd day of June, 1981.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1331

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; SETTING UP A PUBLICATION SCHEDULE; AND REPEALING ORDINANCE NO. NS-1309.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A tract of land containing 29.19 acres, more or less, located in the North one-half of Section Five (5), Township Eighteen (18) South, Range Twelve(12) East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a 3" brass cap marking the North one-quarter corner of said Sec. 5, thence S. 89°46'50" E., following the north line of said Sec. 5, a distance of 896.30 feet to a point on an existing cyclone fence line; thence S. 70°19'33" W., following the said existing fence line, a distance of 277.53 feet to an angle point in the said fence line; thence S. 40°36'05" W., following the said fence line, a distance of 80.20 feet to an angle point in the said fence line; thence S. 05°53'45" W. a distance of 113.40 feet to an angle point in the said fence line; thence S. 06°55'43" W. a distance of 79.67 feet to a 5/8" iron rod with a plastic cap on the North line of the Brooks-Willamette Corporation lease property (as described in an unrecorded document); thence following the northerly and westerly boundaries of the said lease property the following 3 courses and distances and 2 curves; N. 89°30'25" W. (N. 89°30'48" W. record per lease) a distance of 74.15 feet; following the arc of a 629.48 foot radius curve left a distance of 211.94 feet (chord bears S. 80°50'52" W. 210.94 feet); S. 71°12'08" W. (S. 71°11'45" W. record per lease) a distance of 36.83 feet; thence following the arc of a 758.23 foot radius curve right a distance of 206.58 feet (chord bears S. 79°00'26" W. 205.94 feet); S. 02°47'16" E. (S. 02° 47'39" E. record per lease) a distance of 109.33 feet to a 5/8" iron rod with a plastic cap; thence leaving the boundary of the said lease parcel S. 61°13'35" W. a distance of 280.91 feet to a 5/8" iron rod with a plastic cap; thence following the arc of a 400.00 foot radius curve right 198.20 feet (chord bears S. 75° 25'17" W. 196.18 feet) to a 5/8" iron rod with a plastic cap; thence S. 89°36' 59" W. a distance of 270.84 feet to a 5/8" iron rod with a plastic cap; thence S. 09°13'14" W. a distance of 145.91 feet to a point on an existing fence line; thence N. 72°25'40" W., following the said fence line, a distance of 159.39 feet to an angle point in the fence; thence N. 65°21'49" W., following the said fence line, a distance of 31.10 feet to an angle point in the fence; thence N. 54°19'19" W., following the said fence line, a distance of 104.54 feet to an angle point in the fence; thence N. 47°11'53" W., following the said fence line, a distance of 136.44 feet thence leaving said fence line S. 26°14'46" W. a distance of 356.89 feet, more or less, to the centerline of the Deschutes River; thence N. 63°45'14" W., following the said river centerline, a distance of 96.70 feet, more or less, to a point on the easterly line of that tract of land designated as Parcel 10 in the Deed to Brooks Resources Corporation recorded in Volume 278, page 148 to 152, inclusive, of Deschutes County Deed Records; thence N. 06°55'43" W., following the said easterly line of said tract a distance of 936.12 feet to a 5/8" iron rod with a plastic cap on the north line of said Sec. 5; thence N. 89°43'48" E., following the north line of Sec. 5, a distance of 88.16 feet to a 3" Brass Cap marking the West one-sixteenth corner common to Sec. 5 and 32; thence N. 89°43'48" E., following the north line of said Sec. 5, a distance of 1317.48 feet to the "Point of Beginning" the terminus of this description. SUBJECT TO: All easements, restrictions and rights-of-way of record.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 17th day of June, 1981, at the hour of 7:30 P.M. O'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 20th day of May, 1981.
Read for the second time the 3rd day of June, 1981.
Placed upon its passage the 3rd day of June, 1981.
YES: 5 NO: 0
Submitted to and approved by the Mayor the 3rd day of June, 1981.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1332

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1330, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 17th day of June, 1981, at the hour of 7:30 P.M., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> Parcels of land located in Sections Thirty-three (33) and Thirty-four (34), Township Seventeen (17) S., Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon:
>
> Beginning at a point on the south line of the NW¼ of the SW¼ (NW¼ SW¼) of Section 34, Township 17 S., Range 12 E.W.M., said point being S. 89°53'46" E. 558.77 feet from the southwest corner of the NW¼ of the SW¼ of said Section 34; thence along the south line of said NW¼ of the SW¼, Section 34 and the south line of the NE¼ of the SE¼ of Section 33, Township 17 S., Range 12 E.W.M. W. 1878.8 feet to the southwest corner of said NE¼ of the SE¼ of said Section 33; thence along the west line of said NE¼ of the SE¼ of Section 33 and the west line of the SE¼ of the NW¼ of said Section 33 north 1750 feet, more or less, to a point on the southerly right-of-way of Central Oregon Highway 20; thence along the southerly right-of-way of said Highway 20, southeasterly 3140 feet, more or less, to a point N. 0°02'57" W. 481.35 feet from the point of beginning; thence S. 0°02'57" E. 481.35 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 17th day of June, 1981.

Read for the second time the 1st day of July, 1981.

Placed upon its passage the 1st day of July, 1981.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 1st day of July, 1981.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1333

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1309, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 17th day of June, 1981, at the hour of 7:30 P.M., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registerred voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A tract of land containing 29.19 acres, more or less, located in the North one-half of Section Five (5), Township Eighteen (18) South, Range Twelve(12) East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a 3" brass cap marking the North one-quarter corner of said Sec. 5, thence S. 89°46'50" E., following the north line of said Sec. 5, a distance of 896.30 feet to a point on an existing cyclone fence line; thence S. 70°19'33" W., following the said existing fence line, a distance of 277.53 feet to an angle point in the said fence line; thence S. 40°36'05" W., following the said fence line, a distance of 80.20 feet to an angle point in the said fence line; thence S. 05°53'45" W. a distance of 113.40 feet to an angle point in the said fence line; thence S. 06°55'43" W. a distance of 79.67 feet to a 5/8" iron rod with a plastic cap on the North line of the Brooks-Willamette Corporation lease property (as described in an unrecorded document); thence following the northerly and westerly boundaries of the said lease property the following 3 courses and distances and 2 curves; N. 89°30'25" W. (N. 89°30'48" W. record per lease) a distance of 74.15 feet; following the arc of a 629.48 foot radius curve left a distance of 211.94 feet (chord bears S. 80°50'52" W. 210.94 feet); S. 71°12'08" W. (S. 71°11'45" W. record per lease) a distance of 36.83 feet; thence following the arc of a 758.23 foot radius curve right a distance of 206.58 feet (chord bears S. 79°00'26" W. 205.94 feet); S. 02°47'16" E. (S. 02° 47'39" E. record per lease) a distance of 109.33 feet to a 5/8" iron rod with a plastic cap; thence leaving the boundary of the said lease parcel S. 61°13'35" W. a distance of 280.91 feet to a 5/8" iron rod with a plastic cap; thence following the arc of a 400.00 foot radius curve right 198.20 feet (chord bears S. 75° 25'17" W. 196.18 feet) to a 5/8" iron rod with a plastic cap; thence S. 89°36' 59" W. a distance of 270.84 feet to a 5/8" iron rod with a plastic cap; thence S. 09°13'14" W. a distance of 145.91 feet to a point on an existing fence line; thence N. 72°25'40" W., following the said fence line, a distance of 159.39 feet to an angle point in the fence; thence N. 65°21'49" W., following the said fence line, a distance of 31.10 feet to an angle point in the fence; thence N. 54°19'19" W., following the said fence line, a distance of 104.54 feet to an angle point in the fence; thence N. 47°11'53" W., following the said fence line, a distance of 136.44 feet thence leaving said fence line S. 26°14'46" W. a distance of 356.89 feet, more or less, to the centerline of the Deschutes River; thence N. 63°45'14" W., following the said river centerline, a distance of 96.70 feet, more or less, to a point on the easterly line of that tract of land designated as Parcel 10 in the Deed to Brooks Resources Corporation recorded in Volume 278, page 148 to 152, inclusive, of Deschutes County Deed Records; thence N. 06°55'43" W., following the said easterly line of said tract a distance of 936.12 feet to a 5/8" iron rod with a plastic cap on the north line of said Sec. 5; thence N. 89°43'48" E., following the north line of Sec. 5, a distance of 88.16 feet to a 3" Brass Cap marking the West one-sixteenth corner common to Sec. 5 and 32; thence N. 89°43'48" E., following the north line of said Sec. 5, a distance of 1317.48 feet to the "Point of Beginning" the terminus of this description. SUBJECT TO: All easements, restrictions and rights-of-way of record.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 17th day of June, 1981.

Read for the second time the 1st day of July, 1981

Placed upon its passage the 1st day of July, 1981.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 1st day of July, 1981.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1334 *Repealed by ORD. NO. NS-1399*

AN ORDINANCE AMENDING ORDINANCE NO. NS-816

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-816 is amended to read:

"Section 1. The Bend Airport Commission shall consist of six members appointed by the Mayor with the approval of the City Commission. Three of the six members shall be City Commissioners. The three non City Commissioner members shall be appointed to two year terms but shall serve at the pleasure of the City Commission. In addition to the six members the City Manager or his designee and the City Public Works Superintended shall serve as members ex officio. The Chairman of the Airport Commission shall be elected annually from and by the six Airport Commission members."

Section 2. Section 2 of Ordinance No. NS-816 is amended to read:

"Section 2. The Airport Commission shall advise the City Commission on matters concerning the operation, maintenance and improvement of the Airport."

Section 3. Section 3 of Ordinance No. NS-816 is deleted.

Read for the first time the 17th day of June, 1981

Read for the second time the 1st day of July, 1981.

Placed upon its passage the 1st day of July, 1981.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 1st day of July, 1981.

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1335

NS-1335 repealed by NS-1562, passed 5-20-92

AN ORDINANCE AMENDING SECTION 11 (3) OF ORDINANCE NO. NS-1272 TO ALLOW CONSIDERATION OF RATE CHANGES FOR THE SOLID WASTE FRANCHISE AFTER APRIL 30th.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 11 (3) of Ordinance NS-1272 is hereby amended to read as follows:

(3) The franchisee may file an application for an adjustment in rate. Such application shall be submitted to the City no later than April 15th of any one calender year. The City Commission may, however, consider an application for rate adjustment submitted after April 15th upon a showing by the franchisee that the proposed rate adjustment could not have been submitted before April 15. The Commission may approve, disapprove or modify a request for rate adjustment. Rates shall be changed by a Resolution of the Commission.

Read for the first time the 1st day of July, 1981

Read for the second time the 15th day of July, 1981.

Placed upon its passage the 15th day of July, 1981.

YES: 6 NO: 1

Approved by the Mayor the 15th day of July, 1981.

Mayor

ATTEST:

James W. Kerfoot, Recorder-Treasurer

HENSON ZONE CHANGE

ORDINANCE NO. NS 1336

AN ORDINANCE AMENDING ORDINANCE NS-1178, BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RS URBAN STANDARD RESIDENTIAL TO RH URBAN HIGH DENSITY RESIDENTIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed as follows:

The North 70 feet of Lots 15 and 16, Block 36, Center Addition, City of Bend, Oregon.

Read for the first time the 1st day of July, 1981.

Read for the second time the 15th day of July, 1981.

Placed upon its passage the 15th day of July, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of July, 1981.

Ruth Burnett
Mayor

ATTEST:

James W. Kerfoot
James W. Kerfoot, Recorder-Treasurer

ORDINANCE NO. NS-1337

AN ORDINANCE ADDING SECTION 46A TO AND AMENDING SECTIONS 65 AND 68 OF THE CITY OF BEND'S TRAFFIC REGULATIONS (ORDINANCE NO. NS-469).

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 46A is hereby added to Ordinance NS-469 (as amended) as follows:

46A. Skateboards. No person shall ride upon or operate a skateboard upon a sidewalk or street in the Central Business Zone (C-B).

Section 2. Section 65 of Ordinance 469 (as amended) is hereby amended to read as follows:

65. Racing. No person shall engage in, or cause others to be engaged in, any bicycle racing upon any streets, sidewalks or premises open to the public as that term is defined in ORS 487.535(2), unless said race is coordinated with and approved by the City administration. The City may, as a condition of approval, require proof of adequate insurance and assurances of indemnification to the City for any liability arising out of said race.

Section 3. Section 68 of Ordinance NS-469 (as amended) is hereby amended to read as follows:

68. Riding on Sidewalks. No person shall ride or operate any bicycle upon a sidewalk in the Central Business Zone (C-B), except on a duly designated bicycle path. Any person riding upon a sidewalk outside of the C-B zone shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing said pedestrian.

Section 4. A violation of these sections shall be a Class C Civil Infraction and shall be prosecuted in accordance with the Bend Civil Infraction procedure.

Read for the first time the 1st day of July, 1981.

Read for the second time the 15th day of July, 1981.

Placed upon its passage the 15th day of July, 1981.

YES: 7 NO: 0

Approved by the Mayor the 15th day of July, 1981.

Russ Burleigh
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1338

AN ORDINANCE CHANGING THE NAME OF CERTAIN STREETS IN THE CITY OF BEND

THE CITY DOES ORDAIN AS FOLLOWS:

Section 1. That the following street name changes be implemented:

a. NE Chukar Court to NE Kinzua Court; NE Quail Run to NE Fossil Lane; NE Sagehen Court to NE Drewsey Place; all in Quail Hollow subdivision.

b. NE Cavin Court to NE Bradford Court in Choctaw Village subdivision.

c. SE Cinder Street to SE Logsden Street in Bend Park Addition.

d. NE Stevens Road to NE Daphne Drive in Monarch Estates 1st Addition.

e. NE Thurston Court to NE Caldwell Court in Wiestoria Addition.

f. NW Skyline Drive to NW Palisades Drive in West Hills 5th Addition.

g. NW Mountain View Drive to NW Tower Rock Drive.

h. Baer Road to 9th Street, located in Section 4, T. 18 S., R. 12 E., W.M.

i. Ferguson Road to 15th Street, located south of Bear Creek Road and north of Reed Market Road.

Section 2. The effective date for the renaming of these streets shall be January 1, 1982.

Read for the first time the 15th day of July, 1981

Read for the second time the 5th day of August, 1981

Placed upon its passage the 5th day of August, 1981

YES: 4 NO: 1

Submitted to and approved by the Mayor this 5th day of August, 1981

Russ Burleigh
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1339

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A tract of land lying in the East Half of Section Thirty-four (34) and the Northwest Quarter (NW 1/4), the Northeast Quarter (NE 1/4) and the Southwest Quarter (SW 1/4) of Section Thirty-five (35), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, containing 323 acres more or less, in Deschutes County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the Southeast Quarter of the Northeast Quarter of Section 34, T. 17 S., R. 12, E.W.M. said point being on the existing City limits line and run thence east one-half mile to the southwest corner of the Northeast Quarter of the Northwest Quarter of Section 35, T.17 S., R.12 E.W.M.; thence north 1290 feet, more or less, to the south right of way of Neff Road; thence east 1980 feet to a point on the east line of the west one-half of the Northwest Quarter of the Northeast Quarter of said Section 35; thence south 1290 feet, more or less, to the southeast corner of said west one-half of the Northwest Quarter of the Northeast Quarter; thence west 660 feet to the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 35; thence south 1320 feet to the southeast corner of the Southeast Quarter of the Northwest Quarter of said Section 35; thence west 330 feet; thence south 924 feet; thence east 330 feet to the east line of the Northeast Quarter of the Southwest Quarter of said Section 35; thence south 396 feet to the north line of Central Oregon Highway U.S. No. 20; thence along said north line, west 1320 feet to a point of the east line of the Northwest Quarter of the Southwest Quarter of said Section 35; thence south 659.47 feet; thence west 680 feet; thence south 620 feet more or less, to the north right of way of Bear Creek Road; thence along said north line westerly 1965.41 feet to a point on the west line of the Southeast Quarter of the Southeast Quarter of said Section 34; thence north 1290 feet more or less, to a point in the center of said Highway No.20; thence east one-quarter mile; thence north one-quarter mile; thence west one-quarter mile; thence north one-quarter mile to the place of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 16th day of September 1981, at the hour of 7:30 P.M., o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 5th day of August, 1981.
Read for the second time the19th day of August, 1981.
Placed upon its passage the 19th day of August, 1981.
YES: 6 NO: 0
Submitted to and approved by the Mayor the 19th day of August, 1981.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1340

AN ORDINANCE PERTAINING TO CIVIL INFRACTIONS BY AMENDING ORDINANCES NS-744 NS-1279, NS-1326 and NS-1327.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 24 of Ordinance NS-744 (nuisances) is amended to read:

Section 24. Penalties. A violation of any of the provisions of this ordinance shall be considered a Class A Infraction and shall be enforced through the Bend Civil Infraction procedure.

Section 2. Sections 9(4) and 9(6) of Ordinance NS-1297 are hereby repealed. Sections 11.1, 11.2 and 11.3 are hereby added to Ordinance NS-1326 as follows:

11.1 Minor in Possession, Entry in a Licensed Premise.

(1) No person under the age of 21 years shall attempt to purchase or acquire alcoholic liquor. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, no person under the age of 21 years shall have personal possession of alcoholic liquor.

(2) For the purposes of this section, personal possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion thereof or a drink of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(3) Except as authorized by rule or as necessitated in a emergency, no person under the age of 21 years shall enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

(4) A violation of subsection (1) or (3) of this section shall be a Class C Civil Infraction and shall be enforced through the Bend Civil Infraction procedure.

11.2 Controlled Substance Possession. Any person who knowingly or intentionally is in unlawful possession of less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae is guilty of a Class C Civil Infraction which shall be enforced through the Bend Civil Infraction Procedure.

11.3 Controlled Substance Delivery. Any person who delivers, for no consideration, less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae is guilty of a Class C Civil Infraction which shall be enforced through the Bend Civil Infraction procedure.

Section 3. Section 6(1) of Ordinance NS-1327 is amended to read:

(1) A private person may commence an action for an infraction by certifying to the complaint before a municipal judge, clerk or deputy clerk of the court. This action will be entered in the court record.

Section 4. Ordinances NS-1081 and NS-1125 (dog violations) are hereby repealed.

Read for the first time the 5th day of August, 1981.

Read for the second time the 19th day of August, 1981.

Placed upon its passage the 19th day of August, 1981.

YES: 6 NO: 0

Approved by the Mayor the 19th day of August, 1981.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1341

AN ORDINANCE CHANGING THE NAME OF DENSER ROAD WITHIN THE CITY OF BEND, OREGON.

THE CITY DOES ORDAIN AS FOLLOWS:

Section 1. That the following street name change be implemented:

a. NE Denser Road to 27th Street, that section lying one-quarter mile north and one-quarter mile south of Neff Road.

Section 2. The effective date for the renaming of this street shall be January 1, 1982.

Read for the first time the 5th day of August, 1981.

Read for the second time the 19th day of August, 1981.

Placed upon its passage the 19th day of August, 1981.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of August, 1981.

ATTEST:

Mayor

Recorder-Treasurer

AWBREY BUTTE ENCLAVES #4,5,6&7

ORDINANCE NO. NS-1342

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2, IN DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon Municipal Corporation, hereby annexes pursuant to ORS 222.750 and withdraws from Rural Fire District No. 2 the following described property which is not part of the incorporated City and which is surrounded by the City of Bend:

Parcels of land located in Sections Twenty-nine (29) and Thirty (30), Township Seventeen(17) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, and further described as follows:

ENCLAVE #4:

The Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Thirty (30), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian.

ENCLAVE #5:

A tract of land in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4), of Section Thirty (30), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, and being more particularly described as follows: Government Lot 3, Section 30 Township 17 South, Range 12, E.W.M.

ENCLAVE #6:

The South one-half of the Northwest Quarter of the Northeast Quarter (S 1/2 NW 1/4 NE 1/4) of Section Thirty (30), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian.

Also: Beginning at the northeast corner of the SW 1/4 of the NE 1/4 of said Sec. 30; thence West along the North boundary of said SW 1/4 of the NE 1/4 of Sec. 30, 400 feet; thence South 300 feet; thence East 400 feet to the East boundary of said SW 1/4 of the NE 1/4 of Sec. 30; thence North along the East boundary of said SW 1/4 of the NE 1/4 of Sec. 30, 300 feet to the point of beginning.

Also: Beginning at the southwest corner of the NE 1/4 of the NE 1/4 of said Sec. 30; thence North 0°12'09" West along the West line of said NE 1/4 of the NE 1/4 a distance of 319.95 feet to the true point of beginning of this description; thence north 0°12'09" West along said West line a distance of 365.00 feet; thence South 46°24'26" East a distance of 245.12 feet; thence South 43°35'34" West a distance of 130.78 feet; thence on the arc of a 1173.93 foot radius curve to the left a distance of 132.97 feet to the West line of said NE 1/4 of the NE 1/4, the chord of which curve bears South 40°21'33" West a distance of 132.90 feet to the true point of beginning.

Also: Beginning at a point on the east boundary of the NE 1/4 of the NW 1/4 of said Sec. 30, said point being North 0°00'43" West a distance of 200.00 feet from the southeast corner of said NE 1/4 of the NW 1/4 of Sec. 30; thence South 89°59'17" West a distance of 500.00 feet; thence North 0°00'43" West 500.00 feet; thence North 89°59'17" East 500.00 feet; thence South 0°00'43" East 500.00 feet to the point of beginning.

ENCLAVE #7:

Beginning at an iron pin driven in the ground North 89°55'36" East 152.43 feet from the southwest corner of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Twenty-nine (29), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, and running thence North 0°13'06" West, 245.3 feet; thence North 89°55'36" East 177.57 feet; thence South 0°13'06" East 245.3 feet; thence South 89°55'36" West 177.57 feet to the point of beginning.

Read for the first time the 2nd day of September, 1981.
Read for the second time the 16th day of September, 1981.
Placed upon its passage the 16th day of September, 1981.
YES: 6 NO: 0
Submitted to and approved by the Mayor the 16th day of September, 1981.

ATTEST:

Recorder-Treasurer

Mayor

MC CORD - SMITH ZONE CHANGE

ORDINANCE NO. NS-1343

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RS URBAN STANDARD RESIDENTIAL TO RM URBAN MEDIUM DENISTY RESIDENTIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed as follows:

All of Tract 5 and the Westerly 175 feet of Tracts 3 and 4, Deschutes Park, City of Bend, Deschutes County, Oregon; this property is changed from RS Urban Standard Residential to RM Urban Medium Density Residential.

Read for the first time the 7th day of October, 1981.

Read for the second time the 21st day of October, 1981.

Placed upon its passage the 21st day of October, 1981

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of October, 1981

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1344

AN ORDINANCE VACATING NW FIRST STREET FROM THE SOUTH RIGHT-OF-WAY OF NW WILMINGTON AVENUE TO THE NORTH RIGHT-OF-WAY OF NW VICKSBURG AVENUE, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 5th day of August, 1981, requesting that the following described street location be vacated:

> NW FIRST STREET from the south right-of-way of NW Wilmington Avenue to the north right-of-way of NW Vicksburg Avenue, City of Bend, County of Deschutes, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of real property to be affected by said vacation, said consent being duly acknowledged: and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by George Canney; said vacation proceedings to vacate the following described street area:
>
> NW FIRST STREET from the south right-of-way of NW Wilmington Avenue to the north right-of-way of NW Vicksburg Avenue, City of Bend, County of Deschutes, State of Oregon.
>
> The City Commission of the City of Bend have fixed the 7th day of October, 1981, at 7:30 o'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice and hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used, or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 7th day of October, 1981.

Read for the second time the 21st day of October, 1981.

Placed upon its passage the 21st day of October, 1981.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 21st day of October, 1981.

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1345

AN ORDINANCE ADOPTING THE STATE OF OREGON MOTOR VEHICLE LAWS AS AMENDED AND SET FORTH IN OREGON REVISED STATUTES (ORS) CHAPTERS 482, 483, 484, 485 and 487.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Adoption of State Traffic Law. The State of Oregon Motor Vehicle Laws as amended and set forth in ORS Chapters 482, 483, 484, 485 and 487 are hereby adopted by reference. Any offense against said laws shall be an offense against the City.

Section 2: Repealer. Section 1(a) of Ordinance 469 is hereby repealed.

Read for the first time the 4th day of November, 1981.

Read for the second time the 18th day of November, 1981.

Placed upon its passage the 18th day of November, 1981

YES: 4 NO: 0

Approved by the Mayor the 18th day of November, 1981.

ATTEST:

Mayor

Recorder-Treasurer

WILLIAMSON PROPERTY
(Highway 20 East) ORDINANCE NO. NS-1346

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> The Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, containing 40 acres, more or less.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 16th day of December, 1981 at the hour of 7:30 p.m., o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 4th day of November, 1981.

Read for the second time the 18th day of November, 1981.

Placed upon its passage the 18th day of November, 1981.

YES: 4 NO: 0

Submitted to and approved by the Mayor the 18th day of November, 1981.

ATTEST:

Mayor

Recorder-Treasurer

DISPENSING- re: Annexation
DENSER ROAD AREA - East & West between
Bear Creek Road and Neff Road

ORDINANCE NO. NS-1347

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1339, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did elect to withdraw subject property from Rural Fire District No. 2 and did fix the 16th day of September, 1981, at the hour of 7:30 P.M., in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A tract of land lying in the East Half of Section Thirty-four (34) and the Northwest Quarter (NW 1/4), the Northeast Quarter (NE 1/4) and the Southwest Quarter (SW 1/4) of Section Thirty-five (35), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, containing 323 acres more or less, in Deschutes County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the Southeast Quarter of the Northeast Quarter of Section 34, T. 17 S., R. 12, E.W.M. said point being on the existing City limits line and run thence east one-half mile to the southwest corner of the Northeast Quarter of the Northwest Quarter of Section 35, T.17 S., R.12 E.W.M.; thence north 1290 feet, more or less, to the south right of way of Neff Road; thence east 1980 feet to a point on the east line of the west one-half of the Northwest Quarter of the Northeast Quarter of said Section 35; thence south 1290 feet, more or less, to the southeast corner of said west one-half of the Northwest Quarter of the Northeast Quarter; thence west 660 feet to the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 35; thence south 1320 feet to the southeast corner of the Southeast Quarter of the Northwest Quarter of said Section 35; thence west 330 feet; thence south 924 feet; thence east 330 feet to the east line of the Northeast Quarter of the Southwest Quarter of said Section 35; thence south 396 feet to the north line of Central Oregon Highway U.S. No. 20; thence along said north line, west 1320 feet to a point of the east line of the Northwest Quarter of the Southwest Quarter of said Section 35; thence south 659.47 feet; thence west 680 feet; thence south 620 feet more or less, to the north right of way of Bear Creek Road; thence along said north line westerly 1965.41 feet to a point on the west line of the Southeast Quarter of the Southeast Quarter of said Section 34; thence north 1290 feet more or less, to a point in the center of said Highway No.20; thence east one-quarter mile; thence north one-quarter mile; thence west one-quarter mile; thence north one-quarter mile to the place of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one-half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and likewise withdrawn from Rural Fire District No. 2, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 16th day of September, 1981.

Read for the second time the 18th day of November, 1981

Placed upon its passage the 18th day of November, 1981.

YES: 4 NO: 0

Submitted to and approved by the Mayor the 18th day of November, 1981.

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1348

AN ORDINANCE VACATING A PORTION OF SW SIMPSON AVENUE, IN THE CITY OF BEND DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 2nd day of September, 1981, requesting that the following described street location be vacated:

> Beginning at a point on the East line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Six (6), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, said point being N. 0°07'15" W. 165.39 feet from the Southeast corner of the NW 1/4 of the NE 1/4 of said Sec. 6 (as shown on Major Land Partition No. 80-21 Deschutes County), said point also being on the North line of SW Simpson Avenue as dedicated to the City of Bend, recorded in Book 325, Page 71, Deschutes County, Oregon Deed Records; thence S. 68°41'19" W. 183.45 feet to a point on the North line of SW Simpson Avenue (as shown on said partition No. 80-21); thence along said North line as follows: N.57°12'04" E. 100.62 feet and on a 434.98 foot radius curve right (the chord of which bears N. 63°33'33" E. 96.34 feet) a distance of 96.54 feet to a point on said East line of the NW 1/4 of the NE 1/4 of Sec. 6; thence along said East line S. 0°07'15" E. 30.73 feet to the place of beginning, in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on apetition filed by C.J. Dugan; said vacation proceedings to vacate the following described street area:
>
> > Beginning at a point on the East line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Six (6), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, said point being N. 0°07'15" W. 165.39 feet from the Southeast corner of the NW 1/4 of the NE 1/4 of said Sec. 6 (as shown on Major Land Partition No. 80-21 Deschutes County), said point also being on the North line of SW Simpson Avenue as dedicated to the City of Bend, recorded in Book 325, Page 71, Deschutes County, Oregon Deed Records; thence S. 68°41'19" W. 183.45 feet to a point on the North line of SW Simpson Avenue (as shown on said partition No. 80-21); thence along said North line as follows: N.57°12'04" E. 100.62 feet and on a 434.98 foot radius curve right (the chord of which bears N. 63°33'33" E. 96.34 feet) a distance of 96.54 feet to a point on said East line of the NW 1/4 of the NE 1/4 of Sec. 6; thence along said East line S. 0°07'15" E. 30.73 feet to the place of beginning, in the City of Bend, Deschutes County, Oregon,
>
> The City Commission of the City of Bend have fixed the 18th day of November, 1981, at 7:30 o'clock P.M., in the City Commission Chambers at 720 NW Wall Street, City of Bend, as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used, or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

Read for the First time the 18th day of November, 1981.

Read for the second time and placed upon its passage the 2nd day of December, 1981.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 2nd day of December, 1981.

ATTEST:

Mayor

Recorder-Treasurer