ORDINANCE NO. NS-1498

AN ORDINANCE ADOPTING CHAPTER EIGHT OF THE CITY OF BEND CODE ENTITLED "FIRE PREVENTION CODE" AND REPEALING CERTAIN CITY ORDINANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City of Bend hereby adopts Chapter VIII of the Bend Code as attached hereto and incorporated by reference herein.

SECTION 2. Ordinances Numbered NS-275, NS-276, NS-277, NS-358, NS-877, NS-948, NS-955, NS-1130, NS-1131, NS-1255, NS-1323, NS-1355, NS-1382 and NS-1397 are repealed.

SECTION 3. This ordinance shall not affect:

(1) Any offense or act committed or done, or any penalty or forfeiture;

(2) Any prosecution, suit or proceeding at the time this ordinance is enacted;

(3) Any judgment rendered prior to the time this ordinance is enacted.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Read for the 1st time this 5th day of July, 1989.

Read for the 2nd time this 19th day of July, 1989.

Placed upon its passage this 19th day of July, 1989.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of July, 1989.

Michael Kagal
MAYOR

ATTEST:

James V. Kelford
Recorder-Treasurer

BEND CODE

CHAPTER VIII - FIRE PREVENTION CODE

8.100	Adoption of Uniform Fire Code
8.102	Establishment and Duties of Bureau of Fire Prevention
8.104	Definitions
8.106	Establishment of Limits of District in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited
8.108	Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted
8.110	Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited
8.112	Amendments Made in the Uniform Fire Code
8.114	New Materials, Processes or Occupancies wich may Require Permits
8.116	Penalties

FIRE PREVENTION CODE

8.100 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 and Standards known as the Uniform Fire Code, including Appendices III-A, III-B, III-C, III-D, V-B and VI-D and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being the 1988 editions thereof, except such portions as are deleted, modified or amended by Bend Code 8.112. One copy of said Code has been and is now filed in the office of the City Recorder-Treasurer and the same is 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.

8.102 Establishment and Duties of Bureau of Fire Prevention.

(1) The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Bend which is established under this authority and which shall be operated under the supervision of the Chief of the Fire Department.

(2) The Chief of the Fire Department may detail such members of the Fire Department as fire prevention inspectors as shall from time to time be necessary.

8.104 Definitions.

(1) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the legal limits of the City of Bend.

(2) Wherever the words "Chief of the Bureau of Fire Prevention" are used in the Uniform Fire Code, they shall be held to include "Fire Prevention Officer."

8.106 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 79.501 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: The corporate limits of the City of Bend.

(2) The limits referred to in Section 79.501 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.

8.108 Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in Section 82.103 (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.

8.110 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, as amended by Bend Code 8.112, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The corporate limits of the City of Bend.

8.112 Amendments Made in the Uniform Fire Code. The Uniform Fire Code is amended and changed in the following respects:

(1) Amend Section 2.104 to change the title "fire prevention engineer" to the title "fire prevention officer."

(2) Delete Section 2.303.

(3) Amend Section 3.102 to read as follows:

Sec. 3.102. (a) Any person operating or maintaining any occupancy, premises or vehicle subject to this code who shall permit any fire hazard to exist on premises under his control shall be guilty of an infraction. (See Bend Code 8.116).

(b) Any person operating or maintaining any occupancy, premises or vehicle subject to this code who fails to take immediate action to abate a fire hazard when ordered or notified to do so by the chief or his duly authorized representative shall be guilty of a misdemeanor. (See Bend Code 8.116)

(4) Amend the first sentence of Section 4.108 to read as follows: "A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or function, if the chief has issued an order requiring such a permit."

(5) Delete Section 4.108 e.1.

(6) Delete Section 4.108 f.3.C.

(7) Add the word "aboveground" to Section 4.108 f.3.E. after the word "liquid" and before the word "tank."

(8) Add new Section 4.108 f.6. to read as follows:

f.6. Tanker Delivery Permit. To deliver fuel as described in B.C. 8.112 (42).

(9) Add the following sentence to the end of Section 10.207 (f): "All fire access roads shall be designed to support a minimum weight of 25 tons."

(10) The turning radius referred to in Section 10.207 (g) shall be a 45 foot radius.

(11) Add the following to the end of Section 10.207 (h): "A turning radius of 45 feet shall be provided for the turning around of fire apparatus."

(12) Add the following to the end of Section 10.207 (i): "All such bridges shall support a minimum weight of 25 tons."

(13) Add the following to the end of Section 10.207 (j): "The gradient shall not exceed 10%."

(14) Delete Section 10.305 and 10.306.

(15) Amend Section 11.101 (b) as follows: Change 50' to 20' and 15' to 20'.

(16) Delete the phrase "other than metal" from Section 11.105 (c).

(17) Amend Section 11.106 as follows: Change 5' to 20' and 10' to 20'.

(18) Amend Section 11.107 as follows: Change 5' to 20' and 10' to 20'.

(19) Amend Section 11.112 (b) 2. as follows: Change 50' to 20'.

(20) Add the following new Section 11.112 (c) to read as follows: "(c) Burning shall be conducted in accordance with the methods prescribed by the Fire Chief and as stated in the Fire Department's flyer on burning."

(21) Amend Section 24.107 as follows: Add the words "and fuel tanks" after the word "engines" and before the word "of."

(22) Add the following new Section 77.107 to Article 77 as follows:

State Regulation

Sec. 77.107 In those limited instances where Article 77 activities are allowed within the corporate limits of the City of Bend, an ORS 480.23 certificate of possession or registration for explosives shall be obtained in the manner provided by State law.

Note: Applicants should be referred to the County Sheriff to file an application for a certificate.

(23) Delete existing Section 78.102. Replace with the following:

Fireworks Permits

78.102. Permits are required for public displays, retail sales, wholesale and agricultural use of fireworks as required by OAR 837 Division 12 (Reference ORS 480.110 - 480.160).

(24) Delete existing Section 79.103.

(25) Delete the phrase "of Subsections (e) and (f)" from Section 79.115.

(26) Delete Section 79.115 (d) 1.A.(i) and renumber following subsections accordingly.

(27) Add the following new Section 79.115 (d) 2. to read as follows:

79.115 (d) 2. Aboveground tanks. Any aboveground tank not used for a period of 90 days shall be properly safeguarded in accordance with Subsection (c) 2 or shall be removed from the property in a manner approved by the chief.

(28) Delete Sections 79.115 (e) and 79.115 (f).

(29) Delete Section 79.115 (g).

(30) Delete third sentence of Section 79.201 (e) which reads as follows: "In addition to these requirements, see requirements for permits, Section 79.103."

(31) Amend Section 79.402 to read as follows:

Sec. 79.402. Plans shall be submitted to store more than 1000 gallons of Class I flammable and Class II combustible liquids in drums or tanks. The plans shall indicate the methods of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities and provisions for drainage and runoff. Storage shall be in accordance with approved plans.

(32) Amend Section 79.902 (e) to read as follows:

(e) Dispensing. Class I liquids shall not be dispensed or transferred within a service station building, except as provided in Section 79.903 (d). Class II and Class II-A liquids may be dispensed in lubrication or service rooms of a service station building, provided the heating equipment complies with Section 79.906 and electrical equipment complies with Section 79.905. Delivery of any Class I, II or III-A liquid shall not be made into portable containers unless such container is of approved material and construction, having a tight closure with screwed or spring cover, so designed that the content can be dispensed without spilling. Class I liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks.

(33) Add the following after the first paragraph of Section 79.903 (a):

EXCEPTION: An aboveground tank in use prior to August 30, 1980, may be continued in use in accordance with the following:

1. Subject to approval by the chief, an aboveground tank located at a dispensary not serving the general public at retail may be used for storage of Class I liquids and connected directly to dispensing devices under the following conditions:

A. Tank installations must be in compliance with Chapter 2 of this standard.

B. The dispensing devices are equipped with approved controls designed to limit delivery to not more than 50 gallons. If more than 50 gallons are desired, a manual reset will be necessary.

C. Each supply line connection to such aboveground storage tank(s) shall have a manual shutoff valve at the tank and also be equipped with a device, such as a solenoid valve, positioned adjacent to and downstream from the manual valve. This valve shall be installed and adjusted so that liquid cannot flow by gravity from the tank in case of piping or hose failure when the dispensing device is not in use.

The temporary use of portable or semiportable tanks in conjunction with the dispensing of Class I, II or II-A liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public is permitted. However, such installation shall be made only with the approval of the chief.

(34) Amend Section 79.903 (b) to read as follows:

(b) Supervision. The dispensing of Class I and Class II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant. Self-service of Class I liquids into the tank of a vehicle or any other retail container is prohibited. ORS 480.310 - .340.

EXCEPTION: Nonretail service stations complying with the following safety provisions:

1. Be separated from retail locations by a space of at least 50 feet between pump islands.

2. Natural grade or curbs shall prevent drainage toward any retail dispensing areas.

3. Have emergency controls installed at a location acceptable to the chief but located not more than 75 feet from the dispensing devices.

4. Have instruction for operation of the dispensing devices conspicuously posted.

5. Have location of the fire extinguishers and emergency controls conspicuously indicated as approved by the chief.

6. Be adequately lighted at all times when available for use.

7. Be equipped with nozzles of the listed automatic-closing type with or without latch-open devices.

(35) Delete the phrase "of the public" from Section 79.903 (c) 4.

(36) Delete existing Section 79.903 (f) and replace with the following new section:

(f) Lighting. All dispensing locations must be adequately lighted at all times when available for use.

(37) Add the following exception to Section 79.910 (b) General Construction:

EXCEPTION: Facilities using 1100 gallons storage or less, connected to the dispensing devices.

(38) Add the following exception to Section 79.911 (d) 3.:

EXCEPTION: Marine Service Stations with not over 1100 gallons flammable and combustible liquid storage connected to dispensing devices, need not comply with the standpipe and hose station requirements providing one additional 20 BC rated fire extinguisher is maintained within 25 feet of the dispensing devices.

(39) Delete the roman numeral VI from Section 79.1604.

(40) The following new section is added to the Uniform Fire Code, is numbered Section 79.1900 and reads as follows:

Sec. 79.1900. (a) 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.

(b) 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 Fire Prevention Officer, which shall be places where the delivery vehicle is able to enter and leave the premises without backing into public ways and 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.

(c) Vehicles with a fuel capacity in excess of 5,000 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. Fuel may only be unloaded from such a vehicle at a location which has a valid Article 4 permit issued by the Fire Prevention Division.

2. Article 4 permits may contain special safety conditions or restrictions which may be based on traffic conditions, size and location of storage facilities, types of tank fill devices, slope of the ground, surrounding exposures in the case of an emergency and other significant hazards that might be encountered. If

the Article 4 permit contains special site related conditions or restrictions, all fuel unloading at that site, from vehicles with a fuel capacity in excess of 5,000 gallons, must comply with those conditions or restrictions.

3. Vehicles and locations where fuel is unloaded shall comply with all provisions of 79.1900 (b).
4. All deliveries of fuel shall be made only between the hours of 6:30 p.m. and 6:30 a.m.

5. In the event that fuel unloading occurs in such close proximity to where fuel is to ultimately be dispensed as to pose a safety hazard, all fuel dispensing activities shall be terminated until all fuel unloading operations are completed.

(d) 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.

(41) Amend Section 80.101 to read as follows:

Sec. 80.101. The purpose of this article is to provide requirements for the prevention, control and mitigation of dangerous conditions related to hazardous materials and to provide information needed by emergency response personnel. This provision is not retroactive for existing facilities unless the chief determines that the condition presents a distinct hazard to life or property. Hazardous material are those chemicals or substances defined as such in Article 9. See Appendix VI-A for the classification of hazardous categories and hazard evaluations.

(42) Add the following new provision to the end of the fourth paragraph of Section 80.101:

For retail display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 retail sales occupancies, see Section 80.109.

(43) Add the following new exception to the exception section of Section 80.101:

3. Retail Sales.

(44) Add the following exception to Section 80.104 (a):

EXCEPTION: ORS 466.604 - 466.680, ORS 468.780 - 468.815 and ORS 466.200 -466.205 and administered under OAR 340 Division 108, as described in Annex O of the Oregon Emergency Operation Plan.

(45) Add the phrase "or other approved equivalent systems" at the end of the third sentence of Section 80.104 (e).

(46) Add the following exception to Section 80.106:

EXCEPTION: Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

(47) Delete Section 80.108 and replace with new Section 80.108 as follows:

Sec. 80.108 The chief may require notification of a facility that may be placed out of service.

(48) Amend Section 80.301 (b) to read as follows:

(b) Containers and Tanks. 1. Design and construction. Containers and tanks shall be designed and constructed in accordance with nationally recognized standards. See Section 2.301 (b).

2. Tanks out-of-service 90 days. Any stationary tank not used for a period of 90 days shall be properly maintained or removed in a manner approved by the chief. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained. Tanks which are to be placed back in service shall be tested in a manner approved by the chief.

3. Defective containers and tanks. Defective containers and tanks shall be removed from service, repaired, or disposed of in accordance with nationally recognized standards of good practice such as American Petroleum Institute (API) or American Society of Mechanical Engineers (ASME). See Section 2.304 (b).

4. Empty containers and tanks. Empty containers and tanks previously used for the storage of hazardous materials shall be free from residual material and vapor as defined by DOT, RCRA or other regulating authority or maintained as specified for the storage of the hazardous material.

5. Aboveground tanks. Aboveground stationary tanks used for the storage of hazardous materials shall be located and protected in accordance with the provisions for exterior storage of the particular material involved and shall be marked as required by Section 80.301 (d).

(49) Add the phrase "in accordance with nationally recognized standards" to Section 80.301 (c) at the end of that section.

(50) Amend the second paragraph of Section 80.301 (d) to read as follows:

Signs prohibiting smoking shall be provided in accordance with the provisions of Article 13.

(51) Amend Section 80.301 (e) to read as follows:

(e) Security. The storage of hazardous materials shall be protected against tampering or trespassers by fencing or other control measures.

(52) Delete the first full sentence of Section 80.301 (f).

(53) Amend Section 8.301 (j) to read as follows:

(j) Maximum Quantity on Site. The storage of hazardous materials shall comply with the provisions of this article as well as other applicable provisions of this code.

(54) Add the following exception to Section 80.301 (k):

EXCEPTION: 1. Compliance with Section 312 of the Superfund Amendments and Reauthorization Act. (SARA) 2. Where a site plan prepared under Section 312 of EPCRA Title III has been prepared and submitted.

(55) Add the following exception to Section 80.301 (l):

EXCEPTION: Facilities which hold NPDES Permits and are subject to the requirements for preparation of Spill Prevention Control and countermeasures Plans for hazardous materials.

(56) Add the following sentence to the end of Section 80.301 (m):

Threshold Limit Value (TLV) as established by American Conference of Governmental & Industrial Hygienists (ACGIH), OSHA or other applicable State Codes will be utilized for establishing minimum standards where ventilation is required.

(57) Add the following new Section 80.301 (n) 4. to read as follows:

4. Stored in compliance with other applicable laws or nationally recognized codes.

(58) Amend Section 80.301 (o) to read as follows:

(o) Hazardous Materials Storage Cabinets. 1. General. When storage cabinets are used to comply with the provisions of this article, such cabinets shall be in accordance with this subsection.

EXCEPTION: Compressed gases shall be stored in cabinets designed in accordance with Section 80.303.

Cabinets shall be conspicuously labeled according to the hazard therein.

2. Construction. Cabinets shall be constructed of metal. The interior of cabinets shall be treated, coated or constructed of materials that are nonreactive with the hazardous material stored. Such treatment, coating or construction shall include the entire interior of the cabinet. Cabinets shall be suitable for the intended storage.

(59) Amend Section 80.301 (p) by deleting the existing exception section and inserting the following new exception section:

EXCEPTIONS: 1. Sprinklers may be omitted in rooms or areas as specified in Sec. 3804 of the Building Code. 2. Approved alternate automatic fire extinguishing systems may be used.

(60) Amend the first paragraph of Section 80.301 (q) to read as follows:

(q) Explosion Venting or Suppression. Unless exempted or otherwise provided for in Sections 80.302 through 80.315, indoor storage areas and storage buildings shall be provided with explosion venting, equivalent protective devices, suppression systems or barricades. The design shall be engineered and recognize the nature of the stored material and its likely behavior in an explosion. Areas which are provided with explosion venting shall comply with the following:

(61) Add the following exception to Section 80.301 (r):

EXCEPTION: Facilities in compliance with the Uniform Fire Code, Article 51.106(e).

(62) Add the phrase "Article #701" to the end of the second sentence of Section 80.301 (s).

(63) Amend Section 80.103 (t) 1. to read as follows:

1. Liquid-level limit control or alarm. Atmospheric tanks with a capacity exceeding 500 gallons used for the storage of hazardous materials liquids shall be equipped with a liquid-level limit control or alarm to prevent overfilling of the tank.

EXCEPTION: Tanks monitored by a system which will limit net contents by weight.

(64) Add the word "approved" after the word "of" and before the word "storage" in Section 80.301 (u).

(65) Amend Section 80.103 (v) to read as follows:

(v) Supervision. When manual alarm, emergency signal, detection or automatic fire-extinguishing systems, which require supervision by other applicable codes, such systems shall be supervised by an approved central, proprietary or remote station service or shall initiate an audible and visual signal at a constantly attended on-site location.

(66) Delete Section 80.103 (y) and renumber 80.103 (aa) to 80.103 (z).

(67) Amend Section 80.103 (z) by renumbering it 80.103 (y) and revising it to read as follows:

(y) Noncombustible Floor. Except for surfacing, floors of storage areas shall be noncombustible.

(68) Delete existing Table 80.303A and substitute therefor the following new Table 80.303A:

CONDITION	EXEMPT AMOUNT (pounds) TOXIC
Unprotected by sprinklers or cabinet	500
Within cabinet in unsprinklered building	1000
In sprinklered building, not in cabinet	1000
In sprinklered building, within cabinet	2000

(69) Add the following exception to the end of Section 80.303 (a) 3.B.:

EXCEPTIONS: 1. Where sprinklering is incompatible with the hazardous material. 2. Sprinklers may be omitted in rooms or areas in accordance with Sec. 3804 of the Building Code.

(70) Amend Section 80.303 (a) 4. to read as follows:

4. Explosive venting or suppression. When flammable gases which are toxic or highly toxic are stored in rooms outside of gas cabinets or exhausted enclosures, the storage rooms shall be provided with explosion venting or suppression in accordance with the provisions of Section 80.301 (q).

(71) Amend the second paragraph of Section 80.303 (a) 6.A. to read as follows:

Exhaust systems for gas cabinets, exhausted enclosures and separate gas storage rooms shall be designed to handle the accidental release of gas. Emergency response planning shall demonstrate control at the property line. Systems utilized for such processing shall be designed as a treatment system. If a total containment system is utilized, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

EXCEPTION: Where natural ventilation can be shown to comply with Section 80.301 (m).

(72) Add the following exceptions to Section 80.303 (a) 6.C.:

EXCEPTIONS: 1. Where emergency response planning has shown that levels at the property line are manageable, then alternative technologies are permitted. 2. Where natural ventilation can be shown to comply. Section 80.301 (m).

(73) Amend Section 80.303 (a) 6.D.(iii) to read as follows:

iii. Stationary tanks. Valves or fittings that are inserted directly into a stationary tank shall be labeled with the maximum rate of release. If multiple valves or fittings are provided, the maximum flow rate of release for the valve or fitting with the highest flow rate shall be indicated. If liquefied gases are in contact with any valve or fitting, the liquid flow rate shall be utilized for purposes of computation. All flow rates indicated on the label shall be converted to cubic fee per minute of gas at normal temperature and pressure.

(74) Add the following exceptions to Section 80.303. (a) 6. D.(iv) as follows:

EXCEPTION: 1. Where emergency response planning has shown that levels at the property line are manageable, then alternative technologies are permitted. 2. Where natural ventilation can be shown to comply with Section 80.801 (m).

(75) Add the phrase "Where highly toxic gases are stored," to the beginning of the first sentence of Section 80.303 (a) 7.

(76) Add the following exception to Section 80.303 (a) 8.:

EXCEPTION: When it can be demonstrated that an unsafe condition does not exist.

(77) Amend Section 80.303 (b) 1. and 2. through the first sentence of 2.A. to read as follows:

(b) Exterior Storage 1. General. Exterior storage of highly toxic compressed gases shall be in accordance with the provisions of Sections 80.303 (b) and (c) and the general provisions specified in Section 80.301.

2. Distance from storage to exposures. In addition to the provisions of the Building Code, exterior storage of highly toxic compressed gases shall comply with the following:

A. Distance limitation to exposures. The exterior storage of highly toxic compressed gases shall not be within 75 feet of a building, property line, street, alley, public way or exit to a public way unless the storage is shielded by a structure having a minimum fire-resistive rating of tow hours and which interrupts the line of sight between the storage and the exposure.

(78) Amend the second paragraph of Section 80.303 (b) 3. to read as follows:

3. An automatic fire-sprinkler system shall be provided for canopies provided for the storage of highly toxic compressed gases.

EXCEPTION: Where automatic sprinklers are incompatible with the hazardous material.

(79) Amend Section 80.303 (b) 4.C. to read as follows:

C. Stationary tanks shall be provided with a means of excess flow control on all tank inlet or outlet connections.

EXCEPTIONS: 1. Inlet connections that are designed to preclude backflow. 2. Pressure-relief devices. 3. Where excess flow control causes unsafe conditions.

(80) Amend Sections 80.303 (c) 2. and 3. to read as follows:

2. Security. Storage areas shall be protected against tampering or trespassers by fencing or other control measures.

3. Gas cabinets for leaking cylinders containing highly toxic compressed gasses.

(81) Add the following exception to Section 80.305 (a) 1.:

EXCEPTION: Storage of wood chips or other combustible materials with an ignition temperature above 212 degrees Fahrenheit.

(82) Amend Section 80.305 (a) 4. to read as follows:

4. Explosion venting or suppression. Rooms, buildings or equipment used for the storage of combustible dusts shall be provided with explosion venting or suppression in accordance with the provisions of Section 80.301(q), or shall be controlled with best practices.

EXCEPTION: Suppression is not mandated unless required by other applicable codes.

(83) Amend Section 80.305 (b) 4. to read as follows:

4. Storage conditions. Exterior storage of flammable solids shall be in accordance with nationally recognized standards of good practice.

(84) Add footnote number 3 directly after footnote number 2 and add the following new footnote 3 to the end of Table No. 80.306-A:

3. For liquid oxidizers, a conversion of 10 pounds per gallon shall be used.

(85) Amend Section 80.306 (a) 6. to read as follows:

6. Insulated roof. Roofs of storage areas shall be insulated or provided with explosion venting.

(86) Amend Section 80.306 (a) 8. to read as follows:

8. Explosion venting or suppression. Explosion venting or suppression shall not be required in storage areas for Class 1, 2 and 3 oxidizers.

(87) Amend Section 80.306 (a) 13. to read as follows:

13. Separation. In addition to the provisions of Section 80.301 (n), Class 3 and Class 4 oxidizers shall be separated from other hazardous materials by not less than one-hour fire-resistive construction or stored in hazardous materials storage cabinets or separation of 20 feet from incompatible materials.

(88) Amend Section 80.309 (a) 1. to read as follows:

EXCEPTIONS: 1. Detonatable unstable (reactive) materials shall be stored in accordance with Article 77. 2. For retail display of nonflammable solid and nonflammable or noncombustible liquid unstable (reactive) materials, see Section 80.109.

(89) Add the following exception to Section 80.310 (a) 1.:

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid water-reactive materials, see Section 80.109.

(90) Add the abbreviation "LBS." at the end of the heading of Table No. 80.310-A which reads "WATER-REACTIVES EXEMPT AMOUNTS"

(91) Amend Section 80.310 (b) 1. to read as follows:

1. General. Exterior storage of water-reactive materials that provide a fire risk shall be within tanks or closed watertight containers and shall be in accordance with the provisions of Section 80.310 (b) and the general provisions specified in Section 80.301.

(92) Add the following exception to Section 80.312 (a) 1.:

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid highly toxic materials, see Section 80.109.

(93) Delete Sections 80.313 (a) - (c) and replace with the following:

Sec. 80.313. The storage, use, and handling of radioactive materials shall be in compliance with Oregon law.

(94) Amend Table No. 80.313-A to read as follows:

TABLE NO. 80.313-A
RADIOACTIVE MATERIALS-EXEMPT AMOUNTS

CONDITION	EXEMPT AMOUNT
Any storage condition	1. Less than the permit amount (See Section 4.101, No. 40.) 2. Licensed, sealed sources. 3. "General License Device". See Oregon State Health Div. Radiological Section.

(95) Delete Section 80.313 (a) 3. and (a) 4. and renumber Sections 80.313 (a) 5. and (a) 6., (a) 3. and (a) 4, respectively.

(96) Add the following exception to Section 80.314 (a) 1.:

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid corrosive materials, see Section 80.109.

(97) Delete Section 80.314 (b) 4. and (b) 5.

(98) Add the following exception to Section 80.315 (a) 1.

EXCEPTION: For retail display of nonflammable solid and noncombustible liquid other health hazards, see Section 80.109.

(99) Amend Section 80.401 (a) to read as follows:

(a) Scope. This division applies to the dispensing, use and handling of highly toxic hazardous materials in excess of the exempt amounts specified in Table Nos. 80.402-A and 80.402-B.

EXCEPTION: Hazardous materials regulated by other articles in this code.
(100) Amend Section 80.401 (b) 1. to read as follows:

1. General. Containers, cylinders and tanks utilized for the dispensing, handling or use of highly toxic hazardous materials shall comply with the provisions of Section 80.401 (b).

(101) Amend Section 80.401 (b) 3. to read as follows:

3. Tanks out of service 90 days. Any stationary tank not used for a period of 90 days shall be properly removed in accordance with nationally recognized standards.

(102) Delete Section 80.401 (b) 6. and renumber Section 80.401 (b) 7. to 80.401 (b) 6.

(103) Amend the first paragraph of Section 80.401 (c) 3. to read as follows:

3. Supply piping. Supply piping and tubing for highly toxic gases and liquid having a health hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 shall also comply with the following:

(104) Amend Section 80.401 (c) 3. C. to read as follows:

C. Where highly toxic gases or liquids are carried in pressurized piping above 15 psig, excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

EXCEPTION: Where excess flow control is not appropriate according to nationally recognized standards or best management practices.

(105) Amend Section 80.401 (f) to read as follows:

(f) Noncombustible Floor. Except for surfacing, floors of areas where liquid or solid hazardous materials are dispensed or used in open systems shall be noncombustible and liquid-tight.

(106) Amend the reference at the end of the first full sentence of Section 80.401 (l) to read as follows: (See the Electrical Code Article 701.)

(107) Amend Section 80.401 (n) to read as follows:

(n) Signage. In addition to the hazard identification signs required by Section 80.104 (e), additional hazard identification and warning signs shall be provided as follows:

1. Signs prohibiting smoking shall be provided in accordance with the provisions of Article 13.

2. Stationary containers and tanks shall be placarded with hazard identification signs as specified in U.F.C. Standard No. 79-3, HMIS (Hazardous Material

Identification Standard), other equivalent systems or other nationally recognized standards.

(108) Amend Section 80.401 (o) to read as follows:

(o) Security. Dispensing, use and handling areas shall be protected against tampering or trespassing by fencing or other control measures.

(109) Amend the exception following Section 80.401 (r) to read as follows:

(r) Fire-extinguising Systems.

EXCEPTION: Sprinklers may be omitted in rooms or areas in accordance with Section 3804 of the Building Code.

(110) Amend Section 80.402 (b) 2.A. to read as follows:

A. Dispensing. When liquids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed from tanks or drums, dispensing shall not be by gravity means.

EXCEPTION: When equivalent protection can be demonstrated.

(111) Amend Section 80.402 (b) 2.B. to read as follows:

B. Ventilation. When gases, liquids or solids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed or used, ventilation shall be provided to manage fumes, mists or vapors at the point of generation.

(112) Amend Section 80.402 (b) 2.D. to read as follows:

D. Explosion venting or suppression. Explosion venting or suppression shall be provided in accordance with the provisions of Section 80.301 (q) when an explosive environment is likely to occur because of the hazardous materials dispensed or used, or as a result of the dispensing or use process.

(113) Amend Section 80.402 (b) 2.E. to read as follows:

E. Spill control, drainage and containment. Rooms or areas where hazardous material liquids are dispensed into containers exceeding 1-gallon capacity or used in open containers or systems exceeding 5-gallon capacity shall be provided with a means to control spills.

(114) Delete Section 80.402 (b) 3.C. and renumber Section 80.402 (b) 3.D. to 80.402 (b) 3.C. and amend to read as follows:

C. Explosion venting or suppression. Explosion venting or suppression shall be provided in accordance with the provisions o Section 80.301 (q) when an explosive environment is likely to occur because of the hazardous materials dispensed or used, or as a result of the dispensing or use process.

(115) Renumber Section 80.402 (b) 3.E. as Section 80.402 (b) 3.D. and delete the second full sentence thereof.

(116) Renumber Section 80.402 (b) 3.F. as Section 80.402 (b) 3.E. and delete the phrase "and toxic" from the heading of that section.

(117) Add the following exception to Section 80.402 (b) 3.E.(i) [previously 80.402 (b) 3.F.(i)]:

EXCEPTION: Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gases when such reactors are:

1. Operated at pressures less than 15 psig.
2. Constantly attended.
3. Provided with readily accessible emergency shutoff valves.

(118) Delete the phrase "or toxic" from Section 80.402 b. E. (viii) [formerly Section 80.402 b. F. (viii)].

(119) Amend Section 80.402 (c) 2. to read as follows:

2. Dispensing. When liquids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed from portable tanks or drums, dispensing shall not be by gravity, except where equivalent protection can be demonstrated or shown.

(120) Add the following exception to Section 80.402 (c) 3.:

EXCEPTION: Sprinklers may be omitted in rooms or areas in accordance with Section 3804 of the Building Code.

(121) Delete the second full sentences of Sections 80.402 (c) 4.A. and 4.B.

(122) Delete Section 80.402 (c) 6.

(123) Renumber Section 80.402 (c) 7. to 80.402 (c) 6. and Section 80.402 (c) 8. to 80.402 (c) 7.

(124) Add the following exception to Section 80.402 (c) 7.C. [formerly Section 80.402 (c) 8.C.]:

EXCEPTION: Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gases when such reactors are:

1. Operated at pressures less than 15 psig.
2. Constantly attended.
3. Provided with readily accessible emergency shutoff valves.

(125) Amend Section 80.403 (d) to read as follows:

(d) Emergency Alarm. When hazardous materials rated 3 or 4 in accordance with U.F.C. Standard No. 79-3 are transported through exit corridors or exit enclosures, there shall be an emergency telephone system, a local manual alarm station or an approved signaling device at 150-foot intervals or at each exit doorway throughout the transport route. This signal shall be relayed to an approved central, proprietary or remote station service or constantly attended on-site location and shall also initiate a local audible alarm.

(126) Amend Section 82.101 to read as follows:

Sec 82.101. (a) This article shall apply to the storage, handling and transportation of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses. For determining properties of liquefied petroleum gases, refer to U.F.C. Standard No. 82-1, Appendix A.

(b) For regulation of liquefied petroleum gas, see ORS 480.410 through 480.990 and OAR 837-30-005 through 837-30-070.

(127) Delete the first sentence of Appendix III-C, 1. (a) and replace with the following new sentence: Tests of systems or devices herein regulated shall be conducted when required by the chief or when there is reason to believe that the system or device would fail to operate properly in an emergency.

(128) Add Appendix V-B as follows:

APPENDIX V-B

STATUTES AND ADMINISTRATIVE RULES
SUPPLEMENTING THE UNIFORM FIRE CODE

Statutes

ORS 476.280 and 476.290. Grant extraterritorial authority permitting a local fire department to extinguish a fire in an unprotected area and collect the cost from the owner of the property. See also ORS 478.310.

ORS 476.380. Requires a person outside a rural fire district or forest protection district to obtain a permit from the county before conducting open burning. Requires the county to prescribe the conditions for issuing a burning permit. County requirements must observe Environmental Quality Commission restrictions but may be more restrictive. See ORS 478.960 on permit inside rural fire districts.

ORS 476.410 to 476.440. Require use of standardized fire protection equipment and prohibit sale of nonstandard equipment.

ORS 476.510 to 476.610. Establish procedures and obligations in case of a state emergency due to a conflagration.

ORS 476.710. Restricts ocean beach fires as regulated by the State Department of Transportation.

ORS 476.715. Prohibits throwing away lighted material (cigarettes, matches, etc.) on forest land, private roads and the right-of-way of public roads and railroads.

ORS 479.100. Requires a permit from State Fire Marshal personnel or the local assistant under ORS 476.060 to exhibit or use a motor vehicle in a building that is not a public garage.

ORS 479.250 to 479.300. Dwelling units sold since 1979, rental dwelling units, lodging houses and hotel guest rooms must have smoke detectors complying with State Fire Marshal regulations. The State Fire Marshal or local official charged with providing fire protection can cite a landlord, if acting on a complaint of a tenant.

ORS 480.010 to 480.280. Explosives and Fireworks.

ORS 480.310 to 480.340. Gasoline Dispensing.

ORS 480.410 to 480.460. Liquid Petroleum Gas.

Administrative Rules

The following summarizes administrative rules of the State Fire Marshal that are in addition to this code. These are found in Oregon Administrative Rules Chapter 837.

1. Sections 11-050 through 11-070. Assistants to the State Fire Marshal. County sheriffs are designated as assistants to the State Fire Marshal for the purpose of processing applications for possession of explosives.

2. Sections 12-005 through 12-570. Fireworks. These sections regulate the possession, sale and use of fireworks and set standards and procedures for obtaining permits.

3. Sections 30-005 through 30-025. Liquefied Petroleum Gases. These sections relate to rules contained in the following NFPA publications: (a) Liquefied Petroleum Gases 1986 (No. 58); (b) Production, Storage and Handling of Liquefied

Natural Gas, 1985 (No. 59A); (c) Gas Appliances, Gas Piping, 1984 (No. 54); and (d) LP Gases at Utility Plants, 1984 (No. 59).

4. Sections 30-030 through 30-070. Liquefied Petroleum Gas as Motor Fuel. These sections regulate the conversion or manufacture of vehicles and machinery to use liquefied petroleum gas as a motor fuel.

5. Section 41-050. Exitway Protection. This section requires upgrading of existing deficient buildings where a high life hazard exists to assure safe and adequate exits. The effect is to require exit system improvements in multifamily and other buildings or alternate protection through use of automatic sprinklers or fire detection system.

6. Section 44-005. No Smoking in Elevators. This section requires "no smoking" signs in elevators.

7. Section 45-005 through 45-025. Smoke Detectors. These sections establish standards for the smoke detectors required by ORS 479.250 to 479.300.

8. Sections 61-005 through 61-010. Fire-fighting Equipment. Standards for screw threads and gaskets for fire hose couplings are stated.

9. Sections 80-005 through 80-015. Liquefied Natural Gas. These sections adopt NFPA No. 59A, Standard for Production, Storage and Handling of Liquefied Natural Gas, 1985 edition.

(129) Add the following sentences to the end of Section 1 of Appendix III-A:

The minimum residual shall be not less than 20 psi. The fire flow duration should be at least 2 hours up to 2500 gpm and 3 hours for fire flows of 3000 to 3500 gpm.

(130) Add the following sentence to the end of Section 3 of Appendix III-A:

When there is a wood shingle roof covering on the building being considered, or when there is an exposed building, add 500 gpm to the needed fire flow.

(131) Amend Section 4 of Appendix III-A to read as follows:

4. FIRE FLOW REQUIREMENTS FOR BUILDINGS

The minimum fire flow requirements for one and two-family dwellings shall be not less than that specified in Table No. III-A-A-1.

EXCEPTION: Fire flow may be reduced 50 percent when the building is provided with an approved automatic sprinkler system.

The fire flow for buildings other than one and two-family dwellings shall be not less than that specified in Table No. III-A-A.

EXCEPTION: The required fire flow may be reduced up to 50 percent when the building is provided with an approved automatic sprinkler system, but in no case less than 1000 gallons per minute.

In Types I and II-F.R. construction, only the three largest successive floor areas shall be used.

(132) Add the following Table No. III-A-A-1 to Appendix III-A to read as follows:

TABLE NO. III-A-A-1
BASE FIRE FLOW FOR ONE AND TWO-FAMILY DWELLINGS (GPM)

AVERAGE SEPARATION	HEIGHT 1-STORY	2-STORY	3-STORY
Over 30 feet	500	750	1000
20 to 30 feet	750	1000	1250
10 to less than 20 feet	1000	1250	1500
Less than 10 feet	1250	1500	2000

(133) Add the following numbers to the first line of the chart shown on Table No. III-B-A of Appendix III-B, below the various headings: 500 1 1000 500.

8.114 New Materials, Processes or Occupancies which may Require Permits. The City Manager, the Chief and the Fire Prevention Officer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The Fire Prevention Officer shall post such list in a conspicuous place in his or her office, and distribute copies thereof to interested persons.

8.116 Penalties.

(1) A violation of Uniform Fire Code Sections 2.107, 3.101 (b), 3.102 or 10.102, as adopted by the City of Bend herein is a Class "A" misdemeanor. A violation of any of the other provisions of Bend Code 8.100 - 8.114 is a Class "A" civil infraction. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(3) The provisions of Bend Code 8.100 - 8.114 control over any inconsistent provisions of the Uniform Fire Code.

192 - 0037

ORDINANCE NO. NS-1499

89-23480

AN ORDINANCE MAKING DETERMINATIONS AND FINDINGS OF FACT AND APPROVING A NEW URBAN RENEWAL PLAN FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON AND REPEALING ORDINANCE NO. NS-1406.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The City Commission makes the following findings of fact:

The City Commission, as the duly elected governing body of the City of Bend, by nonemergency Ordinance No. NS-1403 and pursuant to the provisions of ORS 457.035, declared that blighted areas exist within the City and there is need for an Urban Renewal Agency to function in the City.

The City Commission, by Resolution No. 1733, created the seven member Bend Development Board to function as the City's Urban Renewal Agency.

On October 31, 1984, the City Commission adopted Ordinance No. NS-1406 adopting an urban renewal plan for the Central Bend Development Program Area.

The 1984 Central Bend Development Program Plan has never been implemented as the resources necessary to properly implement the Plan have not been available.

Between 1984 and 1989, the 1984 Plan became obsolete due to changes that occurred in the Central Bend Development Program Area.

Based upon the lack of resources and obsolescence of the 1984 Plan, the Bend Development Board and the Bend City Commission determined that a new plan should be adopted for the urban renewal area which will supersede the 1984 plan adopted by Ordinance No. NS-1406.

The Bend Development Board, as the duly designated Urban Renewal Agency of the City of Bend, and pursuant to the provisions of ORS Chapter 457, has prepared a 1989 Urban Renewal Plan and Report on the Plan for the Central Bend Development Program Area, which Area consists of 236 acres of land all lying within a single, contiguous Urban Renewal Area and forwarded a copy of said plan and report.

The Urban Renewal Plan is attached herewith and, by this reference, made a part hereof.

The Urban Renewal Plan and Report were forwarded to the Bend Urban Area Planning Commission for recommendations prior to presentation of the plan and report to the City Commission on August 14, 1989.

The Urban Renewal Plan and Report were presented to the governing bodies of each taxing district affected by the urban renewal plan.

The City Commission has received and considered the minutes of the Bend Urban Area Planning Commission showing that the Planning Commission recommended that the City Commission adopt the Urban Renewal Plan and that the Planning Commission found that the Urban Renewal Plan conformed to the urban area comprehensive plan and the economic development plan contained therein.

The City Commission held a public hearing on the Urban Renewal Plan on August 25, 1989 at 5:30 p.m. after providing published notice of the hearing in the Bend Bulletin on August 15, 1989.

SECTION 2. DETERMINATIONS. Pursuant to ORS 457.095, the Bend City Commission makes the following determinations:

A. That the Central Bend Development Program Area is a single, contiguous urban renewal area of 236 acres which is blighted. This finding is based upon all of the evidence presented to the City Commission, including the 1989 Report on the Plan, a copy of which is attached hereto and incorporated by reference herein.

B. That the rehabilitation and redevelopment within the urban renewal area outlined in the 1989 Plan is necessary to protect the public health, safety and welfare of the City.

C. That the Urban Renewal Plan conforms to the City's adopted and acknowledged Comprehensive Plan and the economic development plan contained in Chapter I of such Comprehensive Plan, entitled "Economic Growth and Projections".

D. That the Urban Renewal Plan provides an outline for accomplishing the urban renewal projects the Urban Renewal Plan proposes.

E. That provision has been made by the Urban Renewal Plan to house displaced persons within their financial means in accordance with ORS 281.045 to 281.105 and, except in the relocation of elderly or handicapped individuals, without displacing on priority lists persons already waiting for federally subsidized housing, in the unlikely event that persons may be displaced by future action of the Bend Development Board.

F. That the acquisition of real property provided for in the Urban Renewal Plan is necessary.

G. That the adoption and carrying out of the Urban Renewal Plan is economically sound and feasible;

H. That the Plan provides various methods for financing the Urban Renewal Plan, including provisions for annual tax increment proceeds collected to be paid into a special fund of the Development Board to pay the principal and interest on the indebtedness incurred by the Development Board in their financing or refinancing of the Urban Renewal Plan. These provisions shall be effective after Ordinance No. NS-1406 is repealed.

I. That the City of Bend agrees to assume and complete all of the activities prescribed it by the Urban Renewal Plan.

SECTION 3. REPEAL. Ordinance No. NS-1406, adopting the 1984 Urban Renewal Plan and providing for the division of ad valorem taxes under ORS 457.440 is repealed.

SECTION 4. APPROVAL OF THE URBAN RENEWAL PLAN FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA. The City Commission hereby approves, by nonemergency ordinance, the 1989 Central Bend Development Program Area Plan, an Urban Renewal Plan in the City of Bend, Deschutes County, Oregon, including a new provision for the division of ad valorem taxes under ORS 457.440, the original of which is on file with the office of the City Recorder-Treasurer, and incorporates the Urban Renewal Plan into this ordinance by reference herein.

SECTION 5. EFFECTIVE DATE. Section 3 of this Ordinance shall be effective 30 days after its passage. Sections 1, 2 and 4 shall be effective 31 days after its passage. This ordinance shall be conclusively presumed valid for all purposes ninety (90) days after adoption, pursuant to ORS 457.135.

Read for the first time on the 25th day of August, 1989.

Read for the second time on the 6th day of September, 1989.

Placed upon its passage the 6th day of September, 1989, by the following roll call vote:

Yes: 6 No: 1

Submitted to and approved by the Mayor this 6th day of September, 1989.

MAYOR

ATTEST:

Assistant Recorder-Treasurer

Prepared by

BEND DEVELOPMENT BOARD
BEND, OREGON
AUGUST 1989

BEND DEVELOPMENT BOARD

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Neil Bryant, Vice Chair
Ron Barber
Don Bauhofer
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Steve Scott
Gregg Smith

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BEND URBAN AREA PLANNING COMMISSION

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STAFF

Larry Patterson, City Manager
John Hossick, Planning Director
Ron L. Marceau, City Attorney
Elizabeth L. Fancher
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CONSULTANT

Patterson, Snider & Stewart
Lyle A. Stewart, AIA, AICP

TABLE OF CONTENTS

		Page No.
SECTION 100 -	INTRODUCTION	1
SECTION 110 -	CITY/AGENCY RELATIONSHIPS	1
SECTION 200 -	DEFINITIONS	2
SECTION 300 -	LEGAL BOUNDARY DESCRIPTION	6
SECTION 400 -	GOALS AND OBJECTIVES FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA	7
SECTION 500 -	LAND USE PLAN	18
SECTION 600 -	PROJECT ACTIVITIES	22
SECTION 700 -	METHODS FOR FINANCING THE PROJECT	31
SECTION 800 -	ANNUAL FINANCIAL STATEMENT REQUIRED	33
SECTION 900 -	CITIZEN PARTICIPATION	34
SECTION 1000 -	NON-DISCRIMINATION PROVISIONS	35
SECTION 1100 -	RECORDING OF THIS PLAN	36
SECTION 1200 -	PROCEDURES FOR CHANGES OR AMENDMENTS IN THE APPROVED CENTRAL BEND DEVELOPMENT PROGRAM PLAN	37
SECTION 1300 -	DURATION AND VALIDITY OF APPROVED URBAN RENEWAL PLAN	38

EXHIBITS

PART TWO - EXHIBITS

EXHIBIT 1 - DEVELOPMENT PLAN BOUNDARY

EXHIBIT 2 - LAND USE PLAN

EXHIBIT 3 - DISTRICTS

EXHIBIT 4A - PROJECTS - SIDEWALKS AND PEDESTRIAN AMENITIES

EXHIBIT 4B - PROJECTS - UTILITY SYSTEMS NEEDING REPLACEMENT

EXHIBIT 4C - PROJECTS - BUILDING RESTORATION AND REHABILITATION

EXHIBIT 5 - PRINCIPAL DEVELOPMENT/REDEVELOPMENT AREAS

EXHIBIT 6 - TOPOGRAPHY

EXHIBIT 7 - ADJUSTING 1989 DOLLARS TO CURRENT DOLLAR VALUES IN SUBSEQUENT YEARS--THE ENR INDEX

SECTION 100 - INTRODUCTION

The Central Bend Development Plan, a 236 acre Urban Renewal Plan within the City of Bend, consists of Part 1 - Text, and Part 2 - Exhibits. This Plan has been prepared by the Bend Development Board, an Urban Renewal Agency, pursuant to the provisions found within the Oregon Revised Statutes, ORS Chapter 457, the Oregon Constitution, and all applicable laws and ordinances.

SECTION 110 - CITY/AGENCY RELATIONSHIP

The relationship between the City of bend, an Oregon municipal corporation and The Bend Development Board as an urban renewal agency created pursuant to ORS Chapter 457 shall be as contemplated by ORS Chapter 457. Nothing contained in this Plan, nor City's approval of this Plan, nor City's supplying of services or personnel, nor the budgetary requirements of this Plan shall in any way be construed as departing from or disturbing the relationship contemplated by ORS Chapter 457. It is the intention of City in approving this Plan and of City and the Board in implementing the Plan that the Board shall not be the agent of City nor shall City have any responsibility for the Board except as specifically provided by Chapter 457. The By-Laws of the Bend Development Board of Bend, Oregon dated October 8, 1984 are hereby incorporated into this Plan and the Board shall not change these By-Laws except with Bend City Commission approval.

SECTION 200 - DEFINITIONS

The following definitions will govern this Plan unless the context otherwise requires:

"Acquisition" means the act or process of acquiring fee title or interest other than fee title of real property (including the acquisition of development rights of remainder interest).

"Activity Area" means any designated portion or element of the Central Bend Development Area in which authorized urban renewal actions are being undertaken by the Bend Development Board.

"Agency" means the Bend Development Board which, in accordance with ORS 457, is the Urban Renewal Agency of the City of Bend, Deschutes County, Oregon.

"B.E.N.D., Incorporated or B.E.N.D., Inc." means an organization of merchants, professionals, property owners, and interested citizens organized to provide coordinated management and promotion of downtown Bend. This organization was incorporated in 1982 as "Bend's Economy Needs Downtown".

"Blighted Areas" means areas which, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted area is characterized by the existence of one or more of the following conditions:

(1) The existence of buildings and structures, used or intended to be used for living, commercial, industrial or other purposes, or any combination of those uses, which are unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions:

  (a) Defective design and quality of physical construction;
  (b) Faulty interior arrangement and exterior spacing;
  (c) Overcrowding and a high density of population;
  (d) Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities; or
  (e) Obsolescence, deterioration, dilapidation, mixed character or shifting of uses.

(2) An economic dislocation, deterioration or disuse of property resulting from faulty planning;

(3) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development;

(4) The layout of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions;

(5) The existence of inadequate streets and other rights-of-way, open spaces and utilities;

(6) The existence of property or lots or other areas which are subject to inundation by water;

(7) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

(8) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare; or

(9) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

"Board" or "Development Board" means the seven member, appointed Bend Development Board, which functions as the Bend Urban Renewal Agency as authorized by ORS Chapter 457.

"Board of County Commissioners" means the three member elected governing body of the County of Deschutes, Oregon.

"Central Bend Development Program Area", "Development Program Area" or "Program Area" means an Urban Renewal Area located in the City of Bend, Oregon which includes a 236 acre sector of the City containing the Central Business District and adjacent commercial, industrial and residential areas.

"City" means the City of Bend, Deschutes County, Oregon.

"City Commission" or "Commission" means the seven member elected, governing body of the City of Bend, Oregon.

"County" means the County of Deschutes, State of Oregon.

"County Facility" means offices and courts and similar facilities occupied or to be occupied for county purposes.

"Exhibit" means an attachment, either narrative or graphic, to the Central Bend Development Plan, within the Central Bend Development Program Area, Part Two - Exhibits.

"Main Street" means the program developed by the National Main Street Center, a demonstration project for the National Trust for Historic Preservation, the principle of which is to guide the conservation, restoration and the redevelopment of downtown.

"ORS" means Oregon Revised Statutes (State Law). ORS 457 is the chapter regulating the urban renewal process.

"Plan" or "Development Plan" means the Urban Renewal Plan for the Central Bend Development Program Area. The Plan consists of Part One - Text and Part Two - Exhibits.

"Preservation" means the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

"Project" means any undertaking or activity within the Central Bend Development Program area, such as a public improvement, street project, or loan program which is authorized and for which implementing provisions are set forth in the Urban Renewal Plan.

"Project Area" means the entire Central Bend Development Program Area--a 236 acre, single geographic portion of the City of Bend, Oregon.

"Protection" means the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archeological sites, the protective measures may be temporary or permanent.

"Reconstruction" means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

"Redeveloper" means any individual or group which acquires property from the Bend Development Board or which receives financial assistance for the physical improvement of publicly or privately held structures and land from the Development Board.

"Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

"Report on the Plan" means the text and graphic exhibit of a report which explains existing conditions, activities, procedures and proposals of the Plan of the Central Bend Development Program.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

"Stabilization" means the act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

"State" means the State of Oregon and its various agencies, divisions and departments.

"Tax Increment Financing" means a method of financing Urban Renewal Projects as authorized by ORS Chapter 457, which uses the tax revenues generated by the increased taxable values in a defined area to pay for improvements within that area.

"Text" means Part One of this Urban Renewal Plan for the Central Bend Development Program.

"Urban Renewal Law" means Oregon Revised Statutes, Chapter 457 (ORS 457) the State Urban Renewal Law. This development Program was prepared to meet all the requirements of the State Urban Renewal Law.

SECTION 300 - LEGAL BOUNDARY DESCRIPTION

The following is a legal description of the boundary of the Central Bend Development Program Area.

> Commencing at a point which is the intersection of the east right-of-way line of First Street with the north right-of-way line of Olney Avenue, said point bears west 406.76 (plus or minus) feet and south 370.00 (plus or minus) feet from the common corner to sections 28, 29, 32 and 33, Township 17 south, range 12 east, Willamette Meridian, City of Bend, Deschutes County, Oregon. Thence south along said First Street right-of-way line to a point on the south right-of-way line of Franklin Avenue, then west along said line to the east right-of-way line of Division Street, thence south along said line to the south right-of-way line of Hastings Place, thence west along said line to the west right-of-way line of Hill Street, thence north along said line to the south right-of-way line of Florida Avenue, thence west along said line to the west right-of-way line of Broadway, thence northerly along said line to a point on the north right-of-way line of Franklin Avenue which is the

intersection of the southeasterly line of Tax Lot 5301, Deschutes county, Oregon Tax Assessor Plat 17 12 32 BD. Thence northeasterly along said southeasterly line to the rear corner of said lot, thence northwesterly along rear lot line to the prevalent waterline of Mirror Pond of the Deschutes River. Thence northeasterly along said water line to the north right-of-way line of Portland Avenue, thence east along said line to the west right-of-way line of Hill Street, thence north along said line to the north right-of-way line of Olney Avenue, thence east along said line to the point of beginning.

The boundary described from Assessor Plats, Deschutes County Records, Bend, Oregon. The area encompassed by said boundary contains 236 acres (plus or minus).

Exhibit 1 of Part Two of this Plan, graphically describes the boundary as is verbally set forth above.

SECTION 400 - GOALS AND OBJECTIVES FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA

The primary goal and objective of the Central Bend Development Program and this Plan are to improve the function, condition and appearance of the Development Area, to eliminate existing blight and blighting influences, and to strengthen economic and environmental conditions. The following goals and objectives more specifically identify the purposes of this Plan:

A. HOUSING AND DOWNTOWN NEIGHBORHOODS

1. GENERAL GOAL:

To give high priority to increasing the number of residential accommodations in the Downtown Area for a mix of age and income groups, taking into consideration differing life styles; and to provide a "quality" environment in which people can live recognizing that residents of Downtown and adjacent area are essential to the growth, stability and general health of a city.

2. SPECIFIC GOALS:

a. Coordinate and better organize the efforts of all agencies that are involved in the provision of housing (both public and private, including Urban Planning Commission, City of Bend Planning Department and B.E.N.D. Incorporated). Specifically:

(1) Develop economic or other incentives to reduce the slippage rate of existing housing units from the market in the Downtown area and encourage the building of additional housing units.

(2) Encourage the fullest use of public and private programs to ensure that future Downtown housing accommodates a mix of low, moderate and high income people.

(3) Provide, in addition to existing federal programs, comprehensive plans for the relocation of all displaced residents.

(4) Establish a mechanism within the neighborhoods that can provide the people living in them a voice in making decisions affecting the area as well as responsibility for those decisions.

(5) Recognize the differing needs and problems of the various groups who will be housed, including those groups who naturally gravitate to the city core. Provide housing and services commensurate with their physical and social needs. These groups include the single, retired, the elderly, students and the handicapped.

b. Enhance the livability of Downtown:

(1) Strengthen the role of B.E.N.D. Incorporated so that they may take an active leadership role in translating the "Bend Character" as defined by rivers, parks, trees, topography, vistas, and spirit into design concepts that will guide future development and use of existing structures.

(2) Create a pleasurable environment by providing:

(a) Pedestrian ways, "people-mover" systems and bicycle trails to connect core area housing and adjacent neighborhoods with open spaces, the retail core, and medical and/or other support facilities.

(b) Parks, places to talk, play (both children and adult activities), look, think and enjoy.

(c) Other public use facilities such as restaurants, plazas, rest rooms, skating rink, etc.
(d) Accessible service centers for residential areas: drug stores, supermarkets, medical facilities, transportation.
(e) Adequate lighting in all parts of the Downtown Area.
(f) Adequate police, fire and health protection.
(g) A variety of tourist attractions; e.g., use of the river.
(h) Clean air and reasonable noise levels.

B. COMMERCE

1. GENERAL GOAL:

Enhance Downtown's role to once again become a leading center for retail goods and consumer service. Provide an atmosphere conducive to investment.

2. SPECIFIC GOALS:

a. Maintain a compact retail core.

b. Encourage retail use of ground-level space, including shops and restaurants on first floors of office buildings. Keep parking and other non-retail uses from breaking up the sidewalk retail frontage.

c. Encourage clusters of general and specialty retailing in the Downtown area.

d. Encourage development of specialty shops and restaurants in the direction of the riverfront to generate activities and pedestrian flow toward the river.

e. Create a system of pedestrian ways which:

(1) Connect the retail core with the riverfront, offices, residential areas, and parking facilities.

(2) Create a pleasant shopping environment in the retail core, utilizing widened and covered walkways and/or malls, special lighting and landscaping. Special attention should be given to providing protection from Bend's weather environment.

(3) Reduce stress by eliminating pedestrian/vehicle conflicts. Investigate the feasibility of altering store loading schedules and/or locations.

f. Provide facilities for shoppers: street furniture, meeting rooms, places to sit, rest, wait, observe; shoppers' lockers, day-care facilities, bicycle storage, and public rest rooms.

g. Encourage renovation of deteriorated retail facilities.

h. Develop a major city square in the center of the Downtown retail core to provide breathing space, a focal point, and a gathering place.

C. RIVERFRONT DEVELOPMENT

1. ASSETS AND POTENTIAL

Although Bend is in an outdoor recreational area center, the riverfront is one of the few places which provides the city dweller with an opportunity to get in touch with the natural environment and, more particularly, with the special qualities of a body of water. The riverfront provides the opportunity for play as well as work, relaxation as well as group interaction; the opportunity to create for the people of Bend a combination of unique activities through which city life can be enhanced.

a. These goals are based on the assumptions that the highest priority should be given to the human element; to enhancing liveability; and to fulfilling the human need for open space.

b. The riverfront should offer contrast and relief from the formal character of downtown.

c. The very nature of the river and the riverfront makes possible the realization of a broad range of unique activities, not possible elsewhere in the city.

d. The riverfront should be a place which will act as a magnet, drawing people back into the heart of the city...a community focus.

e. Through careful planning, landscaping and development, strive to capture the beauty and drama of the Deschutes--a great Northwest River with a colorful past.

2. IMMEDIATE GOALS:

a. Establish a mechanism for public involvement in the development of the riverfront. Directly involve individuals as well as organizations.

b. Establish a public policy for the development of publicly owned riverfront land, keeping in mind the potential for uses and the community involvement which may not exist on private lands.

c. Promote activities which take advantage of the water.

d. Develop programs to make the Deschutes River free of pollution and safe for the water-oriented activities and marine life.

3. LONG-RANGE GOALS:

a. The area included in "the riverfront" should be large enough to be flexible and useable, providing for the fullest range of activities. Acquisition of public land and development should be extended as far north, south and east as possible.

b. Good physical and visual access should be developed from the downtown to the waterfront and to the water itself.

(1) The riverfront must be pedestrian oriented.
(2) Facilities for automobiles should be avoided on the riverfront.
(3) Pedestrian ways should penetrate automobile traffic barriers to the greatest extent possible.
(4) Develop a network of trails, paths, walks which provide wide-ranging connections to all of downtown.
(5) Create a "promenade" feeling, a setting for mingling and communicating.

c. The two banks of the river should be connected visually and by safe, pleasant pedestrian/bicycle ways.

d. Develop permanent facilities to provide public-oriented commercial, retail, service, gathering and entertainment activities.

e. Density (height, coverage and bulk) regulations and design controls should be part of the waterfront development plan.

(1) Buildings near the riverfront district should not constitute a barrier between the core and the river or block important vistas.
(2) Height of development should be stepped down from the core to the river.
(3) Exclusive or private use should be subordinate to public use. Private development should provide public access and facilities.

D. PARKING AND CIRCULATION

1. Provide an efficient, balanced network of circulation and enhance the accessibility of parking.

2. Energy conservation in the private and public use of vehicles should be encouraged.

3. Encourage maximum accommodation to walking in the Core Area.

a. Reduce air and noise pollution and pedestrian-vehicle conflicts to provide a healthier, more pleasant atmosphere for walking.

b. In recognition of Bend's snowy weather, covered walkways, malls and other appropriate pedestrian ways should be developed to serve the entire core and to link open spaces and parks.

c. Provide safe pedestrian access across bridges.

4. Encourage use of bicycles as an alternative mode of transportation by:

a. Providing safe bicycle access over the bridges.

b. Developing a network of bikeways serving the entire core and connecting it with adjacent areas.

c. Initiate placement of bike racks in the Core Area.

5. Develop a circulation pattern which responds to these Goals by:

a. Providing an efficient and adequate transportation network.
b. Establish a functional classification of streets for:
--Public and Private Vehicles
--Service Areas
--Bicycles
--Pedestrians
--Parking

6. Establish a public parking policy by developing an identifiable system of parking in Downtown Bend which will best serve all Downtown activities. Such system should:

a. Analyze future parking facilities which will best serve recommended land uses in Downtown.

b. Provide parking facilities for automobiles appropriate for both long-term and short-term parking in conjunction with good pedestrian access to downtown.

c. Provide protected parking for bicycles downtown and at peripheral parking sites.

d. Provide convenient and safe locations for handicapped parking.

E. OFFICE DEVELOPMENT

1. GENERAL GOAL:

Strengthen Downtown's role as an important center for administrative, financial, personal and professional business, service, and governmental activities.

2. SPECIFIC GOALS:

a. Provide sites and an environment which will adequately accommodate new office development as needed.

b. Encourage the use of rehabilitated historic buildings as office space.

c. Encourage, at the street level, pedestrian-oriented spaces and activities such as plazas, retailing, restaurants, etc.

d. Strengthen pedestrian access from office facilities to retail and public areas.

e. Utilize office building rooftops for supportive open-space and other amenities.

f. Provide adequate off-street loading facilities in new buildings.

F. INDUSTRIAL DEVELOPMENT

1. GENERAL GOAL:

Maintain supportive warehousing and wholesaling in a cohesive district close to downtown.

2. SPECIFIC GOALS:

a. Encourage off-street parking and loading to reduce vehicular congestion.

b. Encourage supportive land uses in industrial areas to provide for the needs of employees.

c. Provide the amenities of landscaping, proper lighting and open space where possible in industrial districts.

G. CULTURE AND ENTERTAINMENT

1. GENERAL GOALS:

a. Promote Downtown as the entertainment and cultural center of the metropolitan area.

b. Encourage public sponsorship of entertainment.

c. Provide facilities for the performing arts.

d. Create pedestrian links Downtown to ensure good access to and between recreational and cultural facilities.

e. Maintain and reinforce Wall Street and other active entertainment areas.

f. Encourage diversification of cultural entertainment in the Core Area.

g. Provide incentives for new and existing buildings to create entertainment facilities within them for public use.

h. Provide spaces for community entertainment, exhibition and meeting facilities.

H. HISTORIC PRESERVATION

1. GENERAL GOAL:

Identify, preserve, protect and dramatize historical structures and locations within Downtown.

2. SPECIFIC GOALS:

a. Define in clear and specific terms the criteria to be used for the classification of historic structures.

b. Protect historic buildings from incompatible development.

c. Encourage coordination among those owners revitalizing historic structures to create a common or compatible atmosphere.

I. ENVIRONMENTAL

1. GENERAL GOAL:

Create in Downtown Bend an urban setting with a definite sense of place and identity by developing strong boundaries, emphatic focal points, unique physical designs for identifiable areas and by enhancing special views such as of the riverfront and of historically or architecturally significant buildings.

2. SPECIFIC GOALS:

a. Sharpen the visual identity of downtown sub-areas, such as Minnesota Street, Deschutes County Courthouse, City Hall.

b. Encourage the creation of visual amenities and physical facilities which might not otherwise be built.

c. Give careful consideration to the design of street furniture, planting, signing and lighting.

d. Encourage careful consideration of climatic conditions in the design and redesign of buildings.

e. Give careful consideration to the number, location and design of billboards and business signs.

J. FINANCING THE COST OF DEVELOPMENT

1. GENERAL GOAL:

Before undertaking the development, rehabilitation or redevelopment of public or private property, investigate the availability and potential use of all available programs and techniques that would reduce financing costs.

2. SPECIFIC GOALS:

a. Adopt and implement below-market interest rate loan programs for the rehabilitation and restoration of private buildings which are physically and economically feasible.

b. Consider the establishment of a loan reserve fund to be used in conjunction with participating local financial institutions and to encourage such institutions to provide below-market interest rate loans to property owners wishing to rehabilitate buildings.

c. Assist eligible private developers or redevelopers in obtaining the use of tax-free, economic development bonds sponsored by the State's Department of Economic Development.

d. Investigate the use of all Federal Government loan and grant programs for use in conjunction with public and private development. Such programs include:

(1) Urban Development Action Grants (UDAG);
(2) Community Development Block Grants (CDBG) and other applicable HUD programs;
(3) EPA programs;
(4) EDA Programs;
(5) National Trust for Historic Preservaiton; and
(6) Such other programs as may from time-to-time be enacted.

e. Investigate the use of the Federal Government Small Business Administration's "503" and other loan programs to assist in private business development.

SECTION 500 - LAND USE PLAN

The use and development of all land within the Central Bend Development Area shall comply with the regulations prescribed in the City's Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, City Charter, or any other applicable local, State or Federal laws regulating the use of property in an Urban Renewal Area.

That portion of the Bend Comprehensive Plan Land Use Map that lies within the boundary of the Central Bend Development Area (Exhibit 2 - Part Two of this Plan), describes the location of various zoning classifications which are applicable to the Project Area.

A. Land Use Zoning Classifications:

"RS" - URBAN STANDARD RESIDENTIAL
Development within this land use classification shall conform with the provisions of Section 10 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "RS" Zone 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.

"RM" - URBAN MEDIUM DENSITY RESIDENTIAL
Development within this land use classification shall conform with the provisions of Section 11 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "RM" zone 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 of Ordinance No. NS-1178.

"RH" - URBAN HIGH DENSITY RESIDENTIAL
Development within this land use classification shall conform with the provisions of Section 12 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

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

"CN" - NEIGHBORHOOD COMMERCIAL
Development within this land use classification shall conform with the provisions of Section 13 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CN" zone 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 zones 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.

All "CN" land within the Development Area Plan is in public ownership and is used for street purposes.

"CL" - LIMITED COMMERCIAL
Development within this land use classification shall conform with the provisions of Section 15 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CL" zone 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 to a maximum area of 20 acres of contiguous land and shall be developed in a manner consistent with the General Plan.

"CG" - GENERAL COMMERCIAL
Development within this land use classification shall conform with the provisions of Section 17 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CG" zone 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.

"CB" - CENTRAL BUSINESS
Development within this land use classification shall conform with the provisions of Section 18 or Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CB" zone is intended to serve as the central trading area for the City and surrounding urbanized areas.

"IL" - LIGHT INDUSTRIAL
Development within this land use classification shall conform with the provisions of Section 20 of Ordinance No. NS-1178--the Zoning Ordinance of the City of Bend, Oregon.

The "IL" zone is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the City.

B. Residential Densities. The maximum residential densities in the included zoning categories shall not exceed the following:

Zone	Minimum Land Area per Dwelling Unit
"RS"	6000 square feet
"RM"	Studio or Efficiency Unit 750 sq.ft. 1 Bedroom Unit 1000 sq.ft. 2 Bedroom Unit 1500 sq.ft. 3 Bedroom Unit 2250 sq.ft. 4 Bedroom Unit 2500 sq.ft. Provided that the overall density shall not exceed one dwelling unit per 2000 sq.ft. of lot area.

"RH"	1st and Second Floor	3rd Floor and Above
Studio or Efficiency Unit	650 sq.ft.	250 sq.ft.
1 Bedroom Unit	900 sq.ft.	500 sq.ft.
2 Bedroom Unit	1250 sq.ft.	1000 sq.ft.
3 Bedroom Unit	1850 sq.ft.	1500 sq.ft.
4 Bedroom Unit	2100 sq.ft.	1850 sq.ft.

Provided that the overall density shall not exceed one dwelling unit per 1000 sq.ft. of lot area. See Zoning Ordinance Section 12-(5)-(a).

"CN"	Existing residential uses without any increase in density.
"CL"	Existing residential uses without any increase in density.
"CG"	Existing residential uses without any increase in density. New residential uses subject to the standards of the RH Zone.
"CB"	Residential uses are permitted above the ground floor of a building by conditional use. No minimum land area per dwelling unit is specified.
"CL"	Existing residential uses without any increase in density, and a dwelling unit for a caretaker or watchman working on the property. See Zoning Ordinance sections 20-(2)-(a) and 19-(2)-(a). No minimum land area per dwelling unit is specified.

SECTION 600 - PROJECT ACTIVITIES

In order to achieve the objectives of this Plan, the following activities will be undertaken in behalf of the City of Bend by the Bend Development Board, in accordance with applicable Federal, State, County and City laws, policies and procedures.

A. REHABILITATION AND CONSERVATION

1. Intent. It is the intent of this Plan to encourage conservation and rehabilitation of existing buildings, and to promote the preservation of historical structures which can be economically rehabilitated.

2. Method. Rehabilitation and conservation may be achieved in three ways:

   a. By owner and/or tenant activity, with or without financial assistance by the Development Board;
   b. By the enforcement of existing City codes and ordinances;
   c. By acquisition of property by the Development Board for rehabilitation by the Development Board or resale for rehabilitation by others.

3. Financial Building Rehabilitation Assistance. The Development Board, with funds available to them, is authorized to promulgate rules and guidelines, establish loan programs and provide below market interest rate loans to the owners of buildings which are in need of rehabilitation and which are economically capable of same. The various types (commercial, residential and other) of rehabilitation sectors are described on Exhibit 4c of Part Two of this Plan.

   a. Straight Loans with terms and interest rates to be determined by the Development Board. Interest rates shall be sufficient to cover the costs of the Development Board and its staff in processing and servicing such loans;

   b. Deferred Payment Loans for use by elderly, low-income home owners who are occupying the home needing rehabilitation. A lien shall be placed on the property and the loan shall be due and payable only when the property title changes from the party receiving the loan;

   c. A Special Loan Reserve Fund may be established by the Development Board and placed in an interest bearing reserve account for the purpose of guaranteeing below market interest rate loans provided to non-residential building owners by local banks, savings and loan companies or other local financial institutions. The Development Board is authorized to negotiate and establish such loan payments with such local financial institutions and to establish and adopt appropriate rules and guidelines for the use of such loan reserve fund;

   d. The Development Board and its staff may function as the City's agent in processing and servicing low interest rate housing rehabilitation loans made available from funds provided by the Federal Government through its Department of Housing and Urban Development;

   e. The Development Board and its staff may assist local businesses in securing low interest rate loans from the Federal Government through its Small Business Administration;

   f. The Development Board and its staff may assist the owners of historically significant buildings or property in securing official and appropriate historic designation of their property from State and Federal Government Agencies and assist in preparing documents necessary for such owners to receive loans and grants for the restoration, rehabilitation and preservation of such officially designated historic buildings or places.

B. ACQUISITION AND REDEVELOPMENT

1. Intent. It is the intent of this Plan to authorize the Development Board to acquire property within the Development Program Area by any legal means to achieve the objective of this Plan, and specifically, for any of the purposes listed in Subsection 600-B-2 below. Also see Exhibit 4-A in Part 2 of this Plan.

   Provided, however, the use of Eminent Domain Proceedings (condemnation of property) shall not be initiated by the Bend Development Board. Such Eminent Domain proceedings, if ever considered in the carrying out of this Plan, may be initiated only by the Bend City Commission.

   Properties which may be acquired are shown on Exhibit 4-A Part Two of this Plan and include:

a. Radamacher Property: Assessor Map 17-12-32-BD, Tax Lot 4900

b. Pacific Power Property: Assessor Map 17-12-32-AC, Tax Lot 1500 and Map 17-12-32-AB, Tax Lot 4000.

2. Method. Property acquisition, including limited interest acquisition, is hereby made a part of this Plan and may be used to achieve the objectives of this Plan based on any one of the following criteria:

a. Where existing conditions do not permit practical or feasible rehabilitation of a structure, and it is determined that acquisition of such properties and demolition of the improvements thereon are necessary to remove substandard and blighting conditions;

b. Where detrimental land uses or conditions such as incompatible uses, or adverse influences from noise, smoke or fumes exist, or where there exists over-crowding, excessive dwelling unit density or conversions to incompatible types of uses, and it is determined that acquisition of such properties and demolition of the improvements are necessary to remove blighting influences and to achieve the objective of this Urban Renewal Plan;

c. Where it is determined that the property is needed to provide public improvements and facilities as follows:

(1) Right-of-way acquisition for streets, alleys or pedestrian ways;

(2) Property acquisition for City government offices and other City or public use; and

(3) Property acquisition for public off-street parking or park facilities.

d. Where the owner of real property within the boundaries of the Development Program Area wishes to convey title of such property by any legal means, including by gift; or

e. Where the existing property owner is either unwilling or unable to achieve the objectives of this Plan or where acquisition is important to the implementation of this Plan.

3. Land Acquisition Requiring Urban Renewal Plan Amendments. Land acquisition for any purpose other than specifically listed in 600-B-2 above, shall be accomplished only following procedures for amending this Plan as set forth in Section 1200 of this Plan. Assembling land for development by the private sector where the developer of such land is a person or group other than the owner of record of such land to be acquired, shall be accomplished only following a formal amendment of this Plan. Each such development and the property acquisition required therefore shall be processed on a case-by-case basis and no such acquisition shall be undertaken until the City Commission authorizes same in conjunction with or by formal amendment to this Plan.

If such plan amendment is approved by the City Commission, a map exhibit shall be prepared showing the properties to be acquired and the purpose of such acquisition. Such map exhibit shall be appropriately numbered and shall be included in part Two as an official part of this Urban Renewal plan.

C. RELOCATION ACTIVITIES

It is not the intent of the Development Board to acquire property which is occupied and which would cause the displacement of the occupants. However, if in the implementation of the Plan, persons or businesses should be displaced by action of the Development Board, the Development Board will provide assistance to persons or businesses to be displaced. Such displacees will be contacted to determine their individual relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and payments made in accordance with the requirements of ORS 281.045 - 281.105 and any other applicable laws or regulations. Relocation payments will be made as provided in ORS 281.060. Payments made to persons displaced from dwellings will assure that they will have available to them decent, safe, and sanitary dwellings at costs or rents within their financial reach. Payment for moving expense will be made to businesses displaced.

Prior to acquiring any property which will cause households, businesses, offices or other uses to be displaced, the Development Board will prepare, adopt, and maintain a Relocation Policy. Such policy will be available to interested parties at the Development Board's office and will set forth the relocation program and procedures, including eligibility for and amounts of relocation payments, services available and other relevant matters.

D. PUBLIC IMPROVEMENTS

1. Intent. Public facilities, including parks, streets and alleys, off-street parking and City-owned utility systems may be improved or constructed within public rights-of-way on easements, on public property or on property acquired for public use.

2. Public improvements may include the construction or reconstruction of streets and alleys including sidewalks and pedestrian amenities described on Exhibit 4-A of Part Two of this Plan, including such pedestrian amenities as:

   a. New curbs and gutters, including curb extensions into on-street parking areas;
   b. New sidewalks and decorative cross-walks;
   c. Trees, shrubs, flowering plants, ground covers, and other plant materials including irrigation systems, soil preparation and/or containers to support same;
   d. Tables, benches and other street furniture including kiosks, phone booths, drinking fountains, decorative fountains, street lights and traffic control devices;
   e. Special graphics for directional and informational purposes;
   f. Sidewalk awnings, canopies and other weather-sheltering devices for the protection of pedestrians.

   The Bend Development Board may recommend to the City Commission the formation of Local Improvement Districts to finance a portion of the costs of providing the above pedestrian amenities.

3. Public improvements may also include public water, sanitary sewer and storm sewers systems within the Development Program Area as needed and specifically those systems shown on Exhibit 4-B in Part 2 of this Plan.

4. Further, public improvements may include public park and recreation development, Cascade Gymnasium rehabilitation for use as a community social, cultural and recreation center and for off-street parking facilities.

5. This plan authorizes the undergrounding of overhead, pole-mounted, communication lines (telephone and cable TV) and of electrical transmission and distribution facilities. Such undergrounding is authorized as follows:

   a. In the Brooks Street/Alley west of Wall Street, between Newport Avenue and Louisiana Avenue;

   b. In the Alley east of Wall Street, between Greenwood/Newport avenues; and

   c. In such other locations within the Development Program Area as funds to the Bend Development Board may allow.

6. Further, this Plan authorizes the Bend Development Board to pay for and cause the removal of substrata rock from Hospital Hill. Such property is held in private ownership and the presence of such rock blights the property and inhibits development for its highest and best use consistent with the objectives of this Plan. Provided, however, that the property owner and the Bend Development Board shall mutually agree (by written agreement) to allow a predetermined quantity of free vehicular parking on a portion of the site to be available, in perpetuity for public use. The Bend Development Board's payment for such rock removal shall be considered as full and complete compensation for the public parking use of the agreed to portion of such property.

7. The Bend Development Board, with funds available to it, is authorized to financially assist in the renewal and relocation of the electric distribution substation located adjacent to the Deschutes River within the Development Program Area--Tax Lots 1500 and 4000, Tax Map 17-12-32-AB.

8. The Bend Development Board is authorized to improve portions of Greenwood Avenue and Division Street as may be necessary as a result of the Oregon Department of Transportation's pending improvements to the grade-separated crossing with the Burlington Northern Railroad tracks.

E. OFF-SITE FACILITIES

To encourage the development or redevelopment of private property within the Development Program Area, the Development Board may construct, install, pay for, or otherwise cause certain off-street public facilities to be installed or provided when, in the public interest, such action would benefit and further the objectives of this plan.

F. ADMINISTRATIVE ACTIVITIES

1. The Board shall obtain its Director/Secretary and staff from City and City shall provide the personnel necessary to staff the Board on such terms and conditions as the Board and City may from time to time agree. In developing the staffing requirements of the Board, the Board will evaluate and make recommendations to the City regarding the personnel support needs of the Board. Board staffing recommendations shall be included in the annual budget proposal of the Board to the City.

2. Further, the Development Board may retain the services of independent professional people or organizations to provide technical services such as:

   a. Preparation of market, feasibility or socio-economic studies;
   b. Preparation of design, architectural, engineering, landscaping architectural, planning, redevelopment, or other developmental plans or studies.
   c. Providing accounting or audit services;
   d. Providing special rehabilitation, restoration or renovation feasibility and cost analysis studies;
   e. Assisting in preparation of the annual financial report required under Section 800 of this Plan;
   f. Property acquisition and disposition appraisals;
   g. Providing of legal services;, and
   h. Providing financial and financing services.

3. The Development Board may acquire, rent or lease office space and office furniture, equipment and facilities necessary for it to conduct its affairs in the management and implementation of this Plan.

4. The Development Board may invest its reserve and contingency funds in interest-bearing accounts or securities.

5. To implement this Plan, the Development Board may borrow money, accept advances, loans or grants from any legal source, issue urban renewal bonds and receive tax increment proceeds as provided for in Section 700 of this Plan.

6. The Development Board shall have all of the powers and responsibilities authorized under the provisions of ORS Chapter 457 except for the right to condemn real property.

G. PROPERTY DISPOSITION AND REDEVELOPER OBLIGATIONS

1. Property Disposition. The Development Board is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property which has been acquired by them in accordance with the provisions of this Plan.

   All real property acquired by the Development Board in the Development Program Area, if any, shall be disposed of to a Redeveloper for the uses permitted in this Plan at its fair re-use value. Real property acquired by the Development Board may be disposed of to any other public entity, without financial consideration, in accordance with this Plan. All persons and entities obtaining property from the Development Board shall be considered as redevelopers and shall use the property for the purposes designated in this Plan, and shall commence and complete development of the property within a period of time which the Development Board fixes as reasonable, and shall comply with other conditions which the Development Board deems necessary to carry out the objectives of this Plan.

   The Development Board shall provide adequate safeguards to ensure that the provisions of this Plan will be carried out to prevent the recurrence of blight. All real property owned or leased by participants, shall be made subject to this Plan. Leases, deeds, contracts, agreements, and declarations of restrictions by the Development Board may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitude, or any other provisions necessary to carry out this Plan.

2. Redeveloper's Obligations. Any redeveloper and his successors or assigns within the Development Program Area, in addition to the other controls and obligations stipulated and required of him by the provisions of this Plan, shall also be obligated by the following requirements:

a. The Redeveloper shall obtain necessary approvals of proposed developments from all Federal, State and/or local agencies that may have jurisdiction on properties and facilities to be developed or redeveloped within the Development Program Area;

b. The Redeveloper shall submit all plans and specifications for construction of improvements on the land to the Development Board for review and distribution to appropriate reviewing bodies as required by the City and shall comply with all applicable requirements of existing City codes and ordinances;

c. The Redeveloper shall commence and complete the development of such property for the uses provided in this Plan within a reasonable period of time as determined by the Development Board;

d. The Redeveloper shall not effect or execute any agreement, lease, conveyance, or other instrument whereby the real property or part thereof is restricted upon the basis of age, race, color, religion, sex, marital status, or national origin in the sale, lease or occupancy thereof;

e. The Redeveloper shall accept all conditions and agreements as may be required by the Development Board in return for receiving assistance from the Development Board, including financial assistance (if any);

f. The Redeveloper shall maintain developed and/or undeveloped property under his ownership within the area in a clean, neat, and safe condition.

H. OWNER PARTICIPATION

Property owners within the Urban Renewal Area proposing to improve their properties and receiving financial assistance from the Development Board shall be considered as Owner Participants and shall improve their property in accordance with all applicable provisions of this Plan and with all applicable codes, ordinances, policies, plans and procedures of the City of Bend.

SECTION 700 - METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Methods. The Development Board may borrow money and accept advances, loans, grants and any other legal form of financial assistance from the Federal Government, the State, City, County or other public body, or from any sources, public or private, for the purposes of undertaking and carrying out this Development Plan, or may otherwise obtain financing as authorized by ORS Chapter 457.

B. Self Liquidation of Costs of Project (Tax Increment Financing). The project may be financed, in whole or in part, by self-liquidation of the costs of the Project Activities as provided in ORS 457.420 through 457.450. The ad valorem taxes, if any, levied by a taxing body upon the taxable real and personal property situated in the Project Area, shall be divided as provided in ORS 457.440. That portion of the taxes representing the levy against the increase, if any, in the assessed value of property located in the Development Area, or part thereof, over the assessed value specified in the certificate or amendment to the certificate filed under ORs 457.430, shall, after collection by the tax collector, be paid into a special fund of the Development Board and shall be used to pay the principal and interest on any indebtedness incurred by the Development Board to finance or refinance this Central Bend Development Program.

The tax increment financing process, pursuant to ORS 457.420 through 457.450, shall be terminated in the taxing year in which a cumulative sum of $11,647,487 (1989 dollars) is paid into the special fund of the Development Board.

Should the final year tax increment proceeds be larger than that required to accumulate the above described $11,647,487 then the dollars over that amount shall be prorated back to the taxing districts as provided by subsection (3) of ORS 457.450.

To adjust 1989 dollar values to current dollars in subsequent years, the procedures setforth in Exhibit 7 (Part Two) shall apply.

C. Prior Indebtedness. Any indebtedness permitted by law and incurred by the Development Board or the City in connection with preplanning for this Central Bend Development Program and Plan shall be repaid from the Board's proceeds from the Development Program when and if such funds are available.

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192 - 0054

E. OFF-SITE FACILITIES

To encourage the development or redevelopment of private property within the Development Program Area, the Development Board may construct, install, pay for, or otherwise cause certain off-street public facilities to be installed or provided when, in the public interest, such action would benefit and further the objectives of this plan.

F. ADMINISTRATIVE ACTIVITIES

1. The Board shall obtain its Director/Secretary and staff from City and City shall provide the personnel necessary to staff the Board on such terms and conditions as the Board and City may from time to time agree. In developing the staffing requirements of the Board, the Board will evaluate and make recommendations to the City regarding the personnel support needs of the Board. Board staffing recommendations shall be included in the annual budget proposal of the Board to the City.

2. Further, the Development Board may retain the services of independent professional people or organizations to provide technical services such as:

   a. Preparation of market, feasibility or socio-economic studies;
   b. Preparation of design, architectural, engineering, landscaping architectural, planning, redevelopment, or other developmental plans or studies.
   c. Providing accounting or audit services;
   d. Providing special rehabilitation, restoration or renovation feasibility and cost analysis studies;
   e. Assisting in preparation of the annual financial report required under Section 800 of this Plan;
   f. Property acquisition and disposition appraisals;
   g. Providing of legal services;, and
   h. Providing financial and financing services.

3. The Development Board may acquire, rent or lease office space and office furniture, equipment and facilities necessary for it to conduct its affairs in the management and implementation of this Plan.

4. The Development Board may invest its reserve and contingency funds in interest-bearing accounts or securities.

5. To implement this Plan, the Development Board may borrow money, accept advances, loans or grants from any legal source, issue urban renewal bonds and receive tax increment proceeds as provided for in Section 700 of this Plan.

6. The Development Board shall have all of the powers and responsibilities authorized under the provisions of ORS Chapter 457 except for the right to condemn real property.

G. PROPERTY DISPOSITION AND REDEVELOPER OBLIGATIONS

1. Property Disposition. The Development Board is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property which has been acquired by them in accordance with the provisions of this Plan.

   All real property acquired by the Development Board in the Development Program Area, if any, shall be disposed of to a Redeveloper for the uses permitted in this Plan at its fair re-use value. Real property acquired by the Development Board may be disposed of to any other public entity, without financial consideration, in accordance with this Plan. All persons and entities obtaining property from the Development Board shall be considered as redevelopers and shall use the property for the purposes designated in this Plan, and shall commence and complete development of the property within a period of time which the Development Board fixes as reasonable, and shall comply with other conditions which the Development Board deems necessary to carry out the objectives of this Plan.

   The Development Board shall provide adequate safeguards to ensure that the provisions of this Plan will be carried out to prevent the recurrence of blight. All real property owned or leased by participants, shall be made subject to this Plan. Leases, deeds, contracts, agreements, and declarations of restrictions by the Development Board may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitude, or any other provisions necessary to carry out this Plan.

2. Redeveloper's Obligations. Any redeveloper and his successors or assigns within the Development Program Area, in addition to the other controls and obligations stipulated and required of him by the provisions of this Plan, shall also be obligated by the following requirements:

put on entire "a"

on properties and facilities to be developed or redeveloped within the Development Program Area;

b. The Redeveloper shall submit all plans and specifications for construction of improvements on the land to the Development Board for review and distribution to appropriate reviewing bodies as required by the City and shall comply with all applicable requirements of existing City codes and ordinances;

c. The Redeveloper shall commence and complete the development of such property for the uses provided in this Plan within a reasonable period of time as determined by the Development Board;

d. The Redeveloper shall not effect or execute any agreement, lease, conveyance, or other instrument whereby the real property or part thereof is restricted upon the basis of age, race, color, religion, sex, marital status, or national origin in the sale, lease or occupancy thereof;

e. The Redeveloper shall accept all conditions and agreements as may be required by the Development Board in return for receiving assistance from the Development Board, including financial assistance (if any);

f. The Redeveloper shall maintain developed and/or undeveloped property under his ownership within the area in a clean, neat, and safe condition.

H. OWNER PARTICIPATION

Property owners within the Urban Renewal Area proposing to improve their properties and receiving financial assistance from the Development Board shall be considered as Owner Participants and shall improve their property in accordance with all applicable provisions of this Plan and with all applicable codes, ordinances, policies, plans and procedures of the City of Bend.

SECTION 700 - METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Methods. The Development Board may borrow money and accept advances, loans, grants and any other legal form of financial assistance from the Federal Government, the State, City, County or other public body, or from any sources, public or private, for the purposes of undertaking and carrying out this Development Plan, or may otherwise obtain financing as authorized by ORS Chapter 457.

B. Self Liquidation of Costs of Project (Tax Increment Financing). The project may be financed, in whole or in part, by self-liquidation of the costs of the Project Activities as provided in ORS 457.420 through 457.450. The ad valorem taxes, if any, levied by a taxing body upon the taxable real and personal property situated in the Project Area, shall be divided as provided in ORS 457.440. That portion of the taxes representing the levy against the increase, if any, in the assessed value of property located in the Development Area, or part thereof, over the assessed value specified in the certificate or amendment to the certificate filed under ORs 457.430, shall, after collection by the tax collector, be paid into a special fund of the Development Board and shall be used to pay the principal and interest on any indebtedness incurred by the Development Board to finance or refinance this Central Bend Development Program.

The tax increment financing process, pursuant to ORS 457.420 through 457.450, shall be terminated in the taxing year in which a cumulative sum of $11,647,487 (1989 dollars) is paid into the special fund of the Development Board.

Should the final year tax increment proceeds be larger than that required to accumulate the above described $11,647,487 then the dollars over that amount shall be prorated back to the taxing districts as provided by subsection (3) of ORS 457.450.

To adjust 1989 dollar values to current dollars in subsequent years, the procedures setforth in Exhibit 7 (Part Two) shall apply.

C. Prior Indebtedness. Any indebtedness permitted by law and incurred by the Development Board or the City in connection with preplanning for this Central Bend Development Program and Plan shall be repaid from the Board's proceeds from the Development Program when and if such funds are available.

D. The Board shall adopt and use a fiscal year ending June 30 accounting period. Each year the Board shall develop a budget in conformance with the provisions of ORS 294 and ORS 457.460 which shall describe its sources and revenue, proposed expenditures and activities. The Board shall submit its proposed budget to the City of Bend Budget Committee for its review and approval and the Board shall not undertake any activities nor expend any funds except as provided in the approved budget.

SECTION 800 - ANNUAL FINANCIAL STATEMENT REQUIRED

A. ORS Section 457.460 requires that the Bend Development Board, by August 1 of each year, prepare a statement containing:

1. The amount of money actually received during the preceding fiscal year under subsection (4) of ORS 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440;

2. The purposes and amounts for which any money received under subsection (4) of ORS 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440 were expended during the preceding fiscal year;

3. An estimate of monies to be received during the current fiscal year under subsection (4) of ORS 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440;

4. A budget setting forth the purposes and estimated amounts for which the monies which have been or will be received under subsection (4) of Ors 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440 are to be expended during the current fiscal year; and

5. An analysis of the impact, if any, of carrying out the urban renewal plan on the tax rate for the preceding year for all taxing bodies included under Ors 457.430.

B. The statement required by subsection "A" of this Section 800 shall be filed with the City Commission and notice shall be published in "The Bulletin", a newspaper of general circulation in the City, that the statement has been prepared and is on file with the City and the Development Board and the information contained in the statement is available to all interested persons. The notice shall be published once a week for not less than two successive weeks before September 1 of the year for which the statement is required. the notice shall summarize the information required under paragraph 1 to 4 of subsection "A" of this section and shall set forth in full the information required under paragraph 5 of subsection "A" of this section.

SECTION 900 - CITIZEN PARTICIPATION

The activities and projects identified in this Plan, the development of subsequent plans, procedures, activities and regulations, and the adoption of amendments to this Plan shall be undertaken with the participation of citizens, owners, and tenants as individuals and organizations who reside within or who have financial interest within the Development Program Area and with the general citizens of the City.

SECTION 1000 - NON-DISCRIMINATION

In the preparation, adoption and implementation of this Plan, no public official or private party shall take any action or cause any person, group or organization to be discriminated against on the basis of age, race, color, religion, sex, marital status or national origin.

SECTION 1100 - RECORDING OF THIS PLAN

A copy of the City Commission's Ordinance approving this Plan under ORS 457.095 shall be sent by the Commission to the Bend Development Board. Following receipt of such Ordinance, this Plan shall be recorded by the Bend Development Board with the Recording Officer of Deschutes County.

SECTION 1200 - PROCEDURES FOR CHANGES OR AMENDMENTS IN THE APPROVED CENTRAL BEND DEVELOPMENT PROGRAM PLAN

The Plan will be reviewed and analyzed periodically and will continue to evolve during the course of project execution and on-going planning. It is anticipated that this Plan will be changed or modified from time to time or amended as development potential and conditions warrant, as planning studies are completed, as financing becomes available, or as local needs dictate. Where the proposed modification will substantially change the Plan, the modification must be duly approved and adopted by the City Commission in the same manner as the original Plan and in accordance with the requirements of State and local law. The provisions of ORS 457.095 and ORS 457.220 shall apply.

A. Minor Changes. Minor changes such as clarification of language, procedures or minor modifications in or to the area's infrastructure which will not change the basic planning or engineering principals of this Plan, may be made only by formal written amendment, approved by the Development Board.

B. Substantial Change. Substantial changes shall include but are not limited to revisions in the tax increment proceeds limitation as provided in Section 700-B, project boundaries, the duration of the plan as set forth in Section 1300-A, and other elements which would change the basic planning principles or objectives of this Plan.

C. Amendment to the City's Comprehensive Plan or any of its Implementing Ordinances. Should the Bend City Commission legally amend the City's Comprehensive Plan or any of its implementing ordinances, and should such amendment cause a "Minor" or "Substantial" change to this Plan; such City Council amending action shall automatically amend this Plan without the Development Board, Planning Commission or City Commission initiating a formal Plan amendment procedure pursuant to this Section 1200. In the event of such amendment, the Text and/or Exhibits of this Plan, if applicable to this Plan, shall be changed accordingly by a duly recorded Resolution of the Development Board at the next regular business meeting following official notice from the City Commission that such amendment to the City's Comprehensive Plan or any of its implementing ordinances has been approved.

SECTION 1300 - DURATION AND VALIDITY OF APPROVED URBAN RENEWAL PLAN

A. Duration of Urban Renewal Plan. This Plan, with the exception of Section 700-B hereof, shall remain in full force and effect for a period of not more than twenty-five (25) years from the effective date of such Plan. The $11,647,487 (1989 dollars) figure discussed in Section 700-B may be collected in less than twenty-five (25) years. The duration of the Plan, however, may extend beyond this lesser period but not longer than the specific twenty-five (25) years unless extended by a substantial plan amendment as provided for in Section 1200-B.

B. Validity. Should a court of competent jurisdiction find any word, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences, sections or parts shall be unaffected by such finding and shall remain in full force and effect for the duration of the Plan.

SECTION 1400 - ADDITIONAL PROVISIONS

A. Relationship Between Plan and Local Objectives. The goals listed in the Plan in Section 400 are the local objectives of the City of Bend and the Plan furthers those objectives.

B. Building Requirements for Urban Renewal Area. The building requirements for all buildings in the urban renewal area are those specified in the City of Bend's Fire and Building Codes, Bend Code Chapter 8 and 9.

C. Real Property Acquisition.

1. Radamacher Property. It is anticipated that the Radamacher property will be acquired and disposed of in fiscal year 1994-95. It is anticipated that this property will be deeded to the City of Bend for public parking or parks usage.

2. Pacific Power Property. It is anticipated that the Pacific Power property will be acquired and disposed of in fiscal year 1995-96. It is anticipated that this property will be deeded to the City of Bend for public park, parking or other use.

192 - 0066

REPORT ON

CENTRAL BEND DEVELOPMENT PROGRAM AREA PLAN

Prepared by

BEND DEVELOPMENT BOARD
BEND, OREGON
AUGUST 1989

BEND DEVELOPMENT BOARD

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TABLE OF CONTENTS

		Page No.
CHAPTER I	- Introduction	1
CHAPTER II	- A Description of the Physical, Social and Economic Conditions in the Development Program Area	2
CHAPTER III	- The Expected Impact, including Fiscal Impact of the Plan, in Light of Added Services or Increased Population	17
CHAPTER IV	- Reasons for Selection of each Urban Renewal Area in the Plan	19
CHAPTER V	- The Relationship Between each Project Activity to be Undertaken under the Plan and the Existing Conditions	20
CHAPTER VI	- The Estimated Total Cost of each Project or Activity, the Sources of Moneys to Pay such Costs, and the Anticipated Completion Date for each Project or Activity	21
CHAPTER VII	- The Estimated Amount of Money Required under ORS 457.420 to 457.440 and the Anticipated Year in which Indebtedness will be Retired or Otherwise Provided for Under ORS 457.440	26
CHAPTER VIII	- A Financial Analysis of the Plan with Sufficient Information to Determine Feasibility	28
CHAPTER IX	- A Relocation Report	31
CHAPTER X	- Appendix--Exhibits	33

APPENDIX -- EXHIBITS

EXHIBIT A - EXISTING LAND USE--GENERALIZED

EXHIBIT B - CONDITION OF BUILDINGS

EXHIBIT C - UTILITY DEFICIENCIES

EXHIBIT D - STREET AND SIDEWALK DEFICIENCIES

EXHIBIT E - RATIO OF LAND VALUES TO IMPROVEMENT VALUES

EXHIBIT F - TAX EXEMPT PROPERTIES

EXHIBIT G - LAND USE PLAN

CHAPTER I

INTRODUCTION

The Bend Development Board, the City of Bend's Urban Renewal Agency, has prepared an Urban Renewal Plan for the Central Bend Development Program Area complying with the provisions of Chapter 457 of the Oregon Revised Statutes (ORS 457).

Section (3) of ORS 457.095, the State of Oregon Law regulating the urban renewal of blighted areas, requires that an Urban Renewal Plan be accompanied by a report. This document, consisting of text, tables and an appendix containing graphic exhibits, constitutes the required Report.

-- The Urban Renewal Plan is known as the "Central Bend Development Program Plan" and is hereinafter referred to as the "Plan".

-- The Urban Renewal Area contains approximately 236 acres and is known as the "Central Bend Development Program Area" and is hereinafter referred to as the "Development Program Area". A written legal description of the Development Program Area is set forth in Section 300 of the Plan and is described on all graphic exhibits included in such Plan. Further, the boundary of the Development Program Area is graphically delineated on each exhibit located in the appendix of this Report.

-- This Report has been prepared by the City of Bend's Urban Renewal Agency, known as the Bend Development Board, and is hereinafter referred to as the "Development Board" or by its acronym "BDB".

CHAPTER II

A DESCRIPTION OF THE PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS IN THE DEVELOPMENT PROGRAM AREA

A. PHYSICAL CONDITIONS.

1. Land Area - The Central Bend Development Program Area encompasses 236 acres of land within which approximately 43 acres constitute the city's Central Business District. The total incorporated City of Bend (August 1989) consists of 9,248 acres (14.45 square miles). Therefore, the Development Program Area is less than 25% of the City's total land area--a State Law maximum per ORS 457.420-(2)-(b). The 236 acre Development Program Area represents about 2.55% of the City's total incorporated area.

2. Existing Land Use and Zoning - Within the total 236 gross acre Development Program Area, eight separate land use zoning districts exist (see Exhibit 2 of Part Two of the Plan).

   Following is a brief description of the intent of the eight included land use zones and the net land area encompassed by each zoning category. Net land area includes only parcels of property capable of development and excludes all land devoted to street and alley rights-of-way.

   Tables 1 and 2 below describe the several land uses existing within each of the eight land use zones and Exhibit "A", in the Appendix, graphically shows the location of those land uses by broad categories of use. Exhibit 2 of Part Two of the Plan describes the zoning in the Development Program Area. The eight included land use zones are as follows:

   "RS" - Urban Standard Residential Zone - the City's basic single family residential zone. 1.43 net acres (62,357 sq.ft.) of the Development Plan Area are zoned "RS" and are used as follows:

   34.7% for the intended single-family residential purposes;
   47.3% Park purposes;
   6.5% Rear lot portion of service commercial;
   6.1% Mixed Commercial; and
   5.4% Vacant Land

   "RM" - Urban Medium Density Residential Zone - the City's low density, multiple-family residential zone. 25.00 net acres of the Development Plan Area are zoned "RM" and are used as follows:

   3.6% Governmental official facilities;
   5.0% for the intended multiple-family residential purposes;
   60.0% Single-family residential;
   0.2% Retail commercial;
   9.0% Park;
   5.4% Schools;
   5.7% Churches;
   3.5% Public utility use;
   5.5% Vacant land; and
   2.1% Improved off-street parking lots

"RH" - Urban High Density Residential Zone - the City's high density, multiple-family residential zone. 8.80 net acres of the Development Plan Area are zoned "RH" and are used as follows:

10.2% for the intended multiple-family residential purposes;
14.7% Single-family residential;
0.9% Light industrial;
43.8% Schools;
18.6% Governmental office facilities;
5.5% Improved off-street parking lots; and
6.3% Churches

"CN" - Neighborhood Commercial Zone - the City's zone which provides for small businesses and services for the convenience of nearby residents. All "CN" zoned land within the Development Program Area is in public ownership and is used for public street purposes. No platted lots are zoned "CN", hence Table 1 does not describe such zone.

"CL" - Limited Commercial Zone - the City's zone which provides for the development of commercial centers which provide for the shopping and service needs for large sections of the City. 27.96 net acres of the Development Plan Area are zoned "CL" and are used as follows:

20.2% for the intended commercial purposes;
9.4% Light industrial;
22.1% Government;
4.2% Schools;
7.4% Improved off-street parking lots;
9.2% Churches, lodges, utility facilities;
4.0% Multiple-family residential;
7.6% Single-family residential; and
15.9% Vacant land

"CG" - General Commercial Zone - the City's zone which provides land area for a broad mix of commercial and wholesale uses in older, close-in sections of the community. 42.35 net acres of the Development Program Area are zoned "CG" and are used as follows:

19.1% for the intended commercial purposes;
11.6% Light industrial;
5.3% Off-street parking lots;
5.7% Church and lodge;
6.5% Multiple-family residential;
33.5% Single-family and condominium residential; and
18.3% Vacant

"CB" - Central Business Zone - the City's zone which encompasses the "Downtown"--the Central Business (Trading) Area. 28.30 net acres of the Development Program Area are zoned "CB" and are used as follows:

66.6% for the intended commercial purposes;
5.0% Churches, lodges and public utility offices;
15.0% Improved off-street parking lots;
3.5% Park and government offices;
1.7% Light industrial;
2.1% Single-family residential; and
6.1% Vacant land

"IL" - Light Industrial Zone - the City's zone which provides land for heavy commercial and for light-industrial developments. 20.25 net acres of the Development Program Area are zoned "IL". The zone includes substantial railroad trackage and land ownership and is used as follows:

81.5% for the intended uses and Burlington Northern Railroad trackage. Within the railroad owned property, there is considerable open land--not herein categorized as vacant;
9.9% Vacant, non-railroad land;
2.4% Single-family residential;
1.0% Multiple-family residential; and
5.2% Commercial purposes

TABLE NO. 1

AREA OF LAND USED FOR VARIOUS USES BY ZONING CLASSIFICATIONS--CENTRAL BEND DEVELOPMENT AREA -- MAY 1989

Primary Use of Platted Parcels	Net Square Feet of Uses of Land by Zoning Classification							Net Total Sq. Ft.
	RS Sq. Ft.	RM Sq. Ft.	RH Sq. Ft.	CL Sq. Ft.	CG Sq. Ft.	CB Sq. Ft.	IL Sq. Ft.	
Vacant Land (Lots)	3,344	60,316	----	194,245	337,341	74,633	87,395	757,274
Residential:								
Single Family	21,628	653,360	56,160	93,085	607,686	26,320	20,960	1,479,199
Condominium	----	----	----	----	10,917	----	----	10,917
Duplex	----	30,640	5,000	5,600	35,328	----	----	76,568
3 or More Families	----	24,170	13,670	33,289	30,500	----	9,000	110,629
Mixed Types on Lot	----	----	20,220	9,950	53,750	----	----	83,920
Commercial:[1]								
Office	----	----	----	32,225	172,408	259,050	8,700	472,383
Service	4,100	----	----	155,047	74,000	220,043	37,470	490,660
Retail	----	2,720	----	40,594	75,660	155,570	----	274,544
Mixed	3,800	----	----	18,000	29,500	186,004	----	237,304
Industrial (Incld.R.R.)	----	----	3,600	113,969	214,502	21,160	718,757	1,071,988
Public:								
School	----	59,111	168,000	51,000	----	----	----	278,111
Park	29,485	97,381	----	----	----	2,380	----	129,246
Government	----	39,275	71,377	268,872	----	40,424	----	419,948
Quasi-Public:								
Church	----	61,848	24,254	53,214	73,203	62,192	----	274,711
Quasi-Public:								
Church	----	61,848	24,254	53,214	73,203	62,192	----	274,711
Lodge	----	----	----	24,000	31,120	----	----	55,120
Utility	----	37,871	----	34,500	----	----	----	72,371
Off-Street Parking[2]	----	22,384	21,110	90,524	98,700	185,055	----	417,773
Net Total Square Feet	62,357	1,089,076	383,391	1,218,114	1,844,615	1,232,831	882,282	6,712,666
% of Net Total	0.93	16.22	5.71	18.15	27.48	18.37	13.14	100.00
	Land Area in Streets and Alleys							3,567,494
	Total Gross Area (236 Acres)							10,280,160

[1] Commercial uses with incidental residential use are not noted.

[2] Improved parking lots only.

TABLE NO. 2

A SUMMARY OF LAND UTILIZATION WITHIN THE 236 ACRE CENTRAL BEND DEVELOPMENT PROGRAM AREA -- MAY 1989

Primary Use of Land in the Development Area	Land Area		% of Total
	Sq. Ft.	Acres	
VACANT LAND:	757,274	17.38	7.4%
RESIDENTIAL:			
Single Family	1,479,199	33.96	14.4%
Condominium	10,917	0.25	0.1%
Duplex - 2 Family	76,568	1.76	0.7%
3 or More Families	110,629	2.54	1.1%
Mixed Types on Lot	83,920	1.93	0.8%
COMMERCIAL:			
Office	472,383	10.84	4.6%
Service	490,660	11.26	4.8%
Retail	274,544	6.30	2.7%
Mixed	237,304	5.45	2.3%
INDUSTRIAL (Including Railroad):	1,071,988	24.61	10.4%
PUBLIC:			
School	278,111	6.38	2.7%
Park	129,246	2.97	1.2%
Government	419,948	9.64	4.1%
QUASI-PUBLIC:			
Church and Related Uses[1]	274,711	6.31	2.7%
Lodge	55,120	1.27	0.5%
Utility	72,371	1.66	0.7%
OFF-STREET PARKING LOTS[2]:	417,773	9.59	4.1%
SUB-TOTAL	6,712,666	154.10	65.3%
STREETS AND ALLEYS:	3,567,494	81.90	34.7%
TOTAL	10,280,160	236.00	100.0%

[1] Includes church schools.

[2] Paved parking lots only.

3. Condition of Buildings and Dwelling Units

A walk-around survey of each of the 585 principal buildings within the Study Area was conducted in May 1989 by the Architecture and Planning firm of Patterson, Snider and Stewart. The judgment of building conditions was, for the most part, based on an exterior view of the buildings.

In the Downtown's commercial sector, the City's Building Official and Fire Marshal provided information regarding the inadequacy of roof drainage, the condition of walls--particularly brick veneered walls, and those structures in the Downtown Area that are considered generally dilapidated.

Using the results of the field survey and the information provided by City staff, each building was evaluated "A", "B", or "C" based on the following criteria:

"A" - Newer buildings and older buildings which are substantially up to current building codes.
"B" - Older buildings--many of which pre-date development of building codes--which exhibit code deficiencies but appear to be economically feasible for rehabilitation.
"C" - Buildings which appear to be deteriorated beyond their ability to be economically rehabilitated.

In 40 years of conducting this type of investigation, the Consultant's accuracy has been about 97% when compared with detailed interior and exterior follow-up inspections. Error usually has been in judging the building to be in better condition than shown by the follow-up investigations.

The results of the Condition of Structure Survey for the 585 principal structures located within the Study Area are summarized by primary use on Table 3. Table 4 describes the condition of the 443 dwelling units which are located within 315 of the 585 buildings.

A review of the 1980 census (November 1979) and a 1979 aerial photograph of the Study Area indicates that 24 residential structures, housing 65 dwelling units (D.U.'s) have been eliminated from the area since November 1979.

Further, the 1980 Census reports that 24 housing units within the Study Area lack complete plumbing fixtures for the private use of each of the 24 units.

The area contains 585 principal structures of which only 105 are rated in "A" condition. 408 structures are in need of rehabilitation and 72 appear to be deteriorated beyond their ability to be rehabilitated economically.

315 of the area's 585 structures were designed, used for, or contain residential uses. These include 11 motel facilities and other commercially designed buildings which contain housing units. Of the 443 dwelling units existing within the Study Area, only 31 (7.00%) are judged to conform with the City's Building Code. 74.00% (328) of the dwelling units appear to be economically repairable while 19.00% (84) appear to be beyond economic rehabilitation.

TABLE NO. 3

CONDITION OF BUILDINGS, INCLUDING DWELLING UNITS, BY USE--MAY 1989

Primary Use of Property	No. of Buildings	No. of D.U.'s	Condition of Buildings A No.	A D.U.	B No.	B D.U.	C No.	C D.U.
RESIDENTIAL:								
Single Family	258	268	10	10	208	218	40	40
Duplex	14	28	2	4	11	22	1	2
Three or More	13	81	2	7	5	37	6	37
Condominium	1	8	1	8	0	0	0	0
Lots w/more than 1 Residential Type	20	48	--	--	19	46	1	2
Sub-Totals	306	433	15	29	243	323	48	81
COMMERCIAL:								
Office	56	1	32	0	23	1	1	0
Service	52	1	15	0	35	1	2	0
Retail	47	6	8	2	30	2	9	2
Mixed Use	37	2	4	0	29	1	4	1
Sub-Totals	192	10	59	2	117	5	16	3
INDUSTRIAL:	38	0	9	0	22	0	7	0
INSTITUTIONAL:								
Church	17	0	9	0	7	0	1	0
Lodges	3	0	1	0	2	0	0	0
Sub-Totals	20	0	10	0	9	0	1	0
PUBLIC:								
Park	1	0	0	0	1	0	0	0
School	7	0	2	0	5	0	0	0
Government	19	0	8	0	11	0	0	0
Sub-Totals	27	0	10	0	17	0	0	0
UTILITY:	2	0	2	0	0	0	0	0
No. of Buildings	585		105		408		72	
% of Buildings	100.0		15.4		62.6		22.0	
No. of D.U.'s		443		31		328		84
% of D.U.'s		100.0		7.0		74.0		19.0

A - New buildings and older buildings which are substantially up to current building codes.
B - Older buildings which exhibit code deficiencies but which appear to be economically rehabilitable.
C - Buildings which appear to be beyond an ability to be economically rehabilitated.

TABLE NO. 4

CONDITION OF DWELLING UNITS ONLY

Primary Use of Property	Dwelling Units No.	Dwelling Units %	Condition of Dwelling Units* A No.	A %	B No.	B %	C No.	C %
RESIDENTIAL:								
Single Family	268	60.50	10	2.26	218	49.21	40	9.03
Duplex	28	6.32	4	0.90	22	4.97	2	0.45
Three or More	81	18.28	7	1.58	37	8.35	37	8.35
Condominium	8	1.81	8	1.81	0	----	0	----
Mixed types	48	10.83	0	----	46	10.38	2	0.45
Sub-Totals	433	97.74	29	6.55	323	72.91	81	18.28
COMMERCIAL:								
Office	1	0.23	0	----	1	0.23	0	----
Service	1	0.23	0	----	1	0.23	0	----
Retail	6	1.35	2	0.45	2	0.45	2	0.45
Mixed Use	2	0.45	0	----	1	0.22	1	0.23
Sub-Totals	10	2.26	2	0.45	5	1.13	3	0.68
GOVERNMENT:	0	----	0	----	0	----	0	----
TOTALS	443	100.0	31	7.00	328	74.04	84	18.96

* See Table 3 and text for explanations.

4. Sanitary Sewer System

The City's Wastewater Operations Supervisor has indicated that the sewer lines in the investigation area are the oldest in the City--installed in 1913. The lines vary in size from 8 to 12 inches and are constructed of clay--a material which has not been allowed for many years due to its fragile nature.

The sewer system, now 80 years old, will be inspected by closed circuit television early in the implementation process to determine the extent of failure. See Exhibit C.

5. Water Delivery System

The Area's water delivery system--much of which was constructed of steel and iron pipe--was installed in the period 1907 to 1940. This 49 to 82 year old system far exceeds the normal 20 year life expectancy of steel pipe. It is necessary to replace the system's most critical sections. See Exhibit C.

6. Flood Prone Areas

The two street underpasses under the Burlington Northern Railroad tracks at Greenwood Avenue and Franklin Avenue are subject to flooding during times of heavy rains for extended periods. See Exhibit C.

7. Streets and Alleys

As a result of sound maintenance programs, the paved surfaces of the Area's streets are generally in good condition. Only two short segments of Idaho Avenue and Vermont Place are totally unimproved. However, there are streets within the Program Area with sidewalk deficiencies. Exhibit D describes the condition of sidewalks. Note the street segments that have no sidewalks for the safety of pedestrians in this central city location.

Alleys in the business district are paved and in fair condition. Alleys in most residential areas are not paved and are generally in poor condition.

B. SOCIAL CONDITIONS

1. Based on field investigations, there are 443 occupied housing units located within the Development Program Area. Further, based on block statistics of the 1980 Federal Census, the following data is reported for the Development Program Area.

a. Population: It is estimated that 917 people live within the Development Area

119 (12.97%) are under 18 years of age
130 (14.18%) are 65 years old or more
668 (72.85%) are between 18 and 64 years of age

Comparing these age groupings with those of the total City:

25.36% are under 18 years of age
10.45% are 65 years old or more
64.19% are between 18 and 64 years of age

From these population and age grouping figures, it is clear the people living in the Development Program Area are older than within the City total--there is a lesser percentage of the population in the "under 18 year" category (12.97% to 25.36%) and a greater percentage of "65 years and older" grouping (14.18% to 10.45%). In the "working age" population, the Development Program Area exceeds the City total by a 72.85% to 64.19% margin.

Within the Development Program Area, the number of people in a minority racial classification are as follows:

Black	3
Asian and Pacific Islands	6
Spanish Origin	14
2.35% of the Area Population	23

Similar information, in this form, is not available for the total City from 1980 Federal Census Reports.

b. Home Owner - Renter Relationships

Within the Development Program Area, the 443 housing units are occupied, or intended for occupancy as follows:

Home Owner Occupied:	130 housing units or 29.35% of the total
Renter Occupied:	313 housing units or 70.65% of the total

Within the total City the percentages for occupied housing units are as follows:

Home Owner Occupied:	10,043 housing units or 59.13% of the total
Renter Occupied:	6,943 housing units or 40.87% of the total

c. Mean Value of Owner Occupied Homes

The mean 1980 value of an owner-occupied home within the Development Program Area was
$38,033 = 67.3%

The same mean 1980 value for the total City was
$56,500 = 100.0%

d. Mean Monthly Contract Rent of Renter Occupied Housing

The mean monthly contract rent (1980) of renter occupied housing within the Development Program Area was: $167 = 73.9%

The same mean 1980 rent for the total City was: $226 = 100.0%

2. Police Activity

Based on a discussion with the City's Police Chief, the residential areas in the south and southeast sectors of the Development Program Area require a greater number of police responses than is normal to other sectors of the City. These are residential areas with a higher concentration of substandard structures.

C. ECONOMIC CONDITIONS:

1. Value of Property Within the Development Program Area

The estimated total True Cash Value (TCV) of County and State assessed property within the Development Program Area for fiscal year 1988-89 is calculated to be: $57,044,119.

The county and state assessed value for the entire City of Bend (F.Y. 1988-89) is estimated to be about $574,346,544. Therefore, the A.V. of the Development Program Area represents about 9.9% of the City's total assessed value--well within the 25% maximum authorized by State Law for an urban renewal area.

The combined tax rate for Fiscal Year 1988-89 was $24.0260. The $57,044,119 taxable TCV figure yields property tax proceeds of $1,370,542.

A conservative estimate of the current annual costs to provide all city, county, school and recreation services within the Development Program Area is $1,430,000--or over four percent (4%) more than the area contributes in property taxes. This imbalance results in every property taxpayer in Deschutes County subsidizing the services provided in the Development Area by the County, the Community College District and the Education Service District. In addition, people owning property located within the City of Bend, School District No. 1, and the Park and Recreation District pay an even greater portion of the subsidy.

2. The Relationship of the Value of Improvements to the Value of Land for Fiscal Year 1984-85.

The latest values available for this Report, separating land and improvements, was for fiscal year 1984-85. Within the Development Program Area, the 1984-85 relationship of improvement values to land values was low. Each parcel of assessible property was analyzed using 1984-85 County Tax Assessor records. Excluding tax exempt property, the overall I/L ratio was only 1.20:1. This means that, overall, the value of taxable improvements were only 1.2 times the value of the taxable land.

Map Exhibit E in the appendix illustrates the I/L ratio for 23 geographic subareas. They range from a low 0.0 for a totally undeveloped area to a high of 2.42:1 for developed areas.

On individual taxable parcels, the I/L ratios range from a low of zero for vacant lots to a high of 5.796:1--a new four-unit apartment at the northeast corner of Florida Avenue and Bond Street. In the commercial area, the two-story remodeled professional office building on the southwest side of Greenwood Avenue, next to the alley between Bond and Wall streets is next to the highest with an I/L ratio of 5.709:1.

The I/L ratios of healthy, viable and prosperous areas in Oregon cities range as follows:

Commercial development	3:1 to 10:1 and above
Residential development	3:1 to 5:1 and above

3. Business Dislocation

Within the Downtown Business Core and due to extensive shopping center and other business development outside the established Downtown Area, considerable business dislocation has occurred over the past fifteen years.

4. Citywide, 1980 Census findings--Population 17,263

The following subject findings are not available from census sources for the Development Program Area and are herein reported (November 1979) for the total city:

a. Persons 16 years and over in the civilian labor force: 8,940 which is 66.5% of all persons 16 years and over.

b. Persons employed: 8,100 -- 90.6%

c. Persons unemployed: 840 -- 9.4%

d. Persons 16 years and over who are not in the Labor Force: 4,507

e. 1979 Annual Household Income:

Number of Households	7,024	100.0%
Less than $ 5,000	907	12.9%
$ 5,000 - $ 7,499	674	9.6%
$ 7,500 - $ 9,999	697	9.9%
$10,000 - $14,999	1,121	16.0%
$15,000 - $19,999	1,098	15.6%
$20,000 - $24,999	857	12.2%
$25,000 - $34,999	983	14.0%
$35,000 - $49,999	456	6.5%
$50,000 or more	231	3.3%
Median Household Income	$15,442	

f. Families with income below the poverty level: 8.2%

TABLE NO. 5

POPULATION GROWTH HISTORY--BEND COMPARED WITH OTHER JURISDICTIONS

Year	City of Bend	% of County	Redmond	Sisters	Deschutes County	State of Oregon
1988		NOT	YET AVAILABLE			
1987	18,700	28.5	6,850	745	65,600	2,690,000
1986	18,575	28.4	6,830	725	65,400	2,661,500
1985	18,450	28.2	6,740	740	65,400	2,675,800
1984	18,220	28.5	6,675	720	64,000	2,660,000
1983	17,840	28.2	6,605	730	63,300	2,635,000
1982	17,800	27.7	6,615	730	64,350	2,656,185
1981	17,425	27.4	6,575	690	63,650	2,660,735
1980	17,263	27.8	6,452	696	62,142	2,633,149
1979	16,750	28.2			59,400	2,584,350
1978	16,150	29.9			53,950	2,521,850
1977	16,500	35.3			46,800	2,396,100
1976	16,000	38.3			41,800	2,341,750
1975	15,800	39.2			40,300	2,299,000
1974	16,200	40.6			39,890	2,266,000
1973	15,560	42.3			36,800	2,224,900
1972	14,530	43.0			33,800	2,183,270
1971	14,130	44.7			31,630	2,143,010
1970	13,710	45.0	3,721	516	30,442	2,091,385
1960	11,936	51.7	3,340	602	23,100	1,770,000
1950	11,409	52.3	2,956	723	21,812	1,521,300
1940	10,021	53.8	1,876	Not Inc.	18,631	1,086,000
			% Change -- 10 Year Periods			
1940-50	+13.9%		+57.6%	---	-17.1%	+40.1%
1950-60	+ 4.6%		+13.0%	-14.3%	+ 5.9%	+16.3%
1960-70	+14.9%		-11.4%	-16.7%	+31.8%	+18.2%
1970-80	+25.9%		-73.4%	-34.9%	-104.1%	-25.9%

Source: Federal Census and Center for Population Research and Census, Portland State University

CHAPTER III

THE EXPECTED IMPACT, INCLUDING FISCAL IMPACT OF THE PLAN, IN LIGHT OF ADDED SERVICES OR INCREASED POPULATION.

As noted earlier in this Report (Chapter II-C), the Development Program Area does not generate sufficient property taxes to pay for the cost of services provided by the affected taxing agencies. One of the principal objectives of the Plan is to renovate the area and through the renewal process, create a stronger, more attractive area that will attract new and substantial rehabilitation development in the business, industrial and residential sectors of the Area.

With such new and rehabilitated development, new and expanded businesses and housing units will cause the assessed value to increase and, in turn, will increase the flow of property taxes. See Chapter VIII.

The residential areas currently have few school-age children. As noted earlier, less than 13% of the Area's 917 people are below the age of 18. Currently about 80 of the 917 are in school in grades kindergarten through 12th.

The majority of the residentially zoned property within the Development Program Area is zoned for multiple-family residences (RM and RH), and new housing developments within these zones are generally not attractive to families with school-age children. Hence the Plan should not impact the school system.

An important element of the Plan is to reconstruct the Area's infrastructure--specifically its sanitary sewer and water delivery systems. These systems are old and made of materials which are now prohibited. See subsections A-4 and A-5 of Chapter II of this Report. Also see Exhibits C and D in the Appendix.

The Development Program Area (236 acres) encompasses land included within seven taxing bodies. Table 6 shows the 1988-89 total assessed value for computing taxes of each of the seven and the percentage represented by the Development Program Area's taxable assessed value.

TABLE NO. 6

ASSESSED VALUES OF AFFECTED TAXING BODIES AND OF THE BEND DEVELOPMENT AREA - TAX YIELD GENERATED FROM THE B. D. A.

	TAXABLE TCV OF TAXING BODIES 1988-89		TAXABLE TCV OF B. D. A. TAXING BODIES		TAX YIELD FROM AREA (ROUNDED)
TAXING BODY	$	TAX RATE $/$1000	$	%	$
SCHOOL DISTRICT 1	1,728,126,316	12.9029	57,044,119	3.30	736,035
CITY OF BEND	574,346,544	5.2773	57,044,119	9.93	301,039
DESCHUTES COUNTY	2,470,839,078	2.3925	57,044,119	2.31	136,478
CEN ORE COMM COLL	2,470,839,078	1.6777	57,044,119	2.31	95,703
METRO PKS & REC	936,024,705	1.4920	57,044,119	6.09	85,110
EDUC SERV DIST	2,470,839,078	.2754	57,044,119	2.31	15,710
CEN ORE P.U.D. *	1,668,950,417	.0082	57,044,119	3.42	468
TOTALS		24.0260			1,370,542

* DISTRICT WILL NO LONGER LEVY TAXES AFTER F.Y. 1988-89

All taxing bodies would continue to receive taxes based on the $57,044,119 taxable true cash value of the Central Bend Development Program Area times their tax rate in any given year while the tax increment process is in effect.

Taxes generated from any increased values within the Development Program Area will accrue to the Bend Development Board to retire debts incurred in planning and carrying out the Plan. These proceeds which accrue to the Board are commonly referred to as "tax increment" proceeds

CHAPTER IV

REASONS FOR SELECTION OF EACH URBAN RENEWAL AREA IN THE PLAN

The Central Bend Development Program Area is a single urban renewal area. The City Commission, by nonemergency ordinance, found and declared the Area to be blighted pursuant to the provisions of ORS 457.010 (1). See City Commission Ordinance NS-1403.

The purpose and objective of the Plan is to initiate and implement activities and actions that will eliminate existing blight and blighting influences, prevent the spread of blight into adjacent areas, improve the Area's living, shopping and working environment, and to re-establish a taxable assessed value within the Program Area so that the Area will "pay its own way" and not be dependent on the rest of the City and the other affected taxing agencies to subsidize it.

CHAPTER V

THE RELATIONSHIP BETWEEN EACH PROJECT ACTIVITY TO BE UNDERTAKEN UNDER THE PLAN AND THE EXISTING CONDITIONS

All public improvements, building rehabilitation loan programs, administrative and technical support, property acquisition and redevelopment authorization, relocation activities (if any), off-site facility provisions, the establishment of property disposition, the creation of redeveloper's obligations, and owner participation programs set forth in Section 600 of the Plan are intended to correct the deficiencies described in Chapter II of this Report.

CHAPTER VI

THE ESTIMATED TOTAL COST IN 1989 DOLLARS OF EACH PROJECT OR ACTIVITY, THE SOURCES OF MONEYS TO PAY SUCH COSTS, AND THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT OR ACTIVITY.

The following program activities are provided for in the Plan and are more fully described below. All dollars are expressed in 1989 dollar values. See Exhibit 7 in the Plan in the Program Area Plan for the method to be used in adjusting 1989 dollar values to current dollars for any subsequent year. Also see Table 7 of this Report.

A. SIDEWALKS AND PEDESTRIAN AMENITIES.

Exhibit 4-A in Part Two of the Plan describes the public streets on which sidewalk improvements and other special pedestrian amenities are to be constructed. Also see Exhibit D in the Appendix of this Report.

1. Improvements within the shaded area (Exhibit 4-A) include, but are not limited to, the following:

   a. New curbs and gutters, including curb extensions into on-street parking areas;
   b. New sidewalks using concrete and interlocking colored concrete pavers;
   c. Trees, shrubs, flowering plants, ground covers and other plant materials including irrigation systems, soil preparation and/or containers to support same;
   d. Tables, benches and other street furniture including kiosks, phone booths, etc.
   e. Shade structures or other weather-protecting devices;
   f. Drinking fountains;
   g. New street lights and traffic control devices;
   h. Pedestrian crosswalks of concrete, colored concrete pavers, paint or adhesive materials;
   i. Special graphics for directional and informational purposes;
   j. New fire hydrants; and
   k. Patching and replacement of street pavement as required.

   Such work will include approximately 383,000 square feet of sidewalk area.

2. Improvements shown with a solid, heavy line (Exhibit 4-A of the Plan) include the grading, base preparation and construction of five foot (5') wide concrete sidewalks with street trees at an approximate 50' spacing.

3. Improvements shown with a heavy broken line (Exhibit 4-A of the Plan) include removal of old sidewalks, grading and base preparation and constructing new five foot (5') wide concrete sidewalks with street trees at an approximately 50' spacing.

4. The proposed Deschutes River Strollway Improvements (Exhibit 4-A of the Plan) will consist of grading for and construction of a 10' asphaltic concrete trail and adjacent park landscaping.

All work in conjunction with sidewalks and pedestrian amenities is expected to begin in fiscal 1990-91 and be completed in 2005-06 at an in-place cost of $4,235,000 including design and the cost of construction documents.

Approximately 33% of such $4,235,000 ($1,385,000) may be paid for by abutting property owners through the "Local Improvement District" process. It is assumed that $2,850,000 will be paid from tax increment proceeds.

B. REPAIR AND REPLACE DEFICIENT SANITARY SEWER AND WATER SYSTEMS.

Exhibit 4-B in Part Two of the Plan describes the sewer and water mains which are in need of repair and replacement. Exhibit C in the appendix of this Report describes the same information.

1. Improvements to the Sanitary Sewer System include minor repair and substantial replacement of the existing sanitary sewer system. Work includes engineering, pavement cutting, trenching in the existing excavation, placing new approved pipe and required fittings, bedding, backfill, pavement patching and testing. The work is estimated to begin in fiscal 1992-93 and be completed in 2002-03 at an estimated in-place cost of $990,000, including engineering costs. Such costs will be paid from tax increment proceeds.

2. Water System includes minor repair and substantial replacement of the existing water system. Work includes engineering, pavement cutting, trenching in the existing excavation, placing new approved pipe and required fittings, nine additional fire hydrants, bedding, backfill, pavement, patching and testing. The work is estimated to begin in fiscal 1992-93 and be completed in 2002-03 at an estimated in-place cost of $709,500, including engineering costs. A portion of such costs may be paid from City Water Department funds, otherwise all costs will be paid from tax increment proceeds.

C. BUILDING REHABILITATION LOAN FUND

The Plan provides for the Bend Development Board to establish a loan fund to provide loans to the owners of buildings which need and are feasible of rehabilitation. Exhibit 4-C of Part Two of the Plan divides the Development Program Area into three sectors:

--- Commercial Building Rehabilitation
--- Residential Building Renabilitation
--- A Mixed-Use Area needing Residential, Commercial, Industrial, Public and Quasi-Public Building Restoration

Existing landmark buildings and landmark sites are also noted.

The rehabilitation loan fund will be available for eligible buildings in all three sectors and also to landmark buildings, regardless of their location.

1. Commercial Building Rehabilitation. There are 192 commercial buildings of which:

59 are in excellent condition;
16 are beyond an ability to be economically rehabilitated based on a preliminary walk-around evaluation; and
117 are in need of repair and restoration and appear feasible of economic rehabilitation

Such work is expected to be undertaken throughout the 25 year period in which the Plan is established to be effective,

The Board will establish a commercial building loan support fund in an amount of $560,000. Such fund will act as collateral to participating local financial institutions so that they may provide rehabilitation loans to the owners of commercial buildings at less than market interest rates. It is estimated that such $560,000 support fund will yield about $6,500,000 to $9,500,000 in financial institution loans in the Development Program Area.

2. Residential Building Rehabilitation. There are 306 residential buildings containing 433 housing units. Of the 433 housing units, 130 are owner occupied and 303 are renter occupied. Of these 433 housing units:

29 are in good to excellent condition;
81 are beyond a reasonable ability to be economically rehabilitated based on a preliminary walk-around evaluation; and
323 are in need of repair and appear feasible of economic restoration. Of these 323 housing units, it is estimated that 32 are owned occupied and 291 are occupied by renters.

Housing rehabilitation loans will begin in fiscal 1991-92 and continue throughout the life of the Plan. A repayable loan fund of $1,310,000 will be established between 1991-92 and the year 2006-07. Loans will vary in type and amount depending on need and Board policy. For estimating purposes, about 200 loans have been assumed with terms of 20 years and at interest rates sufficient for the Board's staff to service the loans--averaging about 5%. Tax increment proceeds will be used to establish the housing rehabilitation loans. As the loans are repaid, the money will be recycled for further rehab loans. Remaining repayments after the close of the tax increment program will go to the City of Bend to continue and finish the Rehab Program. See Table 7.

D. The Cascade Gym rehabilitation for use as a community social, cultural and recreation center is programmed to be done in fiscal 1998-99 at a tax increment cost of $250,000.

E. Undergrounding present overhead utilities is expected to begin in fiscal 1990-91 and be completed in 1999-00 at a tax increment cost of $1,419,076.

F. Tax increment funding for relocating the Pacific Power and Light power substation (Tax Lots 1500 and 4000, Map 17-12-32-AC and AB, respectively) by the Bend Development Board is expected to extend from fiscal year 1993-94 to 1995-96, at a tax increment cost of $1,000,000. See Exhibit 4-A in Part Two of the Development Plan.

G. The Rademacher property (Tax Lot 4900, Map 17-12-32-BD) may be acquired for public use (park and parking) with tax increment proceeds as follows:

F.Y. 1989-90 -- $ 40,000 purchase option payment
F.Y. 1994-95 -- $360,000 final payment
Total $400,000 tax increment proceeds

Should the property be occupied at the time of purchase, the Development Board shall comply with the relocation provisions of the Development Plan and State Law.

H. Sub-strata rock removal on Hospital Hill is expected to be done in fiscal 1989-90 at a tax increment cost of $250,000.

I. Greenwood Avenue/Division Street Improvements are estimated to be done in fiscal 2003-04 at a tax increment cost of $500,000.

J. A $50,000 PER YEAR CUMULATIVE CONTINGENCY FUND has been programmed and budgeted to begin in fiscal 1989-90. This fund will be held in reserve to provide for unforeseen and unknown conditions, including "off-site" work, which may occur in conjunction with the building rehabilitation, new construction and public improvement activities.

K. AN AVERAGE OF $90,000 PER YEAR ADMINISTRATIVE BUDGET has been established to pay the costs of staff, accounting and administration of the entire program including office costs. The first two and the last three years of the program are expected to have lesser costs.

L. A PROFESSIONAL SERVICES BUDGET OF $30,000 per year begins in 1990-91 for such services as audits, economic studies, renewal studies, legal services, consultants and other services necessary to the completion of the program. The $50,000 item for 1989-90 is to repay the City of Bend for their outlays on behalf of the Board.

M. BORROWING FUNDS AND ESTABLISHING INTEREST BEARING ACCOUNTS. The Board is authorized and expects to borrow money to carry out the Plan. There are five $500,000 and one $600,000 notes to be paid off in the term of 5 years, and two $1,000,000 notes to be paid off in the term of 10 years. The first borrowing will be in 1989-90 since there will be no tax increment proceeds for that year, and the gain in proceeds is projected to be slow. All income monies shall be placed in interest bearing accounts until such time as they are needed.

N. TAX INCREMENT PROCEEDS. Based on the best conservative projections made during the preparation of the Plan, $11,647,487 in total Tax Increment Proceeds will be required to implement the Plan. This should be realized during or before fiscal 2003-04. See Table 7.

CHAPTER VII

THE ESTIMATED AMOUNT OF MONEY REQUIRED UNDER ORS 457.420 TO 457.440 AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED OR OTHERWISE PROVIDED FOR UNDER ORS 457.440.

Table 7, below, describes the estimated amount of tax increment proceeds required, the amount of other sources of Development income and the Development Board's expenditures by major categories.

Note that it is estimated that $11,647,487 of tax increment proceeds is the maximum amount required to implement the Plan. This sum is estimated to be collected during or before fiscal year 2003-04. Therefore, it is further estimated that in fiscal year 2004-05, an increased assessed value of $83,157,444 over and above the initial base year assessed value of $57,044,119, will be turned over to the six affected Taxing Agencies. It should be noted that an estimated $166,547,180 in increased TCV will be available in fiscal year 2013-14--25 years after the beginning of the Development Plan renewal and revitalization process. Most of this value would not be available if the Development Plan were not implemented.

Table 8 illustrates the comparison in the assessed value and the tax yield for the seven Taxing Agencies between the frozen base year (1988-89) and the year (2004-05) in which the increased assessed value will be unfrozen and turned over to the Taxing Agencies.

TABLE NO. 7

BEND DEVELOPMENT BOARD — ESTIMATED SOURCES OF B. D. B.'S FUNDS AND ANNUAL DISPOSITION OF SUCH FUNDS - 1989-90 THROUGH 2006-07

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
		SOURCE OF FUNDS						DISPOSITION OF FUNDS							
FISCAL YEAR	\1 I I YEAR	\2 ANNUAL TAX INCREMENT PROCEEDS $	\3 BORROWING $	\4 REHAB LOAN PAYBACK $	\5 INTEREST ON CONT & REM BALANCE $	\6 BALANCE BROUGHT FORWARD $	\7 TOTAL FUNDS AVAILABLE $	\8 PROJECTS AND ACTIVITIES $	\9 DEBT SERVICE $	\10 ADMIN COSTS $	\11 TOTAL REHAB LOANS $	\12 PROFESSIONAL SERVICES $	\13 TOTAL COSTS $	\14 BALANCE CARRIED FORWARD $	\15 CONTINGENCY FUND FOR PROJECTS $
88-89	BASE	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR
89-90	1	0	500,000	0	0	0	500,000	340,000	0	40,000	0	50,000	430,000	70,000	50,000
1990-91	2	295,757	500,000	0	6,000	70,000	871,757	100,000	125,228	60,000	0	30,000	315,228	556,529	100,000
91-92	3	404,272	0	0	32,826	556,529	993,628	454,769	250,456	90,000	110,000	30,000	935,225	58,403	150,000
92-93	4	485,034	500,000	11,312	10,420	58,403	1,063,169	250,000	250,456	90,000	115,000	30,000	735,456	327,713	200,000
93-94	5	530,356	600,000	23,025	26,386	327,713	1,507,480	804,769	375,684	90,000	130,000	30,000	1,430,453	77,027	250,000
94-95	6	626,216	1,000,000	36,563	16,351	77,027	1,756,158	860,000	525,958	90,000	135,000	30,000	1,640,958	115,200	300,000
95-96	7	760,915	1,000,000	50,503	20,760	115,200	1,947,378	710,000	549,759	90,000	150,000	30,000	1,529,759	417,620	350,000
96-97	8	850,311		66,268	38,381	417,620	1,372,579	370,000	573,560	90,000	150,000	30,000	1,213,560	159,020	400,000
97-98	9	919,811	500,000	82,033	27,951	159,020	1,688,815	734,769	573,560	90,000	160,000	30,000	1,588,329	100,486	450,000
98-99	10	1,065,757	500,000	99,221	27,524	100,486	1,792,988	640,000	573,560	90,000	170,000	30,000	1,503,560	279,429	500,000
99-00	11	1,214,521		117,211	30,971	279,429	1,650,132	734,769	548,514	90,000	160,000	30,000	1,583,283	66,849	550,000
2000-01	12	1,353,582		133,778	30,842	66,849	1,585,052	450,000	548,514	90,000	160,000	30,000	1,278,514	306,538	600,000
01-02	13	1,559,897		150,345	45,327	306,538	2,062,107	450,000	548,514	90,000	100,000	30,000	1,218,514	843,593	650,000
02-03	14	1,618,347		152,674	74,680	843,593	2,689,294	449,500	548,514	90,000	100,000	30,000	1,218,014	1,471,280	700,000
03-04	15	1,770,528		155,003	108,564	1,471,280	3,505,375	850,000	423,286	90,000	100,000	30,000	1,493,286	2,012,089	750,000
04-05	16			155,908	138,104	2,012,089	2,306,101	350,000	298,058	80,000	100,000	30,000	858,058	1,448,043	800,000
05-06	17			156,813	112,602	1,448,043	1,717,258	350,000	169,029	70,000	30,000	30,000	629,029	1,088,229	850,000
06 07	18			150,677	96,911	1,088,229	1,335,818	350,000	0	60,000	0	30,000	440,000	895,818	900,000
18 YEAR	TOTAL	13,443,305	5,100,000	1,541,334	852,402	9,398,046	30,335,088	9,268,576	6,862,648	1,480,000	1,870,000	560,000	20,041,224	895,818 SURPLUS	900,000
		BALANCE ($13,443,305 + 5,100,000 + 1,541,334 + 852,402) - 895,818 =					$20,041,224	$9,268,576 + 6,862,648 + 1,480,000 +1,870,000 + 560,000 =					$20,041,224		

\1 "I I" MEANS TAX INCREMENT...PROGRAM TERMINATES 2006-07

\2 ANNUAL TAX INCREMENT PROCEEDS...TERMINATES AFTER 2003-04
NET INCREMENT USED - $13,443,305 LESS 1,795,818 = $11,647,487

\3 BORROW $5,100,000 - 8.0% INTEREST, TWO $1 MIL. - 10 YEAR,
REMAINDER - 5 YEAR TERMS

\4 RESIDENTIAL AT 5%, COMMERCIAL AT 7% INTEREST

\5 CONTINGENCY FUND AND REMAINING BALANCE DEPOSITED IN INTEREST BEARING ACCOUNT AT 5.0% ANNUAL INTEREST

\6 REMAINING BALANCE BROUGHT FORWARD TO FUND PROJECTS/ACTIVITIES

\7 SUM OF COLUMNS C, D, E, F AND G

\8 SEE SECTION 600 OF PLAN AND CHAPTER VI OF REPORT

\9 ANNUAL PRINCIPAL AND INTEREST ON $2,000,000 OF 10 YEAR NOTES - 8.0%, OTHERS ARE 5 YEARS - 8.0%

\10 MINIMUM COSTS TO ADMINISTER PROGRAM FOR 18 YEARS

\11 OUTLAY OF RESIDENTIAL AND COMMERCIAL REHAB LOANS

\12 TECHNICAL & LEGAL SERVICES, DEBT TO CITY FOR PLAN & REPORT

\13 SUM OF COLUMNS I, J, K, L AND M

\14 REMAINING BALANCE FORWARD TO NEXT YEAR, SEE COLUMN G

\15 CUMULATIVE RESERVE FUND FOR EMERGENCY USE - RETURNED TO TAXING BODIES ALONG WITH REMAINING BALANCE

CHAPTER VIII

A FINANCIAL ANALYSIS OF THE PLAN WITH SUFFICIENT INFORMATION TO DETERMINE FEASIBILITY.

The Development Board's annual income and expenditures analysis set forth on Table 7 shows that the Plan and the implementation process is feasible. The estimated flow of tax increment proceeds, the proposed borrowing and pay-back schedule, and the implementation of program activities provides for the tax increment process to be terminated at the close of fiscal year 2003-04.

TABLE NO. 8

ESTIMATED TAX YIELD OF TAXABLE PROPERTY WITHIN THE URBAN RENEWAL AREA AT BEGINNING AND END OF TAX INCREMENT PROCESS

TAXING BODY	1988-89 TAX RATE $/$1000	TAX YIELD 1988-89 @ A V = $57,044,119 $	PROJECTED 2004-05 TAX RATE $/$1000	TOTAL TAX YIELD 2004-05 @ A V = $140,201,563 $
SCHOOL DISTRICT 1	12.9029	736,035	13.3754	1,875,252
CITY OF BEND	5.2773	301,039	4.6178	647,423
DESCHUTES COUNTY	2.3925	136,478	2.1106	295,909
CEN ORE COMM COLL	1.6777	95,703	1.4810	207,639
METRO PKS & REC	1.4920	85,110	1.2203	171,088
EDUC SERV DIST	.2754	15,710	.2665	37,364
CEN ORE P.U.D. *	.0082	468	0	0
TOTALS	24.0260	1,370,542	23.0716	3,234,674

* DISTRICT WILL NO LONGER LEVY TAXES AFTER F.Y. 1988-89

TABLE NO. 8-A

ANNUAL TAX RATES DURING AND FOLLOWING THE TAX INCREMENT PROCESS

FISCAL YEAR	T.I. YEAR	COMBINED TAX RATE $	SCHOOL DISTRICT 1 $	CITY OF BEND $	DESCHUTES COUNTY $	CENT ORE COMM COLL $	METRO PKS & REC $	EDUC SERV DIST $
88-89	BASE	* 24.0260	12.9029	5.2773	2.3925	1.6777	1.4920	.2754
89-90	1	24.4877	13.9822	5.0813	2.1928	1.5386	1.4161	.2769
1990-91	2	24.4862	14.0392	5.1020	2.2017	1.5449	1.3204	.2780
91-92	3	24.7360	14.2104	5.1143	2.2286	1.5637	1.3377	.2814
92-93	4	24.5870	14.3246	4.8074	2.2465	1.5763	1.3487	.2836
93-94	5	24.1658	14.1534	4.6290	2.2196	1.5574	1.3261	.2802
94-95	6	23.8186	13.9251	4.6006	2.1838	1.5323	1.3011	.2757
95-96	7	23.6864	13.7539	4.7083	2.1570	1.5135	1.2815	.2723
96-97	8	23.8240	13.6968	4.9276	2.1480	1.5072	1.2732	.2712
97-98	9	23.6230	13.5827	4.8861	2.1301	1.4946	1.2606	.2689
98-99	10	23.6209	13.6968	4.7276	2.1480	1.5072	1.2701	.2712
99-00	11	24.1496	14.0392	4.7820	2.2017	1.5449	1.3038	.2780
2000-01	12	24.3195	13.9822	5.0313	2.1928	1.5386	1.2978	.2769
01-02	13	24.1192	13.8680	4.9898	2.1749	1.5260	1.2859	.2746
02-03	14	23.6856	13.7539	4.7153	2.1570	1.5135	1.2737	.2723
03-04	15	23.5375	13.6968	4.6470	2.1480	1.5072	1.2673	.2712
04-05	16	23.0715	13.3754	4.6178	2.1106	1.4810	1.2203	.2665
05-06	17	23.3824	13.6058	4.6095	2.1467	1.5063	1.2431	.2710
06-07	18	23.4450	13.8322	4.3588	2.1823	1.5313	1.2650	.2755
07-08	19	23.6930	14.0482	4.3068	2.2170	1.5556	1.2854	.2799
08-09	20	23.4267	13.9929	4.1184	2.2080	1.5493	1.2793	.2788
09-10	21	23.3413	13.8870	4.1807	2.1908	1.5372	1.2690	.2766
2010-11	22	23.2408	13.7733	4.2377	2.1730	1.5247	1.2578	.2744
11-12	23	22.8814	13.6058	4.1105	2.1466	1.5062	1.2413	.2710
12-13	24	22.8627	13.5506	4.1678	2.1379	1.5001	1.2363	.2699
13-14	25	23.7137	13.4866	5.1070	2.1282	1.4933	1.2300	.2687
AVERAGES								
1989/90-2003-04		24.0565	13.9137	4.8500	2.1820	1.5311	1.3043	.2755
2004/05-2013/14		23.3059	13.7158	4.3815	2.1641	1.5185	1.2528	.2732

* CENTRAL OREGON P.U.D. WILL NOT LEVY TAXES AFTER FISCAL YEAR 1988-89

TABLE NO. 8-8

ANNUAL TAX RATE IMPACTS DURING AND FOLLOWING TAX INCREMENT PROCESS

FISCAL YEAR	T.I. YEAR	COMBINED TAX RATE $	SCHOOL DISTRICT 1 $	CITY OF BEND $	DESCHUTES COUNTY $	CENT ORE COMM COLL $	METRO PKS & REC $	EDUC SERV DIST $
88-89	BASE	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR	BASE YEAR
89-90	1	.1087	.0440	.0477	.0047	.0033	.0081	.0006
1990-91	2	.2174	.0916	.0930	.0095	.0066	.0152	.0012
91-92	3	.2795	.1197	.1170	.0124	.0087	.0199	.0015
92-93	4	.3105	.1381	.1239	.0140	.0098	.0229	.0017
93-94	5	.3163	.1412	.1262	.0140	.0098	.0231	.0017
94-95	6	.3472	.1536	.1409	.0149	.0105	.0252	.0018
95-96	7	.3916	.1699	.1636	.0164	.0115	.0279	.0020
96-97	8	.4047	.1718	.1741	.0167	.0117	.0282	.0021
97-98	9	.4039	.1713	.1735	.0169	.0118	.0281	.0021
98-99	10	.4239	.1814	.1801	.0178	.0125	.0297	.0022
99-00	11	.4530	.1922	.1945	.0186	.0130	.0322	.0023
2000-01	12	.4762	.1951	.2135	.0187	.0131	.0334	.0023
01-02	13	.5110	.2095	.2287	.0201	.0141	.0359	.0025
02-03	14	.4871	.2057	.2111	.0194	.0136	.0348	.0024
03-04	15	.4890	.2078	.2105	.0195	.0137	.0349	.0024
04-05	16	(.4992)	(.2073)	(.2214)	(.0194)	(.0136)	(.0348)	(.0024)
05-06	17	(.4884)	(.2051)	(.2136)	(.0191)	(.0134)	(.0345)	(.0024)
06-07	18	(.4814)	(.2070)	(.2034)	(.0193)	(.0136)	(.0354)	(.0024)
07-08	19	(.5018)	(.2193)	(.2067)	(.0205)	(.0144)	(.0383)	(.0025)
08-09	20	(.4899)	(.2175)	(.1959)	(.0206)	(.0144)	(.0388)	(.0026)
09-10	21	(.4756)	(.2093)	(.1921)	(.0199)	(.0139)	(.0378)	(.0025)
2010-11	22	(.4767)	(.2089)	(.1936)	(.0198)	(.0138)	(.0379)	(.0025)
11-12	23	(.4594)	(.2051)	(.1818)	(.0192)	(.0135)	(.0371)	(.0024)
12-13	24	(.4536)	(.2033)	(.1787)	(.0190)	(.0133)	(.0367)	(.0023)
13-14	25	(.5047)	(.2102)	(.2206)	(.0198)	(.0139)	(.0376)	(.0025)
AVERAGES								
1989/90-2003-04		.3747	.1595	.1599	.0156	.0109	.0266	.0019
2004/05-2013/14		(.4831)	(.2093)	(.2008)	(.0197)	(.0138)	(.0369)	(.0024)

* CENTRAL OREGON P.U.D. WILL NOT LEVY TAXES AFTER FISCAL YEAR 1988-89

CHAPTER IX

A RELOCATION REPORT

A. REQUIREMENT:

An analysis of existing residents or businesses required to relocate permanently or temporarily as a result of Agency actions under ORS 457.170;

RESPONSE: The Plan provides for the acquisition of property. The Rademacher property (Tax Lot 4900-Map 17-12-32-BD) and the Pacific Power Property (Tax Lot 1500-Map 17-12-32-AC) and Tax Lot 4000-Map 17-12-32-AB) may be acquired and, if occupied at the time of acquisition, will require Bend Development Board's relocation assistance.

B. REQUIREMENT:

A description of the methods to be used for the temporary or permanent relocation of persons living in, and businesses situated in, the Urban Renewal Area in accordance with ORS 281.045 through 281.105;

RESPONSE: Relocation activities and assistance shall be provided in accordance with ORS 281.045 through 281.105.

C. REQUIREMENT:

An enumeration, by cost range, of the existing housing units in the Urban Renewal Areas of the Plan to be destroyed or altered and new units to be added.

RESPONSE: No existing housing units are proposed to be destroyed by actions of the Bend Development Board. However, the Board has provided for a voluntary housing rehabilitation program by proposing a rehabilitation loan fund where, if and when funds are available, housing property owners may--at their option--avail themselves of below market rate rehabilitation loans. Such loans may be made directly by the Bend Development Board or by local financial institutions which participate in loan programs involving the joint participation of the Board and local financial institutions.

RESPONSE: The mean 1979 value of owner-occupied housing within the Development Program ARea was $38,033 and within the total City of Bend the mean value was

$56,500. See discussion of 1980 Federal Census findings in subsection B of Chapter II of this report.

D. REQUIREMENT:

New residential units which are likely to be constructed within the Urban Renewal Area are estimated to have the following ranges of 1989 dollar values:

RESPONSE:

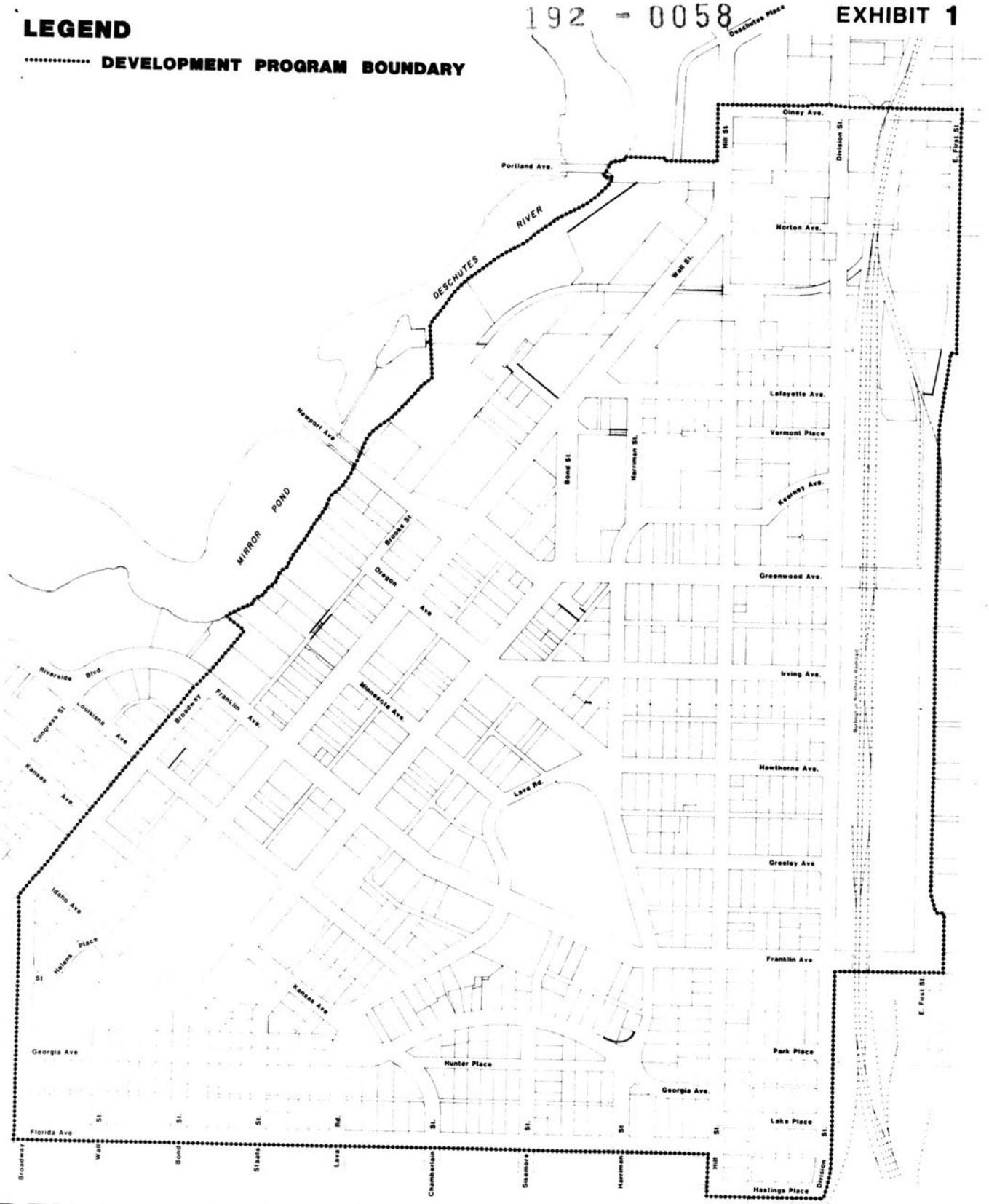
Single Family Units -- $60,000 to $90,000
Duplex Units -- $40,000 to $70,000 each
Apartment Units (Low Rise) -- $40,000 to $80,000
Apartment Units (Mid Rise) -- $50,000 to $150,000

192 - 0058

EXHIBIT 1

LEGEND

····· **DEVELOPMENT PROGRAM BOUNDARY**



DEVELOPMENT PLAN BOUNDARY

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

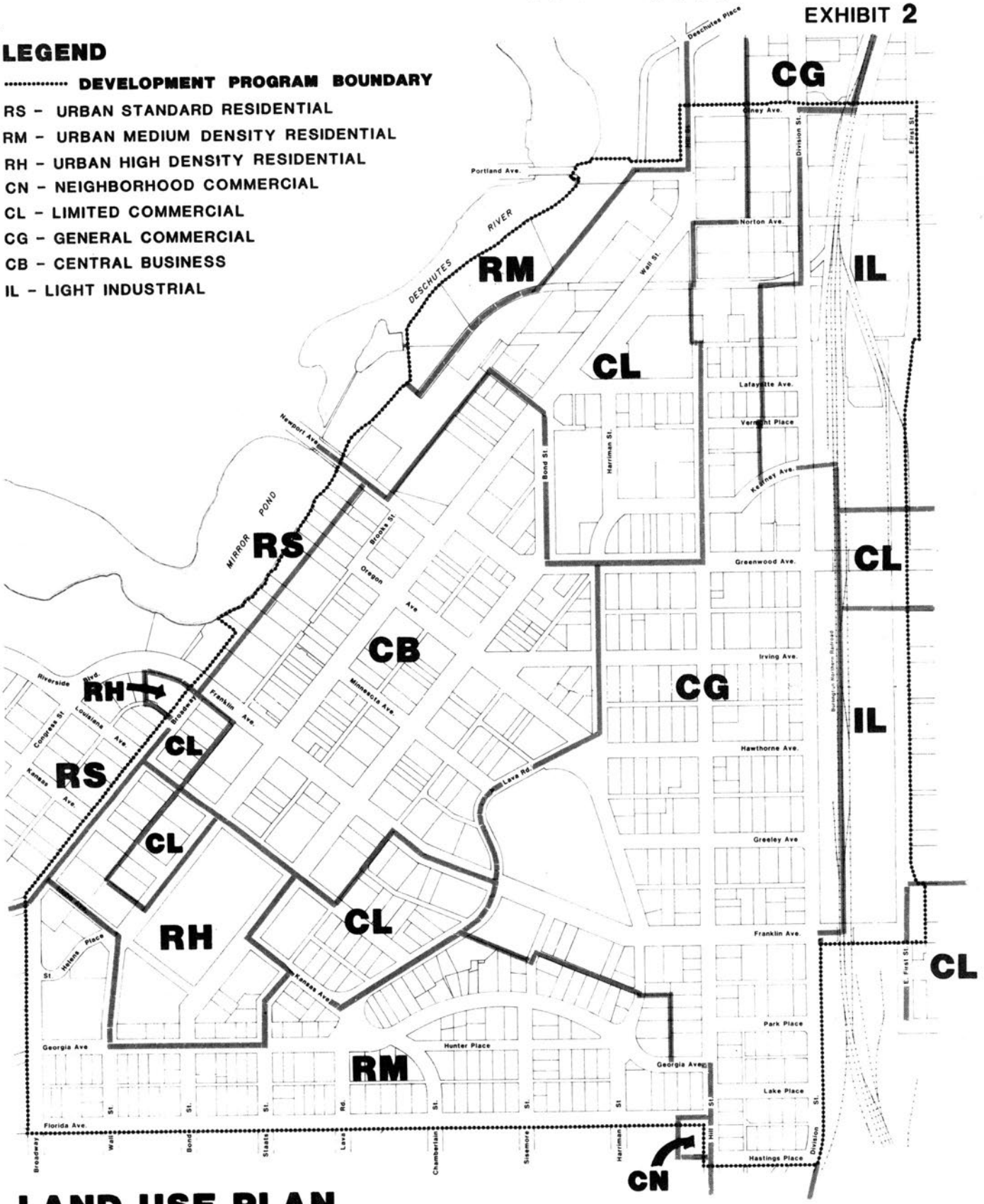
NORTH

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES

192 - 0059

EXHIBIT 2



LAND USE PLAN

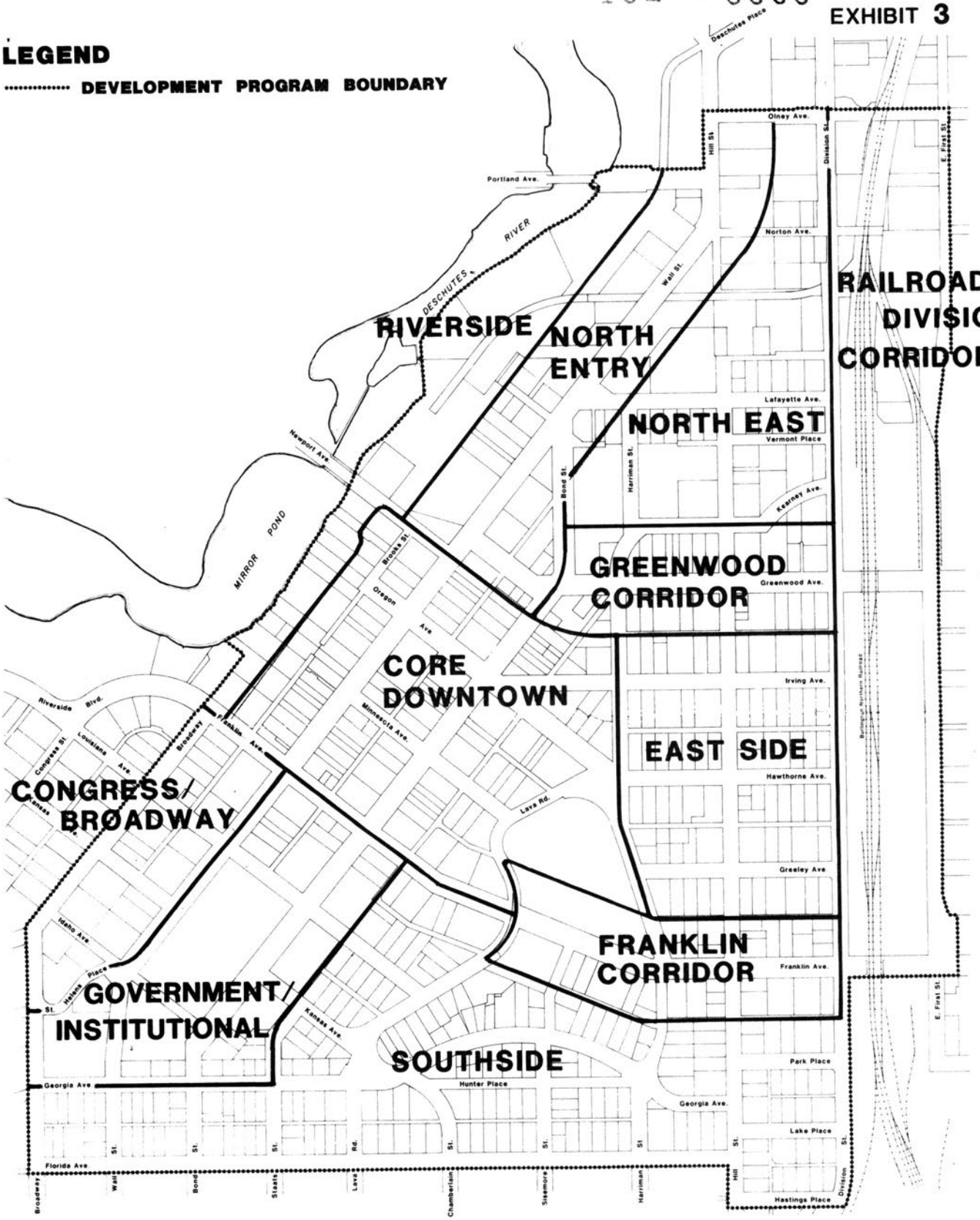
CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH
100 0 100 200 300 400 500
SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN
45 HAWTHORNE • MEDFORD, OREGON • 97504
Phone (503) 772-5203

192 - 0060

EXHIBIT 3



DISTRICTS

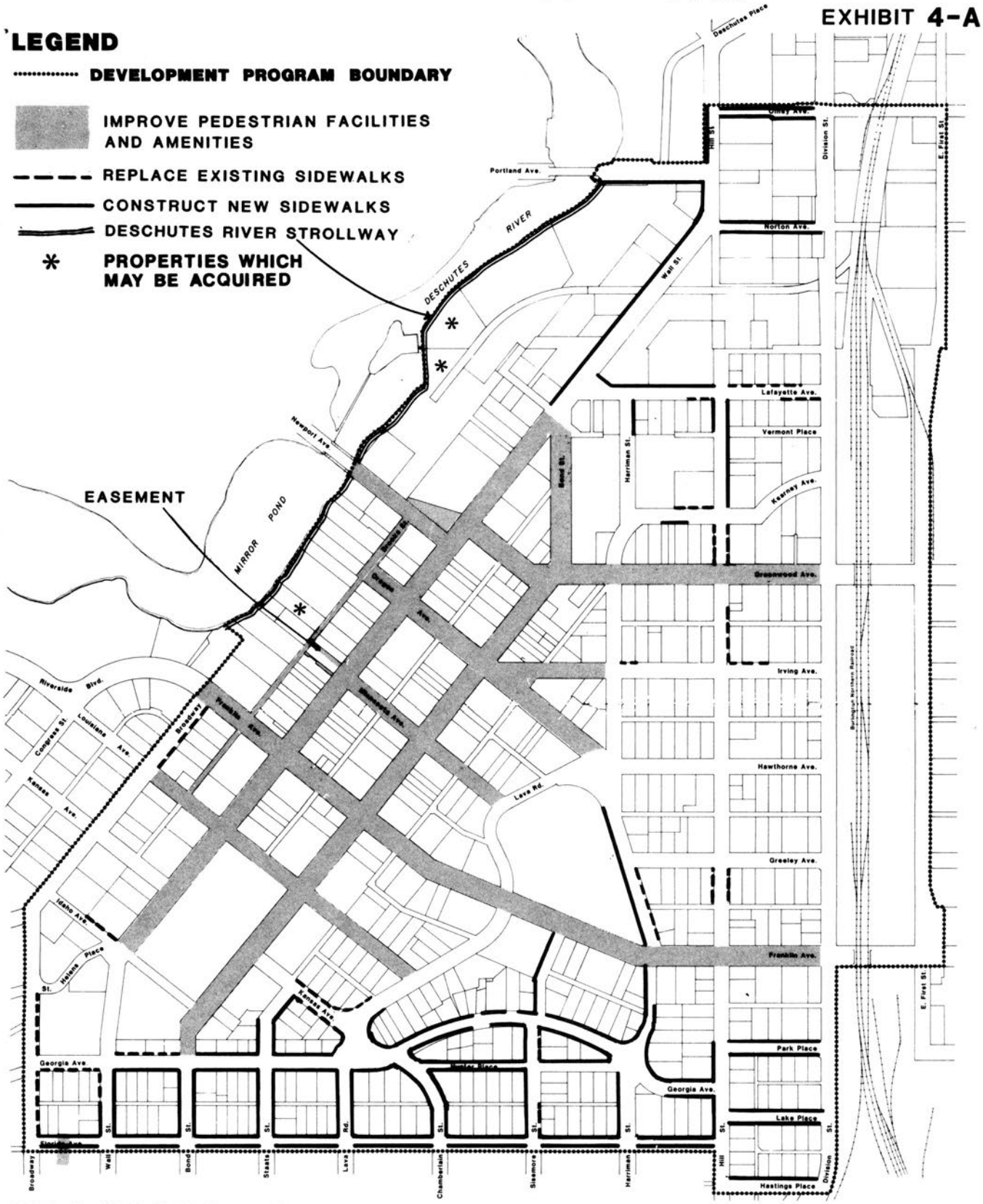
CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH
100 0 100 200 300 400 500
SCALE IN FEET

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192 - 0061

EXHIBIT 4-A



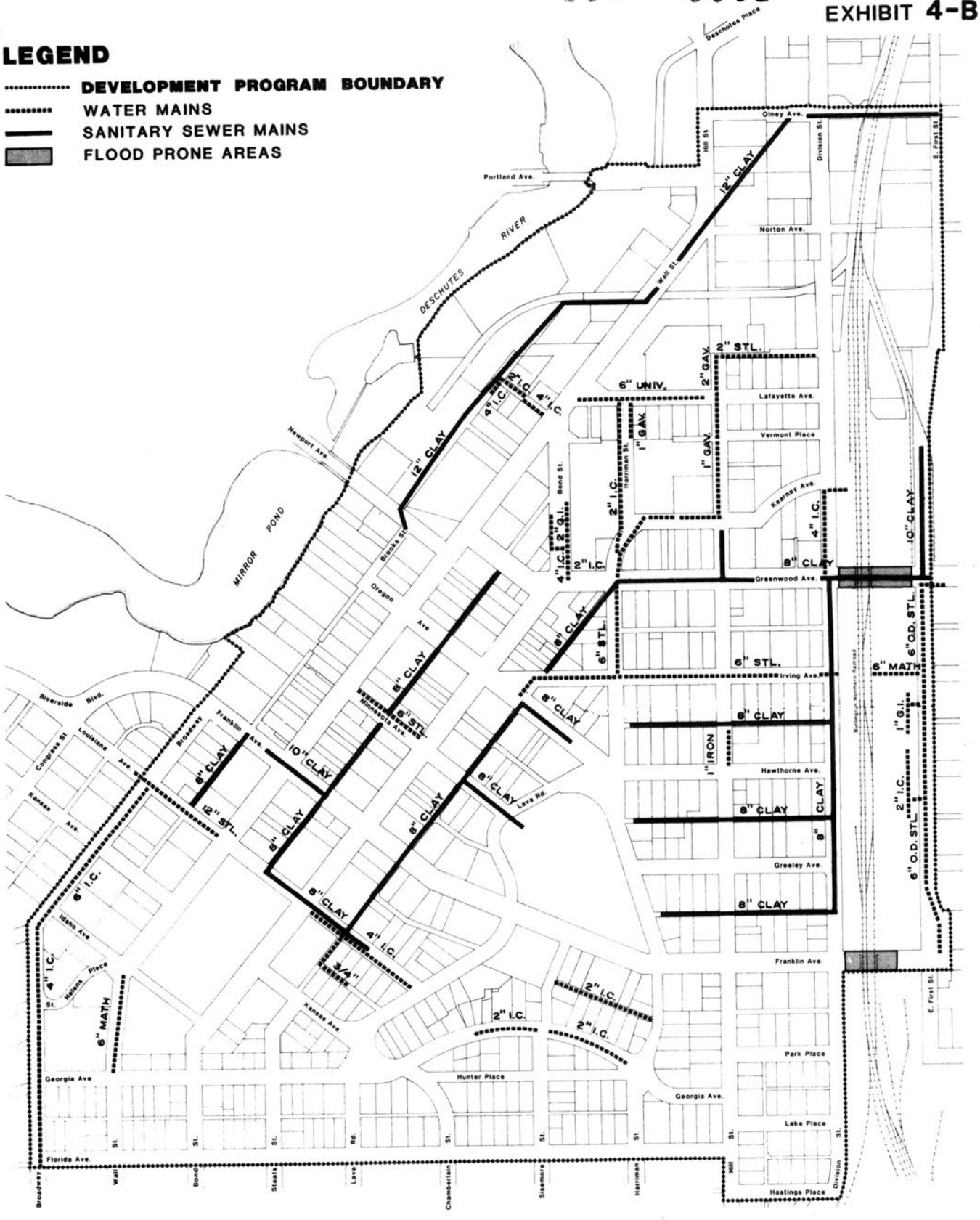
PROJECTS--SIDEWALKS AND PEDESTRIAN AMENITIES

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

PATTERSON, STEWART and ASSOCIATES
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192 - 0062

EXHIBIT 4-B



PROJECTS--UTILITY SYSTEMS NEEDING REPLACEMENT

CENTRAL BEND DEVELOPMENT PROGRAM

BEND, OREGON

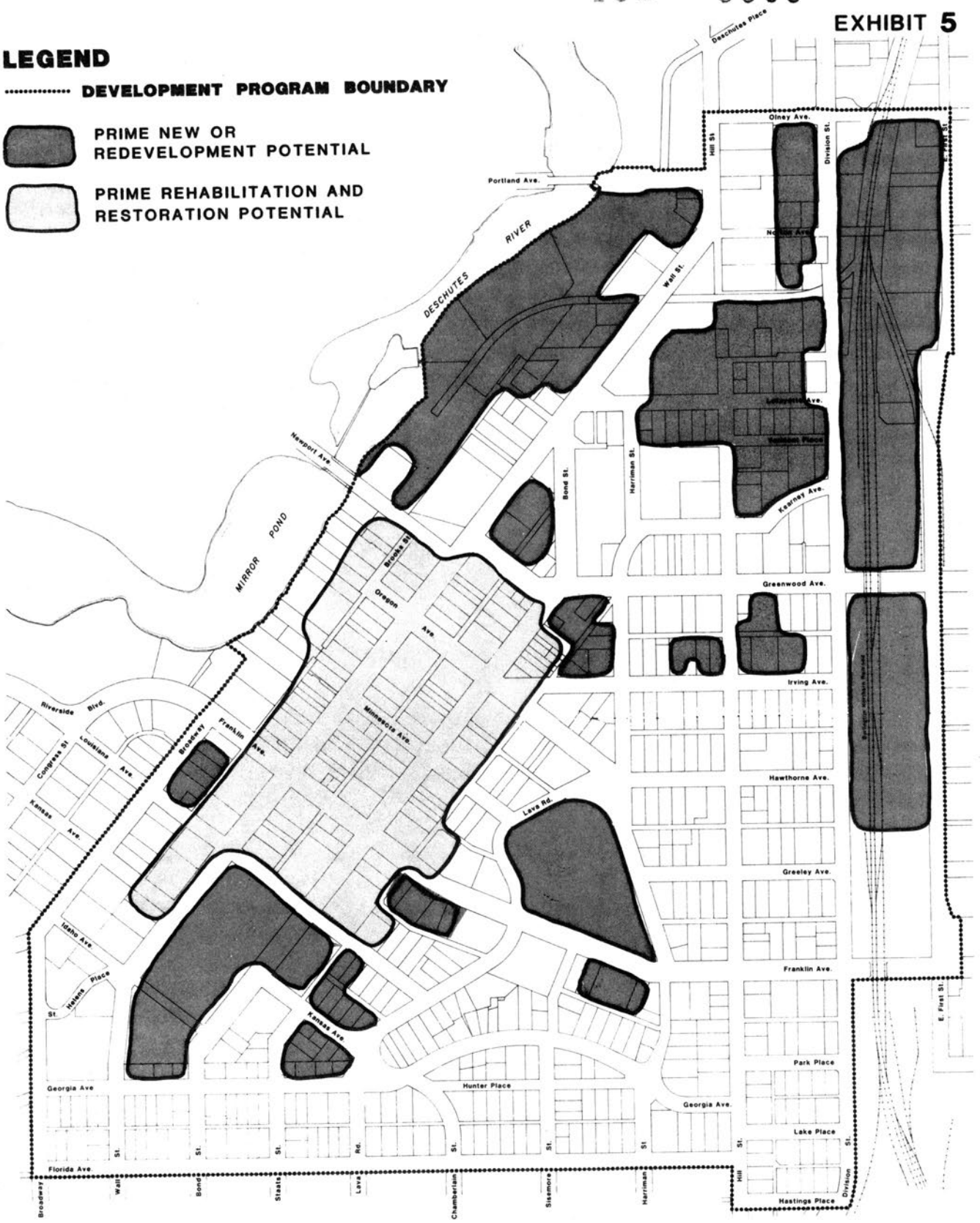
NORTH

SCALE IN FEET

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192 - 0063

EXHIBIT 5



PRINCIPAL DEVELOPMENT/ REDEVELOPMENT AREAS

CENTRAL BEND DEVELOPMENT PROGRAM

BEND, OREGON

NORTH

100 0 100 200 300 400 500

SCALE IN FEET

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192 - 0064

EXHIBIT 6



NOTE: CONTOURS TRACED FROM CITY OF BEND TOPOGRAPHY MAPS DATED 1984

TOPOGRAPHY

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH
100 0 100 200 300 400 500
SCALE IN FEET
CONTOUR INTERVAL = 2 FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN
45 HAWTHORNE • MEDFORD, OREGON • 97504
Phone: (503) 772 5203

EXHIBIT 7

ADJUSTING 1989 DOLLARS TO CURRENT DOLLAR VALUES IN SUBSEQUENT YEARS--THE ENR INDEX

The ENR Index for Construction Costs for Seattle (Northwest) will be used to adjust dollar figures to establish current dollar values for any subsequent year.

All dollar figures used to estimate the cost of project improvements, project activities and tax increment annual proceeds are expressed in July 1989 dollar values. To determine the dollar value in subsequent years, the ENR Index for July of each subsequent year shall be applied to the July 1989 figures to arrive at the current dollar value.

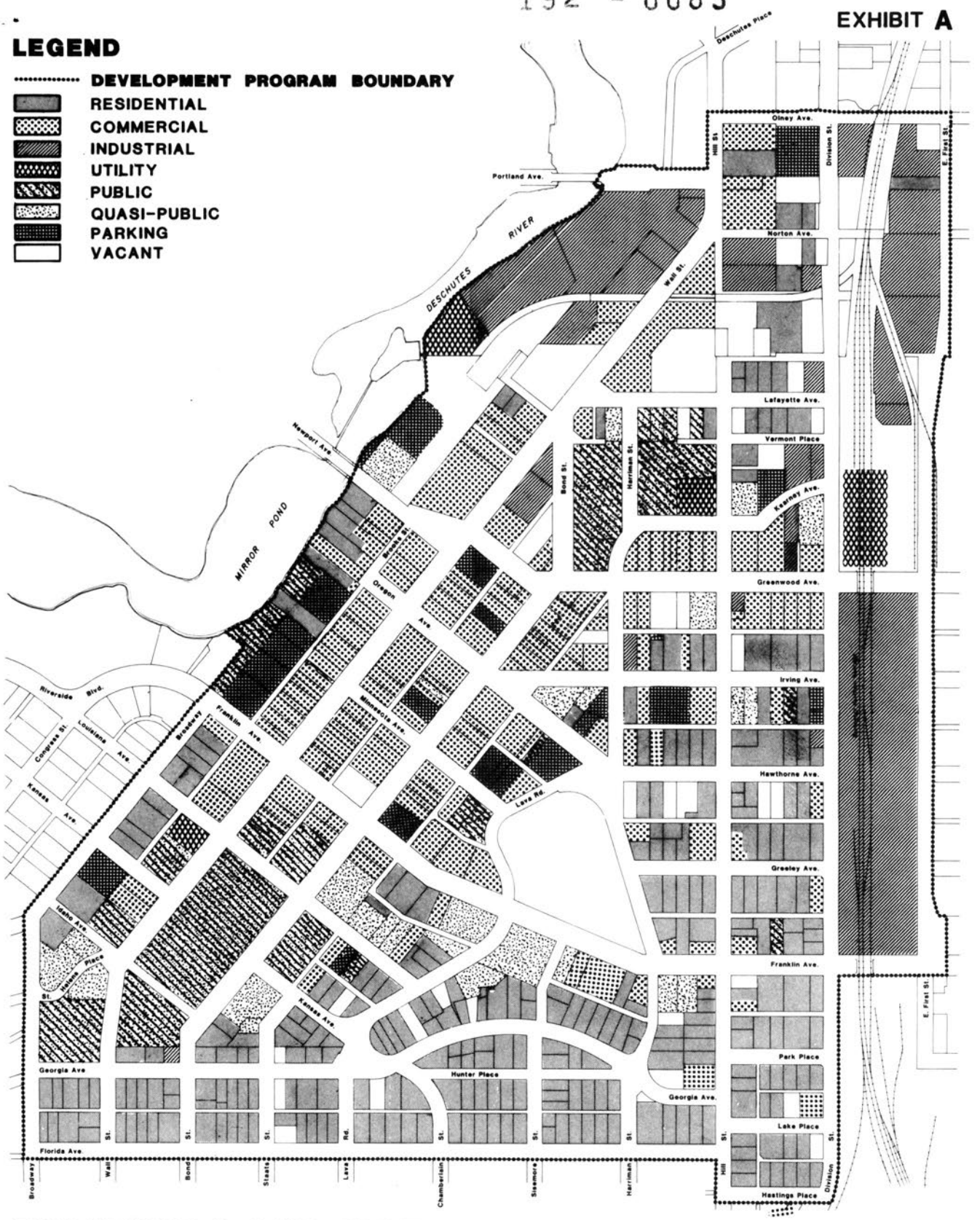
The ENR Index factors are published weekly by:

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1221 Avenue of the Americas
New York City, New York 10020
Phone: (212) 512-2000

Copies of the Engineering News Record are available for examination in the offices of the Bend Department of Public Works.

192 - 0083

EXHIBIT A



EXISTING LAND USE---GENERALIZED

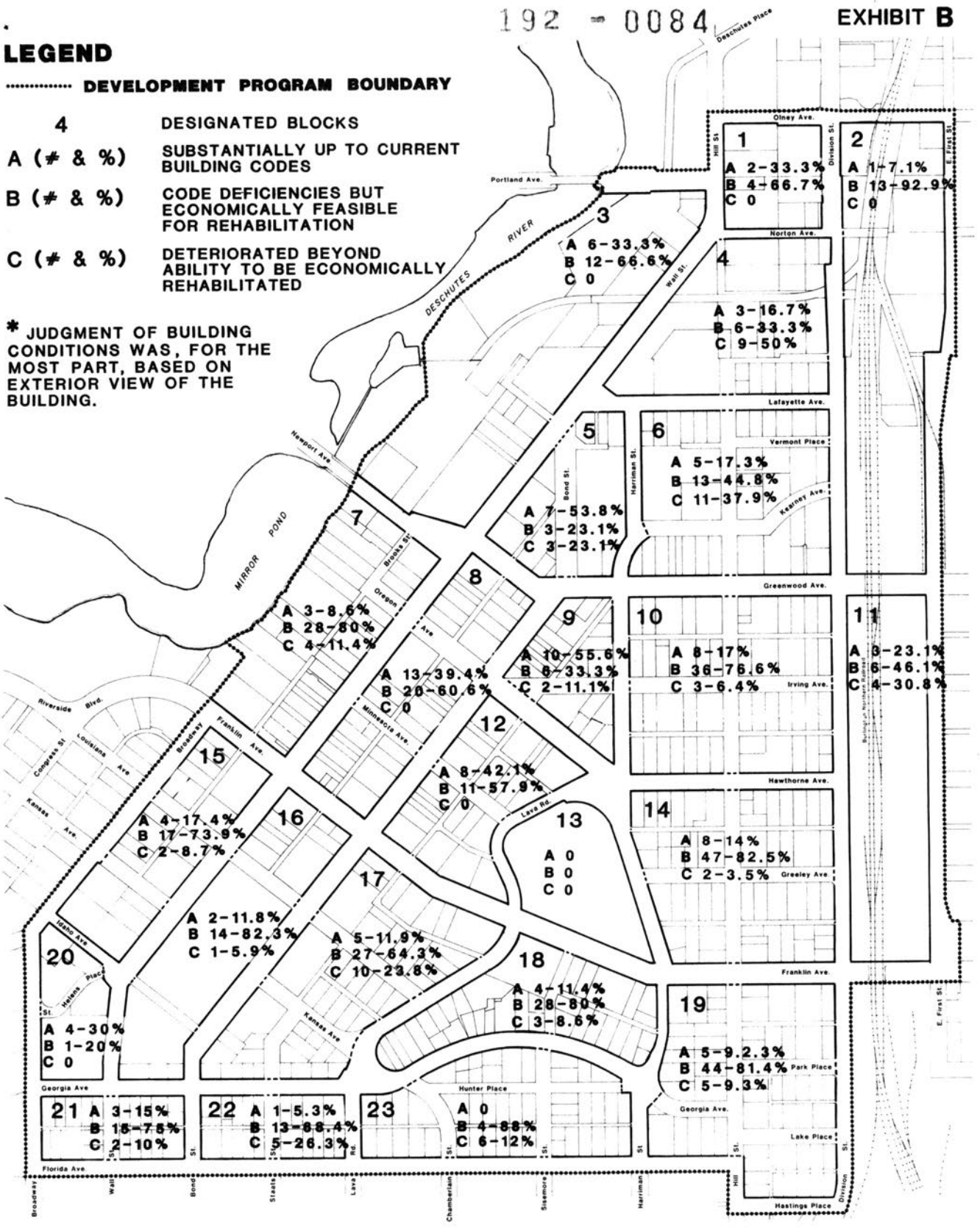
CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH
100 0 100 200 300 400 500
SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN
45 HAWTHORNE • MEDFORD, OREGON • 97504
Phone (503) 772-5203

192 - 0084

EXHIBIT B



CONDITION OF STRUCTURES...*

SUMMARY BY DESIGNATED BLOCKS

CENTRAL BEND DEVELOPMENT PROGRAM

BEND, OREGON

NORTH

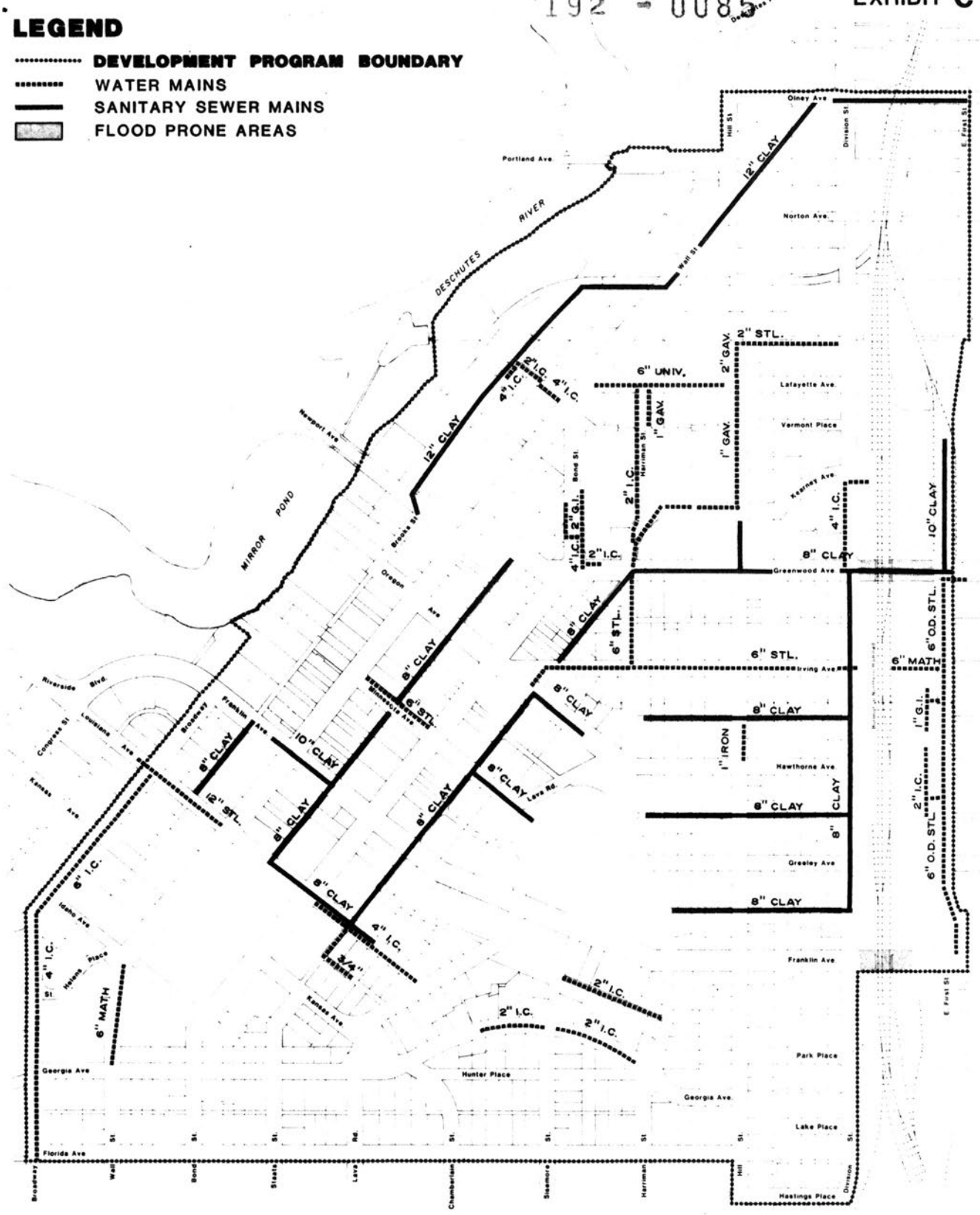
100 0 100 200 300 400 500

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • INTERIOR DESIGN
45 HAWTHORNE • MEDFORD, OREGON • 97504
Phone (503) 772-5203

192 - 0085

EXHIBIT C

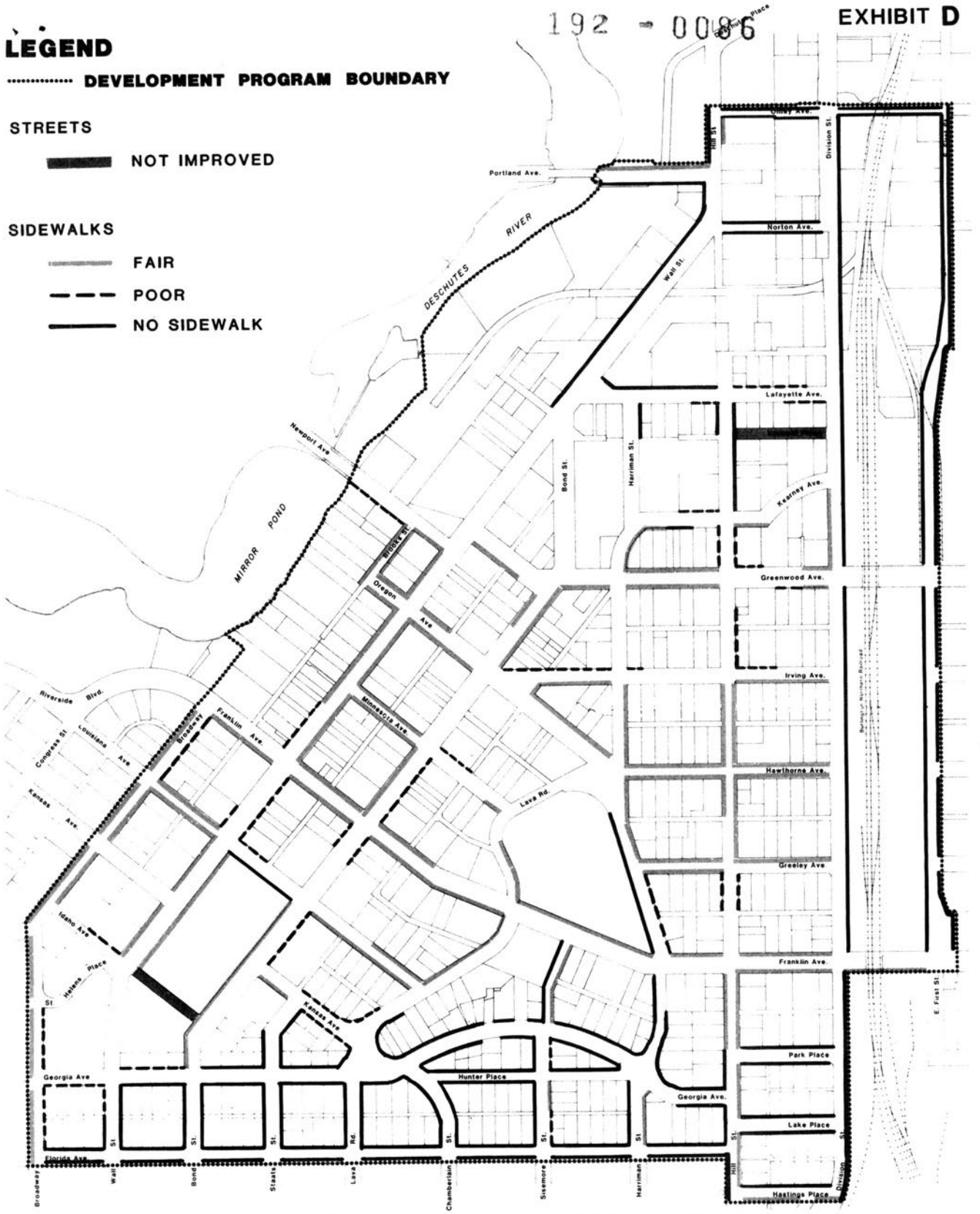


UTILITY DEFICIENCIES

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

192 - 0086

EXHIBIT D



STREET AND SIDEWALK DEFICIENCIES

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES

192 - 0087

EXHIBIT E

LEGEND

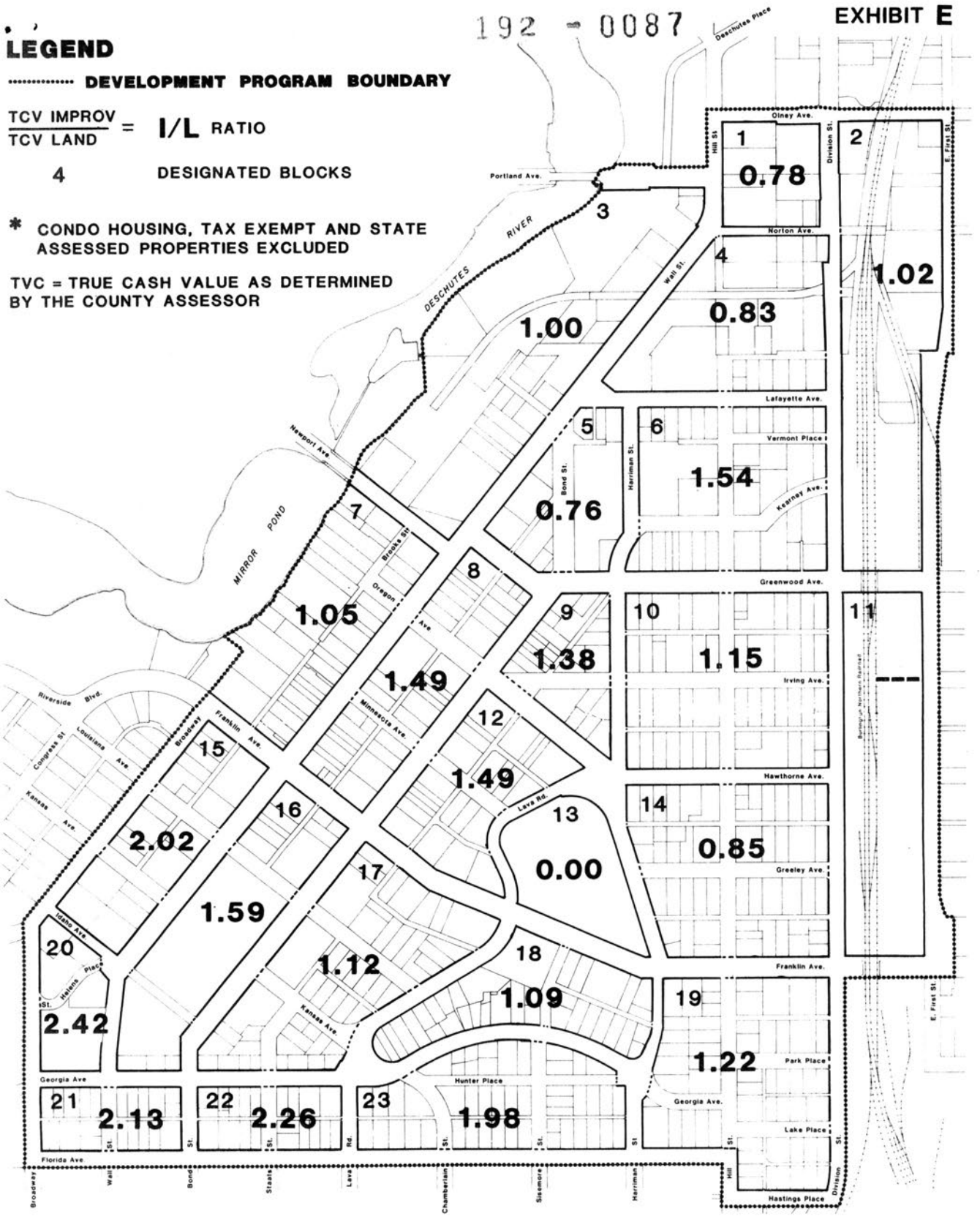
····· DEVELOPMENT PROGRAM BOUNDARY

TCV IMPROV / TCV LAND = I/L RATIO

4 DESIGNATED BLOCKS

* CONDO HOUSING, TAX EXEMPT AND STATE ASSESSED PROPERTIES EXCLUDED

TVC = TRUE CASH VALUE AS DETERMINED BY THE COUNTY ASSESSOR



RATIO OF LAND VALUES TO IMPROVEMENT VALUES...* SUMMARY BY DESIGNATED BLOCKS

CENTRAL BEND DEVELOPMENT PROGRAM

BEND, OREGON

NORTH

100 0 100 200 300 400 500

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES

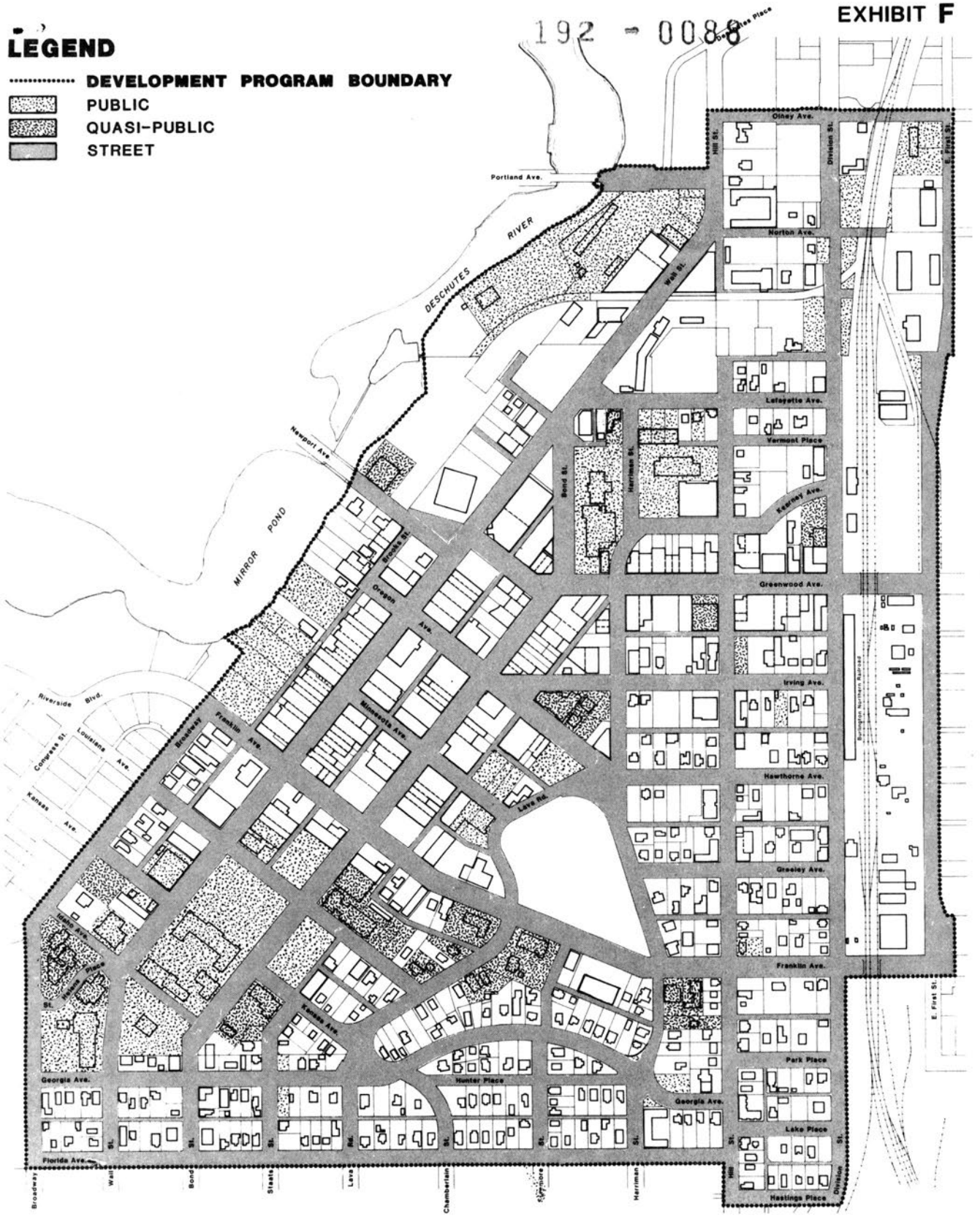
ARCHITECTURE • PLANNING • URBAN DESIGN

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Phone (503) 772-5203

EXHIBIT F

192 - 0088



TAX EXEMPT PROPERTIES

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH
100 0 100 200 300 400 500
SCALE IN FEET

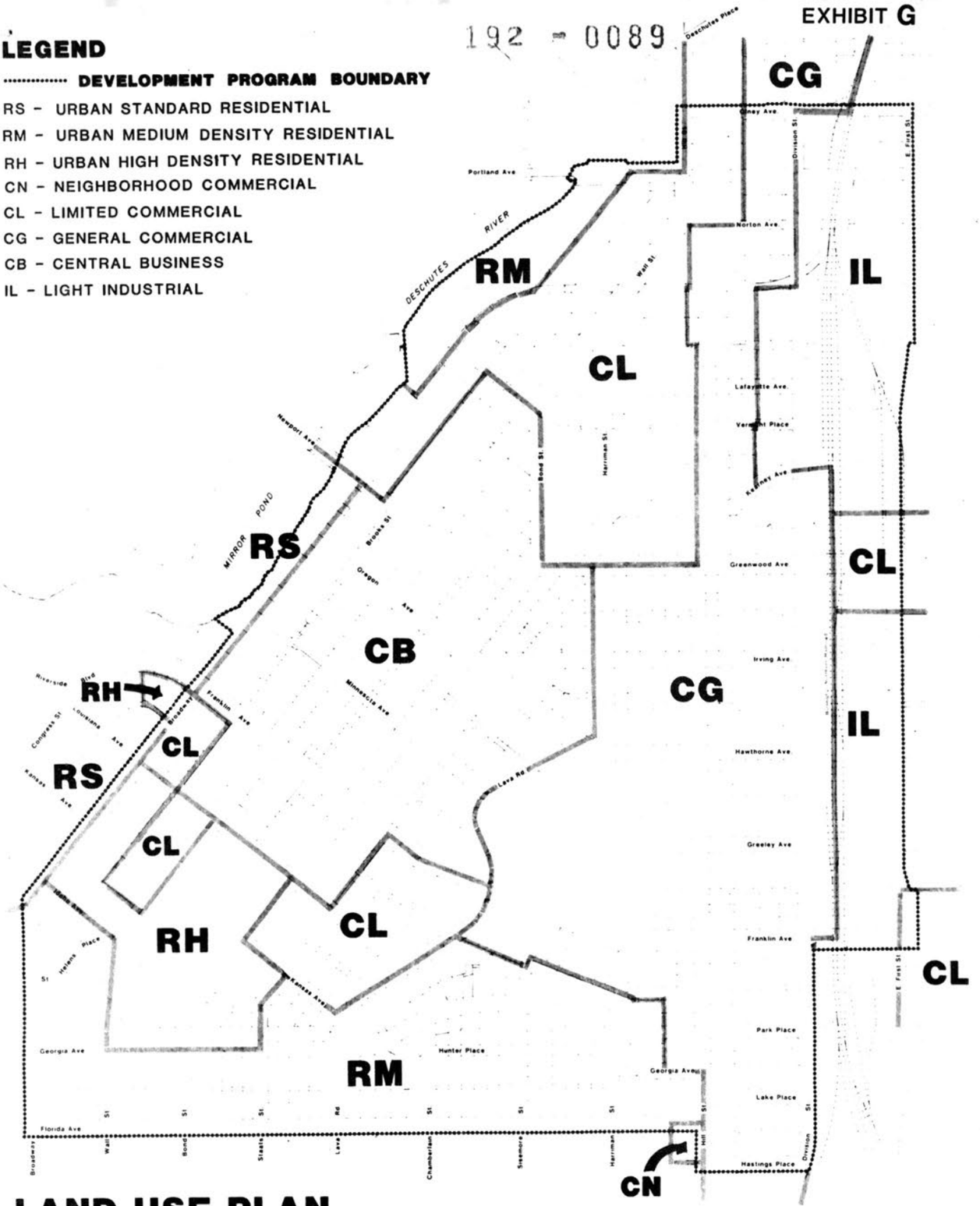
PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN
45 HAWTHORNE • MEDFORD, OREGON • 97504
Phone (503) 772-5203

EXHIBIT G

192 - 0089

LEGEND

- ····· DEVELOPMENT PROGRAM BOUNDARY
- RS - URBAN STANDARD RESIDENTIAL
- RM - URBAN MEDIUM DENSITY RESIDENTIAL
- RH - URBAN HIGH DENSITY RESIDENTIAL
- CN - NEIGHBORHOOD COMMERCIAL
- CL - LIMITED COMMERCIAL
- CG - GENERAL COMMERCIAL
- CB - CENTRAL BUSINESS
- IL - LIGHT INDUSTRIAL



LAND USE PLAN

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH

PATTERSON, STEWART and ASSOCIATES

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

89 SEP 13 PM 4:35

MARY SUE PENHOLLOW
COUNTY CLERK

BY. P Lee DEPUTY

NO. 89-23480 FEE 27.00

DESCHUTES COUNTY OFFICIAL RECORDS

City of Bend
W/pick up

ORDINANCE NO. NS-1500

AN ORDINANCE RELATING TO THE PARKING OF MOTOR VEHICLES AT PARKING FACILITIES, CREATING NEW PROVISIONS AND AMENDING ORDINANCE NO. NS-1361.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That portion of Ordinance No. NS-1361 known as Bend Code 6.020 is amended to read:

6.020 Definitions. In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

(1) Abandoned vehicle. A vehicle left unoccupied and unclaimed or in a damaged or dismantled condition on the streets or alleys of the city.

(2) Bus stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

(3) Holiday. New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed a holiday by the commission.

(4) Loading zone. A space on the edge of a roadway designated by sign for loading or unloading passengers or materials during specified hours of specified days.

(5) Motor vehicle. Every vehicle that is self-propelled, including tractors, forklift trucks, motorcycles, road-building equipment, street-cleaning equipment, and any other vehicle capable of moving under its own power, even if the vehicle is exempt from licensing under the motor vehicle laws of Oregon.

(6) Parking Facility. Any property used for motor vehicle parking.

(7) Pedestrian. A person afoot or confined to a wheelchair.

(8) Taxicab stand. A space on the edge of a roadway designated by sign for use by taxicabs.

(9) Traffic lane. The area of a roadway used for movement of a single line of traffic.

(10) Vehicle. As used in subsequent sections of this code, includes bicycles.

SECTION 2. That portion of Ordinance No. NS-1361 known as Bend Code 6.900 is amended to read:

6.900 Parking Penalties. A violation of sections 6.150 to 6.285 is punishable by:

2-Hour Parking Violation:
First overtime.....$ 5.00
Each additional overtime unit (2 hours).....$10.00
If not paid within 5 days of the ticket.....$15.00
Vehicles for Sale.....$25.00
If not paid within 5 day of the ticket.....$50.00
All Other Parking Violations.....$15.00
If not paid within 5 days of the ticket.....$30.00

SECTION 3. The following new provisions are added to and made a part of Bend Code Chapter 6:

6.157 Unlawful Parking of Vehicle for Sale at Parking Facility.

(1) No person shall leave or park a vehicle at a parking facility for the purpose of selling said vehicle, if there is a sign displayed, in plain view, at the facility, that complies with subsection (2), below.

(2) The sign prohibiting the parking of a vehicle for the purpose of sale shall state:

No Parking of Vehicles for Sale.
Violators will be Prosecuted.
Bend Code 6.157.

(3) The provisions of this code section supplement all other remedies available to owners of parking facilities relating to unlawfully parked vehicles, including ORS 98.805 - 98.818.

Read for the first time this 16th day of August, 1989.

Read for the second time this 6th day of September, 1989.

Placed upon its passage this 6th day of September, 1989.

YES: 6 NO: 1

Submitted to and approved by the Mayor this 6th day of Sept., 1989.

MAYOR

ATTEST:

Assistant Recorder-Treasurer

ORDINANCE NO. 1501

AN ORDINANCE OF THE CITY OF BEND, OREGON AUTHORIZING THE ISSUANCE AND SALE OF APPROXIMATELY $3,260,000 GENERAL OBLIGATION ADVANCE REFUNDING IMPROVEMENT BONDS, SERIES 1989; DESIGNATING BOND COUNSEL, AN ESCROW AGENT AND PAYING AGENT AND BOND REGISTRAR, AND FINANCIAL ADVISOR; AUTHORIZING THE PUBLICATION OF A NOTICE OF BOND SALE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bend, Oregon (the "Issuer"), on April 16, 1980 adopted Ordinance No. NS-1273 authorizing the issuance and sale of City of Bend Improvement Bonds, Series 20 in the amount of $4,340,000 (the "Prior Bonds") to provide funds for the construction of the Colorado Street Bridge Project, an east-west arterial connecting Colorado Avenue and Century Drive, a street overpass, street lights, sidewalks, bike paths, sewer and water lines, building removal and demolition and other improvements. The principal amount of $3,310,000 is outstanding on the Prior Bonds.

Oregon Revised Statutes Section 288.592(2) authorizes a public body to issue bonds to refund outstanding bonds (the "Refunding Bonds"). The proceeds of the Refunding Bonds shall be used solely to pay the principal and interest on the Prior Bonds plus costs of issuing the Refunding Bonds. The proceeds of the Refunding Bonds shall be used to pay debt service on the Prior Bonds within one year after the Refunding Bonds are issued and the Refunding Bonds shall be payable only from those sources of funds which were legally available to pay the Prior Bonds.

NOW, THEREFORE, to reduce debt service of the Prior Bonds, resulting in cost savings for the benefit of the people of the City of Bend, it is necessary and desirable for the City to authorize the sale of and the terms and conditions of the General Obligation Refunding Improvement Bonds, Series 1989, in an aggregate principal amount of $3,260,000.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

1. Issuance of Bonds. The City Commission of the Issuer authorizes the issuance and public competitive sale of approximately $3,260,000 of its Advance Refunding General Obligation Improvement Bonds, Series 1989 (the "Refunding Bonds"). The Refunding Bonds shall be serial, negotiable general obligation bonds of the Issuer and shall bear interest at a true effective rate not to exceed ten percent (10%) per annum, payable semi-annually on the first day of June and the first day of December of each year, commencing December 1, 1989.

2. Title and Execution of Refunding Bonds. The Refunding Bonds shall be entitled "City of Bend, Oregon Advance Refunding General Obligation Improvement Bonds, Series 1989" and shall be signed by the facsimile signature of the Mayor of the Issuer and the facsimile signature of the City Recorder.

3. Terms of Refunding Bonds. The Refunding Bonds shall be issued in fully registered form, shall be in denominations of Five Thousand Dollars ($5,000) each, or integral multiples thereof, shall be dated September 1, 1989, shall be numbered sequentially beginning with R-1, and shall mature serially in numerical order on the first day of June of each year, as follows:

Maturity Date	Principal Amount
1990	$ 65,000
1991	220,000
1992	240,000
1993	260,000
1994	275,000
1995	300,000
1996	325,000
1997	350,000
1998	375,000
1999	410,000
2000	440,000

4. Optional Redemption. The Refunding Bonds maturing after June 1, 1994 are redeemable at the option of the Issuer on or after June 1, 1994 and on any interest payment date thereafter at par value together with accrued interest to the date fixed for redemption. The Refunding Bonds are redeemable, in whole, or in part, in integral multiples of $5,000, in inverse order of maturity and by lot within a maturity.

Notice of redemption shall be published as provided by law and shall be given by registered or certified mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption to the registered owners of each Refunding Bond to be redeemed at the address shown on the registration books of the Issuer.

5. Payment of Refunding Bonds. The principal of the Refunding Bonds shall be payable upon presentation of the Refunding Bonds at maturity at the principal corporate trust office of the Paying Agent in Portland, Oregon. Payment of each installment of interest due on June 1 and December 1 of each year shall be made by check or draft of the Paying Agent mailed on each interest payment date to the registered owner thereof whose name and address appears on the registration books of the Issuer maintained by the Paying Agent as of the close of business on the 15th day of the month next preceding any interest payment date.

6. Form of Refunding Bonds. The Refunding Bonds shall be issued substantially in the form as approved by the City Attorney, Bond Counsel and the Financial Advisor.

7. Appointment of Paying Agent and Bond Registrar. The Issuer designates the Security Pacific Bank Oregon as the Paying Agent and Bond Registrar of the Refunding Bonds. The City Recorder is authorized to negotiate and execute on behalf of the Issuer a Paying Agent and Bond Registrar Agreement, as approved as to form by the City Attorney. The Agreement shall provide for compliance with Oregon Administrative Rule 170-61-010. In addition, the City Commission requests and authorizes the Bond Registrar to execute each Refunding Bond Certificate of Authentication as of the date of delivery of the Refunding Bonds.

8. Transfer of Refunding Bonds. The Refunding Bonds are transferable, or subject to exchange, for fully registered Refunding Bonds in the denomination of $5,000 each or integral multiples thereof by the registered owner thereof in person, or by the owner's attorney, duly authorized in writing, at the office of the Bond Registrar. The Paying Agent shall maintain a record of the names and addresses of the registered owners of the Refunding Bonds. The records of registered bond ownership are not public records within the meaning of Oregon Revised Statutes 192.410(4).

All bonds issued upon transfer of or in exchange for Refunding Bonds shall be valid general obligations of the Issuer evidencing the same debt and shall be entitled to the same benefits as the Refunding Bonds surrendered for such exchange or transfer. All fees, expenses and charges of the Paying Agent and Bond Registrar shall be payable by the Issuer. The Bond Registrar shall not be required to transfer or exchange any Refunding Bond after the close of business on the 15th day of the month next preceding any interest payment date or transfer or exchange any Refunding Bond called or being called for redemption.

9. Printing of Refunding Bonds. The City Recorder is authorized to contract for the printing of the Refunding Bonds. The City Recorder may provide for the printing of, in addition to the original issue of Refunding Bonds, additional bonds to be printed in blank form. The additional bonds shall be dated as of September 1, 1989, shall be signed by the facsimile signature of the present Mayor of the Issuer and by the facsimile signature of the present City Recorder, and the Bond Registrar shall manually sign the Certificate of Authentication as of the date of transfer of the Refunding Bonds.

10. Security for the Refunding Bonds. The Prior Bonds were issued to finance the Colorado Street Bridge Project and were secured as provided in Ordinance No. NS-1273. The Prior Bonds were payable from semi-annual assessment lien payments by the benefited property owner and by the full faith and credit of the City. The Refunding Bonds are secured by those sources of funds which were legally available to pay the Prior Bonds. The City Commission each year

shall levy a direct property tax in such amount as will be sufficient to pay in full the principal of and the interest upon the Refunding Bonds at the respective due dates thereof after first taking into consideration the other sources of funds available for such payment thereof.

11. Covenant as to Arbitrage. The proceeds of the Refunding Bonds shall be used and invested in such manner that the Refunding Bonds shall not become "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, (the "Code") and the applicable regulations. The Issuer covenants that, within its lawful powers, it will refrain from doing anything in the issuance of the Refunding Bonds and in the investment and expenditure of the proceeds thereof which would result in the interest on the Refunding Bonds becoming taxable for federal income tax purposes.

12. Designation as Qualified Tax-Exempt Obligations. The Issuer hereby designates the Refunding Bonds for purposes of paragraph (3) of Section 265(b) of the Code as "qualified tax-exempt obligations" and covenants that the Refunding Bonds do not constitute private activity bonds as defined in Section 141 of the Code, and that not more than $10,000,000 aggregate principal amount of obligations, the interest on which is excludable under Section 103(a) of the Code from gross income for federal income tax purposes including all subordinate entities of the Issuer, if any, during the calendar year 1989.

13. Sale of Refunding Bonds. The City Recorder is authorized to establish a date of sale and to advertise the Refunding Bonds for public sale at a price not less than 99 percent (99%) of par value thereof and accrued interest to the date of delivery. The Notice of Bond Sale shall be published as provided by law. The Notice of Bond Sale shall specify that the Issuer reserves the right to reject any and all bids, and in all other respects the Notice shall comply with the provisions of Chapter 287 of Oregon Revised Statutes, as amended. All rates bid must be in integral multiples of one-eighth or one-twentieth of one percent. All bonds of the same maturity must bear a single rate from the date of issue to maturity. The maximum true effective rate of interest on the Refunding Bonds shall not exceed ten percent (10%). The interest rate named for the Refunding Bonds of any maturity shall not be less than the interest rate named for the Refunding Bonds of any earlier maturity. The maximum interest rate for any one maturity shall not exceed twelve percent (12%).

14. Change in Serial Maturities. The principal amount and the annual principal of the Refunding Bond maturities may be modified in insubstantial amounts to provide for any changes in the principal amounts of Refunding Bonds as may be required for the purchase of sufficient Government Obligations for deposit into the Escrow Deposit Fund under the Escrow Deposit Agreement between the City and the Escrow Agent. Changes, if any, will be authorized by action of the City Commission immediately prior to the award of the bid.

Interested bidders shall contact the City's Financial Advisor the business day prior to the day of the receipt of bids for any changes in principal amount of the Refunding Bonds and, if so, as to changes in the scheduled serial maturities.

15. Escrow Agreement and Escrow Agent. The City Commission authorizes the City Manager to enter into, on behalf of the City and as approved by the City Attorney, an Escrow Agreement with Security Pacific Bank Oregon Escrow Agent providing for the deposit of substantially all of the proceeds of the Refunding Bonds into an Escrow Fund. Sufficient Government Obligations shall be purchased with such proceeds to provide funds to retire, discharge and fully refund the Prior Bonds on June 1, 1990.

The City Commission, upon deposit of such bond proceeds and the purchase of such Government Obligations, does irrevocably call and redemption the Prior Bonds on June 1, 1990.

16. Appointment of Bond Counsel. Messrs. Rankin VanRosky Doherty MacColl & Mersereau of Portland, Oregon are appointed Bond Counsel for the issuance of the Refunding Bonds.

17. Appointment of Financial Advisor. Seattle-Northwest Securities Corporation, Portland Office, is appointed Financial Advisor to the Issuer for the Refunding Bonds.

18. Preliminary and Final Official Statement. The Issuer shall prepare, with the assistance of its Financial Advisor, a preliminary official statement for the Refunding Bonds, which shall be available for distribution to prospective bidders not later than the date on which the Notice of Bond Sale is first published. When advised by staff that the final official statement does not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements contained in the official statement not misleading in light of the circumstances under which they are made, the City Recorder is authorized to certify the accuracy of the official statement on behalf of the Issuer.

19. Emergency. It is hereby declared that the Issuer must proceed promptly with the refunding to effect a cost savings to the Issuer and this Ordinance is necessary for the immediate preservation of the public peace, health and safety and this Ordinance shall be in full force and effect from and after its adoption by the City Commission.

Read for the 1st time this 16th day of August, 1989.

Read for the 2nd time this 6th day of September, 1989.

Placed upon its passage this 6th day of September, 1989.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 6th day of September, 1989.

MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1502

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RM URBAN MEDIUM DENSITY RESIDENTIAL TO CL LIMITED COMMERCIAL

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 amended by changing the designation of the following described property from RM Urban Medium Density Residential to CL Limited Commercial:

Lots 15, 16, and 17, Block 10, Lytle Addition, Deschutes County, Oregon.

Read for the first time the 20th day of September, 1989.

Read for the second time the 4th day of October, 1989.

Placed upon its passage the 4th day of October, 1989.

YES: 7 NO: 0

Approved by the Mayor the 4th day of October, 1989.

MAYOR

ATTEST:

Recorder-Treasurer

Repealed by Ord. NS-1554, dated Jan. 15, 1992

9

ORDINANCE NO. NS-1503

AN ORDINANCE AMENDING ORDINANCE NO. NS-1403 RELATING TO CREATION OF AN URBAN RENEWAL DISTRICT IN THE CITY OF BEND TO ENLARGE THE NUMBER OF MEMBERS ON THE AGENCY'S BOARD OF DIRECTORS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2 of Ordinance No. NS-1403 is amended to read:

Section 2. The City Commission hereby declares, pursuant to ORS 457.045 (2), that all of the rights, powers, duties, privileges, obligations, and immunities granted to and vested in an Urban Renewal Agency by the laws of the State of Oregon, shall be exercised by and vested in the [seven] nine member board hereby declared to be known as the Bend Development Board. The Bend City Commission may also, from time to time, appoint ex-officio board members to the Bend Development Board. The Bend Development Board henceforth shall be the duly designated urban renewal agency of the City of Bend, Oregon, pursuant to ORS Chapter 457.

SECTION 2. Section 3 of Ordinance No. NS-1403 is amended to read:

Section 3. The members of the Urban Renewal Agency created by this ordinance and their terms of office shall be designated by [resolution of] the City Commission.

Read for the first time this 18th day of October, 1989.

Read for the second time this 1st day of November, 1989.

Placed upon its passage this 1st day of November, 1989.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 1st day of November, 1989.

MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1504

AN ORDINANCE AMENDING THE CITY OF BEND PUBLIC PROTECTION AND TRAFFIC CODE, ORDINANCE NO. NS-1361, AS AMENDED, TO INCORPORATE 1989 STATE LEGISLATIVE AMENDMENTS TO STATE LAWS ADOPTED BY THE CITY AS CITY ORDINANCES AND UPDATING ALL CITY ORDINANCE REFERENCES TO STATE LAW.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 5.005 of the City of Bend Public Protection and Traffic Code, Ordinance No. NS-1361, as amended, is amended to read as follows:

5.005 APPLICATION OF THE OREGON CRIMINAL PROCEDURES AND PENALTIES. 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 apply to offenses defined and made punishable by the City of Bend Criminal Code. Amendments to the above-mentioned provisions of the Oregon Criminal Code made by the 1983, 1985, [and] 1987 and 1989 Oregon Legislatures shall be amendments to this section.

SECTION 2. Section 5.020 of the City of Bend Public Protection and Traffic Code, Ordinance No. NS-1361, as amended, is amended to read as follows:

5.020 APPLICATION OF THE OREGON CRIMINAL CODE. Violations of the Oregon Criminal Code, for misdemeanors and violations set forth in ORS Chapters 162, 163, 164, 166 and 167 and those provisions relating to controlled substances in ORS 475 and alcohol in ORS 471 and 472 are municipal ordinance offenses against the City of Bend. Amendments to the chapters of ORS incorporated herein made by 1983, 1985, [and] 1987 and 1989 Oregon Legislatures shall be amendments to this section.

SECTION 3. Section 6.015 of the City of Bend Public Protection and Traffic Code, Ordinance No. NS-1361, as amended, is amended to read as follows:

6.015 APPLICATION OF STATE TRAFFIC LAWS. A violation of the provisions of the Oregon Vehicle Code in ORS Chapters 801 through 822 and ORS 476.715 is a municipal ordinance offense against the City of Bend. The provisions of ORS Chapter 153 shall be applicable to all actions filed in Bend Municipal Court which allege a violation of this section. Amendments to the chapters of ORS incorporated herein made by the 1983, 1985, [and] 1987 and 1989 Oregon Legislatures shall be amendments to this section.

SECTION 4. All references to Oregon law contained in City of Bend ordinances are hereby amended to refer to Oregon law as it currently exists and as amended by the 1989 State Legislature.

SECTION 5. The effective dates for the 1989 amendments to Oregon law made by the State Legislature shall be the same effective dates for the City of Bend's adoptions and references to Oregon law.

SECTION 6. This ordinance shall not affect:

(1) Any offense or act committed or done, or any penalty or forfeiture incurred prior to the effective date of this ordinance; nor

(2) Any prosecution, suit or proceeding at the time this ordinance is enacted; nor

(3) Any judgment rendered prior to the time this ordinance is enacted.

SECTION 7. If any section, subsection, clause, phrase, or portion of this ordinance or the State laws that it adopts or refers to is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Read for the first time this 20th day of December, 1989.

Read for the second time this 17th day of January, 1990.

Placed upon its passage this 17th day of January, 1990.

YES: 5 NO: 0

Submitted to and approved by the Mayor this 17th day of January, 1990.

Dane K Davis
MAYOR

ATTEST:

Recorder-Treasurer for the City of Bend

ORDINANCE NO. NS-1505

AN ORDINANCE CHANGING THE REGULAR MEETING TIME OF THE BEND CITY COMMISSION FOR THE FIRST MEETING IN JULY, 1990.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

The meeting time of the Bend City Commission for the first regular meeting of July, 1990, is hereby changed from Wednesday, July 4, 1990 to Monday, July 2, 1990. The meeting time shall be 7:30 p.m.

Read for the first time this 17th day of January, 1990.

Read for the second time this 7th day of February, 1990.

Placed upon its passage this 7th day of February, 1990.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of February, 1990.

Dane K Davis
MAYOR

ATTEST:

Recorder-Treasurer for the City of Bend

ORDINANCE NO. NS-1506

AN ORDINANCE VACATING A PORTION OF THURSTON AVENUE, RIM WALKWAY, AND THE ALLEY BETWEEN RIVERSIDE ADDITION AND THE REPLAT OF BLOCKS 1 AND 2 RIVERSIDE ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS; A petition having been presented to the Bend City Commission requesting that the following described area be vacated:

1. A portion of Thurston Ave., lying within the plat of Riverside: Commencing at the southeast corner of Block 1, Riverside plat; Thence West along the north line of Thurston Ave., 245.87 feet to the point of curvature and the Point of Beginning; Thence along the arc of a 114.13 foot radius curve right, 179.28 ft. (chord bears N45°W, 161.40 ft.); Thence North 45.87 ft. to the north line of the east-west alley in said Block 1; Thence West 60 ft.; Thence South 45.87 ft.; Thence along the arc of a 174.13 foot radius curve left, 164.44 ft. (chord bears S27°03'13"E, 158.40 ft.); Thence along the arc of a 206.93 foot radius non-tangent curve right, 106.76 ft. (chord bears N75°13'11"E, 105.58 ft.) to the Point of Beginning.

2. A portion of the east-west alley in Block 1 Riverside plat described as follows: Beginning at the northwest corner of Lot 16 Block 1 in said plat; a point on the south line of this alley and the east line of Thurston Ave.; Thence East, 160 feet to a point on the lot line between Lots 14 and 15, Block 1; Thence North, 20 feet; Thence West, 160 feet; Thence South, 20 feet to the Point of Beginning.

3. A portion of Rim Walk Way as platted in the Replat of Blocks 1 and 2 Riverside Addition described as follows: Beginning at the southwest corner of Lot 3 Block 1 of said Replat; Thence N5°23'W, 150.49 ft.; Thence N9°22'30"W, 116.64 ft.; Thence N10°27'30"W, 116.77 ft.; Thence N11°27'30"W, 51.93 ft.; Thence N9°01'W, 75.23 ft.; Thence N3°28'W, 27.92 ft. to the northwest corner of Lot 7, Block 1 of said plat; Thence S55°47'W, 16.29 ft. to the westerly side of said Rim Walk Way; Thence S3°28'E, 20.27 ft.; Thence S9°01'E, 76.21 ft.; Thence S11°27'30"E, 52.10 ft.; Thence S10°27'30"E, 116.52 ft.; Thence S9°22'30"E, 116.04 ft.; Thence S5°23'E, 148.67 ft.; Thence East, 14.06 ft. to the Point of Beginning.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation, and the said petition 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:

That portion of Thurston Avenue, Rim Walk Way, and the alley between Riverside Addition and the Replat of Blocks 1 and 2 of Riverside Addition.

The City Commission of the City of Bend have fixed the 7th day of September 1988, at 7:30 P.M. in the City Commission Chambers at 720 NW Wall Street, City of Bend, as the time and place for the 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 planned unit development should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED that the above described property be and the same hereby is vacated by reserving to the City of Bend all public streets, 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 be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

This ordinance corrects and repeals Ordinance No. NS-1490 passed and approved the 5th Day of April, 1989.

Read for the first time the 21st day of February, 1990.

Read for the second time the 7th day of March, 1990.

Placed upon its passage the 7th day of March, 1990.

Yes: 7 No: 0

Submitted to and approved by the Mayor the 7th day of March, 1990.

Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

Repealed by Ord. # NS-1554, dated Jan 15, 1992

ORDINANCE NO. NS-1507

AN ORDINANCE AMENDING ORDINANCE NO. NS-1403 RELATING TO THE BEND DEVELOPMENT BOARD TO RESERVE THREE BOARD POSITIONS FOR CITY COMMISSION MEMBERS, ADDING NEW PROVISIONS RELATING TO BOARD MEMBERS' TERMS IN OFFICE AND REVISING PROVISIONS RELATING TO THE ADMINISTRATION OF OATHS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That portion of Ordinance No. NS-1403 known as Bend Code 1.512 is amended to read:

1.512 Establish and Empower the Bend Development Board. The City Commission hereby declares, pursuant to ORS 457.045(2), that all of the rights, powers, duties, privileges, obligations, and immunities granted to and vested in an urban renewal agency by the laws of the State of Oregon, shall be exercised by and vested in the nine member board hereby declared to be known as the BEND DEVELOPMENT BOARD. Three of the nine positions shall be filled by members of the Bend City Commission. The Bend City Commission may also, from time to time appoint ex-officio board members to the Bend Development Board. The Bend Development Board henceforth shall be the duly designated urban renewal agency of the City of Bend, Oregon, pursuant to ORS Chapter 457.

SECTION 2. That portion of Ordinance No. NS-1403 known as Bend Code 1.514 is amended to read:

1.514 Appointment and Terms of Office. The members of the urban renewal agency created by this ordinance and their terms of office shall be designated by the City Commission. A Commissioner's appointment to the Bend Development Board shall automatically terminate at such time as the Commissioner ceases to serve on the Bend City Commission. The appointment of any member of the Bend Development Board who occupies one of the six Board positions that are not designated for a City Commissioner, shall automatically terminate upon the election or appointment of that Board member to the Bend City Commission.

SECTION 3. That portion of Ordinance No. NS-1403 known as Bend Code 1.516 is amended to read:

1.516 Oath and Affirmation of Office. [The foregoing persons] Board members shall assume office [upon the effective date of this ordinance and] after taking an oath or affirmation of office to be administered by [the City Recorder of the City of Bend, Oregon.] a person empowered to administer oaths by the Charter of the City of Bend.

Read for the first time this 21st day of February, 1990.

Read for the second time this 7th day of March, 1990.

Placed upon its passage this 7th day of March, 1990.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of March, 1990.

Dave K. Davis
MAYOR

ATTEST:

Recorder-Treasurer

95-27771

ORDINANCE NO. NS-1508

AN ORDINANCE VACATING TWO PARCELS OF THE RIGHT OF WAY OF WILMINGTON AVENUE LYING WITHIN THE PLAT OF BEND VIEW ADDITION.

The Bend City Commission on the 3rd day of January 1990, on its own motion did request that three parcels of the right of way of Wilmington Avenue lying between Eastes Street and 5th Street in Bend, Deschutes County, Oregon be vacated.

The Recorder of the City of Bend thereafter caused a notice of intent to vacate the above-described portions of Wilmington Street to be published, as provided by ORS 271.110, in the Bulletin, once each week for four consecutive weeks.

Within 5 days after the first day of the publication of said notice, the City Recorder 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. The first publication and posting of said notice occurred not less than 28 days before the hearing for said proposed vacation.

The City Commission of the City of Bend fixed the 7th day of February 1990 at 7:30 P.M. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, as the time and place for the hearing upon said proceedings. At that time the City Commission heard all objections to the proposed vacation.

Based upon the objection of one of the affected property owners, the area to be vacated was reduced to include only the two parcels of Wilmington Street that adjoin the Heights of Bend subdivision. These two parcels are located wholly within the area originally proposed to be vacated. The City Commission having now determined that a majority of owners affected by the vacation have not objected to the proposed vacation in writing, that the vacation will not substantially affect the market value of affected property and that the public interest will not be prejudiced by the proposed vacation,

NOW, THEREFORE, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

IT IS HEREBY ORDERED that the following two parcels of right of way located within Bend, Deschutes County, Oregon be vacated:

1. That portion of Wilmington Avenue lying immediately east of NW 7th Street, described as follows: Beginning at the northwest corner of Block 3; Bend View Addition; Thence northeasterly on an arc of a 50 foot radius non-tangent curve left, 47.03 feet (chord bears N 26°10' 52" E, 45.31 feet) to the north line of said plat; Thence N 89° 55' 34" E, along said north line, 105.00 feet; Thence South, 40.80 feet to the north line of said Block 3; Thence West 125.00 feet to the point of beginning.

2. That portion of Wilmington Avenue lying immediately west of NW 7th Street, described as follows: Beginning at the northeast corner of Block 4; Bend View Addition; Thence northwesterly on an arc of a 50 foot radius non-tangent curve right, 46.91 feet (chord bears N 26° 15' 49" W, 45.21 feet) to the north line said plat; Thence S 89° 55' 34" W along said north line, 109.93 feet; Thence South, 40.40 feet to the north line of said Block 4; Thence East, 129.94 feet to the point of beginning.

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 providing 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 March, 1990.

Read for the second time the 4th day of April, 1990.

Placed upon its passage the 4th day of April, 1990.

Yes: 6 No: 0

Authenticated by the Mayor the 4th day of April, 1990.

Paul K Dais
Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

95 AUG -9 PM 12:28

MARY SUE PENHOLLOW
COUNTY CLERK

BY. J Wallace DEPUTY

NO. 95-27771 FEE 10.00

DESCHUTES COUNTY OFFICIAL RECORDS

ORDINANCE NO. NS-1509

AN ORDINANCE AMENDING ORDINANCE NO. NS-1442, BEND CODE CHAPTER 3, TO REVISE THE DEFINITION OF GROSS OPERATING REVENUE OF A TELECOMMUNICATIONS UTILITY AND TO REVISE FRANCHISE FEE PROVISIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That section of Ordinance No. NS-1442 known as Bend Code 3.102 (1)(a) is amended to read:

3.102 (1)(a) [Telephone and] Telecommunications Utilities.

Gross operating revenue of a telecommunications utility [engaged in a telephone or telecommunications business includes all local service revenues, as presently defined in the uniform system of accounts adopted by the Federal Communications Commission applicable to said utility, earned within the City. In no event, however, shall gross operating revenue of a public utility engaged in a telephone or telecommunications business include proceeds from competitive telecommunications services, defined as service other than noncompetitive local exchange telecommunications access service.] means revenues derived from exchange access services, as defined by ORS 401.710 (6), less net uncollectibles from such revenues.

SECTION 2. That section of Ordinance No. NS-1442 known as Bend Code 3.112 is amended to read:

3.112 Fees and Payment. Utilities shall pay the following percentage of their gross operating revenue to the City of Bend as a license fee:

(1) Telecommunications utilities: 7.0%.

(2) Gas utilities: 4.5%.

(3) All other utilities: 5.0%.

[The license fee for all utilities, with the exception of gas utilities, shall be five percent of the gross revenues received by the utility for each month of licensed operation, commencing August 1st 1986 until July 31st 1991. The license fee for gas utilities shall be four and one-half percent of gross revenues. After July 31st 1991, the license fee shall be three and a half percent for electric utilities and three percent for all other utilities licensed under this section unless said rate is changed by the City Commission.]

The licensee shall pay the license fee to the Treasurer of the City within 35 days of the end of the month of operation for which the license fee is due.

SECTION 3. EFFECTIVE DATE. Sections 1 and 2 shall become effective on July 1, 1990.

Read for the first time this 2nd day of May, 1990.

Read for the second time this 16th day of May, 1990.

Placed upon its passage this 16th day of May, 1990.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 16th day of May, 1990.

Dave K Davis
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1510

AN ORDINANCE AMENDING ORDINANCE NO. NS-1442 TO ALLOW THE FRANCHISED SALE OF CITY WATER FOR USE OFF THE PREMISES OF THE PURCHASER AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That portion of Ordinance No. NS-1442 known as Bend Code 3.200 is amended to read:

3.200 Restrictions on Use. No person supplied with water from the City of Bend water mains shall use City water for any purpose other than those stated in the user's application for City water service. Further, all City supplied water must be used on the premises described in the user's application for City water service and may not be given to others to be used off the user's premises [.] with the exception of water sales authorized pursuant to Bend Code 3.220.

SECTION 2. That portion of Ordinance No. NS-1442 known as Bend Code 3.208 is amended to read:

3.208 Sale of Water Prohibited. No person, firm, corporation or water user shall sell or collect any consideration for the use of water without permission from the City Water Department [.] or without a franchise to sell water as provided in Bend Code 3.200.

SECTION 3. The following new code provisions are added to and made a part of Ordinance No. NS-1442 to read as follows:

3.220 Franchise Sales of City Water. The Bend City Commission may enter into a franchise agreement with a private party to supply excess City water to water users who do not have water utility service available to their property.

SECTION 4. This ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Bend as the passage of this ordinance is needed to assure the continued supply of water to Bend area residents.

Read for the first time this 2nd day of May, 1990.

Read for the second time this 16th day of May, 1990.

Placed upon its passage this 16th day of May, 1990.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 16th day of May, 1990.

Dave K. Davis
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1511

AN ORDINANCE GRANTING A WATER DISPENSING FRANCHISE TO JUNIPER INVESTMENTS, INC. PURSUANT TO THE PROVISIONS OF BEND CODE 3.220 AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City of Bend, an Oregon municipal corporation, hereinafter "City," hereby grants to Juniper Investments, Inc., an Oregon corporation, hereinafter "Juniper," a non-exclusive franchise to sell City water for a period of seven years from the effective date of this ordinance.

SECTION 2. In consideration of the grant of this franchise, Juniper agrees to construct a water dispensing facility for use by area water users and haulers on a tract of property on Boyd Acres Road within the Bend urban growth boundary. It is anticipated that the property on which Juniper's standpipe is located will be annexed to the City of Bend prior to the effective date of this ordinance. The water dispensing facility shall include, at a minimum, the following: a 6' x 4' utility shed, a steel standpipe assembly of sufficient height to service water hauling trucks, a 12' x 20' concrete slab centered under the standpipe, sloped to provide for drainage into a drain on the slab, an adequate drainage system to handle water spills, a paved entrance driveway of at least 70' in length up to the location of the standpipe, a separate entrance and exit for vehicles using the standpipe, a water meter and a 2" water service line from the City's water service connection location for user's property to the location of the standpipe. Juniper shall obtain appropriate land use approval for this operation and shall commence operations by July 1, 1990. Juniper shall not change the location of the water dispensing facility without the prior written approval of the City Manager.

SECTION 3. City agrees to sell City water to Juniper, upon such terms and conditions as apply to City metered water users, with the exception of any contrary and additional provisions contained in this franchise, upon Juniper's execution of a standard City water service agreement and payment of a water system general benefit fee. The City shall charge Juniper the metered water rate charged City residents as long as the water dispensing facility is located and operated within the corporate limits of the City of Bend. If the water dispensing facility is relocated outside of the corporate limits of the City of Bend, Juniper shall pay the metered water rate charged outside City water users. The City's metered water rates City residents may be increased by the City during the term of this franchise.

SECTION 4. City will provide water to Juniper as long as there is a surplus supply of City water. In the event of a City water shortage, City may discontinue selling water to Juniper upon sixty days written notice.

SECTION 5. Juniper agrees that it shall dispense water to any person desiring to purchase water in bulk without discrimination between users and shall not give any person any preference or advantage not available to all persons similarly situated.

SECTION 6. Juniper hereby agrees that it will not charge a rate in excess of 75 cents per 200 gallons of water for the water supplied pursuant to this agreement. The actual cost of any increase in the City's inside City, metered water rates per 200 gallons charged to Juniper may be charged to the water user by increasing the limit of 75 cents per 200 gallons to include recover the increased water cost.

SECTION 7. Juniper agrees to provide the City of Bend with 90 days written notice prior to discontinuing franchised bulk water sales.

SECTION 8. Juniper hereby covenants and agrees to protect and save City, its officers, employees and agents harmless against and from any and all damage claims, and any and all loss, liability, cost or expense occasioned by any act or omission of Juniper, its agents or employees, in the construction, maintenance, operation or repair of

Juniper's water dispensing operation or any use thereof by any person; except such claims, loss, liability, cost or expense which may result solely from the negligent acts or omissions of City; and Juniper shall at all times comply with any lawful present or future laws or regulations of the City relating to the use of City's water system.

SECTION 9. Juniper agrees to maintain, during the life of this agreement, the following types and amounts of insurance coverage:

A. Worker's compensation insurance as required by Oregon law.

B. Bodily injury and property damage liability insurance in an amount not less than the tort liability limits of the City established by the Oregon Legislature and as those limits may be amended during the term of this agreement.

Juniper further agrees to provide proof of such insurance coverage to City prior to commencing activities required or authorized by this agreement.

SECTION 10. Juniper hereby agrees to comply with all laws regarding the operation of the water facility and with the provisions of this agreement and to pay for City water charges when due. A violation of this ordinance is a Class A civil infraction and shall be enforced according to the provisions of Bend Code 1.700 - 1.736. The City of Bend may terminate this franchise for any uncorrected or repeated violation of this agreement by Juniper. City will provide Juniper with notice and a hearing prior to termination.

SECTION 11. Juniper shall indicate its acceptance of the terms of this franchise agreement by commencing construction of the improvements listed in Section 2 above and by filing a written notice of acceptance of the terms of this franchise with the City's Recorder-Treasurer on or before July 1, 1990. This ordinance shall become null and void on July 1, 1990 if Juniper has not commenced construction and filed a notice of acceptance by that date.

SECTION 12. This ordinance shall become effective upon passage. The immediate passage of this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Bend as the water supply for numerous residents of the Bend area from the existing City of Bend standpipe will be terminated if this ordinance is not adopted.

Read for the first time this 2nd day of May, 1990.

Read for the second time this 16th day of May, 1990.

Placed upon its passage this 16th day of May, 1990.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 16th day of May, 1990.

Paul K. Dyni
MAYOR

ATTEST:

James O. Kaufman
Recorder-Treasurer

ORDINANCE NO. NS-1512

AN ORDINANCE VACATING ALL OF THAT CERTAIN ALLEY IN THE SUBDIVISION OF LOT 2, BLOCK 12, NORTH ADDITION.

A petition having been presented to the Bend City Commission on the 20th day of September, 1989, requesting that the following described area be vacated:

> All of that certain Alley in the Subdivision of Lot 2, Block 12, North Addition, Deschutes County, Oregon.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation and the said vacation, and the said petition 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 OF PUBLIC HEARING
FOR VACATION OF
PUBLIC PROPERTY

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed to vacate the following described area:

> All of that certain Alley in the Subdivision of Lot 2, Block 12, North Addition, Deschutes County, Oregon.

The City Commission of the City of Bend has fixed the 7th day of February 1990 at 7:30 P.M. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend as the time and place for the hearing upon said proceedings at which time the City Commission will hear all objections to said vacation.

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 said alley should be vacated.

NOW, THEREFORE, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

IT IS HEREBY ORDERED that the above described property be and the same hereby is vacated by reserving to the City of Bend all public streets, 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 7th day of February, 1990.

Read for the second time the 6th day of June, 1990.

Placed upon its passage the 6th day of June, 1990.

Yes: 6 No: 1

Submitted to and approved by the Mayor the 6th day of June, 1990.

Mayor

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1513

AN ORDINANCE AMENDING BEND CODE CHAPTER FIVE, ORDINANCE NO. NS-1361, AS IT RELATES TO THE DISCHARGE OF WEAPONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That portion of Ordinance No. NS-1361 known as Bend Code 5025 is amended to read:

5.025 Discharge of Weapons.

(1) 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 a weapon which propels a projectile by use of a bow or sling, explosives, or jet or rocket propulsion.

(2) [The provisions of this section shall not be construed to prohibit firing or discharging any weapon by any person in the lawful defense or protection of his property, person or family or at any duly licensed firing range.] It shall be a defense to a prosecution brought for violation of subsection (1) that the person was acting in defense of life or property and under circumstances that would warrant the use of deadly force under Oregon law.

(3) It shall be an affirmative defense to a prosecution for violation of subsection (1) that the person was test firing or discharging the weapon, as a necessary part of the person's lawful business operations, at a firing range or while utilizing a bullet trap, under circumstances that did not present an unreasonable risk of harm to any person.

[(3)] (4) A violation of this section is punishable as a Class "A" misdemeanor.

Read for the first time this 16th day of May, 1990.

Read for the second time this 6th day of June, 1990.

Placed upon its passage this 6th day of June, 1990.

YES: 7 **NO:** 0

Submitted to and authenticated by the Mayor this 6th day of June, 1990.

MAYOR

ATTEST:

Recorder-Treasurer

Amended 12/21/16
by Ord. 2284

23A

ORDINANCE NO. NS-1514
WATER SERVICE FRANCHISE

AN ORDINANCE GRANTING AVION WATER COMPANY A FRANCHISE TO PROVIDE WATER SERVICE WITHIN THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Short Title.

This ordinance shall be known as the "Avion Water Service Franchise."

Section 2: Definitions.

For the purpose of this ordinance, the following terms shall have the meaning provided below:

(1) "City" is the City of Bend, Oregon.

(2) "Company" is Avion Water Company, the grantee of the rights under this franchise, and its successors or assigns.

(3) "Commission" is the City Commission of the City of Bend.

(4) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(5) "Facilities" shall mean all real property, fixtures and equipment used by Company in the provision of water services throughout its system, whether located inside or outside of City, and includes, but is not limited to, main transmission lines, distribution systems and all other things used in the provision of water services by Company.

(6) "Urban Growth Boundary" shall mean those properties within City's present city limits and the Urban Growth Boundary as they now exist and as they may change from time to time in the future.

Section 3: Grant of Authority.

City grants to Avion Water Company the right and privilege to construct, erect, operate and maintain its facilities, in, upon, along, across, above, over and under the streets, alleys, and public ways now laid out or dedicated, and all extensions thereof, and additions thereto, for the provision of water services in City. This franchise is nonexclusive and City reserves the right to operate a water system within the public ways and to grant a similar use of streets, alleys and public ways to another person.

Section 4: Compliance with Laws, Rules and Regulations.

At all times during the term of this franchise, Company shall comply with all applicable laws, rules and regulations of the United States of America, the State of Oregon, and the City of Bend; including all agencies and subdivisions thereof. Company shall be subject to the lawful exercise of the police power of City and to such reasonable regulations as City may from time to time hereafter adopt.

Section 5: Company Liability, Indemnification of City and Insurance.

(1) Company shall at all times conduct its operations under this franchise, including installation, construction or maintenance of its facilities, in a safe and workmanlike manner so as not to present a danger to the public or City.

(2) Company shall pay, save harmless and indemnify City from any loss or claim against City on account of or in connection with any activity of Company in the construction, operation or maintenance of its facilities and services.

(3) This franchise shall not be effective until Company secures, and shall at all times be conditioned upon Company maintaining, a comprehensive liability insurance policy which shall contain the following provisions:

(a) Bodily injury policy limits of $500,000 for each person and $500,000 for each occurrence.

(b) Property damage policy limits of $500,000.

(c) An endorsement for completed operations coverage.

(d) A designation of City, its officers, agents and employees, as an additional insured for liability arising from or in connection with this franchise.

(e) An endorsement requiring 10 days' written notice to City prior to the cancellation of the insurance coverage.

(f) A certificate evidencing insurance as described in this ordinance shall be deposited with City.

(g) In the event that City's tort liability limits are raised by the Oregon Legislature to exceed the limits described in this Section, Company shall obtain and maintain insurance in the amount of City's tort liability limits.

Section 6: Facilities and Service Standards.

For the term of this franchise, Company shall construct, operate and maintain its facilities and provide services as follows:

(1) Company shall provide its customers with good quality water services; and supply potable water to its customers in compliance with all applicable laws, rules and regulations.

(2) Company shall construct and maintain those portions of its facilities that are located with the Urban Growth Boundary in compliance with City standards for the provision of the service. Compliance with City standards shall include, but not be limited to:

(a) Standards for construction and installation of the water system, including the use of C-900 or ductile iron pipe and restoration of City streets.

(b) Provision of standard City fire flows throughout the water system.

(c) City inspection and approval of system design and installation.

(d) Compliance with City construction standards shall be required only for facilities which are constructed or installed after the commencement of this franchise.

(3) Company shall maintain and improve its facilities according to generally accepted practices and standards in the water utility industry.

(4) Company's service to properties within the Urban Growth Boundary shall be confined to those properties presently served by Company, the Elkhorn Subdivision, the 27th Street south of Bear Creek Road area (described on Exhibit "A" which is attached as a part of this ordinance), the city pressure level 3 areas around Elkhorn subdivision (described on Exhibit "B" which is attached as a part of this ordinance), the Knott Road area (described on Exhibit "C" which is attached as a part of this ordinance), and such other areas as may be determined by City. Company shall not serve any other properties within the Urban Growth Boundary except with City's express written consent.

(5) Unless prohibited by law, in cases where City provides sewer services to a Company customer, Company agrees to terminate the service of Company's customer, at the request of City, if the customer becomes delinquent in the payment of the customer's sewer service bill.

25

Section 7: Company Rules.

Company shall have authority to promulgate such reasonable rules and regulations governing the conduct of its business as shall be reasonably necessary to enable Company to exercise its rights and perform its obligations under this franchise, and to assure uninterrupted service to its customers. Company rules and regulations shall be subject to the provisions of this ordinance and any other governmental regulations. A copy of said rules and all amendments thereto shall be filed with the Office of City Manager.

Section 8: Conditions on Street Occupancy.

Company agrees to comply with the following conditions:

(1) Use. All facilities installed by Company within the Urban Growth Boundary after the date of this ordinance shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the streets, alleys or other public ways or places. Company shall obtain street cut permits for all street cuts and shall comply with the provisions of City's street cut ordinance.

(2) Restoration. In case of any disturbance of pavement, sidewalk, driveway or other surfacing by Company, Company shall, at its own cost and expense and in a manner approved by City, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before the disturbance. If Company fails to make restoration as required, City shall cause the repairs to be made at the expense of Company.

(3) Relocation. City may require Company to change the location of any facility within the public right of way when the public convenience requires such change or removal and the expense thereof shall be paid by Company. City shall give Company reasonable notice of any changes required and Company shall have a reasonable time within which to make the requested change. If Company refuses to make the change requested by City or does not make the change within a reasonable time after the request of City, City may make the change and collect the cost of making said change from Company.

(4) Placement of Facilities. Company shall not place its facilities where they will interfere with any gas, electric or telephone fixture or sewer or water facility. All facilities placed in the street shall be placed as City directs.

Section 9: Transfer of Franchise.

Company shall not sell, assign, dispose of or transfer in any manner whatsoever any interest in this franchise or in the technical facilities used with this franchise, nor transfer or permit transfer of controlling interest in Company without prior written approval of Commission. Such approval shall be based upon the following criteria: Company shall be required to demonstrate to the satisfaction of the Commission that Company's proposed purchaser, assignee or transferee has such financial and managerial resources as are sufficient to maintain the then current quality of service and to comply fully with the terms of this franchise prior to the Commission granting such approval. Such approval, based upon the above criteria, shall not be unreasonably withheld by the Commission.

Section 10: City Right in Franchise.

(1) City Supervision and Inspection. City shall have the right to supervise all construction or installation of Company facilities, subject to the provisions of this ordinance and to make such inspections as it shall find necessary to ensure compliance with governing laws, rules and regulations.

Section 11: No Franchise Fee.

City shall not charge a franchise fee for Company's services unless City's water utility pays a comparable fee.

Section 12: Rate and Services Regulation.

City shall not regulate Company's rates so long as Company's rates are regulated by the Oregon Public Utility Commission or comparable governmental entity.

Section 13: Company Records and Reports.

Company shall keep accurate books of account at an office within the State of Oregon throughout the term of this franchise. Company shall produce its books of account for inspection by City at any time during normal business hours and City may audit Company's books from time to time. City may require periodic reports from Company relating to its operation and revenue within City.

Section 14: System Data.

Company shall maintain, at a local office, current maps and other operational data relating to its facilities and system operations in the City of Bend. City may inspect these maps and data at any time during normal business hours.

Section 15: Enforcement of Franchise.

City and Company shall have all remedies provided by law, including termination of this franchise, to enforce the terms and conditions of this franchise. Failure to enforce any provision of this ordinance shall not be construed as a waiver of a breach of any other term, condition or obligation of this ordinance.

Section 16: Franchise Term.

This franchise is granted to a term of 10 years beginning June 15, 1990.

Section 17: Acceptance of Franchise.

Within 30 days from the effective date of this ordinance, Company shall file with the City Recorder-Treasurer a written, unconditional acceptance of this franchise and all of its terms and conditions. If Company fails to do so, this ordinance shall be void and of no effect whatsoever.

Section 18: Franchise a Contract.

City and Company intend that this franchise shall constitute a contractual obligation between City and Company with respect to Company's service and facilities outside of City and within the Urban Growth Boundary. The parties contemplate that the City's corporate limits will expand through annexation within the Urban Growth Boundary throughout the term of this franchise through City's annexation of properties within the Urban Growth Boundary. The parties intend that the terms and conditions of this franchise shall apply to Company's activities outside the City limits, but within the Urban Growth Boundary, as a contractual obligation so that as properties served by Company are annexed there will not be any significant difference in facilities or service standards.

Section 19: Constitutionality.

If any section, subsection, sentence, clause or portion of this ordinance is for any reason held invalid or is rendered unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the constitutionality of the remaining portion hereof. If for any reason the franchise fee is invalidated or amended by the act of any court or governmental agency, then the highest reasonable franchise fee allowed by law shall be the franchise fee allowed by this franchise.

Read for the first time this 6th day of June, 1990.

Read for the second time this 20th day of June, 1990.

Placed upon its passage this 20th day of June, 1990.

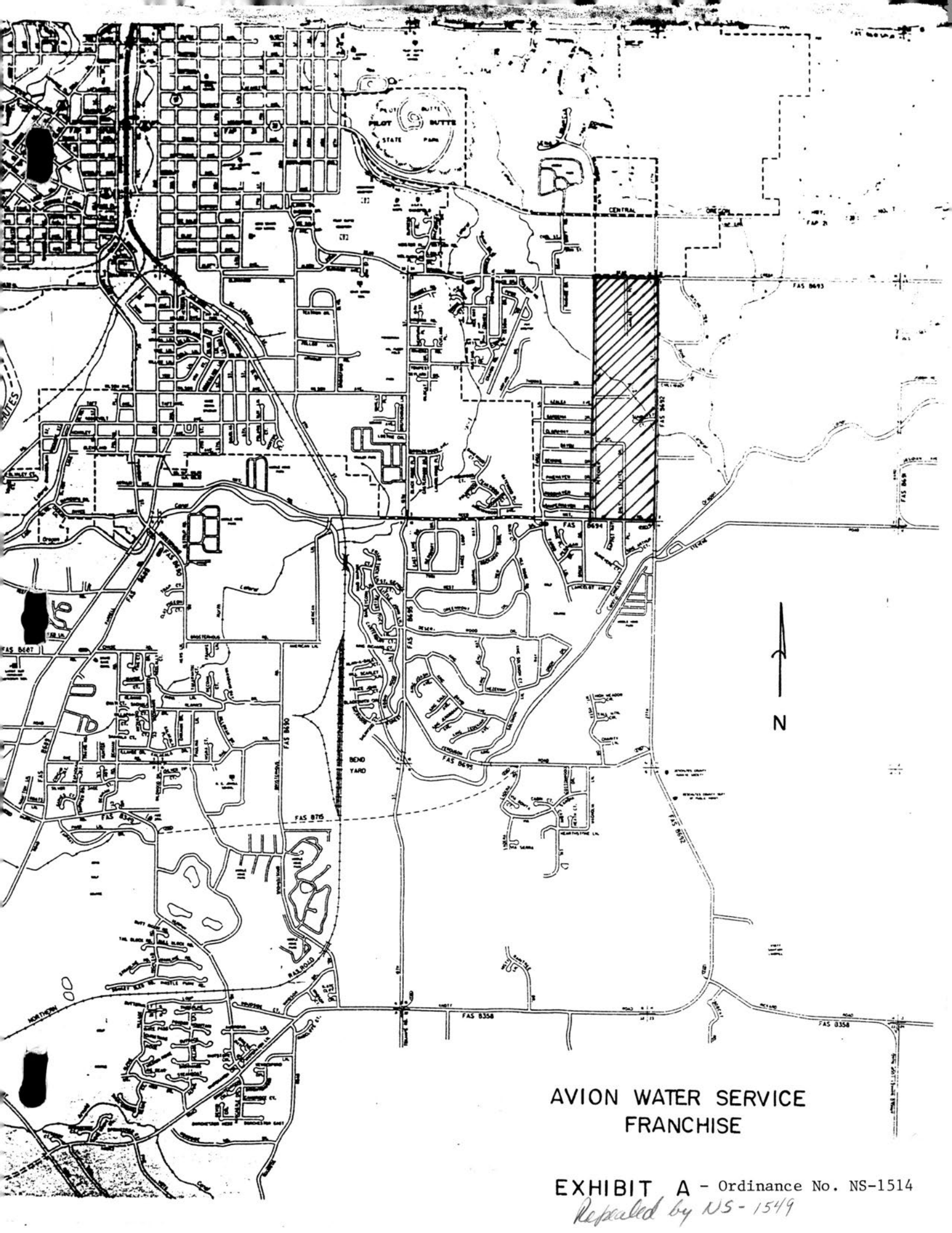
YES: 7 **NO: 0**

Submitted to and authenticated by the Mayor this 20th day of June, 1990.

Dave K Davis
MAYOR

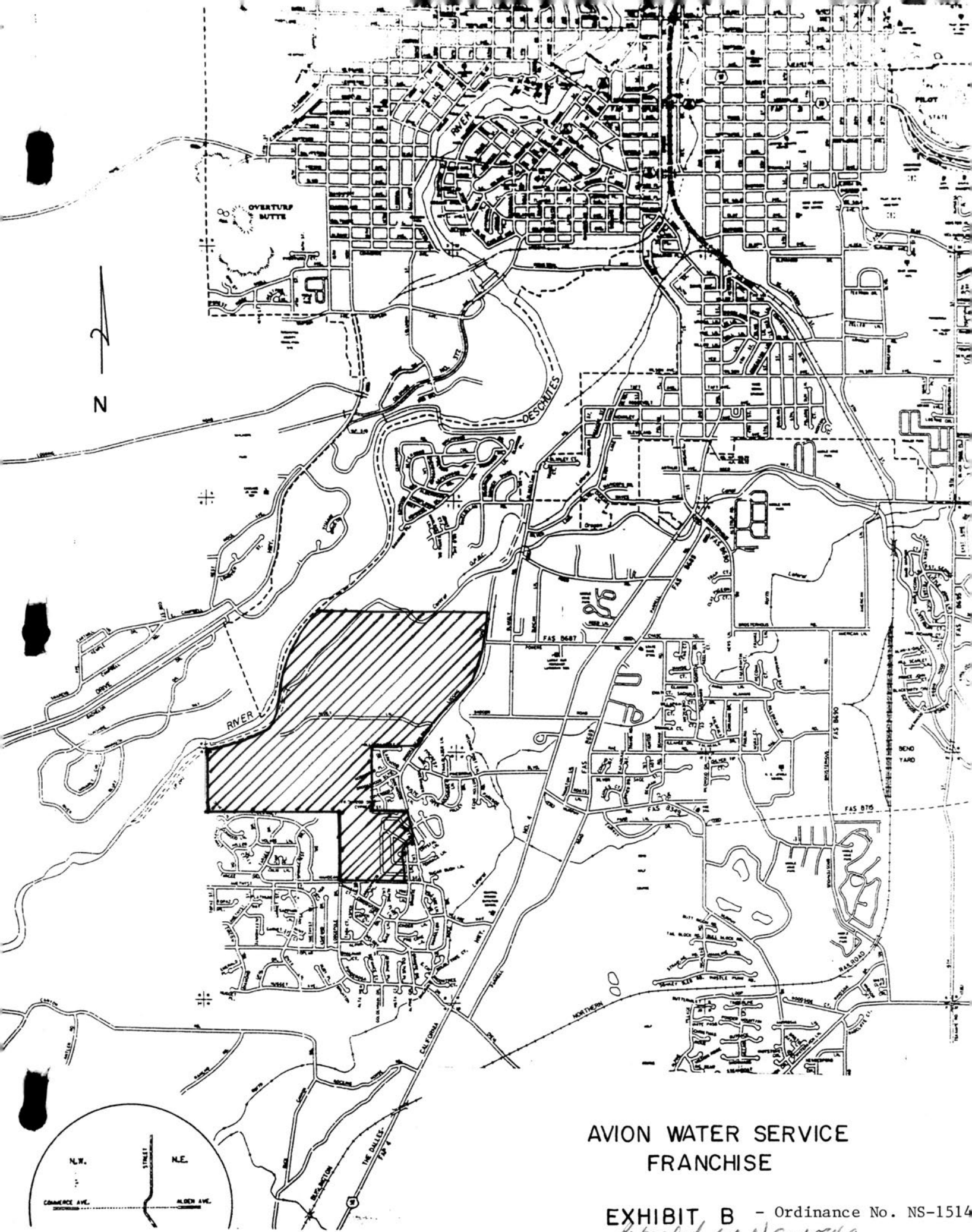
ATTEST:

Recorder-Treasurer



AVION WATER SERVICE
FRANCHISE

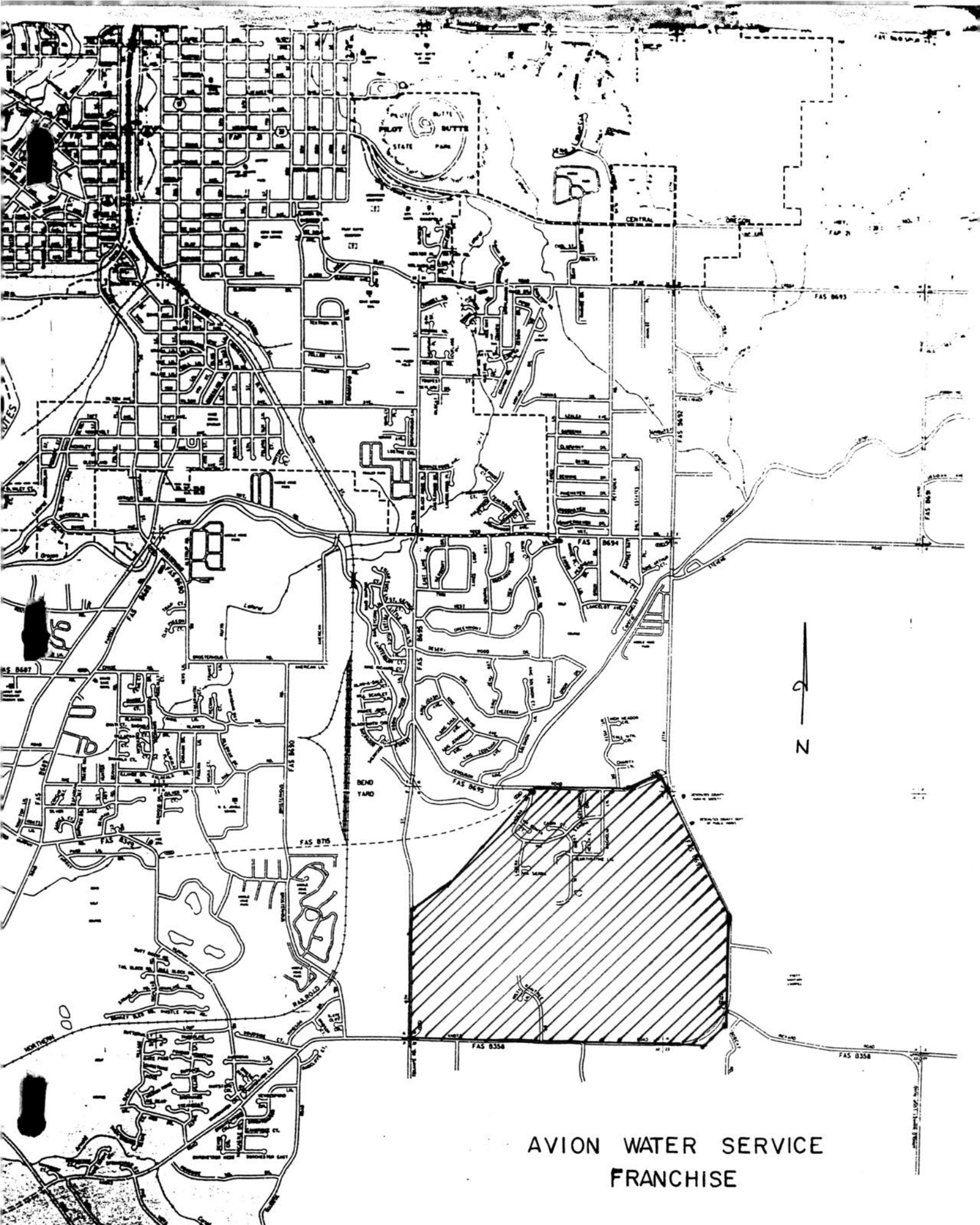
EXHIBIT A - Ordinance No. NS-1514
Repealed by NS-1549



AVION WATER SERVICE FRANCHISE

EXHIBIT B - Ordinance No. NS-1514

Repealed by NS-1549



AVION WATER SERVICE
FRANCHISE

EXHIBIT C - Ordinance No. NS-1514
Restated by NS-1549

ORDINANCE NO. NS-1515

AN ORDINANCE AMENDING THE CITY'S SOLID WASTE COLLECTION FRANCHISE, ORDINANCE NO. NS-1272 TO REFLECT CHANGES IN STATE LAW RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND TO INCLUDE A PROVISION TO ALLOW FRANCHISEES TO SUBCONTRACT FOR THE COLLECTION OF INFECTIOUS WASTE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3 (4) of Ordinance No. NS-1272 is amended to read:

(4) Hazardous Waste: Any waste:

(a) Defined as hazardous waste [by or pursuant to ORS Chapter 459] by ORS 466.005; 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.

SECTION 2. Section 3 (8) of Ordinance No. NS-1272 is amended to read:

(8) Solid Waste: All [solid waste or semi-solid waste] putrescible and nonputrescible wastes, including, without limitation, garbage, rubbish, refuse, trash, ashes or swill, news print or waste paper, corrugated paper or cardboard, grass clippings, compost, residential, commercial, industrial appliances, equipment or furniture, vehicle parts or tires, vegetable or animal wastes, infectious waste as defined by ORS 459.387 and other wastes.

SECTION 3. Section 8 (1)(g) is added to and made a part of Ordinance No. NS-1272 to read as follows:

(g) Provide collection of infectious waste as defined in ORS 459.387, either directly or through a subcontract. Such collection shall be provided in a manner meeting the requirements of this franchise and all applicable laws and regulations. Any subcontractor must agree to comply with the provisions of this franchise as if the subcontractor were a franchisee.

SECTION 4. Franchisees shall file with the City Recorder-Treasurer an unconditional, written notice of acceptance of the provisions of this ordinance no later than thirty days from the effective date of this ordinance. This ordinance shall be of no force nor effect against any franchisee who fails to file a written notice of acceptance.

Read for the first time this 20th day of June, 1990.

Read for the second time this 2nd day of July, 1990.

Placed upon its passage this 2nd day of July, 1990.

YES: 6 **NO: 0**

Submitted to and approved by the Mayor this 2nd day of July, 1990.

Dave K Davis
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1516

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM IL, LIGHT INDUSTRIAL TO RS, URBAN STANDARD 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 amended by changing the designation of the following described property from IL, Light Industrial to RS, Urban Standard Density Residential:

A parcel of land being the East 180 feet of the Northwest One-Quarter of the Northeast One-Quarter of the Southeast One-Quarter of Section Four, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon being described as follows:

Commencing at the East one-quarter corner of section four, thence North 89° 18' 03" West along the east-west centerline of section four 837.36 feet to a 5/8" iron rod with brass washer number 2070 attached, and being the true point of beginning of this description and also being on the south right of way of Wilson Avenue. Thence South 00° 10' 45" East, 662.14 feet along a line parallel to the west boundary of Kiwa Meadows Subdivision to a 5/8" iron rod with washer number 2070. Thence south 89° 27' 39" East, 180.00 feet along the north boundary of Suntree Village Mobile Home Park to a 5/8" iron rod with brass washer number 2070 attached, this point being on the west boundary of Kiwa Meadows. Thence North 00° 10' 45" West, 661.63 feet along the west boundary of Kiwa Meadows to a point on the east-west centerline of section four. Thence North 89° 18' 03" West, 180.00 feet more or less along the east-west centerline of section four to the true point of beginning of this parcel. Contains 119,139 square feet or 2.735 acres, more or less.

EXCEPTING THEREFROM: A 40.00 foot by 180 foot strip of land along the northerly end of Parcel 1 for additional right of way for Wilson Avenue. Also excepting the following described parcel of land which is dedicated to the City of Bend for public right of way; commencing at the Southwest corner of Lot 1 Block 2 of Kiwa Meadows Subdivision in the City of Bend, Deschutes County Plat number 427, this point also being the Northwesterly corner of the existing right-of-way of Minam Avenue, thence South 89° 46' 28" West, 60.00 feet to a 5/8" iron rod with brass washer No. 2070 attached, thence South 00° 10' 45" East along a line parallel to the West boundary of Kiwa Meadows for 60.00 feet to a 5/8" iron rod with brass washer No. 2070 attached, thence North 89° 46' 28" East, 60.00 feet to an existing 5/8" iron rod, thence North 00° 10' 45" West along the West boundary of Kiwa Meadows 60 feet more or less to the point of beginning of this parcel.

Read for the first time the 18th day of July, 1990.

Read for the second time the 1st day of August, 1990.

Placed upon its passage the 1st day of August, 1990.

YES: 5 NO: 1 ABSTAIN: 1

Authenticated by the Mayor the 1st day of August, 1990.

Dave K Davis
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1517

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RM, URBAN MEDIUM DENSITY RESIDENTIAL TO CL, LIMITED COMMERCIAL

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 amended by changing the designation of the following described property from RM Urban Medium Density Residential to CL Limited Commercial:

Lot 1, Block 8, Shevlin Center, Deschutes County, Oregon

Read for the first time the 18th day of July, 1990.

Read for the second time the 1st day of August, 1990.

Placed upon its passage the 1st day of August, 1990.

YES: 7 NO: 0

Approved by the Mayor the 1st day of August, 1990.

Dave K Davis
Mayor

ATTEST:

James W Benford
Recorder-Treasurer

ORDINANCE NO. NS-1518

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM 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 amended by changing the designation of the following described property from RS, Urban Standard Density Residential to RM, Urban Medium Density Residential:

South 1/2, southeast 1/4, northeast 1/4 of 27 17 south, Range 12 east; 17-12-27, Tax Lot 103.

Read for the first time the 18th day of July, 1990.

Read for the second time the 1st day of August, 1990.

Placed upon its passage the 1st day of August, 1990.

YES: 7 NO: 0

Approved by the Mayor the 1st day of August, 1990.

Dave K Davis
Mayor

ATTEST:

James W Benford
Recorder-Treasurer

ORDINANCE NO. NS-1519

AN ORDINANCE AMENDING THE CITY'S LAND USE PROCEDURE ORDINANCE, ORDINANCE NO. NS-1474, TO ALLOW THE CITY COMMISSION TO DECLINE REVIEW OF CERTAIN APPEAL CASES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 21 of Ordinance No. NS-1474 is amended to read:

Section 21. Scope of Review.

(1) The [governing] reviewing body shall determine the scope of review on appeal to be one of the following:

[(1)] (a) Restricted to the record made on the decision being appealed.

[(2)] (b) Limited to such issues as the [governing] reviewing body determines necessary for a proper resolution of the matter.

[(3)] (c) A de novo hearing on the merits.

(2) Notwithstanding the provisions of Section 21 (1), above, when the City Commission is the reviewing body, the Commission may decide that the decision of the hearings officer in a proceeding for a discretionary permit or zone change will be the final determination of the City. If the Commission decides that a decision shall be the final determination of the City, then the governing body will not hear the appeal and the party appealing may continue the appeal as provided by law. In such a case, the City shall provide written notice of its decision to all parties.

Read for the first time this 15th day of August, 1990.

Read for the second time this 5th day of September, 1990.

Placed upon its passage this 5th day of September, 1990.

YES: 7 NO: 0

Submitted to and authenticated by the Mayor this 5th day of September, 1990.

Paul K Davis
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1520

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NEGOTIABLE GENERAL OBLIGATION IMPROVEMENT BONDS IN THE PRINCIPAL SUM OF SIX HUNDRED SIXTY FIVE THOUSAND DOLLARS ($665,000) PAR VALUE; DESIGNATING A PAYING AGENT AND BOND REGISTRAR, BOND COUNSEL AND FINANCIAL ADVISOR, AUTHORIZING THE PUBLICATION OF A NOTICE OF BOND SALE; AND DECLARING AN EMERGENCY.

The City of Bend, Oregon (the "City") has caused certain streets within the City to be improved and certain sewer lines and water lines to be installed, each at the expense of the abutting property owners, and has duly assessed the costs of such improvements upon the lots, blocks and parts thereof, and parcels of real property being directly benefitted by these local improvements, in accordance with the provisions of Oregon Revised Statutes Sections 223.387 to 223.399, and

Applications to pay the assessments in installments have been duly filed by owners of the benefitted properties, and

Each of the applications so filed have been for improvements in the sum of $25.00 or more, and the amount remaining unpaid upon each assessment for which applications have been filed, together with the unpaid balance of any previous assessments for improvements against the same property, does not exceed twice the assessed value of the benefitted real property as shown by the last county tax roll, and

Each application provides that the property owner agrees to pay the assessment in equal semi-annual installments over a term of ten years, together with interest at the rate prescribed by law and each application has stated that the applicant and property owner does waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to cause the improvements to be constructed for which the assessment is levied and in apportionment of the cost thereof, and

Such applications have been filed in the principal sum of $ 706,378.13, of which $33,680.19 has been paid upon the assessments prior to October 22, 1990 and the sum of $5,302.35 remains unpaid on assessments for which applications have been filed, and

For the purposes of convenience and marketability, the City Commission of the City has found and determined that bonds need not be issued for the sum of the unpaid assessments of $5,302.35, now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, Oregon, a municipal corporation of the State of Oregon, does hereby authorize the issuance and sale of its negotiable General Obligation Improvement Bonds, Series 1990 (the "Bonds") in the principal sum of Six Hundred Sixty Five Thousand Dollars ($665,000) par value, for the purpose of funding obligations in amounts incurred by the City in the making of local street improvements and the installation of sewer lines and water lines within the City. Assessments against the benefitted properties for the costs of the local improvements have been duly levied upon the real property directly benefitted thereby and such assessments and charges have been duly docketed in the lien docket of the City, and are liens against the several pieces of benefitted property and the owners of the several parcels of benefitted property affected by such assessments and charges have heretofore filed in writing their application to pay the assessments in installments as provided by law, all as more fully set forth in Section 2 of this Ordinance.

Section 2. The improvements to which the applications apply and the amounts remaining unpaid on the aggregate of the applications and the dates of resolutions assessing the same are as follows:

PROJECT NAME	RESOLUTION DATE	UNPAID ASSESSMENT
LID No. 646	October 10, 1990	$321,601.95
LID No. 647	October 10, 1990	277,019.56
LID No. 648	October 10, 1990	20,981.99
LID No. 649	October 10, 1990	13,507.99
LID No. 650	October 10, 1990	34,284.10

Section 3. The Bonds shall be serial negotiable general obligation improvement bonds of the City and shall bear interest at a rate not to exceed nine percent (9.0%) per annum, payable semi-annually and shall bear interest at a rate not to exceed nine percent (9.0%) for a single maturity. The Bonds shall be payable in any coin or currency which at the time of payment is legal tender for the payment of public and private debts within the United States of America.

Section 4. The Bonds shall be entitled "City of Bend, Oregon, General Obligation Improvement Bonds, Series 1990" and shall bear the facsimile signature of the Mayor of the City and shall be attested by the facsimile signature of the City Recorder of the City.

The Bonds shall be issued in fully registered form, shall be in denominations of Five Thousand Dollars (5,000) each, or integral multiples thereof, shall be dated November 1, 1990 and shall be numbered sequentially beginning with R-1, and shall mature serially in annual installments on the first day of November of each year, as follows:

MATURITY	AMOUNT	MATURITY	AMOUNT
1991-1992	$70,000	1996-1997	$65,000
1992-1993	70,000	1997-1998	65,000
1993-1994	70,000	1998-1999	65,000
1994-1995	65,000	1990-2000	65,000
1995-1996	65,000	2000-2001	65,000

Section 5. The principal of the Bonds shall be payable upon delivery of the Bonds at maturity at the office of the Paying Agent in Portland, Oregon. Payment of each installment of interest due on May 1 and November 1 of each year, commencing May 1, 1991, shall be made by check or draft of the Paying Agent mailed to the registered owner thereof whose name and address appears on the registration books of the City maintained by the Paying Agent as of the close of business on the 15th day of the month next preceding any interest payment date.

Section 6. The Bonds of this issue maturing on or after November 1, 1998 are redeemable at the option of the City on November 1, 1997 and on any interest payment date thereafter at par value together with accrued interest to the date fixed for redemption. The Bonds are redeemable, in whole, or in part, in integral multiples of $5,000 in inverse order of maturity and by lot within a maturity. Notice of redemption shall be published as provided by law and shall be given by registered or certified mail not earlier than sixty (60) days not less than thirty (30) days prior to the date fixed for redemption to the registered owners of each Bond to be redeemed at the address shown on the registration books of the City. In addition, notice of redemption shall be mailed to Standard & Poor's Corporation and Moody's Investors service, Inc., New York City, New York. Bonds are redeemable at the office of the Paying Agent.

Section 7. The Bonds shall be issued substantially in the form as approved by the City, the City Attorney, Bond Counsel and the Financial Advisor to the City.

Section 8. The City does appoint and designate Security Pacific Bank Oregon of Portland, Oregon, as the Paying Agent and Bond Registrar of the Bonds. The City Recorder is authorized to negotiate and execute on behalf of the City as Paying Agent and Bond Registrar Agreement, as approved as to form by the City Commission. The Agreement shall provide for compliance with Oregon Administrative Rule 170-61-010. In addition, the City does hereby request and authorize the Bond Registrar to execute the Certificate of Authentication as of the date of delivery of the Bonds.

Section 9. The Bonds are transferable, or subject to exchange, for fully registered Bonds in the denomination of $5,000, or integral multiples thereof, by the registered owner thereof in person, or by the owner's attorney, duly authorized in writing, at the office of the Bond Registrar. The Paying Agent shall maintain a record of the names and addresses of the registered owners of the Bonds. The records of registered bond ownership are not public records within the meaning of Oregon Revised Statutes 192.410(4).

All bonds issued upon transfer, or in exchange, for Bonds shall be valid general obligations of the City evidencing the same debt and entitled to the same benefits as the Bonds surrendered for such exchange or transfer. All fees, expenses and charges of the Paying Agent and of the Bond Registrar shall be payable any the City. The Bond Registrar shall not be required to transfer or exchange any Bond after the close of business on the 15th day of the month next preceding any interest payment date or any Bond called or being called for prior redemption.

Section 10. The City is authorized to contract for the printing of the Bonds. The City may provide for the printing of, in addition to the original issue of Bonds, additional bonds to be printed in blank form as to registration and to be designated by appropriate number for the Bond Registrar for delivery to the registered owner upon transfer or exchange of Bonds. The additional bonds shall be dated as of November 1, 1990, shall be signed by the facsimile signature of the present Mayor of the City, attested by the facsimile signature of the present City Recorder and the Bond Registrar shall manually sign the Certificate of Authentication as of the date of the transfer of the Bonds.

Section 11. The proceeds of the Bonds shall be used and invested in such manner that the Bonds shall not become "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, (the "Code") and the regulations issued thereunder. The City covenants that, within its lawful powers, it will not do, and will refrain from doing, anything in the issuance of the Bonds and in the investment and expenditure of the proceeds thereof which would result in the interest on the Bonds becoming taxable for federal income tax purposes.

Section 12. The Bonds are secured in part by the payments received by the City from the owners of the benefitted property in installments, by the lien of the assessment upon the real property directly benefitted as docketed in the records of the City and the Bonds are payable from unlimited ad valorem taxes levied upon all taxable property within the City. The City Commission each year shall levy a direct property tax in such amount as will be sufficient to pay in full the principal of and the interest upon the Bonds at the respective due dates thereof after first taking into consideration other sources and revenues available for the payment thereof.

Section 13. The City hereby designates the Bonds for purposes of paragraph (3) of Section 265(b) of the Internal Revenue Code of 1986, as amended. (the "Code") as "qualified tax-exempt

obligations" and covenants that the Bonds do not constitute private activity bonds as defined in Section 141 of the Code, and that not more than $10,000,000 aggregate principal amount of obligations, the interest on which is excludable under Section 103(a) of the Code from gross income for federal income tax purposes including the Bonds, have been or shall be issued by the City, including all subordinate entities of the City, if any, during the calendar year 1990.

Section 14. The City Commission finds and determines that the Bonds comply with the statutory requirements of Section 148(f)(4)(C) of the Code in that the City is a governmental unit having general taxing powers, the Bonds are not being issued for a private activity purpose, more than 95% of the net proceeds of the Bonds will be used for local governmental activities of the City, and the aggregate face amount of all tax-exempt obligations which will be issued by the City during the calendar year 1990 is not reasonably expected to exceed $5,000,000.

Section 15. The City Recorder is authorized to establish a date of sale and to advertise the Bonds for public sale at a price not less than 98% of par value thereof and accrued interest to date of delivery. The Notice of Sale shall be published as provided by law. The Notice of Sale shall specify that the City reserves the right to reject any and all bids, and in other respects the Notice shall comply with the provisions of Chapter 287 of Oregon Revised Statutes, as amended. All rates bid must be in integral multiples of one-eighth or one-twentieth of one percent. All bonds of the same maturity must bear a single rate from the date of issue to maturity.

Section 16. Messrs. Rankin Mersereau & Shannon of Portland, Oregon are hereby appointed Bond Counsel for the issuance of the Bonds.

Section 17. Moore, Breithaupt & Associates of Salem, Oregon are appointed Financial Advisors to the City for the issuance of the Bonds.

Section 18. The City shall prepare, with the assistance of its Financial Advisor, a preliminary official statement for the Bonds, which shall be available for distribution to prospective bidders not later than the date on which the notice of bond sale is first published. When advised by staff that the final official statement does not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements contained in the official statement not misleading in the light of the circumstances under which they are made, the City Recorder is authorized to certify the accuracy of the official statement on behalf of the City.

Section 19. The City Recorder is authorized to execute the Certificate as to Arbitrage and any and all additional documents which may be reasonably required to issue, sell and deliver the Bonds.

Section 20. It is hereby declared that the City must proceed promptly with the financing of the street improvements and the installation of sewer lines and water lines and this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the City and this Ordinance shall be in full force and effect from and after its passage by the City Commission and approval by the Mayor.

PASSED by the Commission and approved by the Mayor this 22nd day of October, 1990.

Dave K. Davis
Mayor

ATTEST:

James O. Kingsbury
City Recorder

Exhibit "A," Ordinance No. NS-1520

NOTICE OF BOND SALE

$665,000
CITY OF BEND, OREGON
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 1990

TIME AND PLACE OF SALE

Sealed bids will be received for the purchase of this general obligation improvement bond issue at the offices of Rankin Mersereau & Shannon, 1600 Benj. Franklin Plaza, Portland, Oregon, until 11:00 a.m. Pacific Time on

November 1, 1990

Immediately thereafter the bids will be publicly opened and announced, and within four hours thereafter the City of Bend, Oregon (the "City") will act upon the bids.

DESCRIPTION OF BONDS

The bonds will be General Obligation Improvement Bonds, Series 1990 (the "Bonds") of the City in the principal amount of $665,000, dated November 1, 1990, in denominations of $5,000 each or integral multiples thereof, numbered sequentially beginning with number R-1, and will mature serially in numerical order on the 1st day of November of each year as follows:

Maturity date	Amount
1991-1992	$70,000
1992-1993	70,000
1993-1994	70,000
1994-1995	65,000
1995-1996	65,000
1996-1997	65,000
1997-1998	65,000
1998-1999	65,000
1999-2000	65,000
2000-2001	65,000

OPTIONAL REDEMPTION

The Bonds maturing on or after November 1, 1998 are subject to call and redemption, at the option of the City, on November 1, 1997 and on any interest payment date thereafter at par value, together with interest accrued to the date of redemption. The Bonds shall be subject to redemption in whole or in part, in integral multiples of $5,000, in inverse order of maturity and by lot within a maturity. Notice of redemption shall be published as provided by law and shall be given by registered or certified mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books of the City. Bonds called for redemption shall be payable at the office of the Paying Agent.

INTEREST RATE

The Bonds will bear interest payable semiannually on May 1 and November 1 of each year, commencing May 1, 1991, at such rate or rates, in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%) as specified by the successful bidder. No Bond shall bear more than one rate of interest and each Bond shall bear

interest from its date to its stated maturity at the one interest rate specified in the bid and all Bonds maturing at any one time shall bear the same rate of interest. The maximum true effective rate of interest on the Bonds shall not exceed nine percent (9.0%) and the maximum true effective interest rate for a single maturity shall not exceed nine percent (9.0%).

PAYMENT

Interest on the Bonds shall be payable by check or draft by Security Pacific Bank Oregon, Portland, Oregon as Paying Agent and Bond Registrar, mailed on each interest payment date to the registered owner thereof whose name and address appears on the registration books of the City maintained by the Paying Agent as of the fifteenth day of the month preceding each interest payment date. Principal of the Bonds shall be payable upon presentation of the maturing Bond at the principal corporate trust office of the Paying Agent in Portland, Oregon.

USE OF BOND PROCEEDS

Proceeds of the Bonds will be used to make street improvements and install sewer lines and water lines within the City of Bend, Oregon.

SECURITY

The City has covenanted that, unless paid from other sources, the Bonds are payable from ad valorem taxes which may be levied upon all of the taxable property within the geographical boundaries of the City without limitation as to rate or amount.

AWARD OF BONDS

Bonds will be sold at a price not less than 98% of par value thereof and accrued interest to date of delivery. The City reserves the right to reject any or all bids. Unless all bids are rejected, the Bonds will be awarded to the bidder complying with the terms of this Notice of Bond Sale and submitting the bid which provides the lowest true interest cost to the City. Each bidder is requested to submit with its bid a statement of the true effective interest rate, but this statement shall not be deemed to be a part of the bid.

GOOD FAITH DEPOSIT; FORM OF BID

Each bid must be unconditional, and must be for the purchase of all Bonds herein described, Each bid must be accompanied by a certified check or cashier's check in favor of the City, of or upon a bank doing business in the State of Oregon, in the sum of $13,300.00_, and should be enclosed in a sealed envelope marked "Proposal for Bonds". No interest will be allowed on the deposit with the bid, and the check of the successful bidder will be retained as part payment for the Bonds or to secure the City against any loss resulting from failure of the bidder to comply with the terms of its bid.

LEGAL OPINION

The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Rankin Mersereau & Shannon of Portland, Oregon, to the effect that the Bonds are valid and legally binding general obligations of the City, that unless paid from other sources, the Bonds are payable from ad valorem taxes which may be levied upon all of the taxable property within the City without limitation as to rate or amount and that, assuming compliance by the City with certain of its covenants, the interest on the Bonds is excluded from gross income for federal income tax purposes, and is exempt from present State of Oregon personal income taxes. In the opinion of bond counsel, interest on the Bonds is not an item of tax preference for purposes of the federal individual or corporate alternative minimum taxes, although it is

included in bond income. See the section entitled "Tax Exemption" in the official statement referred to below. The legal opinion will be reproduced on each Bond.

CERTIFICATE OF REOFFERING

Within twenty-four (24) hours after the bids are due, the successful bidder shall furnish to the City a certificate acceptable to bond counsel to the effect that (1) the successful bidder has purchased the Bonds for its own portfolio without the intention to resell the Bonds, or (2) the successful bidder has made a bona fide private placement, or (3) the successful bidder has made a bona fide public offering of the Bonds and setting forth the initial reoffering prices or the revised initial reoffering prices, as the case may be, and stating that a substantial amount of the final amount of each maturity of the Bonds was sold to the public at or below such initial reoffering prices or revised initial reoffering prices, as the case may be.

OFFICIAL STATEMENT

The City has prepared an official statement relating to the Bonds. In compliance with Rule 15c2-12 under the Securities Exchange Act of 1934, the City will provide to the successful bidder a reasonable number of final official statements as requested in its bid no later than the seventh (7th) business day after the bids are due, provided the successful bidder complies with the requirement of filing a Certificate of Reoffering with the City within twenty four (24) hours after the bids are due which sets forth the reoffering yields and prices which will be printed on the cover of the final official statement.

QUALIFIED TAX-EXEMPT OBLIGATION

The City has designated the Bonds as "qualified tax-exempt obligations" pursuant to paragraph (3) of Section 265 (b) of the Internal Revenue Code of 1986, as amended.

DELIVERY OF BONDS; NO LITIGATION

The Bonds will be delivered complete without undue delay at the expense of the City in Portland, Oregon, or at any other place designated by the successful bidder at the expense of the bidder.

The successful bidder will be provided with the usual closing documents, including a nonlitigation certificate.

CUSIP NUMBERS

It is anticipated that CUSIP numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser to accept delivery and pay for the Bonds. The expense of CUSIP registration and printing will be paid by the City.

TEMPORARY BONDS

The Bonds may be delivered to the successful bidder for closing as an installment temporary Bond. In such event, printed definitive Bonds will be exchanged for the temporary bond within thirty (30) days of the date of sale.

ADDITIONAL INFORMATION

Further information and copies of the preliminary official statement for this Bond issue may be obtained upon request from Mr. Jim Kerfoot, City Recorder, City of Bend, Oregon, P.O. Box 431, Bend, Oregon 97709, telephone (503) 388-5505.

By Order Of:

CITY OF BEND, OREGON

Published October 24, 1990

ORDINANCE NO. NS-1521

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RS, URBAN STANDARD DENSITY 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 amended by changing the designation of the following described property from RS, Urban Standard Density Residential to RH, Urban High Density Residential:

Lots 15 and 16, Block 29, Center Addition, Deschutes County, Oregon

Read for the first time the 7th day of November, 1990.

Read for the second time the 21st day of November, 1990.

Placed upon its passage the 21st day of November, 1990.

YES: 4 NO: 0

Authenticated by the Mayor the 21st day of November, 1990.

Dave K. Dani
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1522

PROPOSAL TO AMEND THE BEND ZONING ORDINANCE (NS-1178) TO ALLOW SINGLE FAMILY MANUFACTURED HOMES IN THE STANDARD RESIDENTIAL (RS) ZONE, TO MODIFY THE MANUFACTURED HOME PROVISIONS, AND TO REDUCE MINIMUM PARCEL SIZE FOR PLANNED UNIT DEVELOPMENTS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (a), the definition of dwelling, contained in Section 4 of Ordinance No. NS-1178, is amended to read:

(a) Dwelling, single-family. A building designed or used for residential purposes by not more than one family and containing one dwelling unit only, [except for mobile homes as defined herein; also] **including Class A manufactured homes as defined in Sections 25 A (2) (a)**; excluding such temporary structures as tents, tepees, travel trailers, and other similar uses.

SECTION 2. Section 25A of Ordinance No. NS-1178 is amended to read:

Section 25A. Manufactured Homes

(1) General Provisions.

(a) Manufactured home parks are permitted with site plan review approval in the RM and RH zones in accordance with the standards of this Section and the standards for site plan approval.

(b) In addition, manufactured home parks and subdivisions may be planned under the provisions for Planned Developments, which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities.

(c) Manufactured home subdivisions for Class A manufactured homes are permitted with site plan approval in the RS zone in accordance with the standards in this section and all other provisions of this ordinance. Manufactured home subdivisions for Class B manufactured homes are permitted as a conditional use in the RS zone in accordance with the standards of this ordinance.

(d) Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.

(e) Same Standards Apply as for Conventional Development. Except as specified otherwise by this Section, the standards for subdividing and developing land within manufactured home parks and subdivisions shall be the same as for all other developments in accordance with the provisions of this ordinance.

(f) State Requirements. Where standards for manufactured home developments are established by state law or Department of Commerce Administrative Rule, such requirements shall be in addition to the provisions of this Section.

(g) Manufactured Housing Construction and Safety Standards Code (also referred to as the HUD code). Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequentia), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, and agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Oregon Department of Commerce, all of which became effective for mobile/manufactured home construction on June 15, 1976 shall be utilized as the minimum construction standard of the City of Bend to which all manufactured home placements shall comply except as may be exempted by this Section.

(h) Definitions. For purposes of this Section only, the definitions of terms used herein and not defined in Section 4 of this Ordinance shall be as defined in ORS Chapter 446 or Oregon Administrative Rules Chapter 814, Division 23 as amended.

(2) Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into the following types:

(a) A Class A manufactured home shall:

1. Have more than one thousand (1,000) square feet of occupied space in a double-section or larger multi-section unit;

[2. Be placed onto a permanent foundation as specified in Paragraph 2 of Subsection C;]

2. **The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.**

3. Have wheels, axles, and hitch mechanisms removed;

4. Have utilities connected, in accordance with Oregon Department of Commerce requirements and manufacturer's specifications.

5. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code. [and is either:

   a. A new, not previously occupied unit; or

   b. The unit is found upon inspection to be in good condition and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.]

6. Have shake, shingle, composition, or tile roofing materials similar in appearance to the most predominant type in the area. The roof pitch shall be a minimum of 3/12;

7. Siding materials and trim shall be similar in appearance or complementary to other homes in the area including the type, color, and horizontal or vertical placement of materials;

8. [If] A garage or carport will be provided[,] . It shall be of like materials and color to the dwelling.

[9. The location and design of porches, patios, driveways, walkways, and landscaping shall be reflective of and complementary to the features of homes in the area;]

9. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

[10. If new and previously unoccupied, shall be certified to meet energy efficiency performance standards equivalent to energy efficiency standards required of homes conforming to the Uniform Building Code.]

(b) A Class B manufactured home shall:

1. Have more than seven hundred fifty (750) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);

2. Be placed onto a permanent foundation as required in Section 25 (3) (b) of this ordinance.

3. Have wheels, axles, and hitch mechanisms removed.

4. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;

5. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standard Code as of June 15, 1976.

6. Have composition, shake, shingle, or tile roofing materials and a minimum pitch of 2/12;

7. Have nonreflective siding materials and trim typical of new conventional built homes within the community;

8. Have a carport or garage of like materials and color;

[9. Be in good repair and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.]

(c) A Class C manufactured home shall:

1. Have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);

2. Be placed onto a support system in accordance with approved installation standards as specified in Section 25 (3) (b);

3. Be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 25 (3) (b);

4. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;

5. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976.

6. Be in good repair and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.

(d) A Class D manufactured home is any such unit built prior to June 15, 1976, and under ORS Chapter 481 is not defined as a recreation vehicle. For purposes of determining appropriateness for placement, Class D manufactured homes shall:

1. Have more than three hundred and twenty (320) square feet of occupied space;

2. Be placed onto support system in accordance with approved installation standards as specified in Section 25 (3) (b).

3. Be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 25 (3) (b).

4. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;

5. Be in good repair and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.

(3) Manufactured Home Placement Standards. All manufactured homes placed within the City after the effective date of adoption of this ordinance shall comply with the following:

(a) As defined in Section 25A (2), each manufactured home

shall be classified as Class A, B, C, or D, and shall be permitted within the following areas:

1. Class A - Permitted [in manufactured home 2subdivisions] in the RS zone and in manufactured home parks, and as replacements to existing nonconforming manufactured homes.

2. Class B - Permitted in manufactured home subdivisions approved as a conditional use in the RS zone and manufactured home parks; also permitted as replacements to existing nonconforming manufactured homes which would classify as Class B, C, or D.

3. Class C - Permitted in all manufactured home parks. Also allowed as replacements to existing nonconforming manufactured homes in a manufactured home subdivision or park for units which would classify as Class C or D and as replacements to any other Class D unit.

4. Class D - Permitted only in manufactured home parks.

(b) Foundations/Skirting Support Systems:

1. All load bearing foundations, supports, and enclosures shall be installed in conformance with the Oregon Department of Commerce regulations and with the manufacturer's installation specifications (Reference OAR, Chapter 814, Division 23). [Where required, all perimeter foundations shall be constructed in accordance with the "Oregon State Structural Specialty Code."]

2. All Class A and Class B manufactured homes outside of manufactured home parks shall be **placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade**. [set onto an excavated area with perimeter foundation, and the excavated area shall be backfilled such that the manufactured home is not more than 12 inches above grade.]

3. Classes A and B manufactured homes inside of manufactured home parks and Classes C and D manufactured homes must have **enclosed** perimeter [foundations] as specified above or be installed with an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and backup framing shall be weather-resistent, noncombustible, or self-extinguishing materials which blend with the exterior siding of the home. Below-grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be resistant to decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendation or approved equal standards.

(c) Except for a structure which conforms to the state definition of a mobile home accessory structure, no other extension shall be attached to a manufactured home, except a garage or carport constructed to the Oregon State Structural Specialty Code.

(d) All manufactured home lots and spaces shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All

such utilities shall be located underground unless waived by the Planning Director where underground service would require an exception to local prevalent conditions.

(e) Manufactured homes shall not be used for living purposes unless connected to local water, sewer, and electrical systems.

(4) Placement Permits.

(a) Requirements. Prior to the location, relocation, or establishment of any manufactured home, the homeowner or authorized representative shall secure from the Building Official a placement permit which states that the building and its location conform with this ordinance. Each application for a placement permit shall be accompanied by:

1. A plot plan as required for all dwelling units but which at a minimum includes elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation support system, and enclosure design;

2. A copy of the manufacturer's approved instructions which will be used for installation purposes, where applicable;

3. Such other information as may be required by the Building Official or Planning Director for proper enforcement of this ordinance.

4. An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Building Official in the placement permit; and

5. For a manufactured home park, these requirements may be consolidated with concurrence of the Building Official for multiple placement in accordance with the approved park plan.

(b) Issuance of Permit. After receipt of the information required for the Placement Permit, the Building Official shall review the standard set forth in this ordinance. If the applicant has met all required standards, then within ten (10) working days, the placement permit shall be issued.

(c) Additional Action Necessary. If, after receipt of the information required for a placement permit, the Building Official finds that the applicant has not fully met the standards set forth in this ordinance, and the changes or additional actions needed are deemed by the Building Official to be relatively minor or simple, within (10) working days a conditional approval may be issued with the stated conditions which must be met prior to occupancy spelled out and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied with reasons stated in writing.

(d) Denial of Permit. The Building Official may, in writing, suspend or revoke a Placement Permit issued under the provisions of this ordinance whenever such permit has been issued in error or on the basis of incorrect information or upon the failure of the applicant to comply with minimum standards or conditions upon which the permit approval was issued.

(5) Certificate of Completion

(a) Occupancy Requirement. Prior to the occupancy of any manufactured home, the homeowner or authorized representative shall secure from the Building Official a Certificate of Completion stating that the building and its use comply with all provisions of the ordinance applicable to the building or the use in the zone in which it is to be located.

(b) Issuance of Certificate. After request for a Certificate of Completion, the Building Official shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the Placement Permit and the standards set forth in this ordinance. If the applicant has conformed with all of the required conditions and standards, a Certificate of Completion shall be issued.

(c) Temporary Certificate. If, after request for Certificate of Completion and the examination by the Building Official, it is found that the applicant has not fully met the required conditions and standards, a temporary Certificate of Completion, along with a written statement of necessary modifications, may be issued for a period not to exceed thirty (30) days pending completion of the modifications.

(d) Denial of Certificate. If any of the major conditions or standards have not been complied with, the Certificate of Completion shall not be issued and the home shall not be occupied until such conditions or standards have been met.

(6) Manufactured Home Subdivisions

[(a) Minimum Area Required. A manufactured home subdivision shall consist of a minimum area of five acres. Manufactured home subdivisions for Class B manufactured homes or manufactured home subdivisions or expansions thereof less than five acres in size may be considered by Conditional Use Permit applications.]

a [(b)] Lot Size and Dimension Requirements. The minimum lot area and dimensions within a manufactured home subdivision shall be the same as that allowed within the zone.

b [(c)] Permitted Uses. Manufactured home subdivisions may contain manufactured homes, and related accessory structures.

c [(d)] Setbacks. Setbacks for manufactured homes, modular homes, and accessory structures shall be the same as provided in the zone except that no manufactured home shall be located within 15 feet of another manufactured home.

(7) Manufactured Home Parks

(a) Minimum Area Required. All manufactured home parks shall consist of a minimum area of five acres.

(b) Density. The maximum number of manufactured homes allowed within a manufactured home park shall not exceed 10 units per acre. The average area of a mobile home site shall not be less than 4,000 square feet excluding roadway, recreation areas, and other accessory

facilities. No manufactured home site shall be less than 2,000 square feet in area.

(c) Access. Manufactured home park accesses shall be located on public streets improved to a minimum width of 36 feet and which are improved to a point intersecting a collector or arterial street.

(d) Permitted Uses. Manufactured home parks may contain manufactured homes and accessory structures permitted in Section 25, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence other than a manufactured home for the use of a caretaker or a manager responsible for maintaining or operating the property.

(e) Minimum Site Requirements.

1. Park Streets. The minimum surfaced width of the roadway within an accessway shall be 24 feet if there is no parking allowed and 30 feet if parking is allowed on both sides. The first 50 feet of the accessway measured from the public street shall be surfaced to a minimum width of 30 feet and shall be connected to the existing public street according to plans approved by the City Engineer.

2. Improvement Standards. The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted State standards for such or shall conform to the City's standard specifications manual, whichever is more restrictive.

SECTION 3. Section 30, Subsection (3), of Ordinance No. NS-1178 is amended to read:

(3) Minimum Size for Planned Unit Developments. No application shall be made for an area of less than 5 [10] acres in any "R" zone, or for an area of less than 4 acres in any other zone.

Read for the first time the 5th day of December, 1990.

Read for the second time the 19th day of December, 1990.

Placed upon its passage the 19th day of December, 1990.

YES: 6 NO: 1

Authenticated by the Mayor the 19th day of December, 1990.

Sam K. Dana
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1523

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM 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 amended by changing the designation of the following described property RS, Urban Standard Density Residential to RM, Urban Medium Density Residential:

A tract of land in the NE 1/4 SW 1/4 and a portion of the NW 1/4 SW 1/4 of Section 27 T17S R12E W.M. more particularly described as follows:

Beginning at the S.E. corner of the said NE 1/4 SW 1/4;
Thence N 45° 22' 13" W, 96.86 feet;
Thence along the arc of a 270 foot radius curve right, 214.58 feet (chord bears N 22° 36'11" W, 208.97 feet);
Thence N 89° 50' 08" W, 60.00 feet;
Thence N 00° 09' 52" E, 274.50 feet;
Thence S 89° 42' 33" W, 890.00 feet;
Thence S 31° 09' 24" E, 625.24 feet to the south line of the said NE 1/4 SW 1/4;
Thence S 89° 42' 33" W along said south line, 537.93 feet to the Southwest 1/16 corner of said Section 27, being also the southeast corner of the plat of Bluebird Estates;
Thence along easterly boundary of Bluebird Estates the following three courses:
N 0° 12' 44" E, 339.92 feet;
N 0° 21' 05" E, 110.69 feet;
N 30° 56' 28" W, 59.34 feet to the northeast corner of Bluebird Estates;
Thence N 30° 46' 38" W, 945.46 feet;
Thence N 89° 45' 35" E, 516.67 feet to the center west 1/16 corner of Section 27;
Thence N 89° 37' 58" E along the center of section line, 1312.40 feet to the center 1/4 corner of Section 27;
Thence S 00° 09' 52" W along the east line of the said NE 1/4 SW 1/4, 1317.73 feet to the point of beginning.

Containing 35.19 acres more or less in Bend, Deschutes County, Oregon.

Read for the first time the 19th day of December, 1990.

Read for the second time the 16th day of January, 1991.

Placed upon its passage the 16th day of January, 1991.

YES: 5 NO: 0

Authenticated by the Mayor the 16th day of January, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

James O Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1524

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM 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 amended by changing the designation of the following described property RS, Urban Standard Density Residential to RM, Urban Medium Density Residential:

A tract of land in the NE 1/4 SW 1/4 Section 27 T17S R12E W.M. being a portion of Parcel 2 in the Major Partition MJP-3-87. This tract is more particularly described as follows:

Commencing at the S.E. corner of said NE 1/4 SW 1/4:
Thence S 89° 42' 33" W along the south line of said NE 1/4 SW 1/4, 84.97 feet to the southeast corner of said Parcel 2 and the point of beginning;
Thence N 45° 22' 13" W, 36.69 feet;
Thence along the arc of a 330 foot radius curve right, 262.26 feet (chord bears N 22° 36' 11" W, 255.41 feet);
Thence N 00° 09' 52" E, 274.50 feet;
Thence S 89° 42' 33" W, 890 feet;
Thence S 31° 09' 24" E, 625.24 feet to the south line of said Parcel 2;
Thence N 89° 42' 33" E along said south line, 690 feet to the point of beginning.

Containing 9.20 acres more or less, all within the City of Bend, Deschutes County, Oregon.

Read for the first time the 19th of December, 1990.

Read for the second time the 16th day of January, 1991.

Placed upon its passage the 16th day of Janaury, 1991.

YES: 5 NO: 0

Authenticated by the Mayor the 16th day of January, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1525

An ordinance authorizing the acceptance of a loan of $512,452 for the completion of certain water and sewer improvements on Boyd Acres Road and Murray Road;

WHEREAS, Beaver Coaches has plans to expand its industrial facilities; and

WHEREAS, this expansion cannot occur without sewer lines and increased fire flows; and

WHEREAS, the City has held a public hearing, duly advertised, at which time the project and the loan were fully explained and members of the public were invited to attend, ask questions and comment, and no adverse testimony was offered;

WHEREAS, the City will repay the loan from City enterprise funds and payments from benefitted properties;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. City Commission approved the application of a loan from the Economic Development Dept., Community Development Program, State of Oregon in the amount of $512,452 upon the terms and conditions customarily and by its regulation made available for municipal infrastructure improvements under ORS 284.310 et. seq., and authorizes the Mayor to execute such application documents, and project agreements, necessary to obtain such a loan for the improvement of water and sewer systems on Boyd Acres Road and Murray Road.

Section 2. An emergency is declared and this ordinance shall therefore take effect upon adoption.

Read for the first time the 16th day of January, 1991.

Read for the second time the 6th day of February, 1991.

Placed upon its passage the 6th day of February, 1991.

YES: 7 NO: 0

Authenticated by the Mayor the 6th day of February, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1526

AN INTERIM ORDINANCE RELATING TO SETBACKS AND BUILDING HEIGHT RESTRICTIONS FOR BUILDINGS ALONG THE DESCHUTES RIVER CORRIDOR.

WHEREAS, the City Commission has decided to study what are appropriate land uses along the Deschutes River within the City of Bend; and

WHEREAS, the initial results of this study have revealed that current land use river setbacks and building heights do not adequately protect the public and private interests that exist in the Deschutes River; and

WHEREAS, the City Commission of the City of Bend has determined that the present 20 foot setback and various building height standards imposed upon properties being developed along the Deschutes River do not adequately protect the beauty, environmental integrity and view corridors of the river; and

WHEREAS, the Commission has determined that it is in the public interest to adopt interim land use regulations for building activity along the Deschutes River corridor which shall be effective until such time as final regulations can be adopted; and

WHEREAS, the Commission has decided that it should be the body that hears all requests for variances and conditional use permits which seek any change from the standards imposed by this ordinance in order to assist the Commission in determining what standards will be appropriate in the final river corridor ordinance; now therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following new provisions will apply, in lieu of the provisions of Section 27 (10) of Ordinance No. NS-1178, as amended:

River Setbacks. A setback of 40 feet from the "ordinary high water mark" of the Deschutes River, as such term is defined in Section 4, Yard, of Ordinance No. NS-1178 (as amended), shall apply to all property that is located within 40 feet of the high water mark of the Deschutes River and on which a new building is to be erected, an existing building enlarged, a new off-street parking facility is created or on which any new structure, as that term is defined in Section 4, Structure, of Ordinance No. NS-1178 (as amended), is to be placed. This 40 foot setback shall be measured as the shortest horizontal distance between any point along the ordinary high water mark and any point on, or directly below, the structure, building or facility being constructed.

SECTION 2. That the following new provisions shall apply to all buildings, any portion of which lies within 100 feet of the ordinary high water mark of the Deschutes River, as such term is defined in Section 4, Yard, of Ordinance No. NS-1178 (as amended), and which 100 foot area is hereinafter known as "the Deschutes River corridor":

River Corridor Building Heights. No building, any portion of which is located within the Deschutes River corridor, may be constructed to exceed a height of 30 feet. Building height shall be measured from the average existing grade level facing the river to the highest point on the structure. If the proposed structure has multiple sides facing the river, the distance between the average existing grade level of all sides facing the river and the highest point on the building shall be used for measurement purposes.

SECTION 3. All activities that occur within the Deschutes River corridor and that require a land use permit or building permits for the structural alteration or construction of structures, shall be subject to site plan review by the City of Bend. The person conducting such activities must apply to the City Planning Department for such approval, pay all site plan fees and comply with all conditions of approval.

SECTION 4. All development permit applications which seek a variance or conditional use permit which would allow a deviation from the standards established by Sections 1 and 2 of this ordinance shall be reviewed and decided by the Bend City Commission. These matters shall not be decided by administrative review nor by the City's Hearings Officer.

SECTION 5. A violation of this ordinance is a Class "A" civil infraction and may be prosecuted pursuant to the provisions of Bend Code Chapter 1. Every day that a violation exists is a separate offense. Any building erected in violation of this ordinance must be removed or altered to comply with the restrictions of this ordinance.

SECTION 6. This ordinance shall be effective for a period of two years from its effective date, unless repealed prior to said time. This ordinance shall supersede, but not repeal, all inconsistent

provisions of Ordinance No. NS-1178, as amended, during the term of this ordinance.

Read for the first time this 6th day of February, 1991.

Read for the second time this 6th day of February, 1991.

Placed upon its passage this 20th day of February, 1991.

YES: 6 NO: 1

Submitted to and approved by the Mayor this 20th day of February, 1991.

Kathryn P. Weinick
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1527

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RM, URBAN MEDIUM DENSITY RESIDENTIAL TO CC, CONVENIENCE COMMERCIAL.

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 amended by changing the designation of the following described property from RM, Urban Medium Density Residential to CC, Convenience Commercial:

> A parcel of land located in 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, Deschutes County, Oregon, described as follows:
>
> Beginning at a point which is the southeast corner of said Section 4; thence N 89° 57' 05" W 330.00 feet; thence N 00° 12' 06" W 660.26 feet; thence S. 89° 47' 25" E 329.74 feet; thence S 00° 13' 51" E 659.34 feet to the point of beginning.
> Excepting therefrom those portions located within the rights of way of Reed Market Road and Southeast 15th Street.

Read for the first time the 6th day of February, 1991.

Read for the second time the 20th day of February, 1991.

Placed upon its passage the 20th day of February, 1991.

YES: 7 NO: 0

Authenticated by the Mayor the 20th day of February, 1991.

Kathryn P. Weinick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. 1528

AN ORDINANCE TO ANNEX TERRITORY IN THE SERVICE AREA OF THE WESTWOOD WATER SYSTEM.

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that a majority of the registered electors within the below described territory have consented in writing, to the annexation of the land in the territory and have filed a statement of their consent with the Bend City Commission; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the city; and

WHEREAS, the City Commission has fixed March 6, 1991 as the date for a public hearing before the Commission at which time the electors of the city may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the city for a like period; and

WHEREAS, a public hearing was held on March 6, 1991 on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before March 6, 1991 and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, a portion of the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that such portion of the territory to be annexed that is currently located within the District should be withdrawn from the District; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described territory is hereby proclaimed to be annexed to the City of Bend:

Real property located in Sections 6 and 7, T18S R12E W.M. and in Sections 12 and 13 T18S R11E W.M. described as follows:

Beginning at the southwest corner of said Section 6;
Thence N 00° 28' 19" E along the west line of Section 6, 500 feet;
Thence S 89° 42' 41" E, 500 feet north of the south line of Section 6 and parallel with it, an approximate distance of 2,000 feet to its intersection with the easterly right of way of Century Drive;

Thence along the easterly and southeasterly right of way line of Century Drive the following six courses:

1) S 46° 03' 40"W, approximately 240 feet to the point of curvature;
2) 603.49 feet along the arc of a 909.93 foot radius curve left (chord bears S 24° 46' W, 592.49 ft.);
3) S 06° 08' 53" W, 750.89 feet to the point of curvature;
4) 1739.01 feet along the arc of a 1949.86 foot radius curve right (chord bears S 31° 19' W, 1681.94 ft.);
5) N 33° 08' W, 10.00 ft.;
6) S 56° 52' W, approximately 495 feet to this southerly right of way line's intersection with the east-west centerline of said Section 7;

Thence leaving the southeasterly right of way line of Century Drive, S 89° 52' 20" E along the said east-west centerline of Section 7, approximately 230 feet;

Thence S 18° 03' 18" E, 1398.08 feet to the south line of Government Lot 3, Section 7 to a point from which the southeast corner of said Government Lot 3 bears S 89° 57' 49" E, 370.05 feet;

Thence S 17° 30' 02" E along the easterly boundary of the plat of East Knoll Section of Sunrise Village, 679.37 feet to the thread of the Deschutes River;

Thence along the south boundary of said plat being also the thread of the Deschutes River the following eight courses:

1) S 50° 20' 39" W, 129.89 ft.;
2) S 67° 22' 49" W, 650.00 ft.;
3) S 65° 46' 20" W, 438.63 ft.;
4) S 86° 43' 46" W, 350.57 ft.;
5) S 69° 46' 31" W, 202.48 ft.;
6) S 45° 00' 00" W, 226.27 ft.;
7) S 22° 37' 12" W, 260.00 ft.;
8) S 32° 49' 43" W, 224.02 ft.;

Thence leaving the thread of the Deschutes River, N 00° 42' 45" E along the west boundary of said plat, 516.74 feet to the Section line between Sections 12 and 13 T18S R11E W.M.;

Thence N 89° 31' 54" W along said Section line, being also a portion of the boundary of the plat of River Bluff Section of Sunrise Village, 487.81 feet to the east 1/16 corner of Sections 12 and 13;

Thence continuing along the boundary of said plat, being also the East line of the NW 1/4 NE 1/4 of said Section 13, S 00° 42' 45" W, 1166.80 feet to the southerly boundary of said plat;

Thence along the said southerly boundary, being also the thread of the Deschutes River the following four courses:

1) S 45° 29' 32" W, 406.19 ft;
2) S 37° 18' 28" W, 549.42 ft.;
3) S 37° 28' 06" W, 383.02 ft.;
4) S 52° 07' 30" W, 182.43 ft. to the southeast boundary corner of the plat of Outback Section of Sunrise Village;

Thence continuing along the thread of the Deschutes River on the southerly boundary of said plat the following two courses:

1) S 59° 36' 30" W, 154.00 ft.;
2) West, 178.41 ft.;

Thence leaving the thread of the Deschutes River, N 26° 25' 09" W along the boundary of said plat, 107.57 feet to the west bank of the river;

Thence leaving the boundary of said plat, S 55° 04' 28" W along said west bank, 598.24 feet;

Thence N 19° 53' W, 478.56 feet;

Thence N 56° 03' 09" E, 352.23 feet to the westerly boundary of said plat;

Thence along the westerly boundary of said plat the following three courses:

1) N 01° 36' 31" E, 459.45 ft.;
2) S 62° 15' 01" W, 569.97 ft.;
3) N 01° 36' 31" E, 1507.35 ft. to an angle point in the westerly boundary of said plat and also the southwest corner of a tract of land described in Volume 203, Page 2596, Deschutes County Deed Records;

Thence N 01° 36' 31" E along the westerly boundary of said tract, 296.36 feet to a point on the north line of said Section 13;

Thence continuing along the boundary of said tract, N 00° 18' 02" E, 304.44 feet to the northwest corner of said tract;

Thence leaving said tract boundary, N 00° 18' 02" E, 130 feet, more or less, to the southerly right of way line of Century Drive;

Thence along the southerly right of way of Century Drive the following two tangents and one curve:

1) N 71° 22' E, 167 feet, more or less to a point of curvature;
2) 1457.59 feet along the arc of a 5759.58 foot radius curve left (chord bears N 64° 07' E, 1453.71 ft.);
3) N 56° 52' E, 634.09 ft.;

Thence leaving said right of way line, N 31° 52' 30" W, 156.95 feet to the northwest corner of Lot 1 Block 2 of the plat of First on The Hill Sites;

Thence along the northerly line of Block 2 and Block 3 of said plat the following ten courses:

1) N 49° 57' 30" E, 202.03 ft.;
2) N 43° 43' E, 206.48 ft.;
3) N 41° 29' E, 208.56 ft.;
4) N 50° 50' 30" E, 201.45 ft. to the northeast corner of Lot 2 Block 2;
5) N 43° 54' E, 21.11 feet to the northwest corner of Lot 1 Block 3;
6) N 52° 25' E, 200.81 ft.;
7) N 70° 26' 30" E, 212.28 ft.;
8) N 65° 52' E, 203.42 ft.;
9) N 66° 56' 30" E, 202.65 ft.;
10) N 63° 07' E, 207.40 ft. to the northeast corner of Lot 3 Block 3;

Thence N 00° 08' W along the east line of said plat, 306.43 feet to the northeast corner of said plat and also the southwest corner of the plat of West Ridge;

Thence along the westerly boundary of West Ridge the following three courses:

1) N 00° 03' 22" W, 216.75 ft.;
2) N 76° 15' 03" E, 107.49 ft. to the Section line between Section 12 T18S R11E and Section 7 T18S R12E;
3) N 00° 37' 36" E along said Section line and plat boundary, 1387.42 ft. to the northwest corner of said plat;

Thence continuing N 00° 37' 36" W along said Section line,

935.00 feet to the northwest corner of Section 7 and the southwest corner of Section 6, the point of beginning.

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

Read for the first time this 6th day of March, 1991.

Read for the second time this 20th day of March, 1991.

Placed upon its passage this 20th day of March, 1991.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of March, 1991.

Kathryn P. Weinck
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1529

AN ORDINANCE AMENDING CITY OF BEND SUBDIVISION ORDINANCE NO. NS-1349 TO DELETE THE DESIGN SPEEDS FROM TABLE A AND SUBSTITUTE STANDARDS AT THE DISCRETION OF THE CITY AND COUNTY ENGINEERS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Design Speed column of Table A of Bend Subdivision Ordinance No. NS-1349 shall be amended to read as shown on the revised Table A, attached hereto and incorporated by reference herein.

Read for the first time the 6th day of March, 1991.

Read for the second time the 20th day of March, 1991.

Placed upon its passage the 20th day of March, 1991.

YES: 7 NO: 0

Authenticated by the Mayor the 20th day of March, 1991.

Kathryn P. Weinck
Mayor

ATTEST:

Recorder-Treasurer

TABLE "A"

CITY OF BEND
MINIMUM STREET RIGHT OF WAY AND
BASIC IMPROVEMENT STANDARDS

Ordinance No. NS-1349

Type of Street	Right of Way Width (Feet)	Pavement Width (Feet)(1)	Turn Lane Width (Feet)	Pave-ment Depth	Base Depth (2)	Design Speed	Max. Grade (3)	Min. Tangent & Min. Curve	Curb Type	Signs	Side-walks
Principal Arterial	80-100	60-80	12-14	(8)		(8)	6%	(8)	16" Std.	One street sign shall be provided at each intersection for each street.	Location and width to be determined. Min. property line 4', curb line 5'.
Minor Arterial	80	40-52	12-14	3" AC	8"	(9)	6%	(9)	12" Std.		
Collector	60-80	36-52(6)	12-14	3" AC	6"	(9)	8%	(9)	12" Std.		
Local	50-60(5)	36(7)	--	2" AC	6"	(9)	10%	(9)	12" Std		
Industrial	60	44	--	3" AC	8"	(9)	6%	(9)	16" Std.		
Cul-de-sac(4)	60	36	--	2" AC	4"	(9)	10%	(9)	12" Std.		
Alley	20	20	--	2" AC	4"	(9)	10%	--	---		

(1) When roadway falls on a bike route, additional pavement width will be required.

(2) Base may be increased or decreased when a C.B.R. or R-value is required.

(3) Increase in grade by 2% may be granted in unusually steep areas. Narrower local streets may be approved when terrain or other factors warrant. Sidewalks on one side of a street may be approved in steep terrain.

(4) Right of way may be reduced to 50' for cul-de-sac less than 200 feet in length to the turnaround. The cul-de-sac bulb shall be a minimum of 50' radius with a 40' paving section. Maximum length of cul-de-sac shall be 600'.

(5) Width may be increased when bicycle paths are required.

(6) Width of 36' can be used only with no access from private property and with bike paths (no parking).

(7) Lesser street width and right of way width may be approved subject to road standard variance.

(8) Structural section, cross section, and design standards as required by Oregon Department of Transportation.

(9) Design criteria as approved by the City of Bend and no less than current AASHTO standards.

[Resolution No. 1764 passed 7-17-85]
[Table A amended by Ord. No. NS-1529 passed 03-20-91]

ORDINANCE NO. NS-1530

AN ORDINANCE VACATING A PORTION OF NE 12TH STREET RIGHT OF WAY BETWEEN FRANKLIN AVENUE AND LARCH AVENUE, CITY OF BEND, DESCHUTES COUNTY, OREGON.

The Bend City Commission on the 19th day of September, 1990, upon its own motion, did request that a portion of NE 12th Street right of way between Franklin Avenue and Larch Avenue, Bend, Deschutes County, Oregon, be vacated.

The Recorder of the City of Bend thereafter caused a notice of intent to vacate the above portion of NE 12th Street right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for four (4) consecutive weeks.

Within five days after the first day of publication of said notice, the City Recorder caused a copy of said vacation 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. The first publication and posting of said notice occurred not less than 28 days prior to the hearing for said proposed vacation.

The City Commission of the City of Bend fixed the 20th day of March, 1991, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, the time and place for the hearing upon said proceedings. At that time the City Commission heard all objections to the proposed vacation.

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 following portion of right of way located within Bend, Deschutes County, Oregon, be vacated:

> A portion of the right of way of NE 12th Street lying contiguous to the west line of Block 125, First Addition to Bend Park in the NW 1/4 SE 1/4, Section 33, T17S R12E W.M. This vacation runs from the south margin of Franklin Avenue to the north margin of Larch Avenue and from the west line of said Block 125, westerly to the southerly prolongation of the west line of Block 118 of said plat and is more particularly described as follows:
>
> Beginning at the northwest corner of said Block 125, being also the east right of way line of NE 12th Street, as originally platted;
>
> Thence West, 34.07 feet;
> Thence South, 120.00 feet;
> Thence East, 34.07 feet to the southeast corner of said Block 125;
> Thence North, 120.00 feet to the point of beginning.
>
> Containing 4,089 square feet, more or less, all in Bend, Deschutes County, Oregon.

reserving to the City of Bend an easement for an 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 providing 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 20th day of March, 1991.

Read for the second time the 3rd day of April, 1991.

Placed upon its passage the 3rd day of April, 1991.

Yes: 7 No: 0

Authenticated by the Mayor this 3rd day of April, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1531

AN ORDINANCE AMENDING THE BEND ZONING ORDINANCE (NS-1178) BY CHANGING THE DEFINITION OF FAMILY AND THE CONDITIONAL USES OF THE RS AND RM ZONES AS IT RELATES TO THAT DEFINITION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The definition of family, contained in Section 4 of Ordinance No. NS-1178, is amended to read:

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. Family shall include two or more handicapped persons as defined in the Fair Housing Act of 1988 living as a single housekeeping unit.

[Residential Care. Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.]

[Residential Care Facility. A facility that provides residential care for six or more physically handicapped or socially dependent individuals and which is licensed by the State Department of Senior Services.]

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

SECTION 2. Section 10, Subsection 3, is amended to read:

Section 10. Urban Standard Residential Zone or RS Zone.

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

[(x) Residential care facility.]

SECTION 3. Section 11, Subsection 3, is amended to read:

Section 11. Urban Medium Density Residential Zone, or RM Zone.

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

[(i) Human Resource Facility.]

Read for the first time the 3rd day of April, 1991.

Read for the second time the 17th day of April, 1991.

Placed upon its passage the 17th day of April, 1991.

YES: 5 NO: 0

Authenticated by the Mayor the 17th day of April, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1532

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM DENSITY RESIDENTIAL.

Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the following described property from RS, Urban Standard Density Residential to RM, Urban Medium Density Residential zone:

A portion of Lots One (1) and Two (2) in Block Seven (7) of ELLIS SUBDIVISION, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point North 88° 20' 35" West 1051.60 feet from the Southeast corner of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Twenty-eight (28), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE TWELVE (12) EAST OF THE WILLAMETTE MERIDIAN; thence North 88° 20' 35" West 288.53 feet to the Southwest corner of said Lot One (1); thence North 0° 24' 25" East 276.95 feet along the West line of said Lot One (1); thence South 88° 20' 35" East 286.59 feet; thence South 277.0 feet to the point of beginning.

Read for the first time the 17th day of April, 1991.

Read for the second time the 1st day of May, 1991.

Placed upon its passage the 1st day of May, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 1st day of May, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1533

AN ORDINANCE VACATING A PORTION OF NW ITHACA AVENUE BETWEEN NW 17TH STREET AND NW KINGSTON AVENUE, CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission requesting that the following described area be vacated:

A portion of NW Ithaca Avenue lying between Block 15 on the North and Block 18 on the South, Bonne Home Addition; being that portion of NW Ithaca Avenue between the Easterly right-of-way of NW 17th Street and Westerly right-of-way of NW Kingston Avenue.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the

above portion of NW Ithaca Avenue right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for four (4) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a copy of said vacation 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. The first publication and posting of said notice having occurred not less than 28 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 1st day of May, 1991, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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 portion of right of way of NW Ithaca Avenue, Bend, Deschutes County, Oregon, be vacated. 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 providing that nothing contained herein shall cause or require the removal or abandonment or 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 May, 1991.

Read for the second time the 15th day of May, 1991.

Placed upon its passage the 15th day of May, 1991.

Yes: 7 No: 0

Authenticated by the Mayor this 15th day of May, 1991.

Kathryn P. Wenrick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1534

AN ORDINANCE AMENDING THE CITY'S SUBDIVISION ORDINANCE, ORDINANCE NO. NS-1349, TO ALLOW SUBDIVIDERS TO FILE A LETTER OF CREDIT AS SECURITY TO ASSURE PERFORMANCE OF THE CONDITIONS OF AN IMPROVEMENT OR WARRANTY AGREEMENT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 4.055 of Ordinance No. NS-1349 is amended to read:

4.055 BOND OR CASH DEPOSIT.

1. The subdivider shall file, with any agreement specified in section 4.050, to assure his full and faithful performance thereof, one of the following:

   A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.

   B. A cash deposit in a City account at an approved lending institution.

   C. An irrevocable standby letter of credit from a federally insured banking institution or savings & loan operating in Oregon that unconditionally promises to pay the funds pledged upon demand by the City. Such obligation must be unaffected by the financial status of the person who has obtained the letter of credit.

2. Such assurance of full and faithful performance shall be for 120% of the cost of the improvements and repairs as determined by the City.

3. If the subdivider fails to carry out the provisions of the agreement, the City shall call upon the bond, letter of credit or cash deposit to finance any cost or expense resulting from said failure. If the amount of the deposit, letter of credit or bond exceeds the cost and expense incurred by completing the improvements, the City shall release the remainder. If the amount of the deposit, letter of credit or bond is less than the cost and expense incurred by the City for the improvements and repairs, the subdivider shall be liable to the City for the difference.

Read for the first time this 1st day of May, 1991.

Read for the second time this 15th day of May, 1991.

Placed upon its passage this 15th day of May, 1991.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of May, 1991.

Kathryn P. Wenick
MAYOR

ATTEST:

James W. Forbes
Recorder-Treasurer

ORDINANCE NO. NS-1535

AN ORDINANCE AMENDING ORDINANCE NO. NS-1399 AND ESTABLISHING CODE PROVISIONS RELATING TO SYSTEMS DEVELOPMENT CHARGES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose. The purpose of this ordinance is to authorize the City of Bend to assess and collect systems development charges from developers of real property to recover the costs of providing capital improvements for water, waste water drainage, streets, flood control and parks that are attributable to new development upon those developments that create the need for or increase the demands on capital improvements, in accordance with the provisions of Oregon's system development charge law, currently codified as ORS 223.297 through 223.314.

SECTION 2. New Provisions. The following new provisions are added to and made a part of Bend Code Chapter 1, Ordinance No. NS-1399:

B.C. 1.900 Adoption of Systems Development Charges. Systems development charges, the collection of which are authorized by ORS 223.297 through 223.314, are to be collected from developers of real property and users of capital improvements and may be established by the Bend City Commission by resolution. Each systems development charge resolution shall set forth the fee to be charged and the methodology used to establish said charge. The resolution shall also indicate when such fees are to be paid and shall, for improvement fees, provide for a credit when a qualified public improvement is constructed by the developer or user who is being required to pay a systems development charge.

B.C. 1.930 Challenge of Expenditures. Any citizen or interested person may challenge an expenditure of system development charge revenues based upon an alleged failure of the city to follow the requirements of ORS 223.307 by filing a written challenge with the City Manager describing, with particularity, the expenditure which the person is challenging and the reason that the challenge is alleged to be unlawful. All such challenges must be brought within two years of the date of the expenditure challenged.

B.C. 1.932 Hearing of Challenge to Expenditures. A challenge to an expenditure of systems development charges shall be set for an administrative hearing before the City Manager, or his designee. Such hearings shall be tape recorded. The person conducting the hearing must not be one of the persons who authorized the challenged expenditure of funds. The hearings officer shall provide notice to the person challenging the expenditure and the public employees or officials who made the expenditure, of the hearing date, time and place. The person conducting the hearing shall also provide said persons an opportunity to present evidence and legal arguments concerning the matter. If the hearings officer determines that systems development charges were misspent, he or she shall forward a report to the City Commission detailing the hearings officer's findings and indicating the amount of funds misspent and from where said funds were spent. The City Commission shall review the hearings officer's report and replace any funds it determines have been misspent with funds derived from other sources.

Read for the first time the 15th day of May, 1991.

Read for the second time the 5th day of June, 1991.

Placed upon its passage the 5th day of June, 1991.

YES: 5 NO: 0

Authenticated by the Mayor Pro-Tem the 5th day of June, 1991.

Mayor Pro-Tem

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1536

AN ORDINANCE OF THE CITY OF BEND AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A LOAN CONTRACT WITH THE OREGON ECONOMIC DEVELOPMENT DEPARTMENT.

The City Commission (the "Governing Body") of the City of Bend (the "Municipality") finds:

A. The City of Bend is a "municipality" within the meaning of Oregon Revised Statutes 284.310 (2).

B. Oregon Revised Statutes 284.310 through 284.535 (the "Act") authorizes any municipality to file an application with the Oregon Economic Development Department (the "Department") to obtain financial assistance from the Special Public Works Fund.

C. The Municipality has filed an application with the Department to obtain financial assistance for an "infrastructure project" within the meaning of the Act.

D. The Department has approved the Municipality's application for financial assistance from the Special Public Works Fund pursuant to the Act.

E. The Municipality is required, as a prerequisite to the receipt of financial assistance from the Department, to enter into a Financial Assistance Award Contract and a Loan Agreement with the Department.

F. The project is an "infrastructure project" within the meaning of the Act which is needed by and is in the public interest of the Municipality.

G. Notice relating to the Municipality's consideration of the adoption of this Ordinance was published at least once in a newspaper of general circulation within the City of Bend. Such notice was published at least 14 days in advance of the adoption of this Ordinance.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

1. Loan Authorized. The Governing Body authorizes the Kathryn P. Wenick, Mayor to execute the Financial Assistance Award Contract, Loan Agreement, the Promissory Note and such other documents as may be required to obtain financial assistance including a loan from the Department on the condition that the principal amount of the loan from the Department to the Municipality is not in excess of $80,785 and the interest rate on such loan is not in excess of 6.5 percent. The proceeds of the loan from the Department shall be applied solely to the "Costs of the Project" as such term is defined in the Loan Agreement.

2. Security. Amounts payable by the Municipality shall be payable from the sources described in Section 3.09 of the Loan Agreement and Oregon Revised Statutes 284.410(2) which include:

a. Any sources of funds that are legally available to the Municipality,

b. The revenues, if any, of the Project, including special assessment revenues, if any, and

c. The Municipality's general fund including the general revenues of the Municipality, other funds which may be available for such purpose and a pledge of the Municipality's taxing power within the restrictions of Article XI, Section 11 of the Constitution of the State of Oregon. The obligation of the Municipality to make payments pursuant to the Loan Agreement is full faith and credit obligation of the Municipality and is not subject to annual appropriation.

3. Tax-Exempt Status. The Municipality covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Municipality pursuant to the Loan Agreement not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The Municipality shall not permit more than ten percent of the Project to be used for any private business use. Kathryn P. Wenick, Mayor of the Municipality may enter into covenants on behalf of the Municipality to protect the tax-exempt status of the interest paid by the Municipality pursuant to the Loan Agreement and may execute any Tax Certificate, Internal Revenue Service forms or other documents as shall be required by the Department or their bond counsel to protect the tax-exempt status of such interest.

4. Declaration of Emergency. The Governing Body declares that an emergency exists in order that there be no delay in financing the Project as provided in this Ordinance. Therefore, this Ordinance shall be in force and effect from and after passage by the Governing Body.

Read for the first time the 5th day of June, 1991.

Read for the second time the 19th day of June, 1991.

Placed upon its passage the 19th day of June, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 19th day of June, 1991.

Kathryn P. Wenick
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1537

AN ORDINANCE AMENDING CHAPTER 10 OF THE BEND CODE DEALING WITH PRESERVATION OF HISTORIC BUILDINGS AND SITES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Bend Code 10.120 is amended to read as follows:

10.120 Signs/Plaques. No sign **or plaque** may be displayed on an historic property except for signs or plaques [owned and placed by the Deschutes Historic Society.] **approved by the Landmarks Commission, in conformance with B.C. 10.114, the appendices referred to therein and the City of Bend sign code.**

Read for the first time the 19th day of June, 1991.

Read for the second time the 3rd day of July, 1991.

Placed upon its passage the 3rd day of July, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 3rd day of July, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1538

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM URBAN SINGLE FAMILY RESIDENTIAL, RS, TO URBAN MEDIUM DENSITY RESIDENTIAL, RM.

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 amended by changing the designation of the following described property from Urban Single Family Residential, RS, to Urban Medium Density Residential, RM:

A tract of land located in the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$) of Section Twenty-Six (26), Township Seventeen (17), Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point whence the Northwest corner of the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$) of said Section 26 bears North 00° 00' 13" East 415.0 feet; thence South 89° 58' 12" East 1322.90 feet; thence South

96-20637

411 - 2916

ORDINANCE NO. NS-1539

AN ORDINANCE CHANGING THE NAME OF WATT WAY WITHIN THE CITY OF BEND, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the following street name change be implemented:

a. Watt Way to Cushing Dr.

Section 2. The effective date for the renaming of this street shall be 30 days following adoption of this ordinance.

Read for the first time the 19th day of June, 1991.

Read for the second time the 3rd day of July, 1991.

Placed upon its passage the 3rd day of July, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 3rd day of July, 1991.

Kathryn P. Weinick
Mayor

ATTEST:

James W. Kenfoot
Recorder-Treasurer

Certified True Copy
Cheryl Stanard

After recording return to:
City of Bend
City Recorder
P.O. Box 431
Bend, OR 97709

STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

96 JUN -6 PM 2:06

MARY SUE PENHOLLOW
COUNTY CLERK

BY. _____ DEPUTY

NO. 96-20637 FEE 15

DESCHUTES COUNTY OFFICIAL RECORDS

00° 05' 24" West 574.30 feet; thence South 89° 59' 11" West 1321.01 feet; thence North 00° 00' 13" East 576.05 feet to the beginning.

Read for the first time the 19th day of June, 1991.

Read for the second time the 3rd day of July, 1991.

Placed upon its passage the 3rd day of July, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 3rd day of July, 1991.

Kathryn P. Weinick
Mayor

ATTEST:

James W. Kenfield
Recorder-Treasurer

ORDINANCE NO. NS-1539

AN ORDINANCE CHANGING THE NAME OF WATT WAY WITHIN THE CITY OF BEND, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the following street name change be implemented:

a. Watt Way to Cushing Dr.

Section 2. The effective date for the renaming of this street shall be 30 days following adoption of this ordinance.

Read for the first time the 19th day of June, 1991.

Read for the second time the 3rd day of July, 1991.

Placed upon its passage the 3rd day of July, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 3rd day of July, 1991.

Kathryn P. Weinick
Mayor

ATTEST:

James W. Kenfield
Recorder-Treasurer

ORDINANCE NO. NS-1540

AN ORDINANCE AMENDING ORDINANCE NO. NS-1399, TO ELIMINATE THE REQUIREMENT THAT PAID FIRE FIGHTERS, AMBULANCE TECHNICIANS AND AMBULANCE SUPERVISORS LIVE WITHIN THE CITY OR WITHIN A 15 MILE RADIUS OF BEND FIRE STATION #1.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That portion of Ordinance Number NS-1399 codified as Bend Code 1.414, Residence, is hereby repealed.

Read for the first time the 19th day of June, 1991.

Read for the second time the 3rd day of July, 1991.

Placed upon its passage the 3rd day of July, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 3rd day of July, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1541
(as corrected)

AN ORDINANCE VACATING A PORTION OF NW PANAMA STREET, BETWEEN NW UTICA AVENUE AND NW TRENTON AVENUE, CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission requesting that the following described area be vacated:

> That portion of NW Panama Street beginning at the southerly boundary of NW Utica Avenue and extending south to the northerly boundary of NW Trenton Avenue, lying between Blocks 9 and 10, Bend View Addition.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of NW Panama Street right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for four (4) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area. The first publication and posting of said notice having occurred not less than 28 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 3rd day of July, 1991, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described portion of right of way of NW Panama Street, Bend, Deschutes County, Oregon, be vacated. 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 providing 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 July, 1991.

Read for the second time the 17th day of July, 1991.

Placed upon its passage the 17th day of July, 1991.

Yes: 7 No: 0

Authenticated by the Mayor this 17 day of July, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1542

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED WEST OF NORTH HIGHWAY 97.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner or electors in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

ALL SECTIONS IN THESE DESCRIPTIONS ARE IN T17S R12E, W.M.

AREA ONE **17-12-20DA** **Tax Lots 99, 1900, 2200, 2300, 2600, 2700, 2800**

A parcel of land within a portion of Tract 10 and Tract 11, plat of Norwood in the NE 1/4 SE 1/4 Section 20 described as follows:

Beginning at the northwest corner of said Tract 10;

Thence S 89° 32' 15" E along the north line of Tract 10, 347.72 ft. to the westerly boundary of the plat of Jackpot Addition;

Thence S 11° 06' 55" E along said westerly boundary, 532.18 ft. to the southerly boundary of said plat;

Thence S 83° 50' W, 99.45 ft.;
Thence S 6° 43' 21" E, 179.95 ft.;
Thence S 81° 04' 59" W, 6.42 ft.;
Thence S 8° 40' 30" E, 286.55 ft.;
Thence N. 88° 17' E, 40.87 ft.;
Thence S 21° 39' 08" E, 64.37 ft.;
Thence N 88° 24' 22" E, 43.32 ft. to the inside corner in Tract 11;
Thence S 8° 40' 30" E, 271.43 ft. to the south line of the said NE 1/4 SE 1/4 Section 20;

Thence N 89° 19' 51" W along said south line, 203.57 ft. to the east right of way of O.B. Riley Road;

Thence along the easterly right of way the following four courses:
N 17° 23' W, 203 ft. more or less;
291.42 feet along the arc of a 1462.50 foot radius curve left;
N 28° 48' W, 188.30 ft.;
349.3 feet along the arc of a 686.25 foot radius curve right;

Thence leaving said right of way, S 89° 32' 15" E, 268 ft.;
Thence N 00° 27' 45" E, 170 ft.;
Thence N 89° 32' 15" W, 266.3 ft. to the east right of way of O.B. Riley Road;

Thence along the easterly right of way the following two courses:
N 01° 32' E, 71.60 ft.;
119 feet more or less along the arc of a 1462.50 foot radius curve left to the point of beginning.

AREA TWO **17-12-20A** **Tax Lot 1600**

A parcel of land in an unplatted area of the plat of Norwood lying between Tract 9 and Tract 10 described as follows:

Commencing at the Center East 1/16 corner of Section 20;

Thence N 00° 26' 53" E along the west line of the SE 1/4 NE 1/4 Section 20, 328.47 ft.;

Thence S 89° 35' 11" E, 0.75 ft. to the northwest corner of this parcel and the point of beginning;

Thence S 89° 35' 11" E, 334.70 ft.;
Thence S 00° 23' 28" W, 325.26 ft. to the north line of Tract 10;

Thence N 89° 32' 15" W along said north line, 282.76 ft. to the east right of way of O.B. Riley Road;

Thence 134.3 ft. along the arc of a 1462.50 foot radius curve left (chord bears N 5° 58' 09" W, 134.25 ft.);
Thence N 8° 36' W, 198.43 ft. to the point of beginning.

AND ALSO All of the 30 foot right of way of the platted road lying south of the said Tract 9, from O.B. Riley Road to the Dalles-California Highway.

AREA THREE **17-12-21C** **Tax Lot 3100**

A small parcel in the NE 1/4 SE 1/4 Section 20 described as follows:

Beginning at a point from which the southeast corner of the NE 1/4 SE 1/4 of Section 20 bears S 89° 17' 00" E, 48.80 ft.;
Thence N 16° 39' 33" E, 130.00 ft.;
Thence N 89° 17' 00" W, 230.71 ft.;
Thence S 00° 43' 00" W, 125.00 ft. to the south line of the said NE 1/4 SE 1/4;

Thence S 89° 17' 00"E along said south line, 195.00 ft. to the point of beginning.

AREA FOUR **17-12-20D Tax Lots 1200, 1201**

The bed of the Deschutes River from the East Bank to the West Bank, which falls within the SE 1/4 SE 1/4 Section 20, and

The two tracts of land lying west of the Deschutes River, which fall within the SE 1/4 SE 1/4 Section 20.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 3rd day of July, 1991.

READ for the second time this 17th day of July, 1991.

PLACED upon its passage the 17th day of July, 1991.

YES: 7 NO: 0

APPROVED by the Mayor this 17th day of July, 1991.

Kathryn P. Weimer
Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1543

AN ORDINANCE VACATING A PORTION OF PURCELL BOULEVARD, CITY OF BEND, DESCHUTES COUNTY, OREGON.

The Bend City Commission on the 6th day of September, 1989, upon its own motion, did request that the following portion of Purcell Boulevard be vacated:

A small tract West of and contiguous to Parcel 1 in the Minor Land Partition MP-6-89 in the SE¼ SE¼ of Section 34, T17S R12E WM, described as follows:

Commencing at the SE 1/16 corner of said Section 34;
Thence South 00°33'09" East along the 1/16 line, 47.38 feet to the South right of way of U.S. Highway 20, said point being also on the centerline of Purcell Boulevard to the South;
Thence South 89°10'20" East along the South Highway right of way, 30.01 feet, to the point of beginning;
Thence continuing South 89°10'20" East, 40.01 feet;
Thence South 00°33'09" East, 298.58 feet;
Thence North 89°06'24" West, 29.69 feet;
Thence North 10°00'09" West, 23.98 feet;
Thence 77.52 feet along the arc of a 470 foot radius curve right (chord bears North 05°16'39" West, 77.43 feet);
Thence North 00°33'09" West, 197.98 feet to the point of beginning.

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of Purcell Boulevard right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for four (4) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area. The first publication and posting of said notice having occurred not less than 28 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 17th day of July, 1991, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS: that the above described portion of right of way of Purcell Boulevard, Bend, Deschutes County, Oregon, be vacated. 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 providing 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 17th day of July, 1991.

Read for the second time the 7th day of August, 1991.

Placed upon its passage the 7th day of August, 1991.

Yes: 7 No: 0

Authenticated by the Mayor this 7th day of August, 1991.

Kathryn P. Weinick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1544

AN ORDINANCE CHANGING THE NAME OF MINOR AVENUE WITHIN THE CITY OF BEND, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the street name of Minor Avenue be changed to Lakeside Place.

Section 2. The effective date for the renaming of this street shall be 30 days following adoption of this ordinance.

Read for the first time the 7th day of August, 1991.

Read for the second time the 21st day of August, 1991.

Placed upon its passage the 21st day of August, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 21st day of August, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1545

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 TO CLARIFY PROVISIONS RELATING TO MINIMUM FRONT YARD SETBACKS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The definition of "Frontage" in Section 4 of Ordinance No. NS-1178 is amended to read:

> Frontage. That portion of a parcel of property which abuts a dedicated public street or highway or an approved private [way] **street**.

SECTION 2. The definition of "Lot Line, Front" in Section 4 of Ordinance No. NS-1178 is amended to read:

> Lot Line, Front. The property line abutting a street. **Corner lots and through lots may have two or more front lot lines.**

SECTION 3. The definition of "Street" in Section 4 of Ordinance No. NS-1178 is amended to read:

> Street. A public **or private** 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 **two or**

more parcels of abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

Read for the first time the 17th day of July, 1991.

Read for the second time the 21st day of August, 1991.

Placed upon its passage the 21st day of August, 1991.

YES: 6 NO: 0

Authenticated by the Mayor the 21st day of August, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1546

AN ORDINANCE AMENDING THE CITY OF BEND PUBLIC PROTECTION AND TRAFFIC CODE, ORDINANCE NO. NS-1361, AS AMENDED, TO INCORPORATE 1991 STATE LEGISLATIVE AMENDMENTS TO STATE LAWS ADOPTED BY THE CITY AS CITY ORDINANCES AND UPDATING ALL CITY ORDINANCE REFERENCES TO STATE LAW.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 5.005 of the City of Bend Public Protection and Traffic Code, Ordinance No. NS-1361, as amended, is amended to read as follows:

5.005 APPLICATION OF THE OREGON CRIMINAL PROCEDURES AND PENALTIES. 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 apply to offenses defined and made punishable by the City of Bend Criminal Code. Amendments to the above-mentioned provisions of the Oregon Criminal Code made by the 1983, 1985, 1987, [and] 1989 and 1991 Oregon Legislatures shall be amendments to this section.

SECTION 2. Section 5.020 of the City of Bend Public Protection and Traffic Code, Ordinance No. NS-1361, as amended, is amended to read as follows:

5.020 APPLICATION OF THE OREGON CRIMINAL CODE. Violations of the Oregon Criminal Code, for misdemeanors and violations set forth in ORS Chapters 162, 163, 164, 166 and 167 and those provisions relating to controlled substances in ORS 475 and alcohol in ORS 471 and 472 are municipal ordinance offenses against the City of Bend. Amendments to the chapters of ORS incorporated herein made by 1983, 1985, 1987, [and] 1989 and 1991 Oregon Legislatures shall be amendments to this section.

SECTION 3. Section 6.015 of the City of Bend Public Protection and Traffic Code, Ordinance No. NS-1361, as amended, is amended to read as follows:

6.015 APPLICATION OF STATE TRAFFIC LAWS. A violation of the provisions of the Oregon Vehicle Code in ORS Chapters 801 through 822 and ORS 476.715 is a municipal ordinance offense against the City of Bend. The provisions of ORS Chapter 153 shall be applicable to all actions filed in Bend Municipal Court which allege a violation of this section. Amendments to the chapters of ORS incorporated herein made by the 1983, 1985, 1987, [and] 1989 and 1991 Oregon Legislatures shall be amendments to this section.

SECTION 4. All references to Oregon law contained in City of Bend ordinances are hereby amended to refer to Oregon law as it currently exists and as amended by the 1989 State Legislature.

SECTION 5. The effective dates for the 1991 amendments to Oregon law made by the State Legislature shall be the same effective dates for the City of Bend's adoptions and references to Oregon law.

SECTION 6. This ordinance shall not affect:

(1) Any offense or act committed or done, or any penalty or forfeiture incurred prior to the effective date of this ordinance; nor

(2) Any prosecution, suit or proceeding at the time this ordinance is enacted; nor

(3) Any judgment rendered prior to the time this ordinance is enacted.

SECTION 7. If any section, subsection, clause, phrase, or portion of this ordinance or the State laws that it adopts or refers to is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Read for the first time this 7th day of August, 1991.

Read for the second time this 21st day of August, 1991.

Placed upon its passage this 21st day of August, 1991.

Yes: 6 No: 0

Submitted to and approved by the Mayor this 21st day of August, 1991.

Kathryn P. Weinick
MAYOR

ATTEST:

Recorder-Treasurer for the City of Bend

ORDINANCE NO. NS-1547

AN ORDINANCE AMENDING THE CITY'S BUSINESS CODE, ORDINANCE NO. NS-1375, AS IT RELATES TO THE TRANSIENT ROOM TAX.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That portion of Ordinance No. NS-1375 codified as Bend Code 7.018 is amended to read:

7.018 Exemptions. No tax imposed under this code shall be imposed upon:

(1) Any occupant for more than thirty (30) successive calendar days. [; (a] A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient. [)]

(2) Any occupant whose rent is of a value less than $2.00 per day.

(3) **An employee of the federal government, while on federal business, whose room is procured and paid for directly by the federal government, through a purchase order or other form of procurement and with a government check. If the federal employee pays for a room personally, the employee is not exempt and the tax must be paid, even if the employee is in Bend on federal business.**

(4) Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home or home for aged people.

(5) Any occupant whose rent is paid by a Deschutes United Way agency as a charitable assistance to the occupant.

Read for the first time this 21st day of August, 1991.

Read for the second time this 4th day of September, 1991.

Placed upon its passage this 4th day of September, 1991.

YES: 6 NO: 0

Authenticated by the Mayor this 4th day of September, 1991.

Kathryn P. A Jewick
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1548

AN ORDINANCE VACATING A PORTION OF NW WILMINGTON AVENUE, CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on June 5, 1991, requesting that the following described area be vacated:

> That portion of NW Wilmington Avenue lying in the North portion of Block 3, Bend View Addition; being that portion of NW Wilmington Avenue between the Easterly right of way of NW 7th Street and the Easterly end of that portion of NW Wilmington Avenue already vacated,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of NW Wilmington Avenue right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for four (4) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area; the first publication and posting of said notice having occurred not less than 28 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 4th day of September, 1991, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described portion of right of way of NW Wilmington Avenue, Bend, Deschutes County, Oregon, be vacated. 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 providing 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 4th day of September, 1991.

Read for the second time the 18th day of September, 1991.

Placed upon its passage the 18th day of September, 1991.

Yes: 7 No: 0

Authenticated by the Mayor this 18th day of September, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1549

AN ORDINANCE AMENDING ORDINANCE NO. NS-1514 GRANTING A FRANCHISE TO AVION WATER COMPANY TO PROVIDE DOMESTIC WATER SERVICE IN THE CITY OF BEND AS IT RELATES TO THE EXTENSION OF WATER SERVICE IN THE BEND URBAN AREA AND REPEALING A PORTION OF ORDINANCE NO. NS-1514.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The purpose of this ordinance is to promote and insure the efficient allocation, regulation and use of domestic water and its provision to Bend urban area residents and to avoid duplication of facilities, capital expenditures and other related resources.

SECTION 2. Section 6 of Ordinance No. NS-1514 is amended to read:

Section 6: Facilities and Service Standards.

For the term of this franchise, Company shall construct, operate and maintain its facilities and provide services as follows:

(1) Company shall provide its customers with good quality water services; and supply potable water to its customers in compliance with all applicable laws, rules and regulations.

(2) Company shall construct and maintain those portions of its facilities that are located with**in the City of Bend and** within the Urban Growth Boundary **surrounding the City, as it exists and changes,** in compliance with City standards for the provision of the service. Compliance with City standards shall include, but not be limited to:

(a) Standards for construction and installation of the water system, including the use of C-900 or ductile iron pipe and restoration of City streets.

(b) Provision of standard City fire flows throughout the water system.

(c) City inspection and approval of system design and installation.

(d) Compliance with City construction standards shall be required only for facilities which are constructed or installed after the commencement of this franchise.

(3) Company shall maintain and improve its facilities according to generally accepted practices and standards in the water utility industry.

(4) Company's service to properties within the **City and the** Urban Growth Boundary shall be confined to **the following** [those] properties **shown on the map entitled "Water Service Area Exhibit (4/91)" which is marked EXHIBIT M, attached hereto and incorporated by reference herein**:

(a) all properties that lie outside of the City's service area shown on Exhibit M. The City's service area includes the areas surrounded by the turquoise blue line and properties which are colored turquoise blue; and

(b) that portion of the Wood River Village subdivision that is surrounded by a yellow line on Exhibit M, excluding those areas that are colored turquoise blue; and

(c) that area on Exhibit M surrounded by a pink line and marked with a pink question mark.

[presently served by Company, the Elkhorn Subdivision, the 27th Street south of Bear Creek Road area (described on Exhibit "A" which is attached as a part of this ordinance), the city pressure level 3 areas around Elkhorn subdivision (described on Exhibit "B" which is attached as a part of this ordinance), the Knott Road area

(described on Exhibit "C" which is attached as a part of this ordinance), and such other areas as may be determined by City.] Company shall not serve any other properties within the Urban Growth Boundary [except with City's express written consent].

(5) Unless prohibited by law, in cases where City provides sewer services to a Company customer, Company agrees to terminate the service of Company's customer, at the request of City, if the customer becomes delinquent in the payment of the customer's sewer service bill.

SECTION 3. Section 16 of Ordinance No. NS-1514 is amended to read:

Section 16. Franchise Term

This franchise is granted for a term of [10] **20** years beginning June 15, 1990.

SECTION 4. Exhibits A, B and C of Ordinance No. NS-1514 are hereby repealed.

SECTION 5. Before or within 30 days of the effective date of this ordinance, Company shall file with the City Recorder-Treasurer a written, unconditional acceptance of this franchise amendment and off of its terms and conditions. If Company fails to do so, this ordinance shall be void and of no effect whatsoever.

Read for the first time this 16th day of October, 1991.

Read for the second time this 6th day of November, 1991.

Placed upon its passage this 6th day of November, 1991.

YES: 4 NO: 0

Submitted to and authenticated by the Mayor this 6th day of November, 1991.

Kathryn P. Wenick
MAYOR

ATTEST:

James M. Verfoot
Recorder-Treasurer

ORDINANCE NO. NS-1550

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED IN THE NELS ANDERSON ROAD AREA, EAST OF NORTH HIGHWAY 97.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

ALL SECTIONS IN THESE DESCRIPTIONS ARE IN T17S R12E, W.M.

AREA ONE - Norwood Road/North of ShopKo

17-12-20DA - Tax Lots 100, 200, 300, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400

A parcel falling within the NE 1/4 NE 1/4 SE 1/4 Section 20, described as follows:
Beginning at the East 1/4 corner of Section 20;
Thence S 00° 22' 59" W along the east line of Section 20, 328.64 ft.;
Thence N 89° 27' 07" W, 222.49 ft.;
Thence S 34° 39' 53" W, 242.48 ft.;
Thence N 71° 36' W, 231.87 ft. to the east right of way of the Dalles-California Highway;
Thence northerly 33.99 feet on the arc of a 2814.80 foot radius curve right;
Thence S 71° 45' 07" E, 156 ft.;
Thence S 68° 45' 07" E, 27.6 ft.;
Thence 63.82 ft. along the arc of a 47.75 foot radius curve left (chord bears N 72° 57' 14" E, 59.18 ft.);
Thence N 34° 39' 53" E, 58.7 ft.;
Thence N 14° 54' 37" W, 370.3 ft.;
Thence N 89° 32' 15" W, 14.16 ft.;
Thence N 00° 22' 59" E, 60 ft. to the north line of the SE 1/4 Section 20;
Thence S 89° 32' 15" E along said north line, 430 ft. to the point of beginning.

AREA TWO - East of Norwood/North of ShopKo

17-12-21C - Tax Lots 1200, 1300, 1400

Three parcels in the NW 1/4 SW 1/4 Section 21 T17S R12E, W.M., the periphery of which is described as follows:

Commencing at the West 1/4 corner of Section 21;
Thence S 00° 22' 59" W along the west line of Section 21, 60 ft. to the point of beginning;
Thence continuing S 00° 22' 59" W along said Section line, 298.64 ft.;
Thence S 89° 48' 14" E, 38 ft.;
Thence S 37° 56' 37" W, 62.33 ft.;

Thence S 00° 22' 59" W, 80.38 ft.;
Thence N 17° 59' 50" E, 119 ft.;
Thence N 64° 24' 50" E, 149.83 ft.;
Thence N 11° 25' 50" E, 155.05 ft.;
Thence S 42° 59' 10" E, 15 ft. more or less;
Thence N 47° 00' 50" W, 15 ft.;
Thence N 89° 48' 14" W, 53.28 ft.;
Thence N 00° 11' 46" E, 100 ft.;
Thence N 89° 48' 14" W, 127.3 ft. to the point of beginning.

AREA THREE - West of Sherman Park

17-12-20A - Tax Lots 800, 801, 900, 901, 902, 903

Tract 14, the 20 foot wide road contiguous to the south boundary of Tract 14 and Tract 15, plat of Norwood in the NE 1/4 Section 20.

AND ALSO A 15 foot wide strip of land lying contiguous to the east boundary of Tract 15, running from the south boundary of said Tract 15 to the right of way line of Nels Anderson Road in the NW 1/4 Section 21.

EXCEPTING THEREFROM:
A portion of Tract 14, Plat of Norwood in the SE 1/4 NE 1/4 Section 20 T17S R12E, W.M. described as follows:
Commencing at the Southeast corner of said Tract 14;
Thence N 89° 35' 14" W along the south line of said Tract, 215.00 ft. to the point of beginning;
Thence continuing N 89° 35' 14" W along said south line, 142.39 ft.;
Thence N 23° 48' 29" W, 67.55 ft.;
Thence N 19° 03' 22" W, 76.29 ft.;
Thence N 22° 58' 24" W, 65.00 ft.;
Thence N 87° 17' 27" W, 47.02 ft. to the west line of said Tract;
Thence N 14° 03' 30" E along said west line, 119.04 ft. to the northwest corner;
Thence S 89° 38' 08" E along said north line, 239.41 ft.;
Thence S 00° 16' 53" W, 310.71 ft. to the point of beginning.

AREA FOUR - North side of Empire Avenue

17-12-21B - Tax Lot 1400

A tract in the NW 1/4 NW 1/4 Section 21 T17S R12E, W.M., bound on the east by Nels Anderson Road and on the south by Empire Avenue, described as follows:

Beginning at a point from which the northwest corner of Section 21 bears N 8° 41' 27" W, 778.03 ft.;
Thence N 86° 08' 12" E, 400.64 ft. to the westerly right of way line of Nels Anderson Road;
Thence S 10° 39' 27" W along said right of way 579.41 ft.;
Thence N 82° 22' 35" W, 19.84 ft.;
Thence 155.36 ft. along the arc of a 1602.38 foot radius curve right (chord bears N 79° 35' 56" W, 155.30 ft.);
Thence N 13° 12' 51" W, 525.67 ft. to the point of beginning.
Together with the road lying immediately west of this tract.

AREA FIVE - End of Cady Way

17-12-21B - Tax Lot 1201

Lot 3, Block 1 of the plat of B.I.D. II in the NW 1/4 Section 21 T17S R12E, W.M.
AND ALSO A portion of Lot 2, Block 1 of said plat described as follows:
Beginning at the northwest corner of said Lot 2;
Thence N 79° 51' E, 218.02 ft.;
Thence S 40° 30' W, 37.49 ft.;
Thence S 87° 01' W, 190.52 ft. to the point of beginning.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 6th day of November, 1991.

READ for the second time this 20th day of November, 1991.

PLACED upon its passage the 20th day of November, 1991.

YES: 6 NO: 0

APPROVED by the Mayor this 20th day of November, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1551

AN ORDINANCE VACATING A PORTION OF SE 9TH STREET, CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on June 28, 1991, requesting that the following described area be vacated:

> A portion of the Northeast one-quarter of Section Four (4), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, City of Bend, Deschutes County, Oregon, more particularly described as follows:
>
> > Beginning at the Southwest corner of Lot 6, Block 5, Eastside Business and Industrial Park;
> > Thence North 01° 08' 13" West, a distance of 24.18 feet to the true point of beginning;
> > Thence North 01° 08' 13" West, a distance of 361.62;
> > Thence Southerly along the arc of a curve to the right whose radius is 507.44 feet a distance of 245.31 feet, of which the chord bears South 05° 43' 57" East, 242.93 feet;
> > Thence South 08° 06' 57" West, a distance of 121.05 feet to the true point of beginning.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of SE 9th Street right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for four (4) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area; the first publication and posting of said notice having occurred not less than 28 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 6th day of November, 1991, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described portion of right of way of SE 9th Street, Bend, Deschutes County, Oregon, be vacated; 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 providing 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 6th day of November, 1991.

Read for the second time the 20th day of November, 1991.

Placed upon its passage the 20th day of November, 1991.

Yes: 6 No: 0

Authenticated by the Mayor this 20th day of November, 1991.

Kathryn P. Wenick
Mayor

ATTEST:

James W. Benfield
Recorder-Treasurer

ORDINANCE NO. NS-1552

AN ORDINANCE TO ANNEX NASU PARK SUBDIVISION(S).

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that a majority of the registered electors within the below described territory have consented, in writing, to the annexation of the land in the territory and have filed a statement of their consent with the Bend City Commission; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed November 20, 1991 as the date for a public hearing before the Commission at which time the electors of the City may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on November 20, 1991 on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before November 20, 1991, and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, a portion of the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the portion of the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

The plats in their entirety of Nasu Park and Nasu Park First Addition in the NW 1/4 SW 1/4 Section 23 T17S R12E, W.M.

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations of the District that are specified in ORS 222.520 (2)(b).

Read for the first time this 20th day of November, 1991.

Read for the second time this 4th day of December, 1991.

Placed upon its passage this 4th day of December, 1991.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of December, 1991.

Kathryn P. Wemich
MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1553

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED IN THE BROSTERHOUS ROAD AREA, EAST OF SOUTH HIGHWAY 97.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

ALL SECTIONS IN THESE DESCRIPTIONS ARE IN T18S R12E, W.M.

STREETS AND ROADS
The rights of way of seven roads and streets.

AREA ONE
A large, contiguous area in portions of Sections 4, 5, 8, 9 in T18S R12E, W.M.

AREA TWO
A portion in and around a small subdivision in the NW 1/4 SW 1/4 Section 9.

AREA THREE
A group of individual parcels lying in Section 8 and 9.

THE RIGHTS OF WAY OF THE FOLLOWING ROADS AND STREETS:

PARRELL ROAD from the westerly right of way of the Central Oregon Canal, southerly to the extension of the northerly line of Tract 5, Reed Highway Acreage.

BROSTERHOUS ROAD from the westerly right of way of the Central Oregon Canal, southerly to the point of tangency of the 102.31 foot centerline radius curve left, falling on the east-west centerline of Section 9, 652 ft. easterly of the West 1/4 corner of Section 9.

ALSTRUP ROAD from Brosterhous Road, north to the north line of Section 9.

REED MARKET ROAD from the easterly right of way of U.S. Highway 97, easterly to the east right of way of S.E. 9th Street.

TRAP COURT
CLAY PIGEON COURT
FRANKE LANE

AREA ONE Portions of Sections 4, 8, 9 in T18S R12E, W.M.

Beginning at the East 1/4 corner of Section 8 T18S R12E, W.M.
Thence northerly along the section line, N 00° 44' 43" E, 218.41 ft.;
Thence N 56° 56' 30" W, 47.33 ft.;
Thence N 00° 44' 43" E, 189.89 ft.;
Thence S 89° 15' 17" E, 40.00 ft., returning to the east line of Section 8;
Thence N 00° 44' 43" E along said Section line, 889.94 ft. to the north-

easterly line of Tract 5, Reed Highway Acreage;

Thence N 56° 56' 30" W along said northeasterly line, 424.06 ft. to the easterly right of way of Parrell Road;

Thence continuing N 56° 56' 30" W, 60.00 ft to the westerly right of way of Parrell Road;

Thence N 33° 03' 30" E along said right of way, 123.98 ft.;

Thence N 78° 24' W, 150 ft.;

Thence N 12° 09' 56" W, 189.26 ft. to the northwesterly right of way of the Central Oregon Canal;

Thence along said right of way the following four courses:

1) 223.87 ft. along the arc of a 230 foot radius curve left (chord bears N 49° 53' 03" E, 215.14 ft.;

2) N 22° 00' E, 290.68 ft.;

3) 70.25 ft. along the arc of a 300 foot radius curve right (chord bears N 28° 42' 30" E, 70.09 ft.);

4) N 35° 25' E, 123.75 ft. to the easterly right of way of Brosterhous Road;

Thence 182.58 ft. along said right of way on the arc of a 542.96 foot radius curve right (chord bears N 02° 00' 50" W, 181.72 ft.) to the north line of Section 8;

Thence S 89° 26' 38" W along said Section line, 7.26 ft. to the easterly right of way of U.S. Highway 97;

Thence 282.42 ft. along the arc of a spiral curve left (chord bears N 11° 50' 16" E, 282.30 ft.) offset 45 feet easterly of a 500 ft. centerline spiral, S = 12° 30' and a= 1.0;

Thence 61.98 ft. along the arc of a 985.37 foot radius curve left (chord bears N 12° 48' 28" E, 61.97 ft.);

Thence East, leaving said right of way, 228.75 ft.;

Thence South, 219.50 ft. to the northerly right of way of the Central Oregon Canal;

Thence easterly along said right of way the following three courses:

1) 19.95 ft. along the arc of a 250 foot radius curve right (chord bears N 78° 42' 45" E, 19.95 ft.);

2) N 81° 00' E, 135.66 ft.;

3) 8.85 ft. along the arc of a 600 foot radius curve right (chord bears N 81° 25' 16" E, 8.85 ft.);

Thence North, 393.05 ft. to the south right of way of Reed Market Road;

Thence West along said right of way, 369.91 ft. to the easterly right of way of U.S. Highway 97;

Thence northerly along said Highway right of way the following two courses:

1) N 07° 35' 07" E, 344.73 ft.;

2) 58.84 ft. along the arc of a spiral curve right (chord bears N 07° 41' 37" E, 58.84 ft.) offset 45 ft. easterly for a 240 foot centerline spiral, S = 7° 12' and a = 2.5;

Thence S 89° 15' 18" E, 134.89 ft.;

Thence N 00° 44' 42" E, 125 ft.;

Thence S 89° 15' 18" E, 460 ft. more or less to a point 216.80 ft. west of the east line of Tract 23, plat of Virginia Park;

Thence N 00° 44' 42" E, 263.48 ft. to the east-west centerline of the SW 1/4 of Section 4;

Thence S 89° 15' 18" E along said east-west centerline, 2036.19 ft. to the CS 1/16 corner of Section 4 and the north-south centerline of Section 4;

Thence S 00° 00' E along said north-south centerline 1333.38 ft. to the South 1/4 corner of Section 4;

Thence N 89° 11' 47" W along the south line of Section 4 an approximate distance of 20 feet to its intersection with the southerly right of way of the Central Oregon Canal;

Thence northwesterly along the southerly Canal right of way through a series of curves and tangents to a point on said right of way from which the SW corner of the SE 1/4 SW 1/4 of Section 4 bears S 22° 24' 17" W, 578.12 ft.;

Thence South, 145.64 ft.;

Thence West, 220.96 ft. to the west line of said SE 1/4 SW 1/4;

Thence S 00° 05' 25" E along said west line, 388.84 ft. to the section line common to Sections 4 and 9;

Thence S 00° 34' 47" W along the north-south centerline of the NW 1/4 of

Section 9, 2617.32 ft. to the north right of way of Brosterhous Road;
Thence N 89° 44' 44" W along said north right of way, 672.64 ft. to the point of curvature of Brosterhous Road;
Thence S 00° 15' 16" W, 60.00 ft. to the south right of way line;
Thence 90.83 ft. along the arc of a 132.31 foot radius curve right (chord bears N 70° 04' 10" W, 89.10 ft.) to its intersection with the east-west centerline of Section 9;
Thence N 89° 44' 44" W along said centerline, 548.80 ft to the 1/4 corner common to Sections 9 and 8 and the point of beginning.

AREA TWO 18-12-9C Tax Lots 500, 503, 504, 505, 506, 507, 510, 511

A portion of a small subdivision together with an adjoining parcel in the NW 1/4 SW 1/4 Section 9 T18S R12E, W.M. described as follows:

Lots 1, 2, 3, 4, 5, 8, 9 in the plat of Janela Court.

AND ALSO: an adjoining parcel lying north of Lot 9 described as follows:
Beginning at the northwest corner of Lot 9;
Thence N 00° 20' 33" E, 196.36 ft. to the south line of Brosterhous Road;
Thence S 89° 44' 44" E along said south line, 144.33 ft. to the west line of Franke Lane;
Thence S 00° 20' 33" W along said west line, 196.36 ft. to the north line of Lot 9;
Thence N 89° 44' 44" W along said north line, 144.33 ft. to the point of beginning.

AREA THREE Consisting of seven separate parcels:

Parcel 1 18-12-8AC Tax Lot 1000,
18-12-8AD Tax Lot 700,
18-12-8D Tax Lots 300, 301, 302

A parcel in the NE 1/4 and in the NW 1/4 SE 1/4 of Section 8 T18S R12E, W.M., lying between U.S. Highway 97 and Parrell Road and lying north of Powers Road. This parcel consists of portions of Tract 8, Reed Highway Acreage, Section 2 and of Tract 2, Blakley Heights and is described as follows:
Beginning at the northeast corner of said Tract 8;
Thence West along the north line of Tract 8, 670.11 ft. to the easterly right of way of U.S. Highway 97;
Thence S 35° 53' W along said right of way, 131.00 ft.;
Thence S 52° 42' 38" E, 126.71 ft.;
Thence S 86° 28' 24" E, 200.35 ft.;
Thence S 8° 40' E, 97.69 ft. to the north line of Tract 2, Blakley Heights;
Thence N 89° 53' 24" W along said north line, 440.06 ft. to the easterly right of way of U.S. Highway 97;
Thence S 35° 54' 35" W along said right of way, 410.85 ft to the north right of way of Powers Road;
Thence S 89° 24' 20" E along Powers Road, 728.52 ft. to the westerly right of way of Parrell Road;
Thence along the westerly right of way of Parrell Road the following three courses:

1) N 41° 22' 20" E, 241.36 ft.;
2) 193.80 ft. along the arc of a 925.37 foot radius curve left, to the north line of said Tract 2;
3) N 21° 01' 30" E, 313.27 ft. to the north line of said Tract 8 and the point of beginning.

Parcel 2 18-12-8D Tax Lot 1402

Lot 1, plat of Ward's Tracts

Parcel 3 18-12-8AD Tax Lot 101

A parcel in the northwest corner of Tract 1, Reed Highway Acreage in the SE 1/4 NE 1/4 Section 8, T18S R12E, W.M. described as follows:

Beginning at the northwest corner of Tract 1;
Thence S 68° 58' 30" E along the northerly line of Tract 1, 200 ft.;
Thence S 21° 01' 30" W, 200 ft.;
Thence N 68° 58' 30" W, 200 ft. to the westerly line of Tract 1;
Thence N 21° 01' 30" E along said westerly line, 200 ft. to the point of beginning.

Parcel 4 18-12-8AD Tax Lot 1002

A parcel in the northeast corner of Tract 10, Reed Highway Acreage, Section 2 in the SE 1/4 NE 1/4 Section 8 T18S R12E, W.M. described as follows:
Beginning at the northeast corner of Tract 10;
Thence West along the north line of Tract 10, 261.12 ft.;
Thence South, 72.29 ft.;
Thence S 69° 10' 30" E, 100 ft.;
Thence N 21° 01' 30" E, 99.46 ft.;
Thence East, 126.20 ft. to the westerly right of way of Parrell Road;
Thence N 21° 01' 30" E along said westerly right of way, 16.07 ft. to the point of beginning.

Parcel 5 18-12-8AD Tax Lot 300

A parcel in the northwest corner of Tract 3, Reed Highway Acreage in the SE 1/4 NE 1/4 Section 8 T18S R12E, W.M. described as follows:
Beginning at the northwest corner of Tract 3;
Thence S 56° 56' 30" E along the northerly line of Tract 3, 261 ft.;
Thence S 33° 03' 30" W, 230 ft.;
Thence N 56° 56' 30" W, parallel with and 20 feet distance from the southerly line of Tract 3, 252.76 ft. to the westerly line of Tract 3;
Thence 123.54 feet along the arc of a 925 foot radius curve right;
Thence N 33° 03' 30" E along said westerly line, 106.83 ft. to the point of beginning.

Parcel 6 18-12-8AD Tax Lots 500, 501, 600

A parcel lying in the northwesterly portion of Tract 4 and the westerly portion of Tract 5, Reed Highway Acreage, in the NE 1/4 Section 8 T18S R12E, W.M. described as follows:
Beginning at the southwesterly corner of Tract 5;
Thence N 33° 03' 30" E along the westerly line of Tract 5, 150 ft.;
Thence S 56° 56' 30" E, 290.4 ft.;
Thence S 33° 03' 30" W, 150 ft. to the northerly line of Tract 4;
Thence S 56° 56' 30" E along said northerly line, 58.10 ft.;
Thence S 33° 03' 30" W, 125 ft.;
Thence N 56° 56' 30" W, 348.5 ft. to the westerly line of Tract 4;
Thence N 33° 03' 30" along said westerly line, 125 ft. to the point of beginning.

Parcel 7 18-12-8AA Tax Lots 800, 900, 1000

A parcel in portions of Tracts 16, 17 and 18, Reed Highway Acreage, Section 2 in the NE 1/4 of Section 8 T18S R12E, W.M. described as follows:
Beginning at the southeast corner of Tract 16;
Thence N 33° 03' 30" E along the westerly right of way of Parrell Road, 536.92 ft. to the southeast corner of Tract 18;
Thence N 78° 24' E, 225 ft.;
Thence S 25° 12' W, 50 ft. to the north line of Tract 17;
Thence East along said north line, 16.88 ft.;
Thence S 34° 31' 35" W, 243.43 ft. to the north line of Tract 16;
Thence West along said north line, 107.33 ft.;
Thence South, 250 ft. to the south line of Tract 16, the north right of way of Reed Avenue;
Thence East along said right of way, 179.35 ft. to the point of beginning.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 4th day of December, 1991.

READ for the second time this 18th day of December, 1991.

PLACED upon its passage the 18th day of December, 1991.

YES: 7 NO: 0

APPROVED by the Mayor this 18th day of December, 1991.

Kathryn P. Wenrick
Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1554

AN ORDINANCE TRANSFERRING THE AUTHORITY TO EXERCISE THE POWERS OF THE CITY'S URBAN RENEWAL AGENCY FROM THE BEND DEVELOPMENT BOARD TO THE CITY COMMISSION OF THE CITY OF BEND, CREATING NEW PROVISIONS, REPEALING ORDINANCES CREATING AND RELATING TO THE OPERATIONS OF THE BEND DEVELOPMENT BOARD AND DECLARING AN EMERGENCY.

SECTION 1. FINDINGS OF FACT. The City Commission makes the following findings of fact:

The Bend City Commission, hereinafter referred to as "Commission," as the duly elected governing body of the City of Bend, adopted the Central Bend Development Program Area Plan, on September 6, 1989, by Ordinance No. NS-1499; making a determination of blight and providing a outline for accomplishing the urban renewal projects the urban renewal plan proposes; and

The Commission, by Ordinance No. NS-1403, created a separate corporate body known as the "Urban Renewal Agency of the City of Bend, Oregon" and appointed a board, named the Bend Development Board, to exercise the powers of the agency in 1984; and

ORS 457.055 provides that the Commission, at any time following the adoption of an urban renewal plan may, by ordinance, transfer the authority to exercise the powers of the urban renewal agency from the appointed board to the Commission; and

The Commission has decided to act as the City's urban renewal agency in place of the Bend Development Board.

SECTION 2. TRANSFER OF AUTHORITY. The Commission hereby transfers the authority to exercise the powers of the City's urban renewal agency for the Central Bend Development Program Area from the Bend Development Board, an appointed board, to the Commission.

SECTION 3. AMENDMENTS. Bend Code 1.511, 1.513, 1.515, 1.517 and 1.519 are added to and made a part of Bend Code Chapter 1, Ordinance No. NS-1399, and to replace Bend Code 1.510 through 1.516, which are hereby repealed, to read as follows:

URBAN RENEWAL

1.511 Urban Renewal Agency. The City Commission hereby declares, pursuant to ORS 457.045(2), that all of the rights, powers, duties, privileges, obligations, and immunities granted to and vested in the Urban Renewal Agency of the City of Bend, Oregon by the laws of the State of Oregon and the ordinances of the Commission creating the agency and adopting urban renewal plans, shall be exercised by and vested in the City Commission of the City of Bend. The Urban Renewal Agency of the City of Bend, Oregon, shall be known as the Bend Development Board. Any act of the City Commission, acting as the urban renewal agency shall be, and shall be considered, the act of the urban renewal agency only and not of the City Commission.

1.513 Rules of Conduct. The rules of conduct and procedure applicable to the City Commission when acting as a City Commission shall apply with like force to the Commission when acting as the Bend Development Board, except as to those matters covered by Bend Code 1.511 to 1.519.

1.515 Oaths and Affirmations. No oath or affirmation, other than the oath or affirmation of office required to assume office as a City Commissioner, shall be required prior to service by a City Commissioner as a member of the Bend Development Board.

1.517 Term of Office. The term of office of each member of the Bend Development Board shall be the same as the term of office that each member holds as a member of the Bend City Commission.
1.519 Officers. The Bend Development Board may select the following officers of the Bend Development Board, by a majority vote of the Board:

(1) Chairperson. The Chairperson must be a member of the Board and shall preside at all the meetings of the Board. Except as otherwise provided by the Board, the Chairperson shall have the authority to sign all contracts, deeds and other instruments authorized by a majority vote of the Board.

(2) Vice-Chairperson. The Vice-Chairperson must be a member of the Board and shall perform the duties of the chairperson in the absence or incapacity of the Chairperson; and in the case of resignation or death of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson until the Board has designated a new Chairperson.

(3) Secretary. The Secretary may be a member of the Board or some other person designated by the Board. If the Secretary is not a member of the City Commission, that person may not vote on Board matters. The Secretary shall perform the duties of the Chairperson in the absence or incapacity of both the Chairperson and the Vice-Chairperson.

SECTION 4. REPEALER. Ordinances NS-1503 and NS-1507, which relate to the organization of the Bend Development Board are hereby repealed. Sections 2, 3 and 4 of Ordinance NS-1403, which vest the powers of the Urban Renewal Agency of the City of Bend in the Bend Development Board are hereby repealed.

SECTION 5. EMERGENCY CLAUSE. This ordinance is necessary for the immediate preservation of the peace, health and/or safety of the City of Bend and shall become effective upon its passage. It is necessary that this ordinance should become immediately operative because the Bend Development Board is currently considering a number of important projects which require prompt, consistent action to assure project success, which may only be achieved by having action taken by the City Commission acting as the Bend Development Board.

Read for the first time the 3rd day of January, 1992.

Read for the second time the 15th day of January, 1992.

Placed upon its passage the 15th day of January, 1992.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of January, 1992.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1555

AN ORDINANCE VACATING AN ALLEY BETWEEN SE 4TH AND SE 5TH STREETS, CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on August 29, 1991, requesting that the following described area be vacated:

> The alley in Block 148 of Second Addition to Bend Park, lying between the westerly right-of-way of SE 5th Street and the easterly right-of-way of SE 4th Street

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above alley to be published in the Bulletin, as provided by ORS 271.110, once each week for four (4) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area; the first publication and posting of said notice having occurred not less than 28 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 15th day of January, 1992, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described alley in Bend, Deschutes County, Oregon, be vacated; 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 providing 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 January, 1992.

Read for the second time the 15th day of January, 1992.

Placed upon its passage the 5th day of February, 1992.

Yes: 6 No: 0

Authenticated by the Mayor this 5th day of February, 1992.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1556

AN ORDINANCE PROVIDING FOR UNIFORM LAND USE PERMIT AND REVIEW PROCEDURES, REPEALING PROCEDURES ORDINANCE NO. NS-1474, AND SECTIONS 34 AND 35 OF ZONING ORDINANCE NO. NS-1178.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Purpose This ordinance is enacted to provide uniform procedures for land use and other administrative actions and hearings. This ordinance shall be known as the City of Bend Uniform Land Use Procedure Ordinance.

Section 2. Definitions As used in this ordinance, unless the context requires otherwise:

(1) "City" means the City of Bend.

(2) "De Novo Hearing" means a hearing by the review body as if the action had not previously been heard and as if no decision had been rendered, except that all testimony, evidence, and other material from the record of the previous consideration will be considered a part of the record on review.

(3) "Development Permit" means any permit required by the City's land use, zoning and subdivision ordinances.

(4) "Director" means the City of Bend Planning Director or designee.

(5) "Hearings Body" means the hearings body specified in the applicable land use ordinance, resolution, law or plan. In the event that a hearings body is not specified by the applicable law, the hearings body shall be the City's Hearings Officer.

(6) "Legislative Action" means code, ordinance, or plan text amendments or plan map and zoning amendments that involve broad public policy decisions that apply to more than a few properties.

(7) "Property Owner" shall mean the holder of the title to real property or the contract purchaser of real property, as shown on the last available County Assessor's tax assessment roll, or a person authorized in writing to act as agent for the property owner.

(8) "Quasi-judicial Action" means a land use decision, zone change, plan amendment, or a development permit hearing affecting only one or a few properties.

Section 3. Land Use Activity Categories Land use activities are grouped into the following three categories to determine which procedures shall be used to review the request:

(1) Type I Activities: Code interpretations, lot line adjustments, final planned unit development plans, final land partition, final subdivision plats, manufactured home placement permit, and all other development permits not included in a Type II or III review.

(2) Type II Activities: Land partitions, tentative subdivision plans, planned unit development plans, site plan reviews, variances, conditional use permits, fill and removal permits, "similar use" requests, and solar access permits.

(3) Type III Activities: Zoning map changes and comprehensive plan map amendments, zoning or subdivision ordinance text amendments, comprehensive plan text amendments, new functional plans and land use regulations.

Section 4. Pre-Application Conference and Application Forms

(1) The Director and the applicant, or the applicant's authorized representative, should arrange a pre-application conference, unless the applicant and Director agree that the conference is not needed.

(2) Applications shall be submitted on forms prescribed by the City. Where a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously.

Section 5. Filing Application All applications must be complete when submitted. Incomplete applications will not be considered to have been filed until such time as the application is complete.

Section 6. Development Review Procedures There are four types of procedures for processing all development permit applications and requests. These procedures are described in Sections 7 through 10. Where there is a question as to the appropriate type of procedure the Director shall determine the procedure to be used based upon the most similar development permit procedure specified by this ordinance or other established policy.

Section 7. Type I Activity Administrative Review Procedure

(1) Under the Administrative Review procedure for Type I activities, an application shall be processed by the Director without need for public hearing or notification of other property owners. The Director may refer a Type I review directly to the hearings body for decision.

(2) Conditions and/or restrictions may be applied to the approval of any development permit granted under a Type I procedure in accordance with the City's zoning and subdivision ordinances.

(3) The City shall provide notice of any Type I activity that is a quasi-judicial land use decision to those affected by the decision. The applicant may be required to bear the expense of providing said notice. **[see ORS 197.830 (3) & (4)]**

Section 8. Type II Activity Administrative Review Procedure

(1) An application for a Type II activity may be processed by the Director without a public hearing following the procedures in this section. The Director may refer any Type II application to the hearings body for a public hearing as set forth in Section 9.

(2) Notice of an administrative review shall be provided as set forth in Sections 10 and 11.

(3) The Director shall review the application and written comments, if any, and make a finding for each point in dispute. The Director shall make a decision within 45 days of receipt of the completed application and may approve, conditionally approve, or deny the application.

(4) The Director's decision shall be in writing with notice to the applicant and all persons who filed written comments or requested notice in writing. Unless appealed, the written decision shall become effective ten days after it is mailed.

(5) The applicant or any person commenting in writing on the Development Permit shall constitute parties to the Type II administrative decision. Any party may appeal the Director's decision in accordance with Section 19 of this Ordinance.

Section 9. Hearing Procedures for Type II Activities and Type III Quasi-judicial Activities

(1) Under this procedure, an application for a Type II activity or Type III quasi-judicial activity is scheduled for public hearing before the applicable hearings body.

(2) Notice of a public hearing shall be provided as set forth in Sections 10 and 11.

(3) A staff member of the City Planning Department shall prepare a report on the application or proposed activity. The report shall be completed at least seven days prior to the hearing and be made available to the public and the applicant at City Hall. Such reports may be revised, when appropriate.

(4) At the commencement of a hearing for a Type II or Type III quasi-judicial action, a statement shall be made to those in attendance that:

(a) Explains the purpose of the hearing and the order of proceedings, including reasonable time limits on the presentations by parties; and

(b) Includes a statement regarding pre-hearing contacts, bias, prejudice, or personal interest; and

(c) Identifies facts received, noticed, or recognized outside of the hearing, if any; and

(d) Provides an opportunity for challenges to be made to the hearings body's qualifications to hear the matter; and

(e) Describes the applicable substantive criteria and includes a statement that testimony and evidence must be directed toward the criteria described or other criteria in the plan or land use regulations which the person believes apply to the decision; and

(f) Includes a statement that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue; and

(g) Advise the parties that they may request a continuance of the hearing if all documents or evidence relied upon by the applicant were not submitted to the City and made available to the public at the time notice of the hearing was published; and

(h) For an initial evidentiary hearing, advise the parties that, unless there is a continuance of the hearing, that they may request that the record remain open for at least seven days after the hearing; and

(5) A hearing for a Type II or Type III quasi-judicial action shall be conducted in the following order:

(a) Staff report
(b) Proponents' presentation
(c) Opponents' presentation
(d) Proponents' rebuttal
(e) Opponents' rebuttal may be allowed at the discretion of the hearings body
(f) Staff comment
(g) Questions from or to the chair may be taken at any time, in the hearings body's discretion.

(6) The final decision shall be in writing and mailed to all parties; provided, however, one person may be designated by

the hearings body to be the recipient of the decision for a group, organization, group of petitioners, or similar collection of individuals constituting parties.

(7) Unless appealed, the written decision on a Type II Development Permit shall become effective ten days after it is mailed. The applicant, or any party commenting on the application, may appeal the decision to the City Commission in accordance with Section 19 of this ordinance.

(8) For a Type III quasi-judicial zone change or plan amendment action on which the hearings body has made a favorable recommendation, the City Commission shall review the proposal. At the Commission meeting, the Planning Director shall review the report and findings of the hearings body and provide other pertinent information.

(9) The City Commission shall adopt a finding for each of the criteria applicable to the request and in doing so may sustain or reverse a finding of the hearings body. The City Commission may delete, add, reject, or modify any of the provisions pertaining to the proposal or recommendation of the hearings body, or attach certain development or use conditions in accordance with the relevant provisions of City ordinances.

Section 10. Hearing Procedures for Type III Legislative Activities

(1) A hearing for a Type III Legislative activity shall be conducted in the following order:

(a) The hearings body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.

(b) The Planning Director shall present a report or information related to the item.

(c) The Planning Director shall present a summary of any written comments, documents, or other material submitted to the Planning Department by persons interested in the item.

(d) Interested persons may present testimony to the hearings body. The hearings body may ask questions of persons during testimony.

(2) The hearings body may continue an item to take additional testimony or to allow staff to develop additional background information and material.

(3) After the close of a public hearing the hearings body shall discuss the legislative activity item and, by majority vote, may recommend an item for consideration by the City Commission, take no action, or table the item for future discussion. If, after tabling an item, the hearings body schedules additional hearings on that item those persons participating in the earlier hearings shall receive written notice of the new hearings.

(4) An item recommended for approval by the hearings body shall be reviewed by the City Commission. The City Commission shall hold at least one public hearing before approving or denying a Type III legislative action.

(5) The City Commission may delete, add, reject, or modify any of the provisions or recommendations of the hearings body, or attach certain conditions in accordance with the relevant City ordinances.

Section 11. Notice Content

(1) Written notice of an administrative review of a Type II activity or of a hearing on a Type II or III quasi-judicial action shall be reasonably calculated to give actual notice and shall contain the following information:

(a) For a hearing, the date, time, and place of the hearing.

(b) A description reasonably calculated to inform a person of the location of the property for which a development permit or other action is pending, including but not limited to use of a map and a postal address, or a subdivision lot and block designation, or a metes and bounds description, or the tax map designation of the County Assessor.

(c) An explanation of the nature of the land use application and the proposed use or uses which could be authorized as a result of the hearing or review.

(d) A listing of the plan and ordinance criteria applicable to the request.

(e) Where information may be examined and when and how written comments addressing findings required for a decision by the hearings body or Director may be submitted; and

(f) The name and telephone number of the City official to contact for additional information; and

(g) A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost; and

(h) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

(i) A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, when applicable, including the fact that if additional evidence or documents are submitted to the City by the applicant after the time notice is provided, that any party is entitled to a continuance of the hearing and the fact that, unless there is a continuance, a hearing participant may request that the record remain open for at least seven days after the close of the hearing; and

(j) A statement that failure to raise an issue in person or in writing at a hearing, or in writing for an administrative decision, precludes appeal on that issue and that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue; and

(k) If any of the members of the hearings body have had ex parte contacts relating to the matter being reviewed, a statement that all parties may rebut the substance of the ex parte communication.

(2) The notice for a Type III legislative action shall contain the following information:

(a) The date, time, and place of the hearing.

(b) The nature of the issue presented for hearing.

(c) A description reasonably calculated to inform a person of a geographic area which is affected by the legislative action.

(d) Where information may be examined and when and how written comments may be submitted.

Section 12. Public Notice

(1) Notice to affected parties of an administrative review of a Type II development application or activity shall be mailed within ten (10) days after receipt of a complete application. The notice shall provide at least fourteen (14) days time to comment on the application.

(2) Notice of a public hearing on a Type II or Type III development permit application shall be mailed to the applicant and other interested persons at least twenty (20) days prior to the hearing.

(3) Notice of a first public hearing for a Type III Legislative Action shall be published in the Bend Bulletin newspaper at least ten (10) days prior to the first hearing. Notice of a subsequent hearing before the City Commission shall be published in the same manner.

(a) Any additional notice to property owners shall be at the discretion of the Planning Director.

(4) Written notice required under subsections (1) and (2) of this Section shall be sent by mail to the following persons:

(a) The applicant and the applicant's agent.

(b) The owner(s) of property if different than the applicant.

(c) All property owners within at least 100 feet of the property which is the subject of a Type II development permit application. Intervening public and private ways and water courses shall not be considered in measuring the required distance.

(d) All property owners located within at least 250 feet of property which is the subject of an application for a Type III quasi-judicial action. Intervening public and private ways and water courses shall not be considered in measuring the required distance.

(e) All owners of record shown on the application for a solar access permit.

(f) The owner of a public use airport if the property subject to the application is within 10,000 feet of the airport.

(g) The tenants of a mobile home or manufactured home park when the application is for a rezoning of any or all of a mobile home or manufactured home park. Such notice shall not be mailed earlier than 40 days before the date of the first hearing on the application.

(5) Notice of an administrative review or of a public hearing on a development permit shall also be posted on the property bythe applicant. The posted notice shall be visible from any adjacent public way, where practicable.

Section 13. Compliance and Waiver of Notice

(1) If the City has mailed notice as required by this ordinance, failure of the addressee to actually receive notice shall not invalidate the land use proceeding.

(2) Posted notice is deemed given when the sign is first posted.

(3) The requirement for notice shall be deemed satisfied as to any person who, in any manner, obtains actual knowledge of the time, place, and subject matter of the hearing prior thereto.

(4) Appearance and testimony or comment on the merits of the proposed action by any person at a hearing, or submission by any person of written comment directed to the merits of the proposed action at or prior to the hearing and after the proceeding was initiated, or submission of written comments on an administrative review shall be deemed a waiver of such person of any defect in notice.

Section 14. Hearings Body The following shall serve as Hearings Body in this order:

(1) Hearings Officer or Urban Area Planning Commission

(2) City Commission

Section 15. Challenge for Bias, Prejudgment or Personal Interest

(1) Prior to or at the commencement of a hearing, any party may challenge the qualification of the hearings body, or a member thereof, for bias, prejudgment, or personal interest. The challenge shall be documented with specific reasons supported by facts.

(2) Should qualifications be challenged, the hearings body or the member shall disqualify itself, withdraw, or make a statement on the record of its capacity to hear the matter being considered.

Section 16. Objections to Jurisdiction, Procedure, Notice, or Qualifications Any objections to jurisdiction, procedure, notice, or qualifications not raised prior to or during the hearing are waived.

Section 17. Participation by Interested Officer or Employees

(1) A hearings officer or member of a hearings body may participate in any hearing, when the member or officer has had ex parte contact, if the member of officer places on the record the substance of any written or oral ex parte communication concerning the decision or action being reviewed and has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communiciation made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

(2) No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with, or give an official opinion or staff report to, the hearings body on the proposal without first declaring for the record the nature and extent of such interest. Said officer or employee shall disqualify themselves from participating in said matter if participation will result in a financial gain to the officer, employee or their family or business which the public officer or employee or their family are associated, other than official salary, honoraria or reimbursement of expenses.

Section 18. Burden and Nature of Proof. Except for a legislative action, the burden of proof is upon the applicant. The proposal must be supported by proof that it conforms to the applicable criteria for the particular type of decision under consideration.

Section 19. Record of Proceedings.

(1) The hearings body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after all appeal periods have expired, at which time the exhibits may be released to the person identified thereon or otherwise disposed of.

(2) The staff report and decision shall be included in the record.

(3) A person shall have access to the record of the proceedings during normal city working hours. A person shall be entitled to obtain copies of the record at the person's own expense.

Section 20. Appeals.

(1) An affected party may appeal a decision of the Director to the hearings body, or may appeal a decision of the hearings body to the City Commission, by filing a "Notice of Appeal" with the Director. The "Notice of Appeal" shall be as provided in Section 20 of this ordinance and filed within ten (10) days of mailed notice of the decision.

(a) If the tenth day of the mailed notice falls on a weekend or a City holiday the next working day shall be considered the tenth day.

(b) If the hearings body has recommended against a proposal, the City Commission will only consider an appeal filed by the applicant.

(2) Within the appeal period, the City Commission, acting upon the recommendation of the City Manager or upon its own motion, may order a de novo review of any lower level decision. Such review shall be conducted in accordance with appeal procedures as specified herein.

(3) For any appeal proceeding, the Director shall cause notice to be provided in the same manner as provided for the original decision and shall provide notice to any other parties to the proceedings who have requested notice in writing.

Section 21. Requirements of Notice of Appeal. A "Notice of Appeal" shall contain:

(1) An identification of the decision sought to be reviewed, including the date of the decision.

(2) A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.

(3) The specific criteria relied upon for appeal and a statement that the issue was raised at the previous review level. The issues raised by the appellant must be stated with sufficient specificity so as to afford the governing body and applicant, if appropriate, an adequate opportunity to resolve each issue.

(4) If de novo review is requested, a statement summarizing the new evidence which will be offered and the criteria to which it will relate.

Section 22. Scope of Review of an Appeal.

(1) The reviewing body shall determine the scope of review on appeal to be one of the following:

(a) Restricted to the record made on the decision being appealed; or

(b) A limited hearing to allow additional testimony or other evidence that could not reasonably been presented for the prior decision, or to such issues as the reviewing body determines necessary for a proper resolution of the matter; or

(c) A de novo hearing on the merits.

(2) To determine whether the appeal shall be made on the record or as a limited hearing the reviewing body shall consider all of the following in making such a decision:

(a) Prejudice to the parties.

(b) Convenience or availability of evidence at the time of the initial hearing.

(c) Surprise to opposing parties.

(d) The competency, relevancy, and materiality of the proposed testimony or other evidence.

Section 23. Record on Appeal

(1) Upon appeal or review of a decision, the appellate authority shall consider the record of the prior proceeding. The record shall include any of the following, if they were submitted to the prior decisionmaker:

(a) A factual report prepared by the Director.

(b) All exhibits, written comments, materials, pleadings, memoranda, stipulations, and motions submitted by any party and received or considered in reaching the decision under review.

(c) A taped or written transcript of the previous hearing, minutes of the hearing, including a detailed summary of the evidence, or a stipulated written summary of the proceedings submitted by all parties to the appeal.

(4) When an appeal is on the record, the reviewing body shall grant the right of oral argument to all affected parties but shall not allow the introduction of additional evidence.

(5) For a de novo hearing, the form of notice and persons to receive notice are the same as for hearings body review. Interested persons shall be given the opportunity to present testimony and information relevant to the proposal and make final arguments why the matter should or should not be approved and, if approved, the conditions desired in approving the action.

Section 24. Declining Review When the City Commission is the reviewing body, the City Commission may decide that the decision of the hearings body in a proceeding for a discretionary development permit or a zone change will be the final determination of the City. If the City Commission decides that a decision shall be the final determination of the City, then the governing body will not hear the appeal and the party appealing may continue the appeal as provided by law. In such a case, the City shall provide written notice of its decision to all parties.

Section 25. City Commission Decision.

(1) Upon review, the City Commission may affirm, remand, reverse, or modify in whole or part a determination or requirement of the decision that is under review.

(2) When the City Commission modifies or renders a decision that reverses a decision of the hearing body, the Commission shall set forth its findings and state its reasons for taking the action.

(3) When the Commission elects to remand the matter back to the previous hearings body for such further consideration as the City Commission deems necessary, it may include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

Section 26. Duration of Permit.

(1) All development permits shall be valid for a period of one year after the date of approval, unless a longer duration is granted as part of the approval. The date of the approval is the date the final written decision is mailed to the parties.

(2) Any land use development permit may be extended, prior to expiration, by the Planning Director for periods of three months up to an aggregate period of one year. Such extension shall be administrative, without notice, and in writing.

Section 27. Reapplication Limited. If a specific application is denied, no reapplication for substantially the same proposal may be made for one year, following the date of the final decision. However, an application may be refiled within one year of a denial of the application if the substantive law concerning the application is amended.

Section 28. Temporary Permit. Temporary Permits shall not be issued for variances, zone changes or plan amendments. The Planning Director or City Commission may authorize a Temporary Land Use Permit for a period not to exceed six months, provided:

(1) An application for the development permit has been submitted.

(2) The applicant has demonstrated good and sufficient cause for such a temporary permit. For the purposes of this section, good cause shall include only hardship or emergency situations arising due to factors that, through the exercise of ordinary diligence, could not have been foreseen. Good cause does not include requests only for reasons of convenience.

(3) It appears that the application will be approved in substantially the form submitted by applicant.

(4) The applicant accepts each and every risk of loss and damage that may result if the application is denied, and further agrees to hold City, its officers, agents, and employees harmless from said loss and damage.

(5) The applicant agrees to restore the site to its original condition if the application for the land use permit is denied.

(6) The applicant posts a bond or other form of security satisfactory to the City Attorney in an amount to cover costs of restoration required by subsection (5) above.

Section 29. Liabilities. The repeal of any Ordinance, or part thereof, by this Ordinance shall not release or extinguish any penalty, forfeiture, nuisance, obligation or liability incurred

under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinances repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, nuisance, obligation or liability.

Section 30. Repeal. The previous Procedures Ordinance No. NS-1474 is hereby repealed. Section 34 (Appeals) and Section 35 (Procedures) of the City Zoning Ordinance No. NS-1178 are hereby repealed.

Read for the first time the 15th day of January, 1992.

Read for the second time the 5th day of February, 1992.

Placed upon its passage the 5th day of February, 1992.

YES: 6 NO: 0

Authenticated by the Mayor the 5th day of February, 1992.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1557

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONING OF CERTAIN PARCELS OF LAND ALONG CENTURY DRIVE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

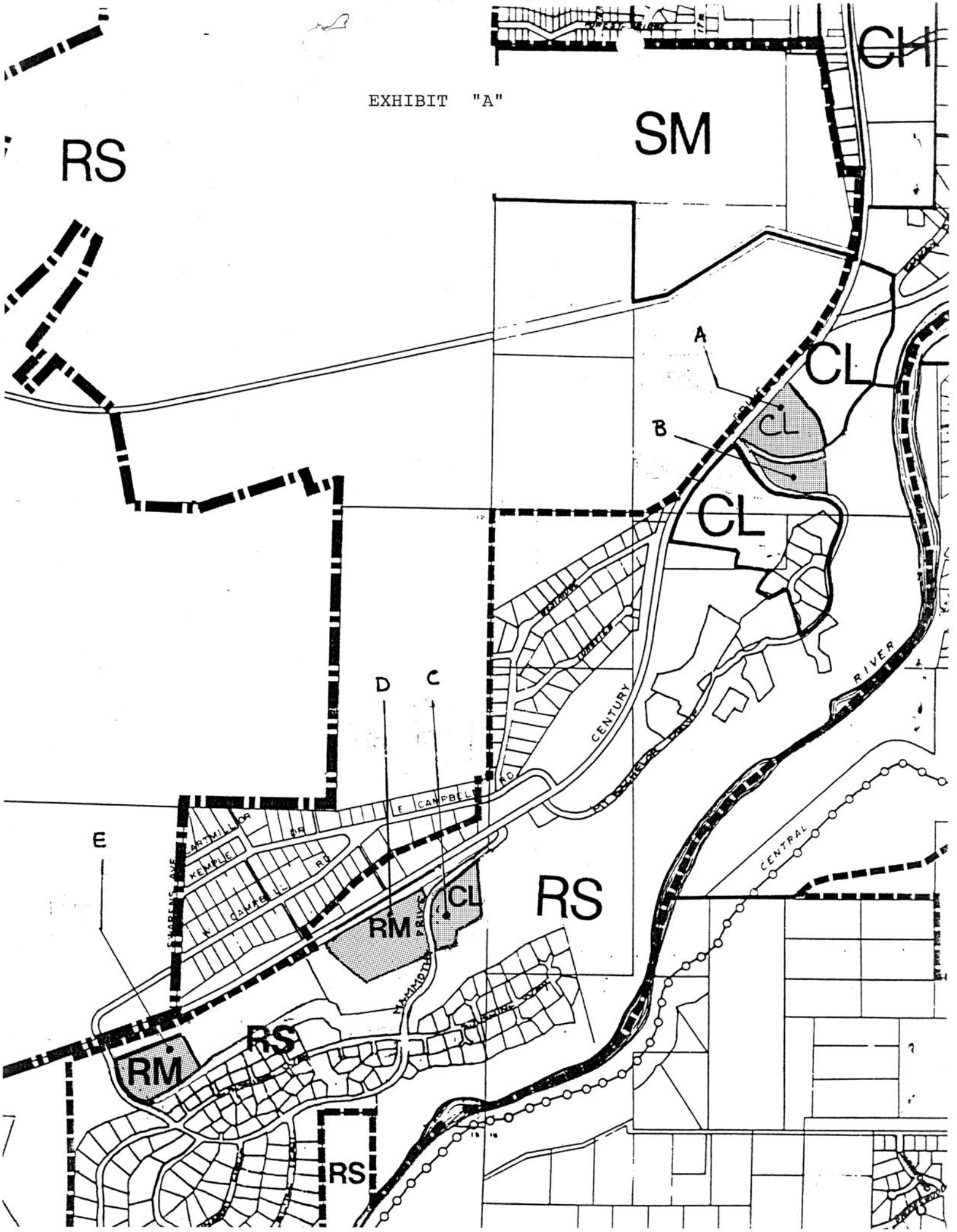
Section 1. Section 7 (1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the properties as described below and as shown on Exhibit A which is attached hereto and made a part of this ordinance:

A. Change from Urban Standard Residential (RS) to Limited Commercial (CL) for a parcel of land located between Century Drive and an 80 foot right-of-way for the future extension of Arthur Avenue, and further described as Parcel 3 in Minor Partition MP-4-86, containing 6.81 acres in the south one-quarter of Section 6, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon;

B. Change from Urban Standard Residential (RS) to Limited Commercial (CL) for a triangular shaped parcel of land located between Mt. Bachelor Drive, the 80 foot right-of-way for the future extension of Arthur Avenue, and the southerly extension of Tangent Line T18 on Minor Partition MP-4-86, containing 2.7 acres more or less in the south one-quarter of Section 6, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon;

C. Adjust the boundary of the existing Limited Commercial (CL) zoning south and east of Mammoth Drive in Sunrise Village to conform to tax parcel 18-11-12, 602, containing 5 acres, in the southeast one-quarter of Section 12, Township 18 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon;

EXHIBIT "A"


RS
SM
CH
A
B
CL
CL
CL
D
C
CENTURY
RIVER
E
E CAMPBELL RD
KEMPLE
CARMILLO DR
N CAMPBELL RD
CHARLES AVE
RM
CL
RS
MAGNOLIA PARK
CENTRAL
RM
RS
RS

D. Change from Urban Medium Density Residential (RM) to Urban Standard Residential (RS) for 9.4 acres of the 19.9 acre parcel between the Shevlin-Hixon Railroad right-of-way and Mammoth Drive that is generally outside the County approved Sunrise Villa Townhouses (SP-90-35), in the southeast one-quarter of Section 12, Township 18 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon;

E. Adjust the existing Urban Medium Density Residential (RM) zoning for the property bordered by the Shevlin-Hixon Railroad right-of-way, the westerly future extension of Mammoth Drive and the West Knoll Section of Sunrise Village so it corresponds to a site of approximately 4.8 acres, in the south one-quarter of Section 12, Township 18 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon.

Read for the first time the 19th day of February, 1992.

Read for the second time the 4th day of March, 1992.

Placed upon its passage the 4th day of March, 1992.

YES: 4 NO: 0

Authenticated by the Mayor the 4th day of March, 1992.

Allan Bruckner, Mayor

ATTEST:

James Kerfoot, Recorder-Treasurer

ORDINANCE NO. NS-1558

AN ORDINANCE TO ANNEX TERRITORY ON THE S.W. CORNER OF BUTLER MARKET ROAD AND N.E. 27TH STREET TO THE CITY OF BEND (BUTLER MARKET STORE).

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that there are no registered electors within the below described territory; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed March 4, 1992 as the date for a public hearing before the Commission at which time the electors of the City may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for

two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on March 4, 1992 on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before March 4, 1992, and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, a portion of the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the portion of the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

That portion of the North one-half of the Southeast one-quarter (N 1/2 SE 1/4) of Section Twenty-two (22), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, lying South and East of Butler Market Road.

Containing 2.09 acres.

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations of the District that are specified in ORS 222.520 (2)(b).

Read for the first time this 4th day of March, 1992.

Read for the second time this 18th day of March, 1992.

Placed upon its passage this 18th day of March, 1992.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 18th day of March, 1992.

Allen Bruckner
MAYOR

ATTEST:

Recorder-Treasurer City of Bend

ORDINANCE NO. NS-1559

AN ORDINANCE TO ANNEX THE RIMROCK RESIDENTIAL AREAS WHICH ARE LOCATED WEST OF O.B. RILEY ROAD AND NORTHWEST OF BEND.

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that a majority of the registered electors within the below described territory have consented, in writing, to the annexation of the land in the territory and have filed a statement of their consent with the Bend City Commission; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed January 15, 1992, as the date for a public hearing before the Commission at which time the electors of the City and others may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on January 15, 1992, on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before January 15, 1992 and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

Commencing at the Center East 1/16 corner of Section 20;
Thence N 89° 32' 15" W along the east-west centerline of Section 20, 608.81 ft. to the point of beginning;
Thence west along said centerline 806.5 ft. to the centerline of the Deschutes River;
Thence northwesterly along the centerline of the Deschutes River an approximate distance of 1650 ft. to its intersection with the east-west centerline of the NW 1/4 of Section 20;
Thence S 89° 59' W along said centerline, 195.54 ft. to the east line of the Deschutes County Municipal Irrigation District Canal (DCMID);
Thence N 5° 46' 30" W along said east line, 52.1 ft. to the southwest corner of Lot 4 Block 4 of the plat of Rimrock West-Phase 2;
Thence along the east line of the DCMID Canal, being also the westerly boundary of the plats of Rimrock West-Phase 2 and Rimrock West-Phase 3 to the

north west corner of Lot 5 Block 6, also the southwest corner of Lot 1 Block 7 of the said plat of Rimrock West-Phase 3;

Thence continuing along the westerly and northerly boundary of the plat of Rimrock West-Phase 3 the following six courses:

N 01° 48' 40" E, 200.26 ft.;
N 24° 30' 30" E, 290.48 ft.;
N 75° 59' 00" E, 309.00 ft.;
S 88° 31' 00" E, 190.00 ft.;
N 70° 27' 00" E, 119.00 ft.;
S 63° 19' 26" E, 69.26 ft. to the point of intersection of this northerly boundary with the west boundary of the plat of Rimrock Village;

Thence along the west, north, east and north boundary of Rimrock Village the following four courses:

North, 550.00 ft. more or less to the northwest corner of Block 3 of said plat;
S 89° 30' 15" E, 330.00 ft.;
South, 153.48 ft.;
East, 644.50 ft. to the northeast corner of said plat of Rimrock Village;

Thence continuing East, 5.30 ft. more or less to the westerly right of way line of O.B. Riley Road, also known as the Old Dalles-California Highway;

Thence southerly and southeasterly along the westerly right of way line of O.B. Riley Road an approximate distance of 3610 feet to the south right of way line of Archie Briggs Road;

Thence N 89° 40' 57" W along the said south right of way, approximately 430 feet to the northeast corner of Lot 1, Block 2 of Gemstone Estates;

Thence S 00° 20' 32" W along the east line of said plat, 299.27 ft.;

Thence N 89° 36' 57" W along the south line of said plat, 108.28 ft.;

Thence S 04° 26' 43" E, 329.15 ft. to the east-west centerline of Section 20 and the point of beginning.

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations of the District that are specified in ORS 222.520 (2)(b).

Read for the first time this 15th day of January, 1992.

Read for the second time this 1st day of April, 1992.

Placed upon its passage this 1st day of April, 1992.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 1st day of April, 1992.

Alea Brudeman
MAYOR

ATTEST:

James W. Keyser
Recorder-Treasurer

ORDINANCE NO. NS-1560

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. NS-1178 Section 18 (6) is hereby amended to read:

[(6) Off-Street Parking and Loading. There are 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 remainding CB area will be established by Site Plan Committee during the site plan review.]

(6) Off-Street Parking and Loading. In the CB zone prior to the issuance of any building permit for construction of a new building, enlargement of an existing building, or the change of use requiring additional off-street parking as required by Section 24, the owner or occupant shall pay a fee in lieu of providing the required off-street parking or provide the off-street parking. The fee shall be established by resolution and adjusted from time to time by the City Commission.

The fee shall be a one time fee deposited in a fund to be used only for the planning, acquisition, development and maintenance of off-street parking facilities located in and/or adjacent to the CB zone.

SECTION 2. Section 24 (3) of NS-1178 is amended to read:

(3). Off-street Parking. Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zones. [except the CB zone.] 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.

Read for the first time the 1st day of April, 1992.

Read for the second time the 15th day of April, 1992.

Placed upon its passage the 15th day of April, 1992.

YES: 4 NO: 3

Authenticated by the Mayor the 15th day of April, 1992.

Allan Bruckner, Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1561

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM LIGHT INDUSTRIAL, IL, TO GENERAL COMMERCIAL, CG.

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 amended by changing the designation of the following described property from Light Industrial, IL to General Commercial, CG:

> A tract of land located in the Southeast Quarter of the Southwest Quarter (SW1/4,SW1/4) of Section 29, Township Seventeen (17), Range Twelve (12) East of the Willamette Meridian, Deschutes County Oregon, more particularly described as follows:
>
> Lot 3, Block 3, Lytle Subdivision

Read for the first time the 15 day of April, 1992.

Read for the second time the 6th day of May, 1992.

Placed upon its passage the 6th day of May, 1992.

YES: 5 NO: 0

Approved by the Mayor the 7th day of May, 1992.

Allen Bruckner
Mayor

ATTEST:

Recorder-Treasurer

Q:\PLN\ANITA\BRENDE.ORD

ORDINANCE NO. NS-1562

AN ORDINANCE AMENDING ORDINANCE NO. NS-1272, THE SOLID WASTE MANAGEMENT ORDINANCE, RELATING TO RATE DETERMINATIONS AND REPEALING ORDINANCE NO. NS-1335 AND NS-1389.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. NS-1335 and Ordinance No. NS-1389 are hereby repealed.

SECTION 2. Subsection 2, Section 11 of Ordinance No. NS-1272 is hereby repealed and replaced with the following new subsection 2:

> (2) By May 15 of each year, the Franchisee shall file with the City a compiled prescribed form statement of franchise operations within the City of Bend, a copy of which is attached hereto, marked Exhibit "C" and incorporated by reference herein, with the City of Bend, which shall be completed by franchisee in accordance with the accounting standards established by the American Institute of Certified Public Accountants. The Franchisee shall also file a projection of proposed operations for the ensuing year on a separate prescribed form, a copy of which is attached hereto, marked Exhibit "E" and incorporated by reference herein.

SECTION 3. Subsection 3, Section 11 of Ordinance No. NS-1272 is hereby repealed and replaced with the following new subsection 3:

> (3) The Franchisee may, not later than May 15 of any one year, apply for an adjustment in rates. In addition to the information provided by the Franchisee under subsection 2 of this section, the Franchisee shall provide the City Commission or any committee thereof with all information deemed necessary by the Commission or committee thereof with respect to the operations of the Franchise in order to make a reasonable and rational decision on the application on behalf of the rate-payers and to verify the information submitted on Exhibits "C" and "E". The City reserves the right to inspect support documents for Exhibit "C". The Commission may approve, disapprove or modify an application for rate adjustment. Rates shall be changed by resolution of the Commission.

SECTION 4. The City has obtained the written consent of both current Franchisees to amendment of this ordinance. This amendment shall be effective 30 days after its passage.

Read for the first time the 6th day of May, 1992.

Read for the second time the 20th day of May, 1992.

Placed upon its passage the 20th day of May, 1992.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of May, 1992.

Allen Buckner
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1563

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. NS-1178 Section 25 (25), Temporary Uses, is hereby amended by revising the existing subsection (c) to read:

--~~(c)~~ (d) All produce, shelters, tables, chairs and debris shall be removed by the merchant at the end of the activity.

SECTION II. NS-1178 Section 25 (25), Temporary Uses, is hereby amended by adding a new subsection (c) as follows:

(c) In the RS zone adjacent to the CB zone between Newport Avenue and Franklin Avenue:

1. Outdoor activities in conjunction with, and on the same lot as, an approved use in the CB zone.

2. Such outdoor activities shall be subject to Site Plan review and may be regulated as to time of year, hours of operation, lighting, noise, size, and other such conditions to insure the activity will have minimal adverse impact on RS properties.

Read for the first time the 20th day of May, 1992.

Read for the second time the 3rd day of June, 1992.

Placed upon its passage the 3rd day of June, 1992.

YES: 6 NO: 0

Authenticated by the Mayor the ____ day of June, 1992.

Allan Bruckner, Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1564

AN ORDINANCE TO ANNEX TERRITORY WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED SOUTH OF HAYES AVENUE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

Area 1 - 18 12 08AB Tax Lots 500, 501, 504, 600

A tract of land being a portion of Tract 25, Reed Highway Acreage, Section 2, located in the Northeast Quarter of Section 8, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon; described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 8; thence south 00° 36' 21" west along the west line of said Northeast 1/4, 14.82 feet to the southerly right of way line of Hayes Avenue; thence east along said right of way line, 539.21 feet to the point of beginning of this description; thence continuing east along said right of way line 757.98 feet; thence south, 287.10 feet to the northerly right of way line of the C.O.I. Canal; thence along said northerly right of way line, north 56° 00' 00" west 42.11 feet; thence along the arc of a 250.00 foot radius curve to the left, 318.52 feet; thence south 51° 00' 00" west, 365.27 feet; thence continuing along said northerly right of way line on the arc of a 600.00 foot radius curve to the right, 22.45 feet (the chord of which bears south 52° 04' 25" west, 22.45 feet; thence north 10° 31' 35" west, 232.19 feet; thence north 70° 29' 29" west, 140.66 feet; thence north 70.00 feet; thence north 17° 09' 45" east, 183.07± feet to the point of beginning.

Area 2 - 18 12 08AA Tax Lots 500, 503

A tract of land being a portion of Lots 2 and 3, Van Matre's Subdivision of Tract 24, Reed Highway Acreage Section 2, located in the Northeast Quarter of Section 8, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon described as follows:

Beginning at the southwest corner of said Lot 3; thence along the west line of Lots 3 and 2, north 257.15 feet; thence south 56° 56' 52" east, 367.33 feet to the westerly right of way line of State Highway 97; thence along said right of way line, south 35° 56' 08" west, 220.45 feet more or less to the northerly right of way line of the C.O.I. Canal and to the southeast corner of said Lot 3; thence along said canal right of way line, north 56° 00' 00" west, 216.06 feet more or less to the point of beginning.

Area 3 - 18 12 08A Central Oregon Canal

A tract of land beginning at the southeast corner of Lot 3, Van Matre's Subdivision of Tract 24, Reed Highway Acreage Section 2 and the northerly right of way line of the C.O.I. Canal; thence along said northerly right of way line, north 56° 00' 00" west 755.79 feet; thence along the arc of a 250.00 foot radius curve to the left, 318.52 feet; thence south 51° 00' 00" west, 365.27 feet; thence south 39° 00' 00" east, 100 feet to the southerly right of way line of said C.O.I. Canal; thence north 51° 00' 00" east, 365.27 feet; thence along the arc of a 150.00 foot radius curve to the right, 191.11 feet; thence south 56° 00' 00" east 741.49 feet to the westerly right of way line of State Highway 97; thence along said State Highway right of way line, north 35° 48' 42" east 100.00 feet more or less to the point of beginning.

Containing 11.13 acres more or less.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 20th day of May, 1992.

READ for the second time this 3rd day of June, 1992.

PLACED upon its passage the 3rd day of June, 1992.

YES: 6 NO: 0

APPROVED by the Mayor this 3rd day of June, 1992.

Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1565

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED WEST OF THE DESCHUTES RIVER AND THE RIMROCK AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

AREA ONE 17-12-20B - Tax Lots 900, 1000, 1201, 1800, Portion of 1100
All of the SE 1/4 NW 1/4 Section 20 T 17S R12E, W.M. lying westerly of the centerline of the Deschutes River.

AREA TWO Portion of the D.C.M.I. Canal
All of the right of way of the D.C.M.I. Canal lying in the N 1/2 NW 1/4 Section 20 T17S R12E, W.M. lying southerly of the southerly right of way of Archie Briggs Road.

AREA THREE Portion of D.C.M.I. Canal
All of the right of way of the D.C.M.I. Canal lying in the NW 1/4 NW 1/4 Section 20 and in the SW 1/4 SW 1/4 of Section 17 T17S R12E, W.M. from the northerly and easterly right of way line of Archie Briggs Road to the northwest and turning thence southwest to the west line of Section 20.

AREA FOUR Portion of Archie Briggs Road
All of the right of way of Archie Briggs Road lying in the NW 1/4 NW 1/4 Section 20 T17S R12E, W.M. from the westerly boundary of the plat of Rimrock West Phase 2 to the west line of Section 20.

AREA FIVE Portion of Archie Briggs Road
All of the right of way of Archie Briggs Road lying in the SE 1/4 NE 1/4 Section 19 T17S R12E, W.M.

AREA SIX Unimproved Road (Portion of Washington Dr.)
A strip of land over and across a portion of the Southeast one-quarter of the Northeast one-quarter (SE 1/4 NE 1/4) of Section Nineteen (19), Township Seventeen (17) South, Range Twelve (12) East, 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 56° 34' 59" West 399.53 feet; thence 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 SE 1/4 NE 1/4; 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.

Areas One through Six contain approximately 36.3 acres.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 3rd day of June, 1992.

READ for the second time this 17th day of June, 1992.

PLACED upon its passage the 17th day of June, 1992.

YES: 4 NO: 0

APPROVED by the Mayor this 17th day of June, 1992.

Allen Bruckner

Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1566

AN ORDINANCE TO ANNEX TERRITORY WHICH IS LOCATED NORTHEAST OF THE CITY IN THE BOYD ACRES ROAD AREA.

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that a majority of the registered electors within the below described territory have consented, in writing, to the annexation of the land in the territory and have filed a statement of their consent with the Bend City Commission; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed July 1, 1992, as the date for a public hearing before the Commission at which time the electors of the City and others may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on July 1, 1992, on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before July 1, 1992 and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

ROADS TO BE ANNEXED

1) Boyd Acres Road All that portion of Boyd Acres Road lying between the Kotzman Lateral and the North line of Fred Meyer Road.

2) Fred Meyer Road All that portion of Fred Meyer Road lying between the easterly right of way line of the Oregon Trunk Railway and the westerly right of way line of Boyd Acres Road.

3) Ross Road All that portion of Ross Road right of way lying between the West line of the Northeast Quarter of the Northwest Quarter of Section 28, T 17S R 12E, W.M., Deschutes County, Oregon and the westerly right of way line of Boyd Acres Road.

Area A - Parcel 1 — 17 12 16C - Tax Lots 101, 102, 103, 104, 105, 108, 110, 136, 137

A tract of land in the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 17S, Range 12E, Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the South one-quarter corner of said Section 16; thence S 89° 58' 20"W 556.70 feet along the southerly section line of said Section 16 to the westerly right of way of Boyd Acres Road; thence along said road right of way, N 01° 24' 50" E 328.69 feet; thence leaving said right of way, N 85° 30' 40" W 151.09 feet; thence N 66° 04' 10" W 346.03 feet to the centerline of the Swalley Canal; thence southwesterly along the centerline of said canal 100.0 feet more or less; thence N 76° 10' 10" W 10.0 feet more or less to the easterly right of way line of the Oregon Trunk Line; thence along said easterly line N 13° 39' 50" E 380.82 feet to the northerly right of way of Fred Meyer Road; thence along the northerly right of way of Fred Meyer Road to the centerline of the Swalley Canal; thence along said centerline N 05° 57' 55" W 35.0 feet more or less; thence N 36° 45' 40" E 70.50 feet; thence leaving said centerline S 67° 07' 58" E 303.39 feet to the centerline of Boyd Acres Road; thence along the centerline of Boyd Acres Road on a 220.0 foot radius curve to the left, 30.0 feet, long chord bears S 24° 06' 05" W 29.98 feet; thence S 20° 11' 42" W 72.99 feet to the centerline of Fred Meyer Road; thence following centerline on a 716.25 foot radius curve to the left, 17.00 feet, the long chord bears S 84° 12' 33" E 17.00 feet; thence S 83° 31' 45" E 32.50 feet; thence on a 143.25 foot radius curve to the right, 111.20 feet; thence S 39° 04' 45" E 503.40 feet; thence along a 260.45 foot radius curve to the right, 87.97 feet to a point on the North-South centerline of Section 16; thence S 00° 14' 43" W 99.66 feet to the point of beginning.

Excepting therefrom the 25 foot right of way of Fred Meyer Road from the easterly line of Boyd Acres Road to the North-South centerline of said Section 16.

Area A - Parcel 2 — 17 12 21B - Tax Lots 100 and 400
17 12 21 - Portion of Tax Lot 200

Beginning at the North one-quarter corner of Section 21, T 17S R12E W.M., Deschutes County, Oregon; thence S 00° 04' 27" E 1213.95 feet to the present city limits line and a point on the centerline of Kotzman Lateral; thence along said city limits line and centerline of said lateral the following courses and distances; S 58° 00' 00" W 53.45 feet; S 46° 16' 05" W 209.85 feet; S 67° 23' 55" W 327.45 feet to the centerline of Boyd Acres Road; thence along said road centerline N 01° 07' 10" W 888.65 feet; thence continuing along said road centerline N 01° 13' 35" W 620.0 feet more or less to the north line of said Section 17; thence along said line N 89° 54' 18" E 526.89 feet more or less to the point of beginning.

Excepting therefrom the right of way of Boyd Acres Road.

Area A - Parcel 3 — 17 12 21B - Tax Lots 3500, 3600, 4100, 4200, 4300

Lots 1, 2, 3, 8 and 9, Block 2 of the B.I.D. IV Subdivision, Deschutes County, Oregon.

Area A - Parcel 4 — Boyd Acres Road

All that portion of Boyd Acres Road lying between the Kotzman Lateral and the North line of Fred Meyer Road.

Area A - Parcel 5 — Fred Meyer Road

All that portion of Fred Meyer Road lying between the easterly right of way line of the Oregon Trunk Railway and the westerly right of way line of Boyd Acres Road.

Area B - Parcel 1 17 12 21DB - Tax Lots 300, 500, 700, 800, 900, 1000
17 12 21DC - Tax Lots 100, 101

The westerly 280 feet measured on the North and South line of Lot 1, Block 1, Brinson Industrial Park, Deschutes County, Oregon.

Lots 4 and 5, Block 1, Brinson Industrial Park, Deschutes County, Oregon.

Lots 8, 9 and 10, Brinson Industrial Park Phase II, Deschutes County, Oregon.

Lot 12, Brinson Industrial Park Phase III, Deschutes County, Oregon.

Lot 11, Brinson Industrial Park Phase III, Deschutes County, Oregon, excepting the following portion of the lot:

Beginning at the most Westerly corner of Lot 11; thence N 44° 08' 12" E 117.89 feet; thence S 37° 08' 14" E 217.18 feet; thence along the arc of a 470.00 radius curve right 11.84 feet, the chord of which bears S 20° 28' 06" W 11.84 feet; thence S 21° 11' 25" W 108.71 feet; thence along the arc of a 270.00 foot radius curve right 180.64 feet, the chord of which bears N 46° 34' 27" W 177.29 feet; thence N 27° 24' 28" W 89.11 feet to the point of beginning.

Area B - Parcel 2 17 12 21DC - Tax Lots 200, 300, 400 and 401

A tract of land in the Southwest one-quarter of the Southeast one-quarter of Section 21, T17S R12E, W.M., Deschutes County, Oregon.

Beginning at a point which bears N 00° 14' 39" W 852.73 feet from the East One-sixteenth corner of said Section 21, said point being on the North right of way of the North Unit Canal; thence along said right of way S 30° 28' 46" W 360.76 feet; thence along the arc of a 136.50 foot radius curve to the right, 130.36 feet; thence S 85° 11' 46" W 139.33 feet; thence along the arc of a 136.50 foot radius curve to the right, 111.06 feet; thence N 48° 13' 14" W 406.43 feet; thence along the arc of a 436.50 radius curve to the left, 70.38 feet to the intersection of the North Canal northerly right of way with the South right of way of the C.O.I. North Canal; thence along said South right of way, N 82° 03' 30" E 867.73 feet; thence along the arc of a 525.60 foot radius curve to the right, 27.60 feet; thence leaving said right of way S 0° 14' 39" E 87.36 feet to the point of beginning.

Area B - Parcel 3 17 12 21DD - Tax Lot 100

That portion of the Southeast one-quarter of the Southeast one-quarter of Section 21, T17S R12E, W.M, Deschutes County, Oregon, lying between the northerly right of way line of the North Unit Canal and the southerly right of way line of the C.O.I. North Canal.

Area B - Parcel 4 C.O.I. North Canal and the North Unit Canal

All that portion of the C.O.I. North Canal and the North Unit Canal lying between the North-South centerline and the East section line of Section 21, T17S R12E, W.M., Deschutes County, Oregon.

Area C - Parcel 1 17 12 21C - Tax Lots 104, 105, 800 and 1900

That portion of the Southwest one-quarter of Section 21, T17S R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at the Southwest one-sixteenth corner of said Section 21, which bears North 1345.19 feet and West 1327.77 feet from the South one-quarter corner of said Section 21; thence along the North-South centerline of the Southwest one-quarter of said Section 21 N 00° 04' 56" E 208.77 feet; thence S 89° 47' 54" E 100.00 feet; thence N 00° 04' 56" E 80.00 feet; thence N 89° 47' 54" W 100.00 feet; thence N 00° 04' 56" E 485.83 feet; thence N 89° 59' 11" E 820.78 feet; thence N 01° 11' 59" W 273.88 feet; thence S 89° 59' 11" W 814.83 feet; thence N 00° 02' 42" E 273.82 feet to the center-west one-sixteenth corner; thence along the East-West centerline of said Section 21, N 89° 47' 13" W 348.68

feet, more or less to the intersection of the easterly right of way of the Oregon Trunk Railway; thence along said right of way S 00° 04' 00" W 1746.22 feet; thence S 89° 54' 00" E 394.20 feet; thence N 01° 09' 10" W 423.33 feet; thence N 89° 47' 54" W 36.87 feet, more or less to the point of beginning.

Excepting therefrom that portion lying South and West of the existing railroad spur in the Southwest quarter of the Southwest quarter of Section 21, T17S R12E, W.M., Deschutes County, Oregon.

Area C - Parcel 2 17 12 21C - Tax Lots 102, 103, 108 and 109

That portion of the Southwest one-quarter of Section 21, T17S R12E, W.M., Deschutes County, Oregon, described as follows:

Tax Lot 102 - Beginning at the Center one-quarter of said Section 21; thence along the North-South centerline of said Section, S 00° 13' 10" E 358.85 feet; thence S 89° 59' 12" W 442.07 feet to the easterly right of way of Boyd Acres Road; thence along said right of way N 01° 16'34" W 358.93 feet to the East-West centerline of said Section, N 89° 59' 11" E 448.70 feet to the point of beginning.

Tax Lots 103, 108 and 109 - Beginning at a point which bears N 00° 13' 46" W 1541.31 feet from the South one-quarter corner of said Section 21; thence continuing N 00° 13' 46" W 409.89 feet to the southerly right of way of Brinson Road; thence along said right of way S 76° 34' 15" W 446.18 feet to a point 30 feet east of the centerline of Boyd Acres Road; thence along a line 30 feet parallel to the centerline of said road, S 01° 09' 10" E 306.62 feet; thence N 89° 57' 22" E 212.56 feet; thence N 89° 59' 46" E 216.92 feet to the point of beginning.

Area C - Parcel 3 17 12 21C - Tax Lot 2600 and 2700

Beginning at a point on the East line of Boyd Acres Road and the North line of the Southeast one-quarter, Southwest one-quarter of Section 21; thence S 01° 13' 35" E 250.00 feet; thence S 89° 47' 54" E 212.42 feet; thence N 01° 09' 10" W 250.00 feet more or less to the North line of the Southeast one-quarter, Southwest one-quarter of Section 21; thence along said line N 89° 47' 54" W 212.47 feet to the point of beginning.

Area D 17 12 28B - Tax Lots 400, 503, 600 and 900
17 12 29A - Tax Lot 501 and Ross Road Right of Way

Area D - Parcel 1 - 17 12 28B - Tax Lots 400 and 600

That portion of the Northwest Quarter of Section 28, T 17S, R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at a point on the North city limits of the City of Bend, Deschutes County, Oregon, said point lying S 89° 23' 03" E 143.5 feet from the Southwest corner of the Northwest one-quarter, Northwest one-quarter of said Section 28, said point also being on the East right of way line of the North Unit Canal; thence S 89° 23' 03" E 414.0 feet along said city limits to the West right of way line of the Oregon Trunk Railway; thence along said West right of way, N 16° 10' 00" E 349.0 feet to the beginning of a 5679.65 foot radius curve to the left; thence northerly along said curve, 708.0 feet more or less to the point of intersection of said Railway right of way and the East right of way line of the North Unit Canal; thence southwesterly along said East right of way of the North Unit Canal on a 252.0 foot radius curve to the left, 215.0 feet more or less to the end of the curve; thence S 30° 04' 00" W 457.26 feet along said East right of way to the beginning of a 2735 foot radius curve to the left; thence along said curve 108.97 feet to the end of said curve; thence S 27° 47' 00" W 417.98 feet along said East right of way to the beginning of a 321.0 foot radius curve to the right; thence along said curve 45.0 feet to the point of beginning.

Area D - Parcel 2 - 17 12 28B - Tax Lot 900

A portion of Tract 6 of the Boyds Acreage Subdivision located in the Northeast one-quarter Northwest one-quarter of Section 28, T17S

R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at the Southwest corner of said Northeast one-quarter, Northwest one-quarter of Section 28; thence S 89° 23' 03" E 154.67 feet; thence N 00° 10' 21" E 751.49 feet to a point on the South right of way of Ross Road; thence along said right of way, West 153.53 feet; thence S 00° 15' 32" W 749.82 feet to the point of beginning.

Area D - Parcel 3 - 17 12 28B - Tax Lot 503

That portion of the Northwest one-quarter, Northwest one-quarter of Section 28, T 17S R12E, W.M. Deschutes County, Oregon, described as follows:

Commencing at the Northwest corner of said Section 28; thence S 89° 52' 50" E 672.46 feet to a point on the Westerly right of way of the C.O.I. Canal and the True Point of Beginning; thence along the arc of a 436.09 foot radius curve to the left. 104.17 feet; thence N 32° 48' 01" E 49.99 feet to the North line of Section 28; thence S 89° 52' 50" E along said section line 68.03 feet to the true point of beginning.

Area D - Parcel 4 - 17 12 29A - Tax Lot 501

A tract of land in the Northeast Quarter of the Northeast Quarter of Section 29, T 17S R12E, W.M., Deschutes County, Oregon, lying northerly of the C.O.I. North Canal, easterly of the Dalles-California Highway (1931 location), westerly of the Dalles-California Highway (1961 location) and southerly of the existing highway intersection right of way.

Area D - Parcel 5 - Ross Road Right of Way (includes Tax Lot 1100)

All that portion of Ross Road right of way lying between the West line of the Northeast Quarter of the Northwest Quarter of Section 28, T 17S R 12E, W.M., Deschutes County, Oregon and the westerly right of way line of Boyd Acres Road, also including that portion dedicated to Deschutes County being the northerly 20.0 feet more or less of Lot 7 Boyds Acreage Subdivision.

Containing approximately 81.8 acres.

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations of the District that are specified in ORS 222.520 (2)(b).

Read for the first time this 1st day of July, 1992.

Read for the second time this 15th day of July, 1992.

Placed upon its passage this 15th day of July, 1992.

YES: 6 NO: 0

Approved by the Mayor this 15th day of July, 1992.

Alan Bruckner
MAYOR

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1567

AN ORDINANCE TO ANNEX TERRITORY WHICH IS LOCATED ALONG N.E. BUTLER MARKET AND YEOMAN ROADS.

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that a majority of the registered electors within the below described territory have consented, in writing, to the annexation of the land in the territory and have filed a statement of their consent with the Bend City Commission; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed August 5, 1992, as the date for a public hearing before the Commission at which time the electors of the City and others may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on August 5, 1992, on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before August 5, 1992 and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore

ROADS AND CANALS

Butler Market Road

That portion of Butler Market Road from the South line of Section 22, T17S, R12E, W.M. easterly to a point 482.31 feet more or less east of the South Center 1/16 corner of Section 22, T17S, R12E, W.M.

Yeoman Road

That portion of Yeoman Road from the northerly right of way line of Butler Market Road northerly to the northerly right of way of the North Unit Main Canal.

Rumgay Road

That portion of Rumgay Road from the West line of Section 22, T17S, R12E, W.M. easterly to the westerly right of way line of Butler Market Road.

North Unit Canal

That portion of the North Unit Main Canal from the West line of Section 22, T17S, R12E, W.M. easterly to the westerly right of way of Deschutes Market Road located in the SW 1/4 NW 1/4 of Section 23, T17S, R12E, W.M.

Old Pilot Butte Canal

That portion of the Old Pilot Butte Canal from the South line of Section 22, T17S, R12E , W.M. northerly to the southerly right of way of the North Unit Main Canal.

Parcel 1 17 12 22 - Tax Lots 600, 601, 602, 603 and 700

That portion of the SW 1/4 SW 1/4 of Section 22, T17S, R12E, W.M. lying northwesterly of the right of way of Butler Market Road and southerly of the North Unit Main Canal right of way.

Parcel 2 17 12 22 - Tax Lots 1000, 1100, 1300 and 1400

That portion of the E 1/2 SW 1/4 of Section 22, T17S, R12E, W.M. lying northerly of the Butler Market right of way and southerly of the North Unit Main Canal right of way.

Parcel 3 17 12 22 - Tax Lots 1500, 1501 and 1603

A parcel of land located in the NW 1/4 SE 1/4 of Section 22, T17S, R12E, W.M., Deschutes County, Oregon and described as follows:

Beginning at the South Center 1/16 corner of said Section 22; thence N 0° 01' 28" W 1147.76 feet more or less to a point being on the west line of said NW 1/4 SE 1/4 and the southerly right of way of the North Unit Main Canal; thence along said canal right of way, N 84° 48' 16" E 482.38 feet; thence S 00° 01' 28" E 1168.83 feet more or less to the northerly right of way of Butler Market Road; thence along said right of way on a 2904.79 foot radius curve to the left, 301.98 feet, the chord of which bears S 85° 53' 34" W 301.84 feet; thence S 89° 39' 23" W 181.23 feet to the point of beginning.

Excepting therefrom the right of way of Yeoman Road.

Parcel 4 17 12 22 - Tax Lots 1601, 1602

That portion of the NE 1/4 SE 1/4 of Section 22, T17S, R12E, W.M., more particularly described as follows:

Commencing at the E 1/4 corner of said Section 22; thence N 72° 07' 32" W 419.83 feet to the point of beginning; thence S 00° 11' 45" W 129.01 feet; thence S 00° 01' 33" E 1145.74 feet to the northerly right of way of Butler Market Road; thence southwesterly along said right of way on the arc of a 1115.92 foot radius curve to the right, an arc distance of 505.04 feet; thence N 18° 21' 09" W 1360.25 feet to the southerly right of way of the North Unit Main Canal; thence along said right of way N 79° 21' 27" E 588.66 feet; thence N 79° 17' 16" E 174.28 feet; thence northeasterly along the arc of a 483.0 radius curve to the right, an arc distance of 79.10 feet; thence N 88° 40' 16" E 74.46 feet to the point of beginning.

Parcel 5 17 12 22 - Tax Lot 2100

A parcel of land located in the SE 1/4 SE 1/4 of Section 22, T17S, R12E, W.M., Deschutes County, Oregon and described as follows:

Commencing at the SE corner of said Section 22; thence S 89° 44' 00" W along the South section line 1309.18 feet to the E 1/16 corner; thence N 00° 10' 30" E 409.87 feet to the point of beginning; thence N 61° 27' 27" E 37.53 feet; thence N 63° 41' 35" E 88.81 feet; thence S 85° 42'44" E 99.21 feet; thence N 70° 16' 04" E 77.14 feet; thence S 69° 26' 01" E 53.74 feet; thence S 85° 16' 46" E 124.85 feet; thence N 70° 36' 00" E 18.71 feet; thence N 15° 59' 47" E 24.45 feet; thence N 03° 24' 51" W 57.67 feet; thence N 82° 51' 16" E 172.25 feet; thence N 61° 10' 22" E 10.51 feet; thence N 18° 22' 22" E 113.36 feet; thence N 15° 23' 37" W 261.08 feet; thence N 10° 27' 44" W 362.21 feet to the southerly right of way of Butler Market Road; thence along said right of way on a 1175.92 foot radius curve right, 279.14 feet; the long chord of which bears S 83° 58' 23" W 278.48 feet; thence continuing along said right of way N 89° 13' 36" W 281.06 feet to the East 1/16

line of said Section 22; thence S 00° 10' 30" W, along the East 1/16 line, 850.57 feet to the point of beginning.

Parcel 6 17 12 22 - Tax Lot 2200

A parcel of land located in the SE 1/4 SE 1/4 of Section 22; T17S, R12E, W.M., Deschutes County, Oregon and described as follows:

Beginning at the SE corner of said Section 22; thence S 89° 44' 00" W along the south section line 1309.18 feet to the E 1/16 corner; thence N 00° 10' 30" E 409.87 feet; thence N 61° 27' 27" E 37.53 feet; thence N 63° 41' 35" E 88.81 feet; thence S 85° 42' 44" E 99.21 feet; thence N 70° 16' 04" E 77.14 feet; thence S 69° 26' 01" E 53.74 feet; thence S 85° 16' 46" E 124.85 feet; thence N 70° 36' 00" E 18.71 feet; thence N 15° 59' 47" E 24.45 feet; thence N 03° 24'51" W 57.67 feet; thence N 82° 51' 16" E 172.25 feet; thence N 61° 10' 22" E 10.51 feet; thence N 18° 22' 22" E 113.36 feet; thence N 15° 23'37" W 261.08 feet; thence N 10° 27' 44" W 362.21 feet to the southerly right of way of Butler Market Road; thence northeasterly along said right of way on a 1175.92 foot radius curve left, 120.00 feet more or less to its intersection with the north line of the SE 1/4 SE 1/4 of said Section 22; thence along said north line N 89° 51' 19" E 549.3 feet more or less to the westerly right of way of N.E. 27th Street; thence along said street right of way, S 00° 11' 00" W 1319.3 feet more or less to the point of beginning.

Parcel 7 17 12 22 CD - Tax Lot 100 and 17 12 22 - Tax Lots 1700, 1701

A parcel of land located in a portion of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 of Section 22, T17S, R12E, W.M., Deschutes County, Oregon and described as follows:

Commencing at the South 1/4 corner of said Section 22; thence N 00° 29' 03" W 894.79 feet to the point of beginning; thence S 79° 58' 05" W 270.75 feet; thence N 01° 01' 17" W 330.00 feet to the southerly right of way of Butler Market Road; thence along said right of way N 79° 58' 05" E 328.54 feet; thence along the arc of a 2835.36 foot radius curve right, 392.92 feet; thence S 00° 00' 51" E 457.26 feet; thence West 446.71 feet; thence N 00° 29' 03" W 75.76 feet to the point of beginning.

Containing 105.03 acres in Deschutes County, Oregon.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations of the District that are specified in ORS 222.520 (2)(b).

Read for the first time this 15th day of July, 1992.

Read for the second time this 5th day of August, 1992.

Placed upon its passage this 5th day of August, 1992.

YES: 7 NO: 0

Authenticated by the Mayor this 5th day of August, 1992.

MAYOR

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1568

AN ORDINANCE AMENDING ORDINANCE NO. NS-1361, THE CITY OF BEND'S PUBLIC PROTECTION CODE, TO PROHIBIT THE OFFENSES OF INTERFERING WITH A POLICE OFFICER AND INTERFERING WITH A POLICE DOG.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The following new code section is added to and made a part of Bend Code Chapter 5, Ordinance No. NS-1361:

5.075 **Interfering with a Police Officer.**

(1) For the purposes of this code section, the following definitions apply:

(a) "Arrest" means to place a person under actual or constructive restraint for the purpose of charging him or her with an offense.

(b) "Custody" means to place a person under actual or constructive restraint pursuant to a court order or other lawful purpose.

(c) "Emergency situation" means any situation in which the life or safety of any person is or may be threatened, including the life of the police officer.

(d) "Offense investigation" means an investigation by a police officer into the commission of an offense prohibited by federal, state or local law.

(e) "Police officer" means any sworn member of the Bend Police Department, including a reserve police officer on active duty.

(f) "Stop" means a temporary restraint of a person's liberty by a police officer lawfully present in any place,

(i) When such officer reasonably suspects that such person is committing, or has committed an offense, or

(ii) When such officer reasonably believes that such person is in need of attention pursuant to ORS 426.215 or ORS 426.460, or

(iii) When such officer reasonably believes that such person is the subject of service of a valid court order.

(g) "To leave the area of an arrest, custody, stop, offense investigation or emergency" means to physically move to a location not less than 20 feet away extending in a radius from where a police officer is engaged in effecting an arrest, taking a person into custody, stopping a person, investigating an offense or responding to or attempting to resolve an emergency situation; the radius may be extended beyond 20 feet when a police officer reasonably believes that such extension is necessary because there exists a risk of physical injury to any person.

(2) It is unlawful for any person who is interfering, or attempting to interfere with a police officer, to intentionally or knowingly refuse to leave the area of an arrest, custody, stop, citation, offense investigation or emergency, or having left that area, to reenter it, after being directed to leave that area by a police officer.

(3) A violation of this section is a Class "A" misdemeanor.

SECTION 2. The following new code section is added to and made a part of Bend Code Chapter 5, Ordinance No. NS-1361:

5.077 **Interfering with a Police Dog.**

(1) For purposes of this code section, the following definition applies:

(a) "Peace officer" means a municipal police officer, sheriff, constable, marshal, member of the Oregon State Police or investigator of the Criminal Justice Division of the Department of Justice and such other persons as may be designated by law.

(b) "Police dog" means a dog used in police work under the control of a peace officer.

(2) A person commits the offense of interfering with a police dog if the person intentionally or knowingly kills, disables, tortures, injures, torments, kicks, strikes, chokes, throws an object at or in any other way tampers or interferes with any police dog, knowing the dog to be a police dog, while the dog is being caged, kenneled, transported, exhibited, exercised or used in discharging or attempting to discharge any lawful duty or function as a police dog.

(3) A violation of this section is a Class A misdemeanor.

Read for the first time this 15th day of July, 1992.

Read for the second time this 15th day of July, 1992.

Placed upon its passage this 5th day of August, 1992.

YES: 7 NO: 0

Authenticated by the Mayor this 5th day of August, 1992.

MAYOR

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1569

AN ORDINANCE TO ANNEX TERRITORY WHICH IS LOCATED SOUTHWEST OF BEND ALONG McCLELLAN ROAD AND SUNNY BREEZE LANE.

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that a majority of the registered electors within the below described territory have consented, in writing, to the annexation of the land in the territory and have filed a statement of their consent with the Bend City Commission; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed August 5, 1992, as the date for a public hearing before the Commission at which time the electors of the City and others may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on August 5, 1992, on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before August 5, 1992 and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

Parcel 1 18 12 5CC - Tax Lots 4500, 4600, 4700

A tract of land in the SW 1/4 of the SW 1/4 of Section 5, Township 18S, Range 12E, Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at a point on the North right of way line of McClellan Road that bears N 02° 11' 00" W 20.00 feet from the West 1/16 corner between Section 5 and 8, T18S, R12E, W.M.; thence N 02° 11' 00" W 130.00 feet; thence N 89° 48' 43" W 229.08 feet; thence S 02° 11' 00" E 130.00 feet to the North right of way line of McClellan Road; thence along said right of way, S 89° 48' 43" E 229.08 feet to the point of beginning.

Parcel 2 18 12 5CC - Tax Lot 4400

A tract of land in the SW 1/4 of the SW 1/4 of Section 5, T18S, R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at a point on the South line of said Section 5, which point is located S 89° 48' 43" E 236.5 feet from the Southwest corner of said Section 5; thence along said South line, S 89° 48' 43" E 200.00 feet; thence N 00° 10' 57" E 250.00 feet; thence N 89° 48' 43" W 200.00 feet; thence S 00° 10' 57" W 250.00 feet to the point of beginning.

Excepting therefrom the right of way of McClellan Road.

Parcel 3 18 12 8B - Tax Lot 400

A tract of land in the N 1/2 NW 1/4 of Section 8, T18S, R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at a point 956.70 feet East and 30.00 feet South of the Northwest corner of said Section 8; thence South to the northerly right of way line of the Pilot Butte Canal; thence easterly on said right of way line to the West right of way line of the Brooks-Scanlon Railroad right of way; thence northerly along said right of way to a point 30.00 feet South of the North section line of said Section 8; thence West 456.42 feet to the point of beginning.

Parcel 4 18 12 8B - Tax Lots 501, 600, 701, 704, 706, 707 711

A tract of land in the NW 1/4 of the NW 1/4 of Section 8, T18S, R12E, W.M., Deschutes County, Oregon, described as follows:

Commencing at the Northwest corner of said Section 8; thence S 89° 48' 43" E 308.0 feet to the True Point of Beginning; thence S 89° 48' 43" E 172.0 feet; thence South 28.27 feet; thence East 313.30 feet; thence South 219.38 feet; thence West 164.4 feet; thence South 280.62 feet; thence West 152.94 feet; thence S 00° 13' 00" W 115.71 feet; thence N 88° 07' 41" W 475.31 feet; thence N 00° 02' 45" W 242.98 feet; thence along the arc of a 143.50 foot radius curve to the right, 45.9 feet; thence N 26° 20' 00" E 250.63 feet; thence S 86° 07' 00" E 183.69 feet; thence North 129.53 feet to the True Point of Beginning.

Excepting therefrom that portion lying within the McClellan Road right of way and Sunny Breeze Lane.

Parcel 5 18 12 8B - Tax Lots 703, 717

A tract of land in the NE 1/4 of the NE 1/4 of Section 7 and W 1/2 of the NW 1/4 of Section 8, all in T18S, R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at the Northwest corner of the SW 1/4 NW 1/4 of said Section 8; thence N 02° 27' 00" E 129.70 feet; thence N 19° 26' 00" W 225.90 feet; thence N 15° 46' 00" E 152.60 feet; thence N 89° 25' 00"E 160.18 feet; thence S 75° 55' 00" E 241.15 feet; thence S 50° 42' 00" E 201.00 feet; thence S 45° 31' 00" E 196.50 feet to the northwesterly right of way line of the Pilot Butte Canal; thence along said right of way line S 48° 51' 00" W 200.75 feet; thence S 52° 50' 00" W 274.86 feet; thence S 54° 30' 00" W 108.00 feet; thence S 56° 58' 00" W 243.46 feet; thence N 00° 02' 45" W 327.20 feet to the point of beginning.

Parcel 6 18 12 7 - A portion of Tax Lots 800, 801

The northerly 300.00 feet of the S 1/2 of the NE 1/4 of Section 7, T18S, R12E, W.M., Deschutes County, Oregon, lying easterly of the Deschutes River.

Parcel 7 18 12 8B - Tax Lot 801

A tract of land in the NW 1/4 of Section 8, T18S, R12E, W.M., Deschutes County, Oregon, described as follows:

Commencing at the West 1/16 section corner of said Section 8; thence S 89° 55' 12" E 208.23 feet along the North line of Section 8 to a point on the centerline of Blakley Road; thence S 09° 30' 00" W 881.74 feet along said centerline; thence N 82° 57' 23" W 30.03 feet to the westerly right of way line of Blakley Road and the True Point of Beginning; thence N 82° 57' 23" W 158.63 feet; thence N 62° 27' 09" W 287.85 feet to the easterly right of way line of the Pilot Butte Canal; thence southwesterly along said canal right of way to a point on the West line of Section 8; thence South along said West line to a point on the northerly right of way line of the C.O.I. Canal; thence northeasterly along said canal right of way line to a point on the westerly right of way line of Blakley Road; thence northeasterly along said westerly right of way line to the True Point of Beginning.

Excepting therefrom the Old Brooks-Scanlon Railroad right of way.

Parcel 8 18 12 8B - Tax Lots 2000, 2100

All of Tract 9, Blakley Heights Subdivision in the NW 1/4 of Section 8, T18S, R12E, W.M., Deschutes County, Oregon.

Excepting that portion dedicated to the public in Declaration of Dedication recorded November 24, 1989 in Book 197, Page 764 of Deschutes County Official Records and that portion lying within the right of way of the Brooks-Scanlon Logging Road.

Parcel 9 18 12 8B - Tax Lots 900, 1000, 1001

A tract of land in the NE 1/4 NW 1/4 of Section 8, T18S, R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at a point where the North/South center section line of Section 8 intersects the northerly right of way line of the C.O.I. Canal; thence North along said center section line 18 rods (297.0 feet); thence West 27 rods (445.5 feet) to the intersection with the southeasterly right of way line of the Pilot Butte Canal; thence southwesterly along said right of way line to the easterly right of way line of the S.A. Blakley Road; thence southwesterly along said road right of way line to the northerly right of way line of the C.O.I. Canal; thence easterly along said canal right of way line to the point of beginning.

Parcel 10 Portion of the Pilot Butte Canal and the C.O.I. Canal

That portion of the Pilot Butte Canal situated between the West line of Section 8, T18S, R12E, W.M. easterly to the westerly right of way line of S.A. Blakley Road.

That portion of the C.O.I. Canal situated between the West line of Section 8, T18S, R12E, W.M. easterly to the North/South center section line of said Section 8.

Parcel 11 Portion of McClellan Road, S.A. Blakley Road, Brooks-Scanlon Logging Road and Sunny Breeze Lane

That portion of the McClellan Road situated between a point 681.73 South of the North line of Section 7, T18S, R12E, W.M., northerly and easterly to the westerly right of way line of the S.A. Blakley Road.

That portion of the S.A. Blakley Road situated between a point on the extension of the South line of Tract 9, Blakley Heights northerly to the city limits line at McClellan Road.

That portion of the Brooks-Scanlon Logging Road deeded to Deschutes County lying between the southerly line of Tract 9 Blakley Heights and the easterly right of way line of the Brooks-Scanlon Railroad right of way.

That portion of Sunny Breeze Lane from the southerly right of way of McClellan Road southerly to its terminus.

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations of the District that are specified in ORS 222.520 (2)(b).

Read for the first time this 5th day of August, 1992.

Read for the second time this 19th day of August, 1992.

Placed upon its passage this 19th day of August, 1992.

YES: 5 NO: 0 ABSTAIN: 1

Approved by the Mayor this 19th day of August, 1992.

MAYOR

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1570

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM URBAN MEDIUM DENSITY RESIDENTIAL, RM, TO URBAN HIGH DENSITY RESIDENTIAL, RH.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Bend City Commission has held a public hearing, considered the Hearings Officer's findings and record, and have found that there is a public need and benefit for the proposed change.

Section 2. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the following described property from Urban Medium Density Residential (RM) to Urban High Density Residential (RH):

The northeast corner of N.W. Newport and N.W. 9th Street and more particularly described as follows:

Lots 9 and 10, Block 4, Kenwood Addition; 17-12-31AA, tax lot 7600.

Read for the first time the 19th day of August, 1992.

Read for the second time the 16th day of September, 1992.

Placed upon its passage the 16th day of September, 1992.

YES 7 NO 0

Approved by the Mayor the 16th day of September, 1992.

Allan Bruckner

Mayor Allan Bruckner

ATTEST:

James W. Benford

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1571

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM URBAN STANDARD DENSITY RESIDENTIAL, RS, TO URBAN HIGH DENSITY RESIDENTIAL, RH.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Bend City Commission has held a public hearing, considered the Hearings Officer's findings and record, and have found that there is a public need and benefit for the proposed change.

Section 2. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the following described property from Urban Standard Residential (RS) to Urban High Density Residential (RM):

716 NE 4th Street, and more particularly described as follows:

North 1/2 of Lots 15 and 16, Block 27, Center Addition; 17-12-33CB, tax lot 5701.

Read for the first time the 19th day of August, 1992.

Read for the second time the 16th day of September, 1992.

Placed upon its passage the 16th day of September, 1992.

YES 7 NO 0

Approved by the Mayor the 16th day of September, 1992.

Allan Bruckner

Mayor Allan Bruckner

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1572

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED IN THE BOYD ACRES ROAD AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

Roads to be Annexed:

(1) Empire Avenue All that portion of Empire Avenue between the Oregon Trunk Railway easterly right of way and the westerly right of way of Boyd Acres Road.

(2) Ross Road all that portion of Ross Road between the easterly right of way of Boyd Acres Road and a point 960 feet more or less easterly of said right of way.

(3) Highway 97 All that portion of Highway 97 lying between the South line of the NE 1/4 of the NE 1/4 of Section 29, T17S R12E, W.M. northerly to the existing city limits line.

(4) Future Division Street and Butler Road That portion of right of way dedicated to Deschutes County, lying between the easterly right of way of Highway 97 in the NE 1/4 NE 1/4 of Section 29, T17S R12E, W.M. and the North line of the SW 1/4 SW 1/4 of Section 21, T17S R12E, W.M.

Canals to be Annexed:

C.O.I. North Canal and the North Unit Canal All that portion of the C.O.I. North Canal and the North Unit Canal lying between the easterly right of way of Division Street in the NE 1/4 NE 1/4 of Section 29, T17S R17E, W.M. and the North-South centerline of Section 21 T17S R12E, W.M.

Railroad to be Annexed:

Oregon Trunk Railway All that portion of the Oregon Trunk Railway lying between the South line of the NW 1/4 NW 1/4 of Section 28, T17S R12E, W.M. and a point 835 feet more or less northerly of the North line of the NE 1/4 NW 1/4 of Section 21, T17S R12E, W.M.

AREA A - Parcel 1 - 17 12 16C Tax Lot 112

A tract of land in the SE 1/4 of the SW 1/4 of Section 16 Township 17 South Range 12 East, Willamette Meridian, Deschutes County, Oregon, described as follows:

Commencing at the South one-quarter corner of said Section 16; thence S 89° 58' 20" W 556.70 feet along the southerly section line of said Section 16 to the westerly right of way of Boyd Acres Road, the True Point of Beginning; thence along said right of way N 01° 24' 50"E 328.69 feet; thence leaving said right of way N 85° 30' 40" W 151.09 feet; thence N 66° 04' 10" W 346.03 feet to the centerline of the Swalley Canal; thence southwesterly along the centerline of said canal 100.0 feet more or less; thence N 76° 10' 10" W 10.0 feet more or less to the easterly right of way of the Oregon Trunk Railway; thence along said easterly right of way S 13° 39' 50" W 452.54 feet to the southerly section line of said Section 16; thence along said southerly section line N 89° 58' 20" E 651.6 feet more or less to the point of beginning.

Parcel 2 - 17 12 21B Tax Lots 1100, 1000, 900, 800, 802, 700 and 600

A parcel of land in the NW 1/4 of Section 21, T17S R12E, W.M. more particularly described as follows:

Beginning on the North line of said Section 21, said point being S 89° 59' 18" W 527.45 feet from the North 1/4 corner of Section 21 and being in the center of Boyd Acres Road; thence S 89° 59' 18" W 631.2 feet to the Oregon Trunk Railway easterly right of way; thence along said easterly right of way S 13° 41' 21" W 1227.08 feet; thence on a 1° curve to the left, the long chord bears S 13° 00' 00" W 134.92 feet; thence West 50.60 feet; thence still on a 1° curve to the left, the long chord bears S 10° 17' 50" W 440.2 feet; thence continuing on a 1° curve to the left, the long chord bears S 03° 39' 51" W 853.88 feet to the intersection of the easterly right of way of the Oregon Trunk Railway and the centerline of the Kotzman Lateral; thence northeasterly along the centerline of the Kotzman Lateral to its intersection with the westerly right of way of Boyd Acres Road; thence N 01° 07' 10" W 620.98 feet; thence continuing along said westerly right of way N 00° 28' 00" W 158.27 feet; thence N 88° 53' 32" E 30.00 feet to a point on the centerline of Boyd Acres Road; thence N 01° 06' 28" W 485.0 feet along said centerline; thence continuing along said centerline N 01° 07' 10" W 279.5 feet to the point of beginning.

Excepting therefrom that portion lying within the Boyd Acres Road right of way.

Parcel 3 - 17 12 21B Tax Lots 4700, 4900, 5000, 5100, 5200, 5400 and 4400

Lots 4, 6, 7, 8 and 9 of Block 1 of B.I.D. IV Subdivision, Deschutes County, Oregon.

Lot 1, Block 1 of B.I.D. IV Subdivision, Deschutes County, Oregon, Except that portion described as follows:

Beginning at the NW corner of Lot 1, Block 1; thence East 178.46 feet; thence S 01° 12' 20" E 89.96 feet; thence S 89° 58' 53" W 180.35 feet; thence North 90.00 feet to the point of beginning.

Lot 11, Block 1 of the Replat of B.I.D. IV Subdivision, Deschutes County, Oregon.

AREA B - Parcel 1 - 17 12 21DC Tax Lots 600 and 700

A tract of land situated in the SW 1/4 of the SE 1/4 of Section 21, T17S R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at a point S 89° 40' 45" E 255.0 feet from the S 1/4 corner of Section 21; thence due North 563.08 feet to the southerly right of way line of the North Unit Canal; thence along said southerly right of way and the arc of a 136.5 foot radius curve to the right, the long chord of which bears S 55° 36' 00" E 36.08 feet; thence S 48° 00' 00" E 81.0 feet; thence N 42° 00' 00" E 50.00 feet; thence S 48° 00' 00" E 319.0 feet; thence on a 20° curve to the left, the long chord of bears S 58° 05' 00"E 136.2 feet; thence continuing on a 20°

curve to the left, the long chord of which bears S 81° 25' 38" E 174.9 feet; thence N 85° 25' 00" E 139.33 feet; thence on a 20° curve to the left, the long chord of which bears N 64° 13' 51" E 307.74 feet; thence leaving said canal right of way S 00° 12' 40" W 365.0 feet to the SE corner of the SW 1/4 of the SE 1/4; thence N 89° 40' 45" W 1064.63 feet to the point of beginning.

Parcel 2 - 17 12 28B Tax Lot 100

Tract 3 of Boyd Acreage Subdivision, Deschutes County, Oregon.

Parcel 3 - 17 12 28A Tax Lot 200

Tract 2 of Boyd Acreage Subdivision, Deschutes County, Oregon.

Parcel 4 - 17 12 28A Tax Lots 300 and 301

Tract 8 of Boyd Acreage Subdivision, Deschutes County, Oregon.

Parcel 5 - 17 12 28A Tax Lot 1600

The North 228.94 feet of Tract 1 of Boyd Acreage Subdivision, Deschutes County, Oregon.
Excepting therefrom the West 238.75 feet of said parcel

Parcel 6 - 17 12 28A Tax Lot 1700

The West 238.75 feet of Tract 1 of Boyd Acreage Subdivision, Deschutes County, Oregon.

AREA C Parcel 1 - 17 12 21C Tax Lot 100

That portion of the SW 1/4 of Section 21, T17S R12E, W.M., Deschutes County, Oregon, described as follows:

Commencing at the SW 1/16 corner of said Section 21; thence along the North-South centerline of the SW 1/4 of said Section 21, N 00° 04' 56" E 208.77 feet; thence S 89° 47' 54" E 100.00 feet to the True Point of Beginning; thence N 00° 04' 56" E 80.00 feet; thence N 89° 47' 54" W 100.00 feet; thence N 00° 04' 56" E 485.83 feet; thence N 89° 59' 11" E 340.78 feet; thence S 00° 00' 49" E 270.00 feet; thence N 89° 59' 11" E 485.59 feet; thence S 01° 11' 59" E 315.8 feet more or less; thence N 89° 47' 54" W 732.4 feet more or less to the point of beginning.

Parcel 2 - 17 12 21C Tax Lot 106

A tract of land in the NE 1/4 of the SW 1/4 of Section 21, T17S R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at the NW corner of said NE 1/4 SW 1/4 of Section 21; thence N 89° 59' 11" E 808.88 feet; thence S 01° 11' 59" E 273.88 feet; thence S 89° 59' 11" W 814.83 feet; thence N 00° 02' 42" E 273.82 feet to the point of beginning.

AREA D Parcel 1 - 17 12 28B Tax Lot 700

A tract of land situated in the NW 1/4 of the NW 1/4 of Section 28, T17S R12E, W.M., Deschutes County, Oregon and lying East of the Oregon Trunk Railway and South of the North Unit Main Canal.
Excepting therefrom the Easterly 273.0 feet of said tract.

Parcel 2 - 17 12 28B Tax Lot 1800 and a portion of Butler Road and the Bend River Mall Entrance Road

A tract of land situated in the NW 1/4 of the NW 1/4 of Section 28, T17S R12E, W.M. Deschutes County, Oregon, described as follows:

Commencing at the NW corner of said Section 28; thence along the westerly line of said Section S 00° 19' 07" W 229.48 feet; thence along a non-tangent curve with a radius of 490.89 feet 7.30 feet, the long chord of which bears N 18° 21' 28" W 7.30 feet; thence N 18° 47' 02" W 22.60 feet to the northerly line of the Swalley Canal and The True Point of Beginning; thence along said line N 52° 55' 55" E 63.19 feet to a point on the easterly right of way of the former O.B. Riley Road (now vacated); thence along said right of way S 18° 47' 02" E 42.43 feet; thence continuing along said right of way on a 550.9 foot radius curve to the right to a point on the southerly right of way line of Butler Road; thence westerly along said right of way line on a 470.00 foot radius curve to the left, 248.1 feet more or less; thence S 36° 17' 06" W 25.72 feet to the easterly right of way of State Highway 97; thence along said right of way N 16° 20' 18" W 9.33 feet; thence N 08° 42' 54" W 67.5 feet more or less to the northerly right of way of Butler Road; thence along said right of way N 81° 17' 06" E 19.42 feet; thence along a 530.00 foot radius curve to the right 5.49 feet, the long chord of which bears N 81° 34' 55" E 5.49 feet to a point on a 105.00 foot radius curve on the northerly line of the Swalley Canal; thence along the 105.00 foot radius curve to the right 18.01 feet, the long chord of which bears N 48° 01' 07" E 17.99 feet; thence continuing along said northerly line of the Swalley Canal N 52° 55' 55" E 176.20 feet to the True Point of Beginning.

AREA E - Parcel 1 -17 12 21B Tax Lot 1207
Bend River Mall and Sherman Park Area

A tract of land situated in the NW 1/4 of Section 21, T17S R12E,, W.M., Deschutes County, Oregon, described as follows:

Beginning at a point on the westerly right of way line of the Swalley Canal, S 89° 48' 14" E 328.70 feet from the W 1/4 corner of said Section 21; thence northerly along said right of way line 120.00 feet; thence East 30.0 feet to the centerline of Swalley Canal; thence along said centerline N 03° 52' 17" W 433.50 feet; thence N 07° 54' 03" E 143.05 feet; thence N 06° 43' 54" W 280.89 feet; thence N 27° 56' 53" E 78.11 feet; thence N 63° 04' 03" E 155.32 feet; thence N 76° 58' 41" E 195.57 feet; thence N 49° 44' 14" E 55.50 feet; thence N 14° 47' 11" W 22.0 feet; thence northeasterly 120.0 feet along the southerly right of way of a road to the centerline of an existing road; thence S 39° 56'12" E 290.0 feet to the westerly right of way of the Oregon Trunk Railway; thence southerly along said right of way 1000 feet more or less to the southerly line of the SW 1/4 NW 1/4; thence along said southerly line N 89° 48' 14" W 545.14 feet to the point of beginning.

Excepting therefrom that portion dedicated to Empire Road right of way and Gillette Road right of way.

Parcel 2 - 17 12 21C Tax Lots 900 and 901
Bend River Mall and Sherman Park Area

A tract of land situated in the NW 1/4 of the SW 1/4 of Section 21, T17S R12E, W.M., Deschutes County, Oregon, described as follows:

Commencing at the W 1/4 corner of said Section 21; thence S 89° 47' 04" E 389.03 feet to the True Point of Beginning; thence continuing S 89° 47' 04" E 484.51 feet to the westerly right of way line of the Oregon Trunk Railway; thence southerly along said right of way 1321.24 feet to the southerly line of the NW 1/4 SW 1/4 of Section 21; thence along said line N 89° 51' 28" W 639.27 feet to the centerline of the Swalley Canal; thence along said centerline N 00° 07' 49" W 95.0 feet; thence N 26° 04' 26" W 29.35 feet; thence leaving said centerline West 21.0 feet more or less; thence N 26° 04' 26" W 66.49 feet; thence N 13° 30' 23" E 147.55 feet; thence S 82° 01' 20" E 52.75 feet; thence N 00° 07' 49" W 291.04 feet; thence N 22° 28' 17" E 20.94 feet; thence N 29° 50' 21" E 192.17 feet; thence S 89° 52' 11" W 103.62 feet; thence N 00° 07' 49" W 387.24 feet; thence N 46° 43' 32" W 30.0 feet; thence N 43° 16' 50" E 168.0 feet; thence S 89° 47' 04" E 41.88 feet to the true point of beginning.

Parcel 3 - 17 12 21C Tax Lots 1700, 1702, portion of 1600, and the Swalley Canal

The SW 1/4 of the SW 1/4 of Section 21, T17S R12E, W.M. lying easterly of the West right of way line of the Swalley Canal and westerly of the Oregon Trunk Railway right of way.

Excepting therefrom that part deeded to Deschutes County for Division Street right of way.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 7th day of October, 1992.

READ for the second time this 21st day of October, 1992.

PLACED upon its passage the 21st day of October, 1992.

YES: 7 NO: 0

APPROVED by the Mayor this 21st day of October, 1992.

Alva Buckner
Mayor

ATTEST:

James L. Knight
Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1573

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM CL, LIMITED COMMERICAL TO IL, LIGHT INDUSTRIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Bend City Commission held a public hearing, considered and adopted the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change.

Section 2. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the following described property from Limited Commercial (CL) to Light Industrial (IL):

The southwest corner of SW Simpson Avenue and Colorado Avenue, more particularly described as:

Lot 1, Block 2, Shevlin Center Business Park, Phase 1

Read for the first time the 7th day of October, 1992.

Read for the second time the 21st day of October, 1992.

Placed upon its passage the 21st day of October, 1992.

YES: 7 NO: 0

Approved by the Mayor the 21st day of October, 1992.

Mayor Allan Bruckner

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1574

AN ORDINANCE AMENDING BEND CODE CHAPTER 4, TO ADD NEW REGULATIONS REGARDING THE OPERATION OF PILOT BUTTE CEMETERY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. A new Section 4.103 is added to Bend Code Chapter 4, to read:

4.103 Use of Cemetery: The cemetery shall be used for the burial of human bodies or ashes only. The burial of other than human remains is prohibited and may be removed by the sexton.

SECTION 2. Bend Code Chapter 4, Section 4.106(1)(d) is amended to read:

(d) Number of **interment** permit.

SECTION 3. Bend Code Chapter 4, Section 4.110 is amended to read:

4.110 Sale of Cemetery Spaces. The City Recorder is hereby empowered to sell spaces in the cemetery **in either full spaces 5 ft x 10 ft, half spaces 5 ft x 5 ft or by quarter spaces 5 ft x 2½ ft,** at prices fixed by aforementioned price schedules [and must, before issuing an interment permit, collect the price of space and opening for said burial]. **Half spaces and quarter spaces shall be sold in designated areas of the cemetery. When a lesser use of a space, such as for ashes, is desired in an area designated for full space sales the price of a full space must be paid.** No permit shall be issued **or interment allowed** to anyone who owes the City for unpaid cemetery charges **or has not made arrangements with the City for payment. Payment in full to the mortuary handling the burial at time of burial will constitute payment to the City or payment in full by the mortuary to the City for pre-arrangements.** The City Recorder shall keep a record of all certificates issued, giving name of purchaser, date of sale, number of space and price of each space or spaces.

SECTION 4. A new Section 4.111 is added to Bend Code Chapter 4, to read:

4.111 Use of burial spaces: Any human remains may be buried in a full space. No more than two burials of ashes may be made in a 1/4 space, 4 burials of ashes in a 1/2 space, 6 burials of ashes in a 3/4 space or 8 burials of ashes in a full space. Infants may be buried in any space sufficient to facilitate the burial as determined by the sexton but not less than a 1/2 space shall be used. Burials between spaces where certificates are owned by the same person or family may be made as determined by the sexton.

SECTION 5. Bend Code Chapter 4, Section 4.112 is amended to read:

4.112 Application and Permit **for interment and/or disinterment**.

(1) Whenever an interment is to be made, application must be made to the City Recorder, and a permit obtained therefor.

(a) The full name of the deceased.

(b) Place of nativity, if known.

(c) Age, if known.

(d) Date and place of deceased.

(e) Date of interment and location of grave.

(f) Name of undertaker.

(g) Outside size of coffin or box.

(h) Cause of death, if known.

(2) Any person or persons desiring to disinter a body buried in the cemetery shall make application to the City Recorder, who shall, if everything is regular, issue a permit allowing such disinterment. In no case shall a permit be granted unless the party applying for a permit shall produce a certificate of title to lot or space or the records in the City Recorder's office show that the applicant is a **certificate** owner of a lot or space. The sexton shall not permit an interment or disinterment to be made in said cemetery until authorized to do so by the burial or disinterment permit mentioned above, which permit shall be kept on file. The owner **of a permanent maintenance certificate for use** of a lot may allow the interment of remains of any person in their lot, but may not do so for compensation.

(3) When a body is to be removed from one part of the cemetery to another, a permit must be obtained for such removal. When bodies are brought from other burial grounds for interment, the same procedures provided for the original burial of bodies shall be followed.

SECTION 6. Bend Code Chapter 4, Section 4.114(5) is amended to read:

(5) Cause of death, **if known.**

SECTION 7. Bend Code Chapter 4, Section 4.118 is deleted.

[4.118 Annual Maintenance Charge. In order to maintain the cemetery lawn and grounds, an annual maintenance charge shall be billed to owners of cemetery spaces. If said owners are deceased, then the near relatives of said owners shall be billed. In cases where said owners or near relatives of said owners neglect to pay annual maintenance charges, the City Recorder may, after 10 days notice by publication once in a newspaper published in the City of Bend, sell all unused spaces and apply the proceeds received therefrom as a credit to maintenance charges on the remaining used spaces, if any.]

SECTION 8. A new Section 4.122(2) is added to Bend Code Chapter 4, to read:

(2) Monuments shall be placed as follows:

(a) All monuments or markers shall be placed only after a permit is obtained and only where the sexton has marked for monument or marker placement.

(b) Upright monuments or markers may be placed where a full space is used in Blocks "A" through "T" inclusively except those areas designated for less than a full space. No upright monuments or markers may be used in Block "U" or any future blocks to be developed.

(c) There shall be no upright monuments or markers placed on any space less than a full space.

(d) Brass markers or monuments may be placed on any space and shall be set at sod level and the lettering shall be recessed (no monuments shall be erected). All headstones will be 24 inches in width placed flat and set in concrete at sod level with one edge set to a surveyor's line. All vases shall be centered in the ends of said concrete and the length of the concrete shall extend 8 inches beyond each end of the marker. If no vases are used a 6 inch extension on each end of the marker will suffice.

(e) The City reserves the right to remove or cause to be removed any markers, stones, or monuments in the cemetery placed without the approval of the sexton.

Read for the first time the 7th day of October, 1992.

Read for the second time the 21st day of October, 1992.

Placed upon its passage the 21st day of October, 1992.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of October, 1992.

Mayor

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1575

AN ORDINANCE AMENDING ORDINANCE NO. NS-1498, BEND CODE CHAPTER 8, TO RESTRICT OPEN BURNING WITHIN THE CITY OF BEND AND AMENDING THE PENALTIES PROVISION OF SAID CODE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Bend Code 8.112 (4), Ordinance No. NS-1498, is amended to read:

(4) Amend the first sentence of Section 4.108 **and subsection b.1. thereof** to read as follows:

Section 4.108. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions, if the chief has issued an order requiring such a permit**[.]**:

b. 1. Bonfires or rubbish fires. To kindle**, maintain, or allow to be kindled** or authorize **or allow** the kindling or maintenance of bonfires or rubbish fires. **The term "bonfires" includes all outdoor fires, including fires in burn barrels, excepting fires used for cooking only, recreational fire in fire pits in approved campsites, fires set by public fire protection personnel and fires set and maintained by written permission of the City's fire chief to remove or alleviate a fire hazard.** See Section 11.101.

SECTION 2. Bend Code 8.112 (15), Ordinance No. NS-1498, is amended to read:

(15) Amend Section 11.101 (b) as follows: Change 50' to 20' and 15' to 20'**[.] and amend Section 11.101 (d) to read:**

(d) The chief may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous. **Within the CITY OF BEND, bonfires and outdoor rubbish fires are prohibited at all times, with the exception of two open burning periods of 20 days, after fire season in the fall and prior to December 1, and after March 31st and prior to fire season in the spring.**

SECTION 3. Bend Code 8.116, Ordinance No. NS-1498, is amended to read:

8.116 Penalties.

(1) A violation of Uniform Fire Code Sections 2.107, 3.101 **[**(b)**]**, 3.102, **3.103, 3.104** or 10.102, as adopted by the City of Bend herein, is a Class "A" misdemeanor. A violation of any of the other provisions of Bend Code 8.100 - 8.114 is a Class "A" civil infraction. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(3) The provisions of Bend Code 8.100-8.114 control over any inconsistent provisions of the Uniform Fire Code.

Read for the first time this 4th day of November, 1992.

Read for the second time this 18th day of November, 1992.

Placed upon its passage this 18th day of November, 1992.

YES: 5 NO: 2

Authenticated by the Mayor this 18th day of November, 1992.

MAYOR

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1576

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM LIGHT INDUSTRIAL (IL) TO LIMITED COMMERCIAL (CL).

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Bend City Commission held a public hearing, considered and adopted the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change.

Section 2. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the following described property from Light Industrial, (IL) to Limited Commercial (CL):

Approximately 0.39 acres on the south side of NE Greeley Avenue, between E. 1st Street and E. 2nd Street, and more particularly described as follows:

Lots 5, 6, and 7, Center Addition; 17-12-32DA, tax lot 4401

Read for the first time the 4th day of November, 1992.

Read for the second time the 18th day of November, 1992.

Placed upon its passage the 18th day of November, 1992.

YES: 7 NO: 0

Authenticated by the Mayor the 18th day of November, 1992.

Mayor

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1577

AN ORDINANCE TO ANNEX TERRITORY CONNECTING THE CITY OF BEND, PARK PLACE AND LARKWOOD SUBDIVISIONS, ROMAINE VILLAGE MOBILE HOME PARK AND HIGHWAY 97 SOUTH.

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found that the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that a majority of the registered electors within the below described territory have consented, in writing, to the annexation of the land in the territory and have filed a statement of their consent with the Bend City Commission; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed December 2, 1992, as the date for a public hearing before the Commission at which time the electors of the City and others may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on December 2, 1992, on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before December 2, 1992 and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

Parcel 1 — 18 12 7 - Tax Lot 908 and the N 1/2 of Alder Drive Right of Way abutting said tax lot

A tract of land situated in the SE 1/4 of the SE 1/4 of Section 7, T18S R12E, W.M., Deschutes County, Oregon described as follows:

Commencing at the NE corner of said SE 1/4 SE 1/4 of Section 7; thence S 89° 50' 46" W 937.84 feet to the True Point of Beginning; thence continuing S 89° 50' 46" W 387.41 feet; thence S 00° 07' 00" E 360.00 feet to the centerline of Alder Drive; thence N 89° 50' 46" E 387.41 feet; thence N 00° 07' 00" W 360.00 feet to the point of beginning.

Parcel 2 — 18 12 7 - Tax Lot 1200; and 18 12 7DC - Tax Lots 1, 2, 3, 4, and 99; and 18 12 7DD - Tax Lots 1, 2, 3, 4 and 99 - and the S 1/2 of the Alder Drive Right of Way; E 1/2 of the Larkwood Drive right of way and the N 1/2 of Hollygrape Street right of way and cul-de-sac bulb abutting Tract 13, Waywest Properties

All of Tract 13 of Waywest Properties as platted and recorded in the office of the Deschutes County Clerk, Deschutes County, Oregon.

Parcel 3 — 18 12 18AB - Tax Lots 100 thru 1800; 2000 thru 2300; 2500 thru 4200 and all streets platted within the Larkwood Estates Subdivision

All of the platted lots and streets lying within the Larkwood Estates Subdivision boundary as described as follows:

A tract of land located in a portion of Section 7 and 18, T18S R12E, W.M. (Replat of Lot 10 of Waywest Properties) Deschutes County, Oregon described as follows:

Commencing at the NE corner of said Section 18; thence N 86° 07' 31" W 1183.22 feet to the True Point of Beginning; thence S 00° 41' 15" W 488.56 feet; thence S 14° 49' 39" W 164.36 feet; thence S 02° 18' 59" E 154.22 feet; thence S 14° 23' 54" E 495.85 feet; thence S 24° 13' 20" E 138.90 feet being the southeast corner of said Tract 10, Waywest Properties; thence S 89° 40' 17" W along the south line of said tract 830.00 feet; thence N 00° 35' 49" E 1439.82 feet; thence N 89° 37' 21" E 676.78 feet; thence S 00° 41' 15" W 30.00 feet to the point of beginning.

Parcel 4 — 18 12 18AD - Tax Lots 99, 100, 200 and 1500 and the S 1/2 Cypress Street right of way

A tract of land located in a portion of Lot 9, Waywest Properties, Deschutes County, Oregon and a portion of the SE 1/4 NE 1/4 of Section 18, T18S R12E, W.M. described as follows:

Beginning at the SW corner of Lot 9, said point being on the centerline of Mahogany Street; thence N 00° 20' 00" E 1440.00 feet to the centerline of Cypress Street; thence along said centerline and the projection of said centerline N 89° 26' 33" E 743.37 feet; thence S 89° 56' 21" E 666.70 feet; thence S 08° 49' 50" E 616.16 feet; thence N 89° 56' 21" W 344.24 feet; thence S 34° 49' 49" E 169.58 feet; thence S 64° 40' 31" W 151.82 feet; thence N 04° 06' 59" W 140.00 feet; thence N 82° 24' 01" W 93.00 feet to a point on a 45.0 foot radius curve to the left, said point being on the cul-de-sac bulb of Crystal Lane; thence along the arc of said 45.0 foot radius curve a distance of 151.94 feet; thence around a 15 foot radius curve to the right, 18.46 feet, the long chord of which bears S 29° 24' 39" W 17.32 feet; thence S 64° 40' 31" W 90.91 feet; thence S 04° 06' 59" E 342.18 feet; thence around a 15.0 foot radius curve to the right, 24.96 feet, the long chord of which bears S 43° 33' 26" W 22.18 feet; thence S 07° 25' 12" E 60.69 feet; thence around a 15.0 foot radius curve to the right, 21.45 feet, the long chord of which bears S 47° 47' 54" E 19.67 feet; thence around a 611.69 foot radius curve left, 107.07 feet, the long chord of which bears S 11° 50' 31" E 106.94 feet; thence around a 145.41 foot radius curve to the right, 78.14 feet; the long chord of which bears S 01° 27' 42" E 77.21 feet; thence around a 120.91 foot radius curve left, 109.00 feet, the long chord of which bears S 11° 53' 54" E 105.35 feet; thence S 37° 43' 09" E 24.58 feet to the centerline of Mahogany Street; thence along said centerline S 89° 26' 33" W 955.16 feet to the point of beginning.

Excepting therefrom that portion lying in the northerly right of way of Mahogany Street.

Parcel 5 — 18 12 17 - Tax Lots 1601 and 1605

A tract of land lying in the S 1/2 of the NW 1/4 of Section 17 and in the SE 1/4 of the NE 1/4 of Section 18, T18S R12E, W.M., Deschutes County, Oregon described as follows:

Commencing at the NE corner of said Section 18; thence S 00° 30' 34" W 1320.00 feet to the True Point of Beginning; thence N 89° 56' 21" W 300.00 feet; thence S 08° 49' 50" E 616.16 feet; thence S 89° 56' 21" E 200.00 feet, more or less, to the section line common to said Sections 17 and 18; thence S 89° 38' 37" E 1045.96 feet to the intersection of a line parallel with and 400.00 feet distance from the westerly right of way line of The Dalles-California Highway, 1931 location; thence along said parallel line N 16° 52' 44" E 572.42 feet; thence S 89° 38' 37" E 401.58 feet to the westerly right of way of The Dalles-California Highway; thence along said right of way N 16° 52' 44" E 62.58 feet; thence N 89° 38' 37" W 1626.5 feet to the point of beginning.

Parcel 6 18 12 17 - Tax Lot 2302 and 18 12 17BA - Tax Lots 500, 602

A tract of land located in the NW 1/4 of Section 17, T18S R12E, W.M. Deschutes County, Oregon described as follows:

Commencing at the Center-North 1/16 corner of said Section 17, thence S 86° 34' 37" W 874.27 feet to the True Point of Beginning; thence S 16° 52' 30" W 188.66 feet; thence S 14° 00' 46" W 24.12 feet; thence S 89° 39' 02" E 347.45 feet; thence N 16° 52' 30" E 213.10 feet; thence N 89° 39' 02" W 50.00 feet; thence N 16° 34' 00" E 60.00 feet; S 89° 39' 02" E 32.36 feet; thence N 16° 34' 00" E 306.76 feet to the southerly right of way line of the R.S. Hamilton Road (Murphy Road); thence along said southerly right of way line N 58° 00' 00" W 268.0 feet more or less to a 72.31 foot radius curve to the left; thence along said curve an arc distance of 85.00 feet; the long chord of which bears S 88° 29' 34" W 80.19 feet to a point on the easterly right of way of The Dalles-California Highway; thence along said right of way S 16° 34' 00" 510.00 feet more or less; thence S 89° 39' 02" E 15.65 feet to the point of beginning.

Parcel 7 Streets within the annexation area

Driftwood Lane from the northerly right of way of Mahogany Street to the northerly right of way line of Crystal Lane as platted in Romaine Village Unit 6.

Crystal Lane - All of Crystal Lane as platted in Romaine Village Unit 6.

Murphy Road - That portion of Murphy Road from the easterly right of way of The Dalles-California Highway southeasterly 330.0 feet more or less and there terminating.

All roads within Larkwood Estates Subdivision being:
Larkwood Drive
Robinwood Place
Brookswood Boulevard
Wrenwood Court
Finchwood Drive
Dovewood Place
S 1/2 of Hollygrape Street
N 1/2 of Cypress Street

SECTION 2. That the above described property is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations of the District that are specified in ORS 222.520 (2)(b).

Read for the first time this 2nd day of December, 1992.

Read for the second time this 16th day of December, 1992.

Placed upon its passage this 16th day of December, 1992.

YES: 7 NO: 0

Approved by the Mayor this 16th day of December, 1992.

Ann Brickner
MAYOR

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NS-1578

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS GENERALLY BOUNDED BY THE DESCHUTES RIVER TO THE WEST, DIVISION STREET AND BLAKLEY ROAD TO THE EAST, AND THE MC CLELLAN ROAD AREA TO THE SOUTH.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

PARCEL 1 18 12 8B Tax Lots 500, 702, 708, 713, 714, 715, 716

A tract of land in the NW 1/4 of the NW 1/4 of Section 8, T18S R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at a point 793.3 feet East and 30.0 feet South of the Northwest corner of Section 8; thence South 219.38 feet; thence West 164.4 feet; thence South 280.62 feet; thence West 152.94 feet; thence S 00° 13' 00" W 115.71 feet; thence N 88° 07' 41" W 475.31 feet; thence S 00° 02' 45" E 192.34 feet; thence N 89° 25' 00" E 126.63 feet; thence S 75° 55' 00" E 241.15 feet; thence S 50° 42' 00" E 201.00 feet; thence 45° 31' 00" E 196.50 feet to the northwesterly right of way line of the Pilot Butte Canal; thence along said right of way line N 48° 51' 00" E 145.35 feet; thence N 16° 23' 50" E 540.69 feet; thence East 7.94 feet; thence continuing along said canal right of way in a northeasterly direction 114.20 feet; thence leaving said right of way North 390.50 feet; thence West 164.40 feet to the point of beginning.

PARCEL 2 18 12 8B Tax Lot 800

A tract of land in the NW 1/4 of Section 8, T18S R12E, W.M. Deschutes County, Oregon, described as follows:

Commencing at the West 1/16 section corner of said Section 8; thence S 89° 55' 12" E 208.23 feet along the North line of Section 8 to a point on the centerline of Blakley Road; thence S 09° 30' 00" W 881.74 feet along said centerline; thence N 82° 57' 23" W 30.03 feet to the westerly right of way line of Blakley Road and the True Point of Beginning; thence N 82° 57' 23" W 158.63 feet; thence N 62° 27' 09" W 287.85 feet to the easterly right of way line of the Pilot Butte Canal; thence northerly and easterly along said canal right of way to a point on the westerly right of way line of Blakley Road; thence southwesterly along said right of way line to the point of beginning.

PARCEL 3 18 12 8B Tax Lots 100, 101, 199, 200, 300, 301, 302

A tract of land in the NE 1/4 NW 1/4 of Section 8 and a portion of SE 1/4 SW 1/4 of Section 5, all in T18S R12E, W.M., Deschutes County, Oregon described as follows:

Beginning at the Quarter corner between Section 5 and Section 8; thence North 182.0 feet to a point on the southeasterly right of way line of the Pilot Butte Canal; thence southwesterly along said right of way 285.0 feet to a point on the South line of Section 5; thence westerly along said south line to its intersection with the easterly right of way of the Old Brooks-Scanlon Railroad; thence along said right of way southwesterly to its intersection with the southerly

right of way line of the Pilot Butte Canal; thence northeasterly along said canal right of way to a point 412.5 feet southeasterly of the North line of Section 8 measured along said canal right of way line; thence leaving said right of way East 445.5 feet more or less to the intersection with the North/South center section line of Section 8; thence North along said center section line 346.5 feet more or less to the point of beginning.

PARCEL 4 — 18 12 8B Tax Lots 700 and 709

A tract of land in the NW 1/4 NW 1/4 of Section 8, and a portion of the NE 1/4 NE 1/4 of Section 7, all in T 18S R12E, W.M., Deschutes County, Oregon, described as follows:

Beginning at the Northwest corner of said Section 8; thence S 89° 48' 43" E 308.0 feet; thence South 129.53 feet; thence N 86° 07' 00" W 183.69 feet to a point on the easterly right of way line of McClellan Road; thence along said right of way S 26° 20' 00" W 250.63 feet; thence along the arc of a 143.5 foot radius curve to the left, 45.9 feet; thence leaving said right of way along the west line of Section 8, N 00° 02' 45" W 146.0 feet more or less to a point on the westerly right of way line of McClellan Road; thence N 26° 20' 00" E 59.89 feet; thence N 45° 00' 00" E 65.00 feet; thence N 44° 26' 33" E to a point on the west line of Section 8 that is 141.22 feet South of the NW corner of said Section 8; thence along said West line of Section 8, N 00° 02' 45" W 141.22 feet to the point of beginning.

PARCEL 5 — All of Hide Away, Woodriver Village and East Bluff Subdivisions; also
18 12 7AA - Tax Lots 3200, 3201, 3202, 3400, 3500, 3600, 3602, 3604, 5800, 5801, 5900
18 12 5CC - Portion of Tax Lot 4400
18 12 5 - Tax Lots 100, 200, 300

A tract of land lying in a portion of Sections 5, 6, 7 and 8, T 18S R 12E, W.M. Deschutes County, Oregon, described as follows:

Beginning at the Northwest corner of said Section 8; thence along the northerly line of Section 8, S 89° 48' 43" E 236.5 feet; thence N 00° 10' 57" E 250.00 feet; thence S 89° 48' 43" E 200.00 feet; thence S 00° 10' 57" W 220.00 feet; thence S 89° 48' 43" E 650.65 feet; thence N 01° 36' 05" W 120.03 feet; thence 89° 48' 43" E 229.08 feet; thence N 01° 36' 05" W 500.95 feet; thence N 89° 57' 54" E 162.92 feet to a point on a 100.0 foot non-tangent radius curve; thence southeasterly along the arc of a 100.0 foot radius curve to the left, an arc distance of 120.12 feet; thence S 82° 58' 45" E 16.77 feet; thence along a 30.00 foot radius curve to the right, an arc distance of 44.16 feet to a point on the westerly right of way of Blakley Road; thence N 09° 30' 01" E 52.47 feet; thence along a 603.69 foot radius curve to the right, an arc distance of 57.44 feet; thence N 89° 19' 07" E 61 feet more or less to the easterly right of way of Blakley Road; thence along a 543.69 foot radius curve to the right, an arc distance of 12 feet more or less; thence S 72° 04' 10" E 10.00 feet; thence northeasterly along said right of way on a 533.69 foot radius curve to the right an arc distance of 265.68 feet; thence N 46° 28' 30" E 2.42 feet; thence N 57° 10' 49" W 10.00 feet; thence N 46° 28' 30" E 195.64 feet; thence S 89° 55' 25" E 655.78 feet to the westerly right of way of Chamberlain Street; thence along said right of way N 00° 58' 34" W 1619.99 feet to a point on the East/West center section line; thence along said line N 89° 27' 03" E 1315.88 feet; thence continuing on said line N 89° 28' 54" E 818.6 feet to a point on the easterly right of way of Division Street; thence along said easterly right of way N 00° 03' 12" E 1304.43 feet; thence S 89° 37' 26" W 118 feet more or less to the westerly right of way of Division Street; thence northwesterly along said westerly line to a westerly right of way line of the Pilot Butte Canal; thence along said canal right of way northeasterly to a point on the easterly right of way of Division Street; thence along said right of way northwesterly to the south line of land described in the deed to Pacific Power and Light Company in Book 89, Page 188, Deed Records; thence East 130.18 feet to the Southeast corner of said land; thence northwesterly 100.80 feet to the Northeast corner of said land described in said deed to a point on the southerly line of Sullivan Place; thence along said southerly line S 89° 47' 18" E 100.80 feet to a point on the easterly right of way line of the Pilot Butte Canal; thence along said line N 07° 00' 00" W to a point on the northerly line of Sullivan Place and the North line of Section 5; thence along said North line N 89° 47' 18" W 290 feet more or less to the East 1/16 section corner of Section 5; thence continuing along said North line N 89° 46' 53" W 423.57 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' 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 following said river centerline in a southerly and westerly direction to its intersection with the North line of Section 7, T 18S R12E, W.M.; thence continuing on said river centerline southwesterly to the South line of the N 1/2 of the NE 1/4 of Section 7; thence along said South line easterly 1627.6 feet more or less to the East line of said Section 7 and the Southeast corner of the NE 1/4 of NE 1/4; thence N 02° 27' 00" E 129.70 feet; thence N 19° 26' 00" W 225.90 feet; thence N 15°46' 00" E 152.60 feet; thence N 89° 25'00" E 33.55 feet; thence N 00° 02' 45" W 580.4 feet more or less to a point on the westerly right of way line of McClellan Road; thence N 26° 20' 00" E 59.89 feet; thence N 45° 00' 00" E 65.00 feet; thence N 44° 26' 33" E to a point on the west line of Section 8 that is 141.22 feet South of the NW corner of said Section 8; thence along said West line of Section 8, N 00° 02' 45" W 141.22 feet to the point of beginning.

Parcel 6 Roads and Canals

All roads within the Hide Away Subdivision, Woodriver Village, East Bluff Subdivision, that portion of Division Street, Blakley Road, Sullivan Place and Industrial Way lying within the boundaries of the annexation.

That portion of the Pilot Butte Canal from the East/West section line of Section 5 T18S R12E, W.M. to westerly right of way line of Division Street.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 2nd day of December, 1992.

READ for the second time this 16th day of December, 1992.

PLACED upon its passage the 16th day of December, 1992.

YES: 7 NO: 0

APPROVED by the Mayor this 16th day of December, 1992.

Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1579

AN ORDINANCE AMENDING THE CITY OF BEND INTERIM ORDINANCE NO. NS-1526, RELATING TO THE DESCHUTES RIVER CORRIDOR, BY EXTENDING THE EFFECTIVENESS FOR SIX MONTHS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinance NS-1526 is hereby amended to read as follows:

Section 6. This Ordinance shall be effective through August 31, 1993.

Read for the first time the 2nd day of December, 1992.

Read for the second time the 16th day of December, 1992.

Placed upon its passage the 16th day of December, 1992.

YES 7 NO 0

Approved by the Mayor the 16th day of December, 1992.

Mayor

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1580

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM LIMITED COMMERCIAL (CL) TO HIGHWAY COMMERCIAL (CH).

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Bend City Commission held a public hearing, considered and adopted the Hearings Officer's findings and record, and found that there is a public need and benefit for the proposed change.

Section 2. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the following described property from Limited Commercial (CL) to Highway Commercial (CH):

Approximately 2.80 acres on Highway 20 East, east of 2225 East Highway 20, and more particularly described as follows:

In Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, a part of Section 34, beginning at the center-South 1/16th corner of said Section 34; thence North 89°53'45" West, 264 feet; thence South 00° 06' 15" West, 480 feet; thence South 89° 53' 45" East, 264 feet; thence Northerly along the North-South centerline of said Section to the point of beginning, less the property belonging to the State of Oregon, by and through its State Highway Commission.

17-12-34 CD, Tax Lot 100

Read for the first time the 16th day of December, 1992.

Read for the second time the 20th day of January, 1993.

Placed upon its passage the 20th day of January, 1993.

YES 7 NO 0

Approved by the Mayor the 20th day of January, 1993.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1581

AN ORDINANCE TO ANNEX TERRITORY WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED TO THE EAST OF THE MOUNTAIN VIEW MALL AND THE N. HIGHWAY 97 AND W. HIGHWAY 20 JUNCTION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

Parcel 1 — 17 1216C - Tax Lots 700, 701, 800, 1200

Lot 7 and Lot 13, Block 2 of the Plat of B.I.D. II and a small portion of Lot 11, Block 2 B.I.D. II described as follows:

Beginning at the northeast corner of said Lot 11; thence S 37° 30' 23" W 212.46 feet to the bulb of the Lyman Place cul-de-sac; thence N 32° 15' 25" E 195.85 feet to the northerly line of Lot 11; thence N 83° 17' 30" E 25.0 feet to the point of beginning.

Parcel 2 — 17 12 16C - Tax Lot 500

A tract of land being a portion of Tract 25 and 26 Norwood Section No. 2 subdivision in the SW 1/4 of Section 16, T17S R12E W.M. Deschutes County, Oregon described as follows:

Beginning at the Northwest corner of Lot 7, Block 2, B.I.D. II, said point being on the easterly right of way of the Dalles-California Highway (Hwy. 97); thence along the northerly boundary of said B.I.D. II, N 76° 11' 00" E 25.44 feet; thence N 84° 16' 00" E 259.10 feet; thence N 36° 48' 00" E 261.50 feet; thence N 02° 02' 00" W 288.80 feet; thence N 83° 17' 30" E 442.99 feet to the Southwest corner of Lot 14, Block 2 of B.I.D. III; thence along the westerly boundary of B.I.D. III, N 00° 11' 14" E 1009.87 feet to a point on the southerly right of way line of Nels Anderson Place; thence along said right of way on a 420.00 foot radius curve to the left, with a delta of 7° 23' 17" an arc distance of 54.81 feet; thence S 76° 40' 19" E 266.76 feet; thence along a 130.00 foot radius curve to the right with a delta of 37° 36' 08", an arc distance of 85.32 feet; thence N 65° 43' 33" W 43.06 feet to the easterly right of way of the Dalles-California Highway (Hwy. 97); thence in a southerly direction along the easterly right of way line of said highway 1620 feet more or less to the point of beginning.

Parcel 3 Dalles-California Highway (Hwy. 97)

All that portion of the Dalles-California Highway (Hwy. 97) from the northerly right of way line of Oregon State Highway 20 Junction northerly to the southerly right of way of Robal Road.

Containing 22.23 acres more or less.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 16th day of December, 1992.

READ for the second time this 20th day of January, 1993.

PLACED upon its passage the 20th day of January, 1993.

YES: 7 NO: 0

APPROVED by the Mayor this 20th day of January, 1993.

Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. NS-1582

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS SURROUNDED BY THE CORPORATE BOUNDARIES OF THE CITY OF BEND AND LOCATED IN THE VICINITY OF BUTLER MARKET ROAD BETWEEN NE 27TH STREET AND NE RUMGAY LANE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

Parcel 1 **17 12 22DC - Tax Lots 100, 200, 300 and 400**

The SW 1/4 of the SE 1/4 of Section 22 T17S R12E, W.M., Deschutes County, Oregon.
Excepting therefrom the westerly 440.0 feet.

Parcel 2 **17 12 23CB - Tax Lots 1200, 1300, 1600, 1700, and 1900**
17 12 22 - A Portion of Tax Lot 102

A parcel of land situated in the NE 1/4 of the SE 1/4 of Section 22 T17S R12E, W.M., more particularly described as follows:

Beginning at the E 1/4 corner of said Section 22; thence along the east line of said Section, S 00° 02' 53" W 677.53 feet; thence S 57° 55' 41" W 23.61 feet; thence N 00° 02' 53" E 689.97 feet; thence N 89° 58' 18" E 20.00 feet to the point of beginning.

Parcel 3 **17 12 21DD - Tax Lots 200 and 300**

A parcel of land situated in the SE 1/4 of the SE 1/4 of Section 21 T17S R12E, W.M. more particularly described as follows:

Beginning at the SE corner of said Section 21; thence along the east line of said Section, N 00° 23' 00" E 564.63 feet to the South right of way line of the North Unit Canal; thence along said right of way the following five courses:

thence N 72° 39' 00" W 247.23 feet;
thence N 17° 21' 00" W 25.00 feet;
thence N 72° 39' 00" W 51.77 feet;
thence on a 463 foot radius curve to the left 108.14 feet;
thence N 86° 02' 00" W 238.00 feet;
thence leaving said right of way S 21° 40' 00" E 22.0 feet more or less;

thence S 27° 37' 00" E 120.10 feet;
thence S 02° 52' 00" E 78.30 feet;
thence S 37° 43' 00" E 50.82 feet;
thence S 18° 32' 00" E 68.8 feet more or less;
thence S 34° 55' 00" E 95.83 feet;
thence S 12° 35' 00" E 50.17 feet;
thence S 26° 36' 00" E 97.67 feet;
thence S 08° 06' 00" E 140.26 feet;
thence S 89° 41' 56" E 415.97 feet to the point of beginning.

Parcel 4 17 12 27 - Tax Lots 100 and 105

The North one-half of the NE 1/4 of the NE 1/4 of Section 27 Township 17S Range 12E, Willamette Meridian, Deschutes County, Oregon.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 16th day of December, 1992.

READ for the second time this 20th day of January, 1993.

PLACED upon its passage the 20th day of January, 1993.

YES: 7 NO: 0

APPROVED by the Mayor this 20th day of January, 1993.

Mayor

ATTEST:

Recorder, City of Bend

(Note: The original contained a typographical error, this version is the same version approved by the City Commission.)

ORDINANCE NO. NS-1583

AN ORDINANCE PROVIDING FOR THE FORFEITURE OF VEHICLES IN CERTAIN CIRCUMSTANCES.

WHEREAS, motor vehicles operated on highways by drivers whose operators' licenses have been suspended or revoked or in violation of a hardship or probationary permit in violation of ORS 811.182 result in danger to persons and property and constitute a nuisance; and

WHEREAS, motor vehicles operated on highways and premises open to the public by drivers who have violated ORS 813.010, Driving Under the Influence of Intoxicants, who have a previous conviction for Driving Under the Influence of Intoxicants or participated in a driving under the influence diversion or statutory counterparts in any state within 10 years before the date of the driver's arrest or citation, or who have previously committed certain crimes involving motor vehicles, result in a danger to persons and property and constitute a nuisance; and

WHEREAS, this ordinance provides a means by which the nuisance resulting from the presence of these vehicles on highways and premises open to the public may be abated;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Bend Uniform Traffic Code is amended by adding new Sections 6.017 - 6.019 to read:

6.017 Certain Vehicles as Nuisances. The following motor vehicles are hereby declared to be nuisances and subject to forfeiture:

(1) A motor vehicle operated by a person whose operator's license is suspended or revoked or in violation of a hardship or probationary permit in violation of the provisions of ORS 811.182; and

(2) A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010, where the person has:

(a) Participated in a driving under the influence of intoxicants diversion program as provided for by the Oregon Revised Statutes, or its statutory counterparts in any jurisdiction within ten years prior to arrest or citation; or

(b) Been convicted or forfeited bail or security within the previous ten years of:

(A) Driving Under the Influence of Intoxicants under ORS 813.010 or its statutory counterpart in any jurisdiction; or

(B) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, or statutory counterparts in any jurisdiction; or

(C) Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, or statutory counterparts in any jurisdiction; or

(D) Failure to perform the duties of a driver under ORS 811.705 or its statutory counterpart in any jurisdiction; or

(E) Reckless driving under ORS 811.140 or its statutory counterpart in any jurisdiction; or

(F) Fleeing or attempting to elude a police officer under ORS 811.540 or its statutory counterpart in any jurisdiction; or

(G) Any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle, or statutory counterparts in any jurisdiction; or

(H) Failure to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle or its statutory counterpart in any jurisdiction; or

(c) Has habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction.

6.018 Impoundment. Any vehicle declared a nuisance and subject to forfeiture by this chapter may be impounded at the time of arrest or citation of the driver for:

(1) Criminal driving while suspended or revoked or in violation of a hardship or probationary permit in violation of ORS 811.182; or

(2) Driving under the influence of intoxicants in violation of ORS 813.010.

6.019 Forfeiture Proceedings. Any vehicle subject to forfeiture may be forfeited by the City. Forfeiture proceedings shall be in accordance with the procedure set out in Sections 1 to 14 Chapter 791, Oregon Laws, 1989, as amended by Chapters 218, 237, 276, 291, 800 and 924, Oregon Laws, 1991, which are hereby incorporated herein by this reference.

Read for the first time this 3rd day of February, 1993.

Read for the second time this 17th day of February, 1993.

Placed upon its passage this 17th day of February, 1993.

YES: 6 NO: 0

Submitted to and approved by the mayor this 17th day of February, 1993.

MAYOR

ATTEST:

City of Bend Recorder-Treasurer

City of Bend
Motor Vehicle Forfeiture Policy

Effective March 17, 1993, Bend Ordinance NS-1583 provides for the forfeiture of vehicles declared nuisances for the following:

1. A motor vehicle operated by a person whose operator's license is suspended or revoked or in violation of a hardship or probationary permit in violation of the provisions of ORS 811.182; and,

2. A vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010 and who either has participated in an alcohol diversion program or has been convicted or forfeited bail or security within the previous ten years.

Section 1. Purpose:

The purpose of this ordinance is to deprive those drivers who pose a danger to persons and property of their means of committing subsequent offenses. While this department will actively pursue such seizures and forfeitures, it will seize and proceed with forfeiture only based upon supportable evidence that a violation has in fact occurred. It is not our intent to inconvenience an innocent owner. If reasonable doubt exists as to the status or ownership of a vehicle, it shall not be seized. The issue can be investigated further at a later time and the vehicle can be seized if it is determined that the vehicle is in fact a nuisance as provided by ordinance NS-1583.

Section 2. Guidelines for Seizures:

2.1 Seize if the driver is the owner - based upon Motor Vehicle Division records.

2.2 Seize if the driver claims to be the owner -(No official records) based upon driver's assertions and totality of circumstances.

2.3 Seize if the driver is not the owner, only if it can be shown that the owner: 1) knowingly allowed the driver use of the vehicle; 2) knew that the vehicle would be used for an illegal purpose as provided in NS-1583; and, 3) the owner took no reasonable steps to prevent the illegal use.

2.4 All seized vehicles shall be towed and stored by the towing and storage company contracted for this purpose.

2.5 Personal property in the seized vehicle may be claimed by the owner(s) except that attached property (such as stereos, radar detectors, speakers; etc.) and add-on items shall be considered part of the vehicle.

Section 3. Dispositions Other Than Forfeiture:

3.1 If the vehicle is driven by other than an owner and the owner does not have knowledge of the offense the owner shall receive a letter advising of the offense and that the vehicle shall be forfeited in the future if the same driver is driving the vehicle and is DUII or criminally suspended.

Adopted: 021793
Revised:
Print Date: February 24, 1993

3.2 If the vehicle seized is operated by a person who is arrested for DUII and that person has only one conviction or diversion or the person is driving while suspended as a result of a misdemeanor, the vehicle shall be offered back to that person for a $125.00 administrative fee, the cost of towing and storage, and the signature on a vehicle release agreement and stipulated judgement. (Other than the DUII or Driving While Suspended-misdemeanor "return agreement" program the department does not civilly compromise other forfeitures under this ordinance.)

Section 4. Forfeiture Proceedings:

Vehicles seized pursuant NS-1583 shall be subject to forfeiture proceedings. A file shall be created and all persons having an interest in the vehicle shall be notified of the seizure and the intended forfeiture. This shall be done by using Deschutes County's administrative process.

Adopted: 021793
Revised:
Print Date: February 24, 1993

ORDINANCE NO. NS-1584

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BEND, NO. NS-1178.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4 of Ordinance No. NS-1178 is amended by adding new definitions, to read:

Section 4. Definitions.

Deschutes River Corridor: All property within 100 feet of the ordinary high water mark of the Deschutes River. The ordinary high water mark shall be defined in Section 4, Yard.

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] and 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.]

Section 2. A new Section 22A added to Ordinance No. NS-1178, to read:

Section 22A. DESCHUTES RIVER CORRIDOR DESIGN REVIEW COMBINING ZONE.

(1) Purpose. It is the purpose of the Deschutes River Corridor Design Review Zone to ensure compliance with the objectives of this Ordinance and the goals and policies relating to the Deschutes River in the Bend Area General Plan. The purpose shall also be to:

(a) Recognize and respect the unusual natural beauty and character of the Deschutes River.
(b) Conserve and enhance the existing riparian zone along the Deschutes River.
(c) Allow the community flexibility in reviewing development proposals within the Areas of Special Interest that are designated on the Bend Area General Plan.
(d) Maintain the scenic quality of the canyon and rimrock areas of the Deschutes River.
(e) Conserve and enhance property values.

In considering a design plan the Board shall take into account the impact of the proposed development on nearby properties, on the capacity of the street system, on land values and development potential of the area, and on the appearance of the street and community.

(2) The following areas and uses are exempt from the Deschutes River Design Review process:

(a) Public streets and utility facilities existing as of the date of adoption of this ordinance. Notwithstanding anything to the contrary in this ordinance, a variance may be granted to the mandatory 40 foot setback for future public streets and utility facilities.

(b) Irrigation facilities, canals and flumes existing as of the date of adoption of this ordinance.

(c) The existing DAW and Korpine lumber mill operation on the east side of the Deschutes River.

(3) Design Review Procedure. All new development, structures, additions and exterior alterations to structures, including outside storage and off-street parking lots within the Deschutes River Corridor, are subject to a design review process.

(a) Prior to filing a design review application, the applicant shall confer with the Planning Department concerning the requirements of formal application.

(b) The design review application shall be filed on a form provided by the City Planning Department and shall be accompanied by drawings and information as specified by the Planning Department. Copies of the plan shall be submitted and such additional information as is deemed necessary for the Site Plan Committee or Design Review Board to adequately review the applications.

(c) The Design Review Board shall approve, approve with conditions, or disapprove the design plan. In approving the plan, the Board shall find that all provisions of this ordinance are complied with and that all buildings and facilities, access points, parking 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 there will be minimal adverse effect on surrounding property and the river corridor. The decision of the Board shall be final unless appealed in accordance with the City of Bend's land use procedures.

(4) Site Plan Committee. The Site Plan Committee, as designated in Section 23 (3), shall review a site plan application subject to design review on its technical merits and submit recommendations for approval, conditional approval, or rejection to the Design Review Board for a proposed development. The decision shall be based on the site plan criteria, City policies, and standards.

(5) Minimum Standards. All development within the Deschutes River Corridor shall meet the following minimum standards for development:

(a) Building Setbacks.

(A) For the areas described below, the setback for all new development shall be a minimum of 100 feet from the ordinary high water mark unless the applicant can demonstrate that a lesser setback is warranted, due to lot size and shape, topography, preservation of natural vegetation, view corridors, and subject to the criteria in Section 6. In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River. The term "new development" shall not include rebuilding an existing structure provided that the rebuilt structure is comparable in size, profile, use and location to the structure that previously existed.

(i) The east and west bank from the Arizona/Commerce Street line to the southern boundary of the Bend Area General Plan map;

(ii) The east bank from the southern property line of Magill's Landing Subdivision to the northern property line of the Bend Riverside Motel;

(iii) The east bank from the southern property line of Sawyer Park to the southern boundary

of the Rimrock West Subdivision;

(iv) The east and west banks from the northern boundary of the Rimrock West subdivision to the northern boundary of the Bend Area General Plan map and

(v) The west bank north of the Park District property known as "Flume Park" to the southern boundary of the Rimrock West Subdivision.

(B) For all existing commercially zoned property within the Deschutes River Corridor in existence upon the adoption of this ordinance, the setback for all structures shall be 30 feet from the ordinary high water mark of the Deschutes River.

(b) For the areas not described in (a) (A) or (B) above, all structures shall be 40 feet from the ordinary high water mark of the Deschutes River. In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River. This setback restriction shall not prohibit rebuilding an existing structure provided that the rebuilt structure is comparable in size, profile, use and location to the structure that previously existed.

(c) Building Heights. Maximum structure height shall be limited to 30 feet at the minimum setback line. The Design Review Board may allow increases in building heights up to the allowed height in the underlying zone the farther the building sets back from the river. The Design Review Board may limit building height the closer to the river a building is allowed. The building height shall be measured from the lowest natural grade facing the river to the highest measurable point on or projecting from the roof of the structure.

(6) Site and Design Review Criteria. In addition to the minimum standards above, the Design Review Board shall review the development using the following design criteria:

(a) Conservation of natural features. Major rock outcrops, stands of trees, or other prominent natural features are an important part of the visual character and quality of the community. The Design Review Board shall review the applicant's proposal for impacts on these resources and may limit the amount of removal, require additional screening, or moving or reducing in size the development addition or structure in order to preserve to the greatest extent possible, existing natural features.

(b) Compatibility with existing area. The Design Review Board shall consider the relationship of the proposed development with the existing surroundings, in terms of building bulk, height, location, separation, shape, parking areas, lighting, fences, landscaping, open space, visual and physical corridors to the river and adjacent land use. The Design Review Board may establish increased setbacks, limitations of building heights, and limitations on the bulk and length of buildings, limitations on lighting, landscaping, fences, size and shape of windows facing the river, size and location of parking, and outdoor storage areas in order to carry out the purpose of this ordinance.

(c) Colors and Materials. The Design Review Board shall consider colors and materials. The Board may require new structures and additions to existing structures to be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of

the building site or colors that are compatible with adjacent buildings.

(d) No large areas, including roofs, shall be finished with bright or reflective materials. Metal roofing material is permitted if it is non-reflective and of a color which blends with the surrounding vegetation and landscape.

Section 3. Item (12) Fill and Removal Exceptions in Section 27 of Ordinance No. NS-1178 is amended to read:

(12) Fill and Removal Exceptions

[(a) The following fill and removal activities are permitted outright if the material to be filled or removed will not exceed 50 cubic yards in volume:

1. Removal of vegetation for the purpose of:

(i) Removal of diseased or insect-infested trees or shrubs, or rotten or damaged trees that present safety hazards.

(ii) Normal maintenance and pruning of trees and shrubs.]

(12) The following fill and removal activities may be authorized by the Planning Director upon a finding that no adverse impacts will occur to the water resources of the City of Bend:

(a) Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities, and similar public and semi-public facilities, provided such fill or removal does not alter the existing characteristics of the stream, river, or wetland.

(b) Fill or removal for maintenance and repair of nonconforming structures or boat docks.

(c) Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.

(d) Normal maintenance and pruning of trees and shrubs; and removal of diseased or insect-infested trees or shrubs, or rotten or damaged trees that present safety hazards.

Read for the first time the 17th day of February, 1993.

Read for the second time the 3rd day of March, 1993.

Placed upon its passage the 3rd day of March, 1993.

YES: 5 NO: 2

Approved by the Mayor the 3rd day of March, 1993.

Tom Blackwell

Mayor Terry Blackwell

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1585

AN ORDINANCE AMENDING THE CITY OF BEND UNIFORM LAND USE PROCEDURE ORDINANCE (NO. NS-1556).

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. A new section 3A is added to Ordinance NO. NS-1556, to read:

Section 3A.

Deschutes River Corridor Design Review Procedures. For all property subject to the Deschutes River Design Review process, the following procedures shall apply:

(1) There shall be two types of review for Design Review depending on the level and type of activity proposed.

(a) Type I review shall be performed by the Planning Director for the following activities:

(A) Minor alterations of 10% or less to an existing building facade facing river.
(B) Changes in window or door placement visible from the river.
(C) Changes in parking locations.
(D) Fill or removal activity within 10 feet of the ordinary high water mark of the Deschutes River.

The Planning Director, at his discretion, can refer a Type I application to the Design Review Board for approval.

(b) Type II review shall be performed by the Design Review Board for the following activities:

(A) Appeal of a Type I decision.
(B) New construction and new development.
(C) Master Plan approval for large scale projects.
(D) Variances to any application under Section 22A. Deschutes River Corridor Design Review Combining Zone.
(E) Fill and removal activities associated with new development or for creation of fire breaks in association with the Fire Department.

(2) Type I Procedures: The applicant shall request approval for a Type I procedure in writing to the Planning Department. The request shall include site plan, and description of work and materials that will be used. The Planning Department shall review the request and respond to the applicant in writing of the decision and any conditions placed on the decision. The Planning Department shall respond to the request within two weeks upon receipt of a request deemed complete by the Planning Department.

(3) Deschutes River Design Review Board. The Design Review Board shall review all Type II applications and any appeal of Type I activities.

(a) The Design Review Board shall meet from time to time as applications require or once per month on a regular basis.
(b) Notice for Type II applications shall be as set forth in Section 12, Public Notice. The Board may hold a public hearing for any Type II applications. The hearings procedure shall be as set forth in Section 9, Hearings Procedures.
(c) Appeals of the decision of the Design Review Board shall be to the City Commission and the process shall be as set forth in Section 20, Appeals.

(d) The Design Review Board shall be made up of the following individuals that shall be appointed by the City Commission. Vacancies shall be advertised in the local newspapers and all interested individuals shall submit a letter of interest and resume to the Planning Department.

(A) A member of the Bend Urban Area Planning Commission.
(B) A riverfront property owner.
(C) An individual with either landscape design experience or a licensed architect.
(D) An individual representing biologic or scientific background with river oriented environmental expertise or experience.
(E) An individual representing the Bend Metro Park and Recreation District.
(F) One at large member.
(G) A general contractor in the construction industry.

(e) Terms of office. The first term of office shall be four positions for a two year period and three positions for a one year period. Thereafter, each appointment shall be for a two year period.

Read for the first time the 17th day of February, 1993.

Read for the second time the 3rd day of March, 1993.

Placed upon its passage the 3rd day of March, 1993.

YES: 5 NO: 2

Approved by the Mayor the 4th day of March, 1993.

Mayor Terry Blackwell

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1586

AN ORDINANCE TO ANNEX TERRITORY TO THE CITY OF BEND WHICH IS ENCLOSED BY THE CITY AND LOCATED IN THE SOUTHWEST PORTION OF THE BEND URBAN AREA (THE AREA INCLUDES THE PINEBROOK AND DUNCAN SUBDIVISIONS AND IS BOUNDED BY BROOKSWOOD BOULEVARD TO THE WEST AND SOUTH HIGHWAY 97 TO THE EAST)

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territory is surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

A tract of land situated in a portion of the SE 1/4 of the SE 1/4 of Section 7; a portion of the W 1/2 of Section 8; a portion of the W 1/2 of the NE 1/4 of Section 8; a portion of the NW 1/4 of the SE 1/4 of Section 8; a portion of the N 1/2 of the NW 1/4 of Section 17 and a portion of the NE 1/4 of the NE 1/4 of Section 18, all in Township 18 South, Range 12 East, Willamette Meridian including portions of Reed Highway Acreage, Section 2;portion of Blakely Heights Subdivision; portions of Waywest Properties Subdivision; all of Duncan Heights and Duncan Heights Addition Subdivision and all of Pinebrook Subdivision Phase 1, 2 and 3.

Parcel 1 18 12 07 - Tax Lots 906, 907, 1301-1304
18 12 08AB - Tax Lots 400, 402 and 403
18 12 08AC - Tax Lots 102-103, 301-303, 400, 500, 600-602 and 800

18 12 08B - Tax Lots 1100-1103, 1200-1205, 1300-1302, 1400, 1500-1505, 1600-1605, 1607-1619, 1700, 1701, 1800-1807, 1809, 1900, 1901, 2200-2203, 2300-2304, 2500-4200

18 12 08C - Tax Lots 200, 300, 400, 500, 501, 600, 700, 701, 800, 1400, 1403, 1500, 1501, 1502, 1504, 1507, 1509-1513, 1600-1603, 1605, 1700, 1800

18 12 08D - Tax Lots 501 and 701
18 12 17BA - Tax Lot 400
18 12 17BB - Tax Lots 100, 101, 200-3300
18 12 18AA - Tax Lots 100-5500

Commencing at the Northeast corner of Tract Twelve (12) of REED HIGHWAY ACREAGE, in Section Eight (8); thence West 25 feet to the point of beginning:
Thence South 155 feet;
Thence South 17.00 feet;
Thence East 25.00 feet;
Thence South 295 feet more or less to the westerly right of way of U.S. Highway 97;
Thence along said right of way S 35° 42' 19" W 25 feet more or less to the south line of Tax Lot 18 12 08AC-303;
Thence N 54° 17' 04" E 57.18 feet;
Thence North 76.25 feet;
Thence N 36° 31' 47" W 42.00 feet;
Thence West 95.00 feet;
Thence South 18.00 feet;

Thence West 33.00 feet;
Thence S 60° 00' 00" W 66.97 feet;
Thence South 295.22 feet;
Thence S 88° 39' 43" E 109.49 feet to the westerly right of way line of said Highway 97;
Thence along said right of way S 35° 42' 19" W 165 feet more or less to the north line of Tax Lot 18 12 08AC 700;
Thence along said north line N 75° 01' 16" E 395.94 feet;
Thence South 236.0 feet to the S.W. corner of Tract 14, Plat of Reed Highway Acreage - Section 2;
Thence along the south line of Tract 15, Plat of Reed Highway Acreage - Section 2, N 89° 53' 24" W 228.24 feet to the center 1/4 corner of Section 8, T18S, R12E, W.M. Also being the northwest corner of Tract 2, Blakely Heights;
Thence S 00° 35' 40" W 150.00 feet along the west line of said Tract 2;
Thence S 89° 58' 52" E 100.72 feet;
Thence S 00° 49' 20" W 181.01 feet to the north right of way line of Powers Road;
Thence S 89° 24' 20" E to a point that is S 77° 32' 03" W 85 feet more or less from a point on the westerly right of way of U.S. Highway 97 opposite engineer's centerline station 153+00.66 P.S.;
Thence N 77° 32' 03" E 85.00 feet more or less to a point on westerly right of way of U.S. Highway 97 opposite centerline station 153+00.66 P.S.;
Thence along the westerly right of way of said highway S 35° 42' 19" W 68.0 feet more or less;
Thence N 40° 17' 48" W 25.82 feet to the north line of Tract 26 Blakely Heights;
Thence along said north line N 89° 24' 20" W 211.13 feet to the Northeast corner of Tract 27 Blakely Heights;
Thence along the north line of said Tract 27 N 89° 24' 20" W 235.00 feet;
Thence S 00° 35' 40" W 290.00 feet;
Thence S 89° 24' 20" E 185.00 feet;
Thence S 00° 35' 40" W 110.00 feet;
Thence N 89° 24' 20" W 185.00 feet;
Thence S 00° 35' 40" W 110.00 feet;
Thence N 89° 24' 20" W 332.42 feet;
Thence S 00° 35' 40" W 328.71 feet;
Thence S 89° 24' 20" W 92.58 feet to the Northwest corner of Tract 33, Blakely Heights;
Thence along the west line of Tract 33 S 00° 35' 40" W 134.00 feet;
Thence S 89° 24' 20" E 486.23 feet to the westerly right of way of U.S. Highway 97;
Thence along said right of way S 16° 34' 00" W 650 feet more or less to the southerly right of way of Badger Road and the north line of Tract 24, Blakely Heights;
Thence N 89° 24' 20" W to a point 50 feet perpendicular to the centerline of U.S. Highway 97;
Thence S 16° 34' 00" W 10.4 feet more or less on the westerly right of way of Highway 97 to its intersection with a line 10 feet south of the north line of said Tract 24;
Thence N 89° 24' 20" W to a point on the east line of Tract 20 Blakely Heights being 10 feet south of the N.E. corner of said tract;
Thence along said east line S 00° 35' 40" W 702.30 feet to the south line of Section 8, T18S, R12E W.M. and the W 1/16 corner of Section 8 and 17;
Thence S 00° 26' 26" W 929.01 feet;
Thence S 89° 44' 37" E 446.89 feet to a point on the westerly right of way line of U.S. Highway 97;
Thence S 16° 44' 56" W 409.89 feet;
Thence N 89° 38' 37" W 1626.5 feet more or less to the easterly line of Section 18, T18S R12E W.M.;
Thence N 89° 56' 21" W to the westerly right of way of the Old Brooks-Scanlon Logging Road and the southeast corner of Tract 10, Waywest Properties;
Thence along said right of way N 24° 13' 20" W 138.90 feet;
Thence N 14° 23' 54" W 495.85 feet;
Thence N 02° 18' 59" W 154.22 feet;
Thence N 14° 49' 39" E 164.36 feet;
Thence N 34° 45' 00" E 497.25 feet to the north line of Section 18, T18S R12E W.M.;
Thence continuing on said right of way N 34° 32' 00" E 691.6 feet;
Thence N 35° 50' 00" E 210.94 feet;
Thence N 39° 59' 00" E 104.05 feet;
Thence leaving said right of way S 83° 27' 00" W 136.63 feet;
Thence N 47° 17' 00" W 235.11 feet;

Thence S 89° 50' 46" W 303.90 feet;
Thence N 00° 07' 00" W 360.00 feet;
Thence N 89° 50' 46" E 937.84 feet to the northeast corner of the SE 1/4 SE 1/4 of Section 7, T18S R12E W.M.;
Thence along the section line between Section 7 and 8, S 00° 07' 00" W 215.28 feet;
Thence S 89° 24' 20" E 69.16 feet to the intersection of the south line of Tract 16, Blakely Heights with the easterly right of way of Brookswood Boulevard;
Thence N 33° 53' 00" E along said right of way to a point on non-tangent curvature, said point being also the easterly right of way of the Old Brooks-Scanlon Logging Road;
Thence along the arc of a 985.37 foot radius curve left, 764.83 feet;
Thence N 04° 10' 12" W along said easterly right of way 414.33 feet to the east-west centerline of Section 8;
Thence continuing N 04° 10' 12" W 280.63 feet;
Thence along the arc of a 543.68 foot radius curve right 251.69 feet;
Thence N 22° 21' 17" E to the south line of Tract 9, Blakely Heights;
Thence S 88° 24' 20" E 510.60 feet to the westerly right of way line of the S.A. Blakely Road;
Thence continuing S 88° 24' 20" E 40 feet more or less to the easterly right of way of said road;
Thence along said easterly right of way to its intersection with the southerly right of way of the Central Oregon Canal;
Thence along said southerly right of way easterly to the north-south center section line of Section 8, T18S R12E W.M.;
Thence continuing along said southerly canal right of way easterly to the west line of vacated Tract 21, Plat of Reed Highway Acreage, Section 2;
Thence along said west line S 00° 08' 33" W 870.72 feet to the southwest corner of Tract 21;
Thence South 50.0 feet to the south right of way line of Reed Avenue;
Thence along said right of way, East 346 feet more or less to the True Point of Beginning.

Parcel 2 18 12 8AB - Tax Lot 301

A parcel of land lying within Tract 21, Plat of Reed Highway Acreage, Section 2 described as follows:

Commencing at the southwest corner of said Tract 21;
Thence S 89° 55' 51" E along the south line of said tract 20.00 feet to the True Point of Beginning;
Thence continuing S 89° 55' 51" E 104.59 feet;
Thence N 00° 08' 33" E 434.87 feet;
Thence N 89° 55' 51" W 104.59 feet;
Thence S 00° 08' 33" W 434.87 feet to the point of beginning.

Parcel 3 18 12 8C - Tax Lots 903, 904 and 907

A parcel of land situated in the SE 1/4 of the SW 1/4 of Section 8, T18S R12E W.M. described as follows:

Beginning at the N.W. corner of Tract 25, Blakely Heights;
Thence S 89° 24' 20" E 164.18 feet to the westerly right of way line of U.S. Highway 97;
Thence along said right of way S 16° 34' 00" W 382 feet more or less to the south line of said Section 8;
Thence along said south line N 89° 47' 23" W 141.03 feet;
Thence N 13° 00' 00" E 377.60 feet to the point of beginning.

Parcel 4 Streets within the annexation area:

Reed Lane That portion lying between the S.A. Blakely Road and a point 775 feet west of the centerline of U.S. Highway 97. Said point being on the prolongation of the west line of Tract 21, Reed Highway Acreage, Section 2.

Duncan Lane All of Duncan Lane situated between Reed Lane and Powers Road.

S.A. Blakely Road That portion lying between Badger Road and a point on the prolongation of the south line of Tract 9, Blakely Heights.

Powers Road That portion lying between Brookswood Boulevard and U.S. Highway 97.

Badger Road That portion of Badger Road lying between Blakely Road and U.S. Highway 97.

Pinebrook Boulevard That portion of Pinebrook Boulevard lying between Brookswood Boulevard and a point 660 feet west of the centerline of U.S. Highway 97.

Brookswood Boulevard That portion of Brookswood Boulevard lying between the easterly line of Larkwood Subdivision and the section line between Section 7 and 8, T18S R12E W.M.

Brooks Scanlon Logging Road That portion of the Old Brooks Scanlon Logging Road lying between Brookswood Boulevard and the south line of the N.E 1/4 of the NE 1/4 of Section 18, T18S R12E W.M. Said right of way dedicated to the public in Book 197, Page 764 of Deschutes County official records.

Private Roads - The following private roads lying within the Pinebrook Subdivision, Phases 1, 2 and 3:

Hitching Post Lane
Echo Hollow Road
Parkside Place
Deer Valley Drive
Trailblazer Lane
Rough Rider Lane
Fircrest Knoll
Sidewinder
Rustic Lane

Central Oregon Irrigation Canal

That portion of the Central Oregon Irrigation Canal lying between the north-south centerline of Section 8, T18S R12E W.M. and a previous City of Bend annexation line located easterly 750 feet more or less on the canal right of way from said north-south centerline of Section 8.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 17th day of February, 1993.

READ for the second time this 3rd day of March, 1993.

PLACED upon its passage the 3rd day of March, 1993.

YES: 7 NO: 0

APPROVED by the Mayor this 3rd day of March, 1993.

Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

ORDINANCE NO. 1587

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. NS-1178 Section 10. Urban Standard Residential Zone or RS Zone, is hereby amended by including as a conditional use the following use:

(z) Diagnostic testing and counseling service for allegedly abused children, limited specifically to Lots 5, 6, 7 and 8, Block 25, NW Townsite Company's Second Addition to Bend.

Read for the first time the 17th of March, 1993.

Read for the second time the 7th of April, 1993.

Placed upon its passage the 7th of April, 1993.

YES: 5 NO: 0

Authenticated by the Mayor the 7th of April, 1993.

Terry L Stuckmayer II
Mayor

ATTEST:

James W Langford
Recorder-Treasurer

ORDINANCE NO. NS-1588

AN ORDINANCE ADOPTING THE 1991 UNIFORM FIRE CODE AS THE CITY OF BEND "FIRE PREVENTION CODE" AND REPEALING CITY ORDINANCES ADOPTING THE 1988 UNIFORM FIRE CODE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City of Bend hereby adopts a new Chapter 8 of the Bend Code as attached hereto and incorporated by reference herein.

SECTION 2. Ordinances Numbered NS-1498 and NS-1575 are repealed.

SECTION 3. This ordinance shall not affect:

(1) Any offense or act committed or done, or any penalty or forfeiture;

(2) Any prosecution, suit or proceeding at the time this ordinance is enacted;

(3) Any Judgment rendered prior to the time this ordinance is enacted.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Read for the 1st time this 17th day of March, 1993

Read for the 2nd time this 7th day of April, 1993

Placed upon its passage this 7th day of April, 1993

YES: 5 NO: 0

Approved by the mayor this 7th day of April, 1993.

MAYOR

ATTEST:

Recorder-Treasurer

CHAPTER 8 - FIRE PREVENTION CODE

8.100	Adoption of the 1991 Uniform Fire Code
8.102	Establishment and Duties of Bureau of Fire Prevention
8.104	Definitions
8.106	Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited
8.108	Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gasses is to be Restricted
8.110	Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is Prohibited
8.112	Amendments Made in the Uniform Fire Code
8.114	New Materials, Processes or Occupancies Which May Require Permits
8.116	Penalties

Bend Ordinances

FIRE PREVENTION CODE

8.100 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 hazardous materials, or explosion, that certain Code and Standards known as the Uniform Fire Code, as adopted by the State of Oregon, including Appendices I-C, I-D, I-E, I-F, II-A, II-D, II-F, III-A, III-B, III-C, IV-B, V-A, V-B, VI-A, VI-C, A-VI-C5, AND VI-D and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being the 1991 editions thereof, except such portions as are deleted, modified or amended by Bend code 8.112. One copy of said code has been and is now filed in the office of the City Recorder-Treasurer and the same is 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.

8.102 Establishment and Duties of Bureau of Fire Prevention.

(1) The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Bend which is established under this authority and which shall be operated under the supervision of the Chief of the Fire Department.

(2) The Chief of the Fire Department may detail such members of the Fire Department as Fire Prevention Inspectors as shall be necessary to carry out the duties.

8.104 Definitions.

(1) Wherever the word "jurisdiction" is used in the Uniform Fire Code,it shall be held to mean the legal limits of the City of Bend.

(2) Wherever the words "Chief of the Bureau of Fire Prevention" are used in the Uniform Fire Code, they shall be held to include "Fire Prevention Officer."

8.106 Establishment of Limits of District in which Storage of Flammable or Combustible Liquids in Outside Above Ground Tanks is to be Prohibited.

(1) The limits referred to in Sections 79.501 and 79.1001 of the Uniform Fire Code in which storage of flammable or

combustible liquids in outside above ground tanks is prohibited, are hereby established as follows: The Corporate Limits of the City of Bend. (EXCEPT IN LIGHT INDUSTRIAL AND GENERAL INDUSTRIAL ZONES IN APPROVED PROTECTED TANKS).

8.108 Establishment of Limits in Which Storage of Liquified Petroleum Gases is to be Restricted.

The Limits referred to in section 82.104(a) of the Uniform Fire Code, in which the storage of Liquified Petroleum Gas is restricted. are hereby established as follows: The Corporate limits of the City of Bend.

8.110 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 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.

8.112 Amendments Made in the Uniform Fire Code.

The 1991 Uniform Fire Code is amended and changed in the following respects:

(1) Amend Section 2.104 to change the title "Fire Marshal" to the title "Fire Prevention Officer."

(2) Amend Section 3.102 to read as follows:

Sec. 3.102. (a) Any person operating or maintaining any occupancy, premises or vehicle subject to this code who shall permit any fire hazard to exist on premises under his control shall be guilty of an infraction. (See Bend Code 8.116).

(b) Any person operating or maintaining any occupancy, or premises or vehicle subject to this code who fails to take immediate action to abate a fire hazard when ordered or notified to do so by the chief or his duly authorized representative shall be guilty of a misdemeanor. (See Bend Code 8.116).

(3) Amend Section 4.108 to include permits, (a.1. through w.2) of the model code as published in the U.F.C. 1991 edition.

(4) Amend Section 10.204 (b) Surface. insert " 25 tons minimum weight". after "loads".

(5) Amend Section 10.204 (c) Turning Radius. Insert "of 45 ft." at the end of the sentence.

(6) Amend Section 10.204 (d) Dead Ends. " 45 ft. Radius Bulb, or approved Hammerhead." at the end of the sentence.

(7) Amend Section 10.204 (e) Bridges. Add "of 25 tons" at the end of the sentence.

(8) Amend Section 10.204 (f) Grade. add "10% to a maximum of 12% no variances". at the end of the sentence.

(9) Amend Section 10.503 (a) change "Fire Department" to read "Building Department".

(10) Amend Section 11.203(d) Add "20 days after fire season and before December 1st. and 20 days after March 31st. and prior to fire season, within the City of Bend."

(11) Amend Section 11.203 (e) Location. Change "50 ft.to 20 ft." and Delete (EXCEPTIONS: 1. AND 2.)

8.114 New Materials, Processes or Occupancies which may Require Permits.

The City Manager, the Chief and the Fire Prevention Officer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The Fire Prevention Officer shall post such a list in a conspicuous place in his or her office, and distribute copies thereof to interested persons.

8.116 Penalties.

(1) A violation of Uniform Fire Code Sections 2.107, 2.108 (b), 3.101, 3.102 or 10.104 as adopted by the City of Bend herein is a Class "A" misdemeanor. A violation of the other provisions of Bend Code 8.100 - 8.114 is a Class "A" civil infraction. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(3) The provisions of Bend Code 8.100 - 8.114 control over any inconsistent provisions of the Uniform Fire Code.

ORDINANCE NO. NS-1589

AN ORDINANCE VACATING A PORTION OF NW LEXINGTON AVENUE, CITY OF BEND, DESCHUTES, COUNTY, OREGON.

A petition having been presented to the Bend City Commission on February 3, 1993, requesting that the following described area be vacated:

> A portion of NW LEXINGTON AVENUE lying between Blocks 5, 6, 7, 8, and 9 original Bonne Homme Addition plat, also being that portion of NW LEXINGTON AVENUE from the westerly right-of-way line of NW KNOXVILLE BLVD. running west to the end of the original plat

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of NW LEXINGTON AVENUE right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for two (2) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area; the first publication and posting of said notice having occurred not less than 14 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 7th April, 1993, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described portion of right of way of NW LEXINGTON AVENUE, Bend, Deschutes County, Oregon, be vacated. 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 providing 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 7th day of April, 1993.

Read for the second time the 21st day of April, 1993.

Placed upon its passage the 21st day of April, 1993.

Yes: 6 No: 1

Authenticated by the Mayor this 21st day of April, 1993.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1590

AN ORDINANCE VACATING A PORTION OF NE 7TH STREET, CITY OF BEND, DESCHUTES, COUNTY, OREGON.

A petition having been presented to the Bend City Commission on January 20, 1993, requesting that the following described area be vacated:

> The Westerly 10 feet of NE 7TH STREET, lying between the alley in Block 44, Center Addition and the Southerly right-of-way line of Irving Avenue.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of NE 7TH STREET right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for two (2) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area; the first publication and posting of said notice having occurred not less than 14 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 7th day of April, 1993, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described portion of right of way of NE 7TH STREET, Bend, Deschutes County, Oregon, be vacated. 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 providing 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 7th day of April, 1993.

Read for the second time the 21st day of April, 1993.

Placed upon its passage the 21st day of April, 1993.

Yes: 6 No: 1

Authenticated by the Mayor this 21st day of April, 1993.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1591

AN ORDINANCE CREATING SAFE KID ZONES AND PROVIDING FOR EXCLUSION OF CERTAIN PERSONS FROM THOSE ZONES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Title.

This ordinance shall be known as the Safe Kid Zones Ordinance.

SECTION 2. Purpose.

(1) Safe Kid Zones are designated to insulate youth in those public places where youth congregate from those whose illegal conduct poses a threat to safety and welfare.

(2) Safe Kid Zones in the City are all public schools, all public parks, and all public areas and public ways adjacent to public schools and public parks.

(3) Safe Kid Zones include the following:

(a) Public Schools

Bear Creek - 51 NE 13th Street, Bend, Oregon
Juniper - 1300 NE Norton Avenue, Bend, Oregon
Kenwood - 701 NW Newport Avenue, Bend, Oregon
Kindergarten - Admin. Center - 520 NW Wall Street, Bend, Oregon
Kingston - NW 12th and NW Kingston, Bend, Oregon
Marshall - 1291 NE 5th Street, Bend, Oregon
Thompson - 437 NW Wall Street, Bend, Oregon
Cascade - 19740 Century Drive, Bend, Oregon
Pilot Butte - 1500 NE Penn Avenue, Bend, Oregon
Bend Senior High - 230 NE 6th Street, Bend, Oregon
Mountain View - 2755 NE 27th Street, Bend, Oregon

(b) Public Parks

Brooks
Columbia
Deschutes River Trail
Drake
Harmon
Hillside I
Hillside II
Hollinshead
Jaycee
Juniper
Kiwanis/Centennial
Mirror Pond
Pacific
Pioneer
Ponderosa
Riverview
Sawyer
St. Helens
Stover
Summit
Sylvan
Woodriver Village

SECTION 3. Civil Exclusion.

(1) A person is subject to exclusion for a period of 90 days from entering or remaining in the area within 500 feet of a Safe Kid Zone if that person has been cited to appear, arrested or otherwise taken into custody within a Safe Kid Zone for:

(a) Any Assault, as defined by ORS 163.160 - 185 and 163.208,

(b) Menacing, as defined by ORS 163.190,

(c) Harassment, as defined by ORS 166.025,

(d) Disorderly Conduct, as defined by ORS 166.025,

(e) Recklessly Endangering, as defined by ORS 163.195,

(f) Coercion, as defined by ORS 163.275,

(g) Any sexual offense, as defined by ORS 163.355 - 465,

(h) Endangering the Welfare of a Minor, as defined by ORS 163.575,

(i) Any offense under State law governing the possession, distribution, sale or manufacture of controlled substances,

(j) Any offense under State law governing the possession, distribution or sale of alcoholic beverages,

(k) Arson or Reckless burning, as defined by ORS 164.315 - 335,

(l) Criminal Mischief, as defined by ORS 164.345 - 365,

(m) Possession or using a weapon in violation of ORS 166.180, 166.190, 166.220, 166,240, 166.250 or 166.272 or City Ordinance NS-1361, Section 5.025,

(n) The driving offense of Driving While Under the Influence of Intoxicants, as defined by ORS 813.010; Reckless Driving, as defined by ORS 811.140; Attempting to Elude a Police Officer, as defined by ORS 811,540; or Careless Driving, as defined by ORS 811.135,

(o) Being under the influence of intoxicating liquor or controlled substances, as defined by ORS 426,460.

(2) If a person excluded from a Safe Kid Zone is found within the perimeter of the Safe Kid Zone and its 500 foot protective buffer zone during the exclusion period, that person may be arrested for trespass in the second degree, as defined by ORS 164.245.

SECTION 4. Issuance of Exclusion Notices.

The Chief of Police is designated as the person in charge of Safe Kid Zones for the purpose of issuing exclusion notices in accordance with this ordinance. The Chief of Police may authorize employees of the Police Department to issue exclusion notices in accordance with this ordinance.

SECTION 5. Procedure.

(1) At the time a person is cited to appear, arrested or otherwise taken into custody within a Safe kid Zone for any of the offenses specified herein, the officer making such arrest may deliver to that person a written notice excluding that person from the Safe Kid Zone and the area within 500 feet of the Safe Kid Zone.

(2) The notice shall specify the area from which the person is excluded, the length of the exclusion, the penalty for entering the excluded area and contain information concerning the right to appeal the exclusion to the Judge of the Municipal Court.

(3) The person to whom the exclusion is issued shall sign a written acknowledgement of receipt of the notice. If that person refuses to sign the acknowledgement, the arresting officer shall make a written record of the refusal.

SECTION 6. Appeal and Variance.

(1) The person to whom an exclusion notice is issued shall have the right to an appeal from the issuance of the notice.

(a) An appeal of the exclusion must be filed, in writing, within 5 calendar days of the issuance of the notice. Such appeal must be filed with the Municipal Court. A hearing on the appeal shall be held before the Judge of the Municipal Court within 20 calendar days of the appeal. The exclusion shall be stayed during the pendency of the appeal.

(b) The City shall have the burden to show by a preponderance of evidence that the exclusion was based upon the conduct proscribed by Section 3 of this ordinance. Copies of documents in its control and which are intended to be used by the City at the hearing shall be made available to the appellant at least 2 days prior to the hearing.

(c) A determination by a court having jurisdiction of the matter, that the officer who issued the exclusion notice, at the time had probable cause to arrest the person to whom the exclusion notice was issued for the conduct described in Section 3, shall be prima facie evidence that the exclusion was based on conduct proscribed by those statutes.

(2) Variances.

(a) Variances from the exclusion may be granted at any time during the exclusion period by the Chief of Police or his designate.

(b) The Chief of Police shall grant a variance to any person who can establish that he or she was a bona fide resident of the zone of exclusion prior to receipt of the exclusion notice.

(c) All variances shall be in writing, for a specific period of time and only to accommodate a specific purpose, all of which shall be stated on the variance.

(d) The person shall keep the variance on his or her person at all times the person is within the zone of exclusion.

(e) In the event a person is found to be outside the scope of the terms of the variance, the variance shall immediately become void and that person is thereupon subject to arrest for trespass.

(f) In the event a person holding a variance is arrested for trespass or any conduct proscribed by Section 3 of this ordinance, while in the zone of exclusion, that person shall be ineligible for any new variances for a period of one year from the date of arrest.

Read for the first time the 19th day of May, 1993.

Read for the second time the 2nd day of June, 1993.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of June, 1993.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1592

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE NO. NS-1178 AND THE CITY SUBDIVISION ORDINANCE NO. NS-1349 BY CHANGING THE TEXT TO ENCOURAGE AND PROMOTE PEDESTRIAN, BICYCLE, AND TRANSIT USE IN THE DEVELOPMENT OR REDEVELOPMENT OF PROPERTY WITHIN THE CITY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Oregon Administrative Rule 660-12 requires cities and counties to have land use regulations that make it easier for people to make some trips by walking, bicycling, or taking transit.

Section 2. The Bend City Commission has held a public hearing, considered the Bend Urban Area Planning Commission record and recommendation, and have found that there is a public need and benefit for the proposed changes.

Section 3. Sections 4, 13, 14, 23, 24, and 30 of Ordinance No. NS-1178 are amended as set forth in Exhibit A, attached hereto and by this reference incorporated herein, with deletions lined through and additions in bold face type.

Section 4. Articles I, III, IV, V, VI, and Table "A" of Ordinance No. NS-1349 are amended as set forth in Exhibit B, attached hereto and by this reference incorporated herein, with deletions lined through and additions in bold face type.

Read for the first time the 19th day of May, 1993.

Read for the second time the 2nd day of June, 1993.

Placed upon its passage the 2nd day of June, 1993

YES: 7 NO: 0

Approved by the Mayor the 2nd day of June, 1993

Mayor Terry Blackwell

ATTEST:

City of Bend Recorder-Treasurer

Section 4. Definitions

Access Corridor. A separate travel way for pedestrians and bicyclists to minimize travel distances within and between subdivisions, planned unit developments, residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools, parks, and convenience shopping.

Bicycle Facility. Any public or private improvement to accommodate and encourage bicycling, including bikeways and bike parking racks, spaces, and structures.

Bikeway. Any road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

Pedestrian Facility. Any public or private improvement that accommodates and encourages pedestrian traffic including sidewalks, on-site walkways, crosswalks, access corridors and may include other improvements such as lighting, benches and fences which make it safe or convenient to walk.

Shopping Center. A retail store or combination of stores usually including a grocery store which provide goods for sale to the general public and with a combined leasable area in excess of 30,000 square feet.

Transit Route. An existing or planned route for public intra-city or intraurban transit service in the local or regional transportation plan. Does not include temporary routes or routes which are planned to be replaced.

Transit Facility. Public or private improvements at selected points along transit routes for passenger pickup, drop off and waiting. Improvements may include pullouts, shelters, waiting areas, benches, information and directional signs or structures, and lighting.

♦ ♦ ♦

Section 13. Neighborhood Commercial Zone or CN Zone.

(7) Other Required Conditions.

(a)

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(e) The front of new buildings shall be sited at the front yard setback line with a pedestrian walkway between the sidewalk and an entrance to the building. The building and any eaves, overhangs, or awnings shall not interfere with the required clear vision area at corners or driveways.

(f) Motor vehicle parking shall be located at the side or behind the building.

♦ ♦ ♦

Section 14. Convenience Commercial Zone or CC Zone.

(7) Other Required Conditions.

(a)

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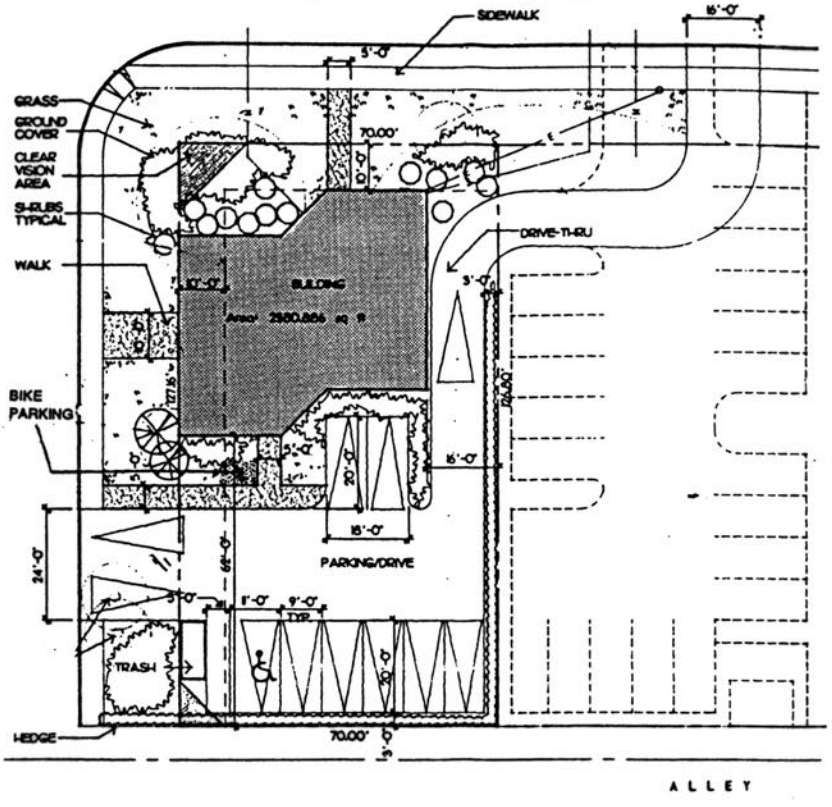
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(e) New buildings shall be sited at the front yard setback line for lots with one frontage and at both front yard setback lines for corner lots. For lots with more than two front yards the building(s) shall be oriented to the two busiest streets. The building and any eaves, overhangs, or awnings shall not interfere with the required clear vision area at corners or driveways.

(f) Motor vehicle parking shall be located at the side or behind the building.

(g) At least one pedestrian walkway of concrete, paving block, or similar hard surface material shall be provided between the sidewalk and an entrance to the building.

Figure 14.1
Example of building layout



Section 23. Site Plan Approval

(6) The committee may require the following in addition to the minimum standards of this ordinance as a condition to the Site Plan Approval.

(a)

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(f)

(g) Dedication of land or an easement for the creation or extension of Access Corridors for pedestrian and bicycle travel.

(~~g~~h) Improvement, including but not limited to paving, curbing, installing of traffic signals, ~~and~~ constructing sidewalks, **striping bike lanes**, or **other improvements to** the street system which serves the proposed use where the existing street system will be burdened by the proposed use.

(~~h~~i) 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~~j) Landscaping of the site.

(k) Transit Facility or an easement for bus pullout if on a mass transit route.

(l) Location or orientation of buildings and entrances closer to street to serve pedestrians, bicyclists and/or mass transit use.

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

(9) Required minimum standards

(a) Minimum Landscaping Standards...

(b) Shared Areas...

(c) Storage. Areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc.

(d) Drainage....

(e) Bicycle Parking. The development shall provide the number and type of bicycle parking facility as required in Section 24(8) and 24(9) of this ordinance. The location and design of bicycle parking facilities shall be shown on the site plan.

(f) Internal Pedestrian Circulation. Internal pedestrian circulation shall be provided in new office parks and commercial developments through the clustering of buildings, construction of hard surface pedestrian walkway,

and similar techniques.

Walkways shall connect building entrances to one another and from building entrances to public street and existing or planned transit stops. On site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connection on adjacent properties planned or used for commercial, multi-family, institutional, or park use.

(g) Public Transit Orientation. New retail, office and institutional buildings on parcels within 600 feet of existing or planned transit routes shall provide preferential access to transit through the following measures:

1. Orienting building entrances to a transit facility; or
2. Locating buildings as close as possible to the transit route street.

♦ ♦ ♦

Section 24. Off-Street **Motor Vehicle** Parking and Loading.

(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 appropriately written documents to establish the joint use.

(c) Location of Parking Facilities...

(d) Use of Parking Facilities...

(e) Parking, Front Yard...

(f) Handicapped Parking. The number, location, and design of handicapped parking spaces shall be as required by the building code. Buildings and uses in existence on April 30, 1993 that are retroactively required to provide handicapped parking facilities may place the handicapped spaces in the front yard setback area if it is not possible to locate the parking elsewhere on the site.

(g) Shopping center parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets, or transit stops. Ways to

achieve this standard may include, but are not limited to:

- **location and orientation of buildings closer to the street to minimize pedestrian and bicycle travel through a parking area;**
- **providing one or more raised walkways through the parking areas;**
- **providing one or more walkways protected by landscaping and parking bumpers with areas across vehicle aisles delineated by non-asphaltic material in a different color or texture than the parking areas;**
- **connecting on-site pedestrian walkways and bikeways to other existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas.**

(h) **Maximum parking. The maximum number of parking spaces for a shopping center shall not exceed 150% of the required parking.**

(i) **Reduction in required parking. The total number of required motor vehicle parking spaces for an industrial, commercial, and office use may be reduced by 5% for each of the activities listed below provided by the owners or operators, up to a maximum 10% reduction in the total number of motor vehicle spaces.**

- **participate in an area wide carpool/vanpool ride matching program for employees;**
- **designating at least 10% of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;**
- **providing showers and lockers for employees who commute by bicycle;**
- **providing twice as many covered, secured bicycle parking racks or facilities as required by this ordinance;**
- **providing a transit facility that is approved by the local transit authority and related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, and additional landscaping.**

(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)

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(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 a adjacent property line, **pedestrian walkway, bikeway**, or a street right of way.

(8) **Required Bicycle Parking.**

(a) **On-site bicycle parking shall be provided as listed below. Fractional spaces shall be rounded to the next highest number. Bicycle parking for multiple uses or large commercial developments may be provided in one or more locations.**

Use	Requirement
Multi-family dwellings with 4 units or more	1 covered space per unit
Retirement home or assisted living complex	2 covered spaces or 1 covered space for every 10 employees whichever is greater
Retail sales and service	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Street vendors, itinerant merchants, and similar temporary sales operations	No bicycle spaces required
Restaurants, cafes and taverns	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces.
Professional Office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Medical or dental office or clinic or hospital	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Stadium, arena, theater or similar public use	1 space for every 20 seats
Elementary School	1 covered space for every 10 students in grades 2 through 5
Junior High School	1 covered space for every 10 students
High School	1 covered space for every 10 students
College	1 space for every 10 motor vehicle spaces plus 1 covered space for every dormitory unit

Public or private recreational facility	**1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces**
Industrial uses without retail trade or service	**1 covered space for every 20 employees**
Industrial uses with retail trade or service	**1 covered space for every 20 employees plus 1 space for every 20 motor vehicle spaces**

(b) Parcels in the Central Business (CB) zone that do not have adequate area on-site to satisfy the standards in subsection (a) shall either provide bicycle parking in the right-of-way or common bicycle parking area as approved by the City or pay a fee equivalent to the cost of providing the required bicycle spaces.

(9) Bicycle Parking Location and Design; Other Required Conditions

(a) Each required bicycle parking space shall be on asphaltic concrete, portland cement, or similar hard surface material and each space shall be at least 2 feet wide by 6 feet long with a minimum vertical clearance of 7 feet. An access aisle with of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.

(b) Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked. Bicycle rack design must accommodate both U shaped locks and cables and include, but are not limited to, such shapes as an inverted "U" design or a "ribbon". Racks shall be securely anchored to a walkway, parking lot, building, or other approved structure.

(c) Where required, covered bicycle parking may be provided underneath an awning, eave, or other structural overhang; inside the main building or an accessory parking structure; or other facility as determined by the Site Plan Review Committee that protects the bicycle from direct exposure to the elements.

(d) Except as noted below, all required bicycle parking shall be located on site within 50 feet of well-used entrances and not farther than the closest motor vehicle parking space. Bicycle parking for multiple uses such as a commercial center or college may be clustered in one or more locations that are convenient for bicyclists but must meet all requirements for bicycle parking.

Subject to City approval, bicycle parking for uses in the Central Business (CB) zone may exceed the distance standard if the required parking is

provided within the public right-of-way or in a common parking area.

(e) Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots. Bicycle parking shall be at least as well-lit as motor vehicle parking.

(f) For new commercial developments and public buildings in which 25 or more persons will be employed the building plans shall indicate facilities that provide changing room(s) and shower(s) that are available to employees who bicycle to work. Such facilities may be incorporated into restrooms, exercise rooms, or similar facilities in the building.

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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 regulations and the intent and purpose of this ordinance.

(7) 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)

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(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; **if pedestrian walkways or bikeways are included in the road an additional 5 feet of pavement width on each side of the roadway shall be provided and striped to separate such use from motor vehicle traffic and parking.** In addition to these requirements the hearings body may specify other requirements including but not limited to increased or decreased pavement width.

(f) Pedestrian walkways and **bikeways** shall be provided for adequate **internal** pedestrian and bicycle traffic~~;~~ **and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors, or public trails. Off-street pedestrian walkways and bikeways shall be at least 10 feet in width to accommodate two way traffic and** shall be constructed with portland cement or asphaltic concrete to City standards except as varied by the provisions of this section or by the Approval Authority.

(g) All utility...

(h) The design of all PUD projects shall provide direct access for all units and lots to open space areas and facilities. **Open space areas and facilities include such things as landscaped areas, natural areas, golf courses, and other recreational facilities, but do not include streets, sidewalks, bikeways, access corridors, or trails.**

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ARTICLE I

Section 1.040 DEFINITIONS. As used in this ordinance, the following words and phrases shall mean:

Access Corridor. A separate travel way for pedestrians and bicyclists to minimize travel distances within and between subdivisions, planned unit developments, residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools, parks, and convenience shopping.

Improvements. Include, but are not limited to, streets, alleys, curbs, gutters, roadbed, road surface, storm drains and appurtenances, sidewalks, **pedestrian facility, bikeway,** street lights, street signs, fire hydrants, sanitary sewers and appurtenances, public water supply and water distribution systems and other utilities.

Road or Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

A. Alley. A narrow way primarily for vehicular service access to the back or side of properties abutting a street.

B. Arterial. A restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and so designated by the City of Bend.

~~C. Bicycle Route. A right-of-way for bicycle traffic.~~

C. Bikeway. Any road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

D. Collector. A restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic**, bicyclists, and pedestrians** between arterials and local streets.

E. Cul-de-sac. A short street having one end open to traffic and terminated by a vehicle turnaround.

F. Dead-end Street. A minor street with only one outlet.
G. Half Street...
H. Frontage Road...

I. Local Street...
J. Stubbed Street...

Roadway. That portion of a street developed for vehicular traffic.

Sidewalk. A pedestrian walkway**, usually within the street right-of-way,** with permanent surfacing.

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ARTICLE III
SUBDIVISION: APPLICATION PROCEDURE

Section 3.025 INFORMATIONAL REQUIREMENTS. The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided.

1. General information required:...

2. Information concerning existing conditions:

   A. Location, names, and widths of existing improved and unimproved streets and roads, **bikeways, and access corridors** ~~within and adjacent to~~ **in the proposed subdivision and within 200 feet of** the proposed subdivision.

   B. Location of any existing features such as section lines, section corners, city and special district boundary lines, and survey monuments.

   C. Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, and any natural features such as rock outcroppings, marshes, wooded areas, and natural hazards.

   D. Location and direction of water courses, and the location of areas subject to flooding and high water tables.

   E. Location, width, and use or purpose of any existing easement or right-of-way **for utilities, bikeways, and access corridors** within and adjacent to the proposed subdivision.

   F. Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision.

   G. Contour lines related to City datum and having minimum intervals of two feet.

   H. Zoning classification of lands within and adjacent to the proposed subdivision.

I. Names and addresses of all ~~adjoining~~ property owners **within 100 feet of the property**.

J. The structures, trees, rock outcroppings, or other shade producing objects, if the object will cast shade from or onto the subdivision.

3. Information concerning proposed subdivision:

A. Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.

B. Location, width, and purpose of all proposed easements or rights-of-way **for utilities, bikeways, and access corridors**, and relationship to all existing easements and rights-of-way.

C. Location of at least one...

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N. Solar Access...

Section 3.030 MASTER DEVELOPMENT PLAN. An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is contemplated. The master plan shall include, but not be limited to, the following elements:

1. Overall development plan, including phase or unit sequence.

2. Show compliance with the Comprehensive Plan and implementing land use ordinances and policies.

3. Schedule of improvements initiation and completion.

4. Overall transportation and traffic pattern plan **for motor vehicles, bicycles, and pedestrians**.

5. Program timetable projection.

6. Development plans for any common elements or facilities.

7. If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Hearings Body may require a potential ~~street~~ development pattern **for streets, bikeways, and accesss corridors** for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision.

Section 3.060 REQUIRED FINDINGS FOR APPROVAL. The Hearings Body shall not approve a tentative plan for a proposed subdivision unless the Hearings Body finds, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modified will satisfy the intent and requirements of this ordinance, and Bend Zoning Ordinance, and be in compliance with the Bend Area General Plan. Such findings shall include the following:

1. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, and other natural resources.

2. The subdivision will not create excessive demand on public facilities and services required to serve the development.

3. The subdivision contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities.

~~3.~~**4.** The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.

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ARTICLE IV
FINAL PLAT

Section 4.035 SUPPLEMENTAL INFORMATION WITH PLAT. The following data, if applicable, shall accompany the plat.

1. Title Report. A preliminary title or subdivision guarantee report...
2. Survey Data Sheets...
3. Deed Restrictions...
4. Homeowner's Association...
5. Dedications...
6. Taxes...
7. Improvements. If grading, street improvements, **sidewalks, pedestrian access corridors, bikeways,** sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:

Section 4.045 CONDITIONS OF PLAT APPROVAL.

1. The Subdivision Committee shall determine...

2. No plat of a proposed subdivision shall be approved unless:

   A. Streets ~~and~~**,** roads**, bikeways, and access corridors** for public use are to be dedicated without any reservation or restriction.

B. Streets and roads held for private use and indicated on the tentative plan for such subdivision have been approved by the City.

C. The plat ~~or map~~ contains provisions for dedication to the public of all common improvements, including but not limited to, streets, roads, **bikeways, access corridors,** parks, sewage disposal, and water supply system, if made a condition of the approval of the tentative plan.

D. Explanations of all common improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the ~~final~~ **subdivision** plat.~~or map.~~

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ARTICLE V
LAND PARTITIONING

Section 5.015 FILING PROCEDURES AND REQUIREMENTS.

1. Any person proposing a land partitioning, or his authorized agent or representative, shall prepare and submit ten (10) copies of the documents hereinafter described, in accordance with the prescribed procedures, and the appropriate filing fee, to the Planning Department.

2. The tentative plan or preliminary drawing shall include the following:

A. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, **bikeways, access corridors,** and adjoining land use and ownership patterns. The map must include names of all existing roadways shown therein.

B. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, locations of all easements, and the names, rights-of-way widths, and improvement standards of existing roads.

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H. Location of all existing buildings, canals, ditches, septic tanks and drainfields.

I. Location of any topographical feature which could impact the partition, such as canyons, bluffs, rock outcroppings, natural springs, and flood plains.

J. Location, width, name, curve ratio, and approximate grade of all proposed right-of-way.

Section 5.020 REQUIREMENTS FOR APPROVAL.

3. Additional Factors to be Considered. In addition to the requirements set forth in subsections one (1) and (2) of this section, the following additional factors shall be considered

by the Subdivision Committee when appropriate:

A. Placement and availability of utilities.

B. Safety from fire, flood, and other natural hazards.

C. Adequate provision of public facilities and services.

D. Possible affects on natural, scenic, and historical resources.

E. Need for onsite or offsite improvements **such as, but not limited to, access corridors, pedestrian facilities, and bikeways**.

F. Need for additional setback, screening, landscaping, and other requirements relative to the protection of adjoining and area land uses.

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ARTICLE VI
DESIGN STANDARDS AND IMPROVEMENTS

Section 6.010 COMPLIANCE REQUIRED. All land divisions shall be in compliance with the design standards set forth in this article and Appendix "A" which is attached hereto and incorporated by reference.

Section 6.015 STREETS, **SIDEWALKS, AND BIKEWAYS**.

1. General. Facilities providing safe and convenient motor vehicle, pedestrian and bicycle access shall be provided within new subdivisions, partitions, and planned unit developments. Where appropriate and reasonable such facilities may be required from new subdivisions, partitions, and planned unit developments to nearby residential areas, transit stops, and neighborhood acitivity centers such as parks, schools, and shopping.

~~1.~~ **2.** ~~General.~~ **New Streets.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. The subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Hearings Body, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City may adopt a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan. All streets shall be improved to City standards with curbs, paving, and drainage facilities.

3. Street Layout and Cul-de-sacs. The street layout shall be generally in a rectangular grid pattern to provide or continue a network of inter-connecting streets. The subdivision streets shall be oriented on an east/west axis to the greatest extent possible to ensure solar access for lots within the subdivision. The grid pattern may be modified as is physically proper to adapt to topography, natural conditions, or to afford scenic views. Cul-de-sacs and dead end streets shall only be permitted when the following conditions are met:

A. One or more of the following conditions prevent a required street connection:

- **natural slopes of 18% or more where it is not practical to construct streets with grades of 12%; or**
- **presence of a wetland or water body which cannot be crossed; or**
- **existing development on adjacent property prevents a street connection; and**

B. A street pattern which either meets standards for connections and spacing or requires less deviation from standards is not possible; and.

C. Access Corridors are provided consistent with the standards for such corridors; and

D. The cul-de-sac(s) shall be as short as possible and shall not exceed 600 feet in length between the center of the cul-de-sac bulb and the centerline of a through street.

~~2.~~**4.** Future Resubdivision. Where a tract is divided into lots of an acre or more, the Hearings Body may require an arrangement of lots and streets such as to permit future resubdivision in conformity to the street requirements and other requirements contained in this subdivision.

~~3.~~**5.** Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected for the subdivision or the City's transportation policies, additional right-of-way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Subdivision Committee shall determine whether improvements to existing streets, adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval of the tentative plan. Improvements to adjacent streets shall be required where traffic on said streets shall be directly affected by the proposed subdivision.

~~4.~~**6.** Intersection Angles...
~~5.~~**7.** Alignment...
~~6.~~**8.** Minimum Right-of-Way and Roadway Width...
~~7.~~**9.** Reserve Strips...
~~8.~~**10.** Future Extension of Streets...
~~9.~~**11.** Frontage Roads...

~~10.~~**12.** Streets Adjacent to Railroads, Freeways, and Parkways...
~~11.~~**13.** Continuation of Streets...

~~12. Street Layout. Streets should be oriented on an east/west axis to the greatest extent possible to ensure solar access for lots within the subdivision.~~

~~13.~~**14.** Street Names...

~~14.~~**15.** Sidewalks. Sidewalks are required to be installed on both sides of a public street and in any special pedestrian way within the subdivision except that in the case of collectors, arterials, cul-de-sacs, industrial districts, or in steep terrain, the Hearings Body may approve a subdivision ~~without sidewalks, or~~ **with** a sidewalk on one side only~~, and~~**. When reasonable and appropriate** the Hearings Body shall consider alternate pedestrian ~~routes~~ **facilities or access corridors** ~~if practical~~. **The construction of off-site sidewalks may be required along routes to existing school and park sites.**

~~In the case of streets serving residential areas having single family dwellings located on lots equivalent to one dwelling per two and one half acres, the requirement of sidewalks shall not apply, provided there is no evidence of regular pedestrian activity along the streets involved. Sidewalks may be required along routes to existing or future school and park sites.~~

~~15.~~**16.** ~~Bicycle Routes.~~**Bikeways.** If appropriate to the extension of a system of ~~bicycle routes~~**bikeways**, existing or planned, the Hearings Body may require the installation of separate bicycle lanes within streets and/or separate ~~bicycle paths~~**bikeways**.

Section 6.020 BLOCKS.

1. General. The length, width, and shape of blocks shall accommodate the need for adequate building site size and street width and shall be compatible with the limitations of the topography.

2. Size. No block shall be longer than 1,200 feet between **the centerline of through cross** streets ~~lines~~ **except where street location is restricted by natural topography, wetlands, or other bodies of water.** ~~In blocks over 800 feet in length, there shall be a cross walkway of not less than 10 feet in width near the middle of the block.~~

3. Connecting access corridors. Where appropriate at cul-de-sacs, dead-end streets, or along blocks more than 1000 feet in length, pedestrian and bicycle access corridors shall be provided to minimize travel distance between subdivisions, parks, schools, and collector or arterial streets. Access corridors shall be located to provide a reasonably direct connection between likely pedestrian destinations. A reasonably direct connection is a route which minimizes out of direction travel for people likely to use the connection considering terrain, safety and likely destination. The Hearing Body

may determine based on evidence in the record that construction of a separate access corridor is inappropriate or impracticable. Such evidence may include but is not limited to:

A. When the nature of abutting existing development makes construction of an Access Corridor impracticable.
B. When the access corridor would cross a natural area with significant natural habitat and construction would be incompatible with protection of natural values.
C. When the access corridor would cross topography where slopes exceed 30% or where path grade would exceed 18% slope.; or
D. When a cul-de-sac or dead end street abuts rural resource land at the urban growth boundary except where the adjoining land is designated as an urban reserve area.

~~3.~~**4.** Easements.

A. Utility Easements...
B. Drainage...

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TABLE "A"

CITY OF BEND
MINIMUM STREET RIGHT OF WAY AND
BASIC IMPROVEMENT STANDARDS

Ordinance No. NS-1349

Type of Street	Right of Way width (feet)	Pavement Width (feet) (1)	Turn Lane Width (feet)	Pave-ment Depth	Base Depth (2)	Design Speed	Max. Grade (3)	Minimum Tangent & Min. Curve	Curb Type	Signs	Side-walks
Principal Arterial	80-100	60-80	12-14	(8)		(8)	6%	(8)	16" std.	One street sign shall be provided at each intersection for each street.	Location and width to be determined. Minimum **width at** property line 4'; curb line 5'.
Minor Arterial	80	40-52	12-14	3" AC	8"	(9)	6%	(9)	12" std.		
Collector	60-80	36-52 (6)	12-14	3" AC	6"	(9)	8%	(9)	12" std.		
Local	50-60 (5)	36 (7)	--	2" AC	6"	(9)	10%	(9)	12" std.		
Industrial	60	44	--	3" AC	8"	(9)	6%	(9)	16" std.		
Cul-de-sac (4)	60	36	--	2" AC	4"	(9)	10%	(9)	12" std.		
Alley	20	20	--	2" AC	4"	(9)	10%	---	---		

(1) ~~When roadway falls on a bike route~~ **Where a roadway includes bike lanes**, additional pavement width will be required: **two 6 foot wide bike lanes on arterials and two 5 foot (min.) bike lanes on collectors.**

(2) Base may be increased or decreased when a C.B.R. or R-value is required.

(3) Increase in grade by 2% may be granted in unusually steep areas. Narrower local streets may be approved when terrain or other factors warrant. Sidewalks on one side of a street may be approved in steep terrain.

(4) Right of way may be reduced to 50' for cul-de-sac less than 200 feet in length to the turnaround. The cul-de-sac bulb shall be a minimum of 50" radius with a 40' paving section. Maximum lenght of cul-de-sac shall be 600 feet.

(5) Widths may be increased when **5 foot wide** bicycle ~~paths are required~~ **lanes are required on each side.**

(6) Width of 36' can be used only with no access from private property and with bike ~~paths~~ **lanes** (no parking).

(7) Lesser street width and right of way width may be approved subject to road standard variance.

(8) Structural section, cross section, and design standards as required by Oregon Department of Transportation.

(9) Design criteria as approved by the City of Bend and no less than current AASHTO standards.

[Resolution No. 1764, 7-17-85; Table A amended by Ord. No. NS-1529, 3-20-91]

ORDINANCE NO. NS-1593

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY SUBSTITUTING THE BEND URBAN AREA PLANNING COMMISSION FOR THE DESCHUTES RIVER DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Sections 22A of Ordinance No. NS-1178 is amended by substituting the Bend Urban Area Planning Commission for the Design Review Board wherever the term "Design Review Board" or "Board" is used.

Section 2. This ordinance is necessary for the immediate preservation of the peace, health and/or safety of the City because the City has not been able to recruit persons with the specialized services required to staff the Design Review Board contemplated by the ordinance, and applications requiring review are pending. Therefore an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

Read for the first time the 19th day of May, 1993.

Read for the second time the 2nd day of June, 1993.

Placed upon its passage the 2nd day of June, 1993.

YES: 7 NO: 0

Approved by the Mayor the 2nd day of June, 1993.

Mayor

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1594

AN ORDINANCE AMENDING ORDINANCE NO. NS-1556 BY SUBSTITUTING THE BEND URBAN AREA PLANNING COMMISSION FOR THE DESCHUTES RIVER DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3A(1) of Ordinance No. NS-1556 is amended by substituting the Bend Urban Area Planning Commission for the Design Review Board wherever the term "Design Review Board" is used.

Section 2. Section 3A(3) of Ordinance No. NS-1556 is amended to read:

(3) Deschutes River Design Review [Board]. The **Bend Urban Area Planning Commission** [Design Review Board] shall review all Type II applications and any appeal of Type I activities.

(a) Notice for Type II applications shall be as set forth in Section 12, Public Notice. The **Bend Urban Area Planning Commission** [Board] may hold a public hearing for any type II applications. The hearings procedure shall be as set forth in Section 9, Hearings Procedures.

(b) Appeals of the decision of the **Bend Urban Area Planning Commission** [Design Review Board] shall be to the City Commission and the process shall be as set forth in Section 20, Appeals.

Section 3. This ordinance is necessary for the immediate preservation of the peace, health and/or safety of the City because the City has not been able to recruit persons with the specialized services required to staff the Design Review Board contemplated by the ordinance, and applications requiring review are pending. Therefore an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

Read for the first time the 19th day of May, 1993.

Read for the second time the 2nd day of June, 1993.

Placed upon its passage the 2nd day of June, 1993.

YES: 7 NO: 0

Approved by the Mayor the 2nd day of June, 1993.

Tony DeBone
Mayor

ATTEST:

James M. Kerfoot
City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1595

AN ORDINANCE AMENDING BEND CODE 1.500, ORDINANCE NO. NS-1399, AS AMENDED RELATING TO BEND AIRPORT COMMISSION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Bend Code 1.500 is amended to read:

1.500 Membership. The Bend Airport Commission consists of five members appointed by the Mayor with the approval of the City Commission. **One** [two] member shall be a City Commissioner. The **four** [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 five members the City Manager or designee and the City Public Works Superintendent shall serve as members ex officio. The chairman of the Airport Commission shall be elected annually from and by the five Airport Commission members.

Read for the first time this 19th day of May, 1993.

Read for the second time this 2nd day of June, 1993.

Placed upon its passage this 2nd day of June, 1993.

YES: 7 NO: 0

Authenticated by the mayor this 2nd day of June 1993.

Mayor

ATTEST:

City of Bend Recorder-Treasurer

ORDINANCE NO. NS-1596

AN ORDINANCE VACATING A PORTION OF NW LAVA ROAD, NW HARRIMAN STREET AND NW OREGON AVENUE, CITY OF BEND, DESCHUTES, COUNTY, OREGON.

A petition having been presented to the Bend City Commission on February 3, 1993, requesting that the following described area be vacated:

> That portion of right-of-way where lying between NW LAVA ROAD, NW HARRIMAN STREET and NW OREGON AVENUE right-of-way boundaries and the Northerly boundary of TL 12000 (17-12-32DB) intersect, all being in Bend Addition and reserving all easements of record; excepting the following rights-of-way:
>
> > 30 feet East of the centerline of the new proposed NW Lava Road right-of-way; 30 feet West of the centerline of the existing NW Harriman Street right-of-way; 40 feet South of the centerline of the existing NW Oregon Avenue right-of-way; as shown on attached exhibits.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of NW LAVA ROAD, NW HARRIMAN STREET AND NW OREGON AVENUE right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for two (2) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area; the first publication and posting of said notice having occurred not less than 14 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 2nd day of June, 1993, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described portion of right-of-way of NW LAVA ROAD, NW HARRIMAN STREET AND NW OREGON AVENUE, Bend, Deschutes County, Oregon, be vacated. 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 providing 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 ordinance is further conditioned upon the City of Bend receiving, prior to the effective date of this ordinance, a valid conveyance of a permanent parking easement together with access to replace 36 parking spaces that will be lost upon this vacation.

This vacation is hereby made a matter of record and shall be effective 30 days after passage.

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 2nd day of June, 1993.

Read for the second time the 7th day of July, 1993.

Placed upon its passage the 7th day of July, 1993.

Yes: 7 No: 0

Authenticated by the Mayor this 7th day of July, 1993.

Mayor

ATTEST:

Patsi S. Stall
Recorder, City of Bend

178

ORDINANCE NO. NS-1597

AN ORDINANCE CHANGING THE 8% PARK DEDICATION REQUIREMENT OF THE CITY'S SUBDIVISION ORDINANCE:

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1.

Section 6.065 of the City of Bend Subdivision Ordinance (No. NS-1349) requires subdividers to dedicate not less than 8% of the property developed (or its value) for park & recreation purposes.

SECTION 2.

The City of Bend Code Section 1.900-932 provides for the establishment of a system development charge for parks & recreation by resolution. The system development charge adopted by the City Commission will be based upon the methodology set out in BEND METRO PARK AND RECREATION DISTRICT SYSTEM DEVELOPMENT CHARGES FOR THE PARKS SYSTEM SEPTEMBER 1992 by Economic and Engineering Services, Inc. It is intended by the City that the system development charge for parks & recreation adopted by the City's resolution shall supersede the 8% park dedication fee provided in Section 6.065 of the City's Subdivision Ordinance.

SECTION 3.

A new subsection 5 is added to Section 6.065 of Ordinance No. NS-1349, to read:

5. The provisions of this section relating to the 8% dedication for parks, or payment in lieu of dedication, shall not apply to those situations covered by the City of Bend Resolution establishing a system development charge for parks & recreation in the City of Bend adopted pursuant to Bend Code Sections 1.900-932 and ORS 223.297-314.

Read for the first time the 7th day of July, 1993.

Read for the second time the 21st day of July, 1993.

YES: 5 NO: 2

Submitted to and approved by the Mayor this 21st day of July, 1993.

Terry Blackwell, Mayor

ATTEST:

Patsi S. Stell
Recorder, City of Bend

ORDINANCE NO. NS-1598

AN ORDINANCE SEPARATING THE OFFICES OF RECORDER AND TREASURER

The City of Bend does ordain as follows:

Section 1. Section 3.3 of AMENDED CHARTER OF THE CITY OF BEND 1960 provides that the office of the Recorder-Treasurer shall be a combined office unless the Commission by ordinance directs otherwise. The purpose of this ordinance is to separate the offices of recorder and treasurer.

Section 2. The person holding the office of City Recorder shall perform the following duties set out in City Charter Section 3.3:

(1) Act as Clerk of the Commission, and shall keep accurate minutes of all proceedings of the Commission.

(2) Take charge of and safely keep all of the papers and records of the City of Bend.

(3) Issue all licenses authorized by City ordinances.

(4) Act as the general clerk for the City of Bend.

(5) Administer oaths.

(6) Such other duties as are prescribed by the City Commission or the City Manager.

Section 3. The person holding the office of City Treasurer shall perform all of the other duties required by City Charter Section 3.3, including but not limited to:

(1) Act as Clerk of the Municipal Court and keep and accurate record of all City judicial business transacted by the Court, and file and preserve all of the records thereof.

(2) Prepare and present to the Commission a monthly statement showing the financial condition of the City.

(3) Handle all payments of money from the City of Bend.

(4) Keep accurate records and books of account showing the true financial condition of the City.

(5) Be the financial officer of the City; and receive and safely keep all of the funds of the City; and sign all checks and warrants in payment of City obligations.

(6) Administer oaths.

(7) Such other duties as are prescribed the City Commission or the City Manager.

Read for the first time this 7th day of July, 1993.

Read for the second time this 21st day of July, 1993.

Placed upon its passage this 21st day of July, 1993.

YES: 7 NO: 0

Authenticated by the Mayor this 21st day of July, 1993.

Terry Blackwell, Mayor

ATTEST:

City of Bend Recorder

ORDINANCE NO. NS-1599

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. NS-1178 Section 19. Industrial Park Zone or IP Zone. (3) Conditional Uses. is hereby amended by including as a conditional use the following use:

(e) Fitness facility or health center, to include child care for patrons only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments.

SECTION 2. NS-1178 Section 24. Off-Street Motor Vehicle Parking and Loading. is herby amended by adding:

(i)	Fitness facility or health center	1 space per 300 square feet of gross floor area or by components listed by activity in Section 19, whichever is greater.

Read for the first time this 21st day of July, 1993.

Read for the second time this 4th day of August, 1993.

Placed upon its passage this 4th day of August, 1993.

YES: 5 NO: 2

Authenticated by the Mayor this 4th day of August, 1993.

Terry Blackwell, Mayor

ATTEST:

Patsi S. Steel
Recorder, City of Bend

ORDINANCE NO. NS-1600

AN ORDINANCE TO ANNEX SEVEN TERRITORIES TO THE CITY OF BEND WHICH ARE ENCLOSED BY THE CITY. THESE ANNEXATIONS ORIGINATED FROM THE COUNTY ASSESSOR AND THE CITY PLANNING DEPARTMENTS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Commission makes the following findings:

A. The below described territories are surrounded by the corporate limits of the City of Bend; and

B. ORS 222.750 allows the City of Bend to annex such property by ordinance without first obtaining the consent of the property owner(s) or elector(s) in the territory; and

C. The territory is not completely surrounded by water; and

D. The below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District" and the City has determined that said territory should be withdrawn from the District; and

E. The annexation of the territory is consistent with the Bend Area Comprehensive Plan as the territory is located within the Bend Urban Growth Boundary.

SECTION 2. ANNEXED TERRITORY. The following described territory is hereby annexed to the City of Bend:

Parcel 1 - 17 12 21B - A portion of Tax Lot 1204 (Joel Gisler)

A tract of land located in the NW 1/4 of Section 21, T17S R12E, W.M. described as follows:

Commencing at a point S 00° 16' 53" W 779.54 feet from the N.W. corner of said Section 21;
thence N 86° 08' 12" E 89.1 feet to the True Point of Beginning;
thence continuing N 86° 08' 12" E 30.4 feet;
thence S 13° 12' 51" E 525.67 feet;
thence N 75° 58' 32" W 33.74 feet;
thence N 13° 12' 51" W 515.16 feet to the True Point of Beginning.

Parcel 2 - 17 12 20A - A portion of Tax Lot 1000 (Union Oil Company)

A portion of Tract 16, Norwood, Deschutes County, Oregon, which is bounded on the North by a line which begins at a point on the East line of Tract 16, said point being S 00° 16' 23" W, a distance of 97.71 feet (deed call being 100 feet) from the Northeast corner of said Tract 16, and which line runs S 86° 08' 12" W (deed call is West) to the easterly right of way line of U.S. Highway 97 and being bounded on the westerly side by the easterly right of way line of U.S. Highway 97 running southwesterly to the northerly line of Anderson County Road as established by Deschutes County and being bounded on the South by the northerly line of said Anderson Road and being bounded on the East by a line running northeasterly parallel to and 30 feet easterly of the easterly right of way line of U.S. Highway 97 to the above described North boundary line.

Parcel 3 - 17 12 28B - A portion of Tax Lot 504 - (Maurie Jacob's property and a portion of Butler Road)

A. A parcel of land located in the Northwest Quarter of Section 28, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28 thence South 89° 52' 50" East along the North line of said Section 28 528.96 feet;
thence South 52° 51' 17" West 36.56 feet;
thence 11.89 feet along the arc of a 496.09 foot radius curve to the left, the chord of which bears South 52° 09' 41" West 11.89 feet to the True Point of Beginning;
thence South 32° 48' 01" West 395.11 feet;
thence 48.44 feet along the arc of a 11,419.16 foot radius curve to the right, the chord of which bears South 32° 55' 18" West 48.44 feet;
thence 39.39 feet along the arc of a 25.00 foot radius curve to the right, the chord of which bears South 78° 10' 53" West 35.44 feet;
thence North 56° 40' 47" West 4.85 feet;
thence 105.68 feet along the arc of a 150.14 foot radius curve to the left, the chord of which bears North 46° 30' 23" East 103.52 feet;
thence North 26° 20' 30" East 154.11 feet;
thence 217.67 feet along the arc of a 496.09 foot radius curve to the right, the chord of which bears North 38° 54' 38" East 215.93 feet to the Point of Beginning.

B. That portion of Butler Road lying between the westerly right of way line of the proposed Division Street and the easterly right of way line of the former O.B. Riley Road now vacated.

Parcel 4 - 17 12 22 - A portion of Tax Lot 102 (Bend Metro Parks and Rec District)

A tract of land located in the NE 1/4 of the SE 1/4 of Section 22, T17S R12E, W.M. described as follows:

Commencing at the East 1/4 corner of said Section 22; thence along the east line of said Section, South 00° 02' 53" W 677.53 feet to the True Point of Beginning;

thence continuing along said east line S 00° 02' 53" W 100.05 feet to the northerly right of way line of Butler Market Road;

thence along said right of way line S 46° 41' 37" W 27.50 feet;

thence leaving said right of way line N 00° 02' 53" E 93.72 feet;

thence N 57° 55' 41" E 23.61 feet to the True Point of Beginning.

Parcel 5 - 18 12 8AC - A portion of Tax Lot 105 (Larry and Elizabeth Pool)

A portion of Tracts Eleven (11) and Twelve (12) of REED HIGHWAY ACREAGE, in Section Eight (8) Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

Beginning at the Northeast corner of said Tract 12; thence East 175.00 feet; thence South 11° 10' 23" West, 133.27 feet to the true point of beginning; thence South 00° 02' 30" East 23.48 feet; thence South 89° 33' 50" West 122.69 feet; thence North 23.48 feet; thence East 122.69 feet to the true point of beginning.

Parcel 6 - 18 11 13 - Tax Lot 201 (Sunrise Village Association)

A tract of land located in the Northeast one-quarter of the Northeast one-quarter (NE 1/4 NE 1/4) of Section Thirteen (13) of Township Eighteen (18) South, Range Eleven (11) East W. M. Deschutes County, Oregon, lying Northwesterly of the centerline of the Deschutes River. Excepting therefrom the following described tract of land.

Commencing at the Section corner common to Section 12 and 13, T 18S, R 11E and Sections 7 and 18 T 18S, R12E, W.M.; thence, along the line between Sections 12 and 13, West 560 feet to centerline of the Deschutes River, the point of beginning; thence, from said point of beginning, continuing along the line between said Sections 12 and 13 West 290 feet; thence, leaving said section line,
and parallel to the West line of the NE 1/4 of the NE 1/4 of said Section 13 South 510 feet to the centerline of the Deschutes River; thence, along said centerline N 30° E, 590 feet, more or less to the point of beginning.

Parcel 7 - 17 12 34CD - Tax Lot 100 State Highway 20 East Right of Way (frontage of Borden annexation)

Right of way of State Highway 20 East located in Township 17 South, Range 12 East, Willamette Meridian, a part of Section 34 beginning at the center-south one-sixteenth (1/16) corner of said Section 34, thence North 89° 53' 45" W 264 feet.

SECTION 3. The above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 4. The City hereby elects to assume those obligations specified in ORS 222.520 (2)(b).

READ for the first time this 18th day of August, 1993.

READ for the second time this 1st day of September, 1993.

PLACED upon its passage the 1st day of September, 1993.

YES: 5 NO: 0

APPROVED by the Mayor this 1st day of September, 1993.

Mayor

ATTEST:

Recorder, City of Bend

ORDINANCE NO. NS-1601

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. NS-1178 Section 10. Urban Standard Residential Zone or RS Zone. (3) Conditional Uses. is hereby amended by including as a conditional use the following use:

(aa) Public or not for profit facility that provides temporary residential care or shelter. Such facility shall be licensed by the State of Oregon and be within 1000 feet of an arterial street.

Read for the first time the 1st day of September, 1993.

Read for the second time the 15th day of September, 1993.

Placed upon its passage the 15th day of September, 1993.

YES: 7 NO: 0

Authenticated by the Mayor the 15th day of September, 1993.

Terry Blackwell, Mayor

ATTEST:

Recorder, City of Bend

ORDINANCE NO. 1602

ORDINANCE OF THE CITY OF BEND AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A LOAN CONTRACT WITH THE OREGON ECONOMIC DEVELOPMENT DEPARTMENT.

The City Commission, (the "Governing Body") of the City of Bend, (the "Municipality") finds:

A. The Municipality is a "municipality" within the meaning of Oregon Revised Statutes 285.700(1).

B. Oregon Revised Statutes 285.700 through 285.750 (the "Act") authorizes any municipality to file an application with the Oregon Economic Development Department ("the Department") to obtain financial assistance from the Special Public Works Fund.

C. The Municipality has filed an application with the Department to obtain financial assistance for an "infrastructure project" within the meaning of the Act.

D. The Department has approved the Municipality's application for financial assistance from the Special Public Works Fund pursuant to the Act.

E. The Municipality is required, as a prerequisite to the receipt of financial assistance from the Department, to enter into a Financial Assistance Award Contract and a Loan Agreement with the Department in substantially the form attached hereto as Exhibits "A" and "B."

F. The project described in Exhibit "A" to the Loan Agreement (the "Project") is an "infrastructure project" within the meaning of the Act which is needed by and is in the public interest of the Municipality.

G. Notice relating to the Municipality's consideration of the adoption of this Ordinance was published at least once in a newspaper of general circulation within the City of Bend. Such notice was published at least 14 days in advance of the adoption of this Ordinance.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

1. Loan Authorized. The Governing Body authorizes the Mayor to execute the Financial Assistance Award Contract, Loan Agreement, the Promissory Note attached as Exhibit "F" to the Loan Agreement (the "Financing Documents") and such other documents as may be required to obtain financial assistance including a loan from the Department on the condition that the principal amount of the loan from the Department to the Municipality is not in excess of $312,165 and the interest rate on such loan is not in excess of 6 percent. The proceeds of the loan from the Department shall be applied solely to the "Costs of the Project" as such term is defined in the Loan Agreement.

2. Security. Amounts payable by the Municipality shall be payable from the sources described in Section 3.09 of the Loan Agreement and Oregon Revised Statutes 285.723(2) which include:

a. any sources of funds that are legally available to the Municipality,

b. the revenues, if any, of the Project, including special assessment revenues, if any, and

c. the Municipality's general fund including the general revenues of the Municipality, other funds which may be available for such purpose and a pledge of the Municipality's taxing power within the restrictions of Article XI, Section 11 and 1 1b of the Constitution of the State of Oregon. The obligation of the Municipality to make payments pursuant to the Loan Agreement is a full faith and credit obligation of the Municipality that is subject to annual appropriation and is subject to the restrictions of Article XI Section 10 of the constitution of the State of Oregon.

3. Additional Documents. The Mayor is hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to obtain financial assistance from the Department for the Project pursuant to the Financial Assistance Award Contract and the Loan Agreement.

4. Tax-Exempt Status. The Municipality covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Municipality pursuant to the Loan Agreement not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The Mayor of the Municipality may enter into covenants on behalf of the Municipality to protect the tax exempt status of the interest paid by the Municipality pursuant to the Loan Agreement and may execute any Tax Certificate, Internal Revenue Service forms or other documents as shall be required by the Department or their bond counsel to protect the tax-exempt status of such interest.

5. Reimbursement Bonds. The Municipality may reimburse expenditures for the Project with amounts received from the Department pursuant to the Financing Documents. Additionally, the Municipality understands that the Department may fund or reimburse itself for the funding of amounts paid to the Municipality pursuant to the Financing Documents with the proceeds of bonds issued by the State of Oregon pursuant to the Act. This Ordinance shall constitute "official intent" within the meaning of Section 1.150-2 of the Income Tax Regulations promulgated by the United States Department of the Treasury with respect to the funding or the reimbursement for the funding of the costs of the Project with the proceeds of the Municipality's loan pursuant to the Financing Documents and with the proceeds of any bonds issued by the State of Oregon pursuant to the Act.

6. Declaration of Emergency. The Governing Body declares than an emergency exists in order that there be no delay in financing the Project as provided in this Ordinance. Therefore, this Ordinance shall be in force and effect from and after passage by the Governing Body.

Read for the first time the 6th day of October, 1993.

Read for the second time the 20th day of October, 1993.

Placed upon its passage the 20th day of October, 1993.

YES: 7 NO: 0

Authenticated by the Mayor the 20th day of October, 1993.

MAYOR

ATTEST:

RECORDER

Attachments: Exhibits A, B & F

EXHIBIT A OF THE LOAN AGREEMENT

PROJECT DESCRIPTION

The city has proposed public road improvements, sanitary sewer extension, and municipal water service extension to provide the infrastructure needed to facilitate the development of the Central Oregon Millworks facilities and provide infrastructure capacity for the future development of an additional 90+ acres of industrial designated urbanizable lands. The approved SPWF project elements are:

- Public Road Access - construct a 2,550 foot paved extension of Brinson Road from the existing terminus, easterly to an intersection with Butler Market Road. Road width will be 36 feet and provide for a striped bicycle lane on one side of the road. Road construction will include the installation of storm drainage elements, 10 catch basins, 5 drywells, and the installation of 300′ of corrugated 12 & 18" metal drainage pipe. The selected route requires the construction of two irrigation canal bridge crossings at the easterly end of the project. Road and bridge improvements will be funded with local match from Deschutes County and approved ODOT Immediate Opportunity Funds.

- Sanitary Sewer - construct a 3,640 foot extension of gravity flow sewerline from a point of discharge to the Yeoman Interceptor, east northeast of the site. Components consist of 170′ of 15" pipe, 2,330′ of 12" pipe, 730′ of 10" pipe, 410′ of 8" pipe and the installation of 15 manholes to a point on the westerly boundary of the Pozzi development site. The proposed pipe sizing is consistent with identified future capacity and development needs. The construction bid totalled $285,126, the city has requested $14,874 in contingency funds.

- Municipal Water - extend a 12" water main 1,300′ to the easterly edge of the Pozzi tract and Brinson Road (extended), install five 12" gate valves in the line, two 8" tees and gate valves for property service, and 5 fire hydrants for fire protection. Constructed with a cash contribution of $67,000 from Central Oregon Millworks.

- Engineering - A total of $12,166 has been requested for construction engineering services.

EXHIBIT B

SPECIAL PUBLIC WORKS FUND
PROJECT BUDGET

Recipient City of Bend

Project Title Municipal Water, Sanitary Sewer and Brinson Road Extension Project

Activities

	SPWF Grant	SPWF Loan	Deschutes County	ODOT IOF	Central Or. Millworks	City In-Kind	Total
1. Water System Improvements							
a. 12" water main extension		$				$49,300	$ 49,300
b.							
2. Sanitary Sewer Improvements							
a. Gravity flow collector line		299,995					299,995
b.							
3. Storm Sewer Improvements							
a.							
b.							
4. Road and Bridge Improvements							
a. Brinson Road			$207,015	$271,269	$100,000		578,284
b.							
5. Public Trans. & Railroad Fac.							
a.							
b.							
6. Contractual Services							
a.							
b.							
7. a. Engineering/Architectural		12,170	64,254			2,500	78,924
b. Administration	XXXXXXXXXXX	XXXXXXXXXXX					
c. Contingencies							
8. Other							
a.							
b.							
c.							
9. Total all Expenses		$312,165	$271,269	$271,269	$100,000	$51,800	$1,006,503

8923T/CD:08/17/93

[redacted] [redacted] [redacted]

PROMISSORY NOTE

ECONOMIC DEVELOPMENT DEPARTMENT
STATE OF OREGON

$312,165

October 20, 1993
Bend, Oregon

For value received, the City of Bend (hereinafter "Borrower"), promises to pay to the Economic Development Department of the State of Oregon, having its principal office at 775 Summer Street N.E., Salem, Oregon 97310 (hereinafter "State"), or order, the principal sum of three-hundred twelve thousand one-hundred sixty-five dollars ($312,165) plus interest from the date hereof on the unpaid balance at the initial interest rate of six and one-half percent (6.5%) per annum effective as of the date of any assignment of the Loan Agreement by the State to the Trustee pursuant to Article IV of the Loan Agreement for the purpose of reimbursing the SPWF from the proceeds of State Bonds for the costs of funding the Loan, the interest rate shall convert to the rate described in paragraph (f) below. Interest shall be computed on the basis of a 360-day year, consisting of twelve (12) thirty (30) day months.

Principal and Interest shall be payable as follows:

(a) The Borrower hereby promises to pay to the order of the State the principal amount specified on Exhibit C(5) attached to the Loan Agreement at the times and in the amounts specified on the repayment schedule on Exhibit D to the Loan Agreement.

(b) All interest due hereunder shall begin to accrue as of the Loan Closing Date specified on Exhibit C(1) attached to the Loan Agreement.

(c) In the event that the Borrower receives written notification from the State, the Issuer or the Trustee that payments made pursuant to this Loan Agreement have been assigned to the State under the Bond Indenture, all payments hereunder shall be made directly to the Trustee for the account of the State pursuant to such assignment.

(d) All payments required hereunder shall be paid by the Borrower no later than the first day of the month preceding the month shown on Exhibit D to the Loan Agreement during which such payment is due.

(e) Each payment made by the Borrower hereunder shall be applied first to interest then due and payable on the Loan, then to the principal of the Loan.

(f) Effective as of the date of any assignment of the Loan Agreement by the State to the Trustee pursuant to Article IV of the Loan Agreement for the purpose of reimbursing the SPWF from the proceeds of State Bonds for the costs of funding the Loan, the interest rate on the Loan shall convert to a rate, as calculated by the State, equal to the lowest rate (in one basis point increments) that will be sufficient to ensure that the annual amounts paid by the Borrower pursuant to this Promissory Note shall be no less than the Borrower's pro-rata portion of the maximum annual debt service on the Bonds.

If any default occurs in the payment of an installment, the entire remainder of the unpaid balance, including principal, interest and other charges, if any, shall, at the option of the State, become immediately due and payable. If this Note is placed in the hands of an attorney for collection, Borrower agrees to pay the reasonable collections costs incurred by the holder hereof, including such reasonable attorney fees for trial and appellate services as may be fixed by the court.

This note is not payable prior to its maturity except as provided for in Sections 3.07 and 3.08 of the Loan Agreement.

Presentment, demand, protest, and notice of dishonor, protest and nonpayment are waived by Borrower. This Note shall be binding upon the Borrower and its successors and assigns. If the Borrower or any assignee hereof becomes insolvent, commits an act of bankruptcy, commences or becomes subject to any proceeding under the federal Bankruptcy Act, as amended, or any other insolvency or debtor's relief law, then the entire indebtedness evidenced by this Note shall, at the option of the State, become immediately due and payable.

Failure to exercise any option available to the State under the terms of this Note and the Loan Agreement shall not constitute a waiver of the right to exercise the option in the event of any continuing or subsequent default, and no waiver of any subsequent breach of the same or of any other provision of this Note.

Payments of principal, interest and other fees or charges dues under this Note are payable at the offices of the State, 775 Summer Street N.E., Salem, Oregon 97310, or such other place as the State may designate in writing. Any notice to the State shall be given by certified mail, return receipt requested, at the address stated above. Any notice to Borrower provided for in this Note shall be given by mailing such notice by certified mail, return receipt requested, addressed to Borrower at the address specified on Exhibit C(2) attached to the Loan Agreement, or such other address as Borrower may designate in writing to the State.

The terms, provisions, covenants and conditions contained in this Note shall apply to, inure to the benefit of and bind the parties hereto and their respective heirs, successors and assigns.

In connection with the Loan evidenced by this Note, the Borrower has executed a Loan Agreement of equal date hereto and the indebtedness evidenced by this Note is secured under that Loan Agreement. Any capitalized terms not defined in the Note shall have the meanings assigned to such terms in the Loan Agreement.

IN WITNESS WHEREOF, Borrower has caused this Note to be executed this 20 day of October, 1993

BORROWER

By: _____

NOTICE TO BORROWER

DO NOT SIGN THIS NOTE BEFORE YOU READ IT. THIS NOTE IS NOT SUBJECT TO FULL OR PARTIAL PREPAYMENT BEFORE THE DATE PROVIDED FOR REPAYMENT IN THIS NOTE AND IN THE LOAN AGREEMENT AND A PENALTY FOR ANY SUCH PREPAYMENT MAY BE CHARGED AND COLLECTED.

ORDINANCE NO. 1603

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. NS-1178 Section 20. Light Industrial Zone or IL Zone. (3) Conditional Uses. is hereby amended by including as a conditional use the following use:

(m) Combination retail and wholesale farm, ranch and garden supply provided that the activity is located between Greenwood Avenue, Franklin Avenue, the railroad and NE 2nd Street.

Read for the first time the 6th day of October, 1993.

Read for the second time the 20th day of October, 1993.

Placed upon its passage the 20th day of October, 1993.

YES: 0 NO: 0

Authenticated by the Mayor the 20th of October, 1993.

Mayor

ATTEST:

Recorder of the City of Bend

10

ORDINANCE NO. 1604

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. NS-1178 Section 20. Light Industrial Zone or IL Zone. (3) Conditional Uses. is hereby amended by including as a conditional use the following use:

(1) Fitness facility or health center, to include child care for patrons, only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments provided that such a facility is located adjacent to a designated arterial street and is in a transitional location to commercial zoning.

Read for the first time the 6th day of October, 1993.

Read for the second time the 20th day of October, 1993.

Placed upon its passage the 20th day of October, 1993.

YES: 7 NO: 0

Authenticated by the Mayor the 20th day of October, 1993.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-1605

AN ORDINANCE ADOPTING THE 1993 AMENDMENTS OF THE OREGON LEGISLATURE TO THE BEND UNIFORM TRAFFIC CODE.

Section 1. Bend Uniform Traffic Code Section 6.015 is amended to read:

> 6.015 Application of State Traffic Laws. A violation of the provisions of the Oregon Vehicle Code in ORS Chapters 801 through 822 and ORS 476.715 is a municipal ordinance offense against the City of Bend. The provisions of ORS Chapter 153 shall be applicable to all actions filed in Bend Municipal Court which allege a violation of this section. Amendments to the chapters of ORS incorporated herein made by the 1983, 1985, 1987, 1989, 1991 **and 1993** Legislatures shall be amendments to this section.

Section 2. The complete Advance Sheets for the 1993 Legislative Assembly have just been distributed. The 1993 Legislative amendments to the Oregon Vehicle Code will become effective November 4, 1993. Because it is necessary that the Bend Uniform Traffic Code be consistent with the Oregon Vehicle Code, an emergency is declared and these 1993 Legislative amendments shall take effect as part of the Bend Uniform Traffic Code on November 4, 1993.

Read for the first time this 20th day of October, 1993.

Read for the second time this 3rd day November, 1993.

Placed upon its passage this 3rd day of November, 1993.

YES: 7 NO: 0

Authenticated by the Mayor this 3rd day of November, 1993.

Mayor

ATTEST:

Recorder, City of Bend

ORDINANCE NO. NS-1606

AN ORDINANCE AMENDING CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RM, URBAN MEDIUM DENSITY RESIDENTIAL TO RH, URBAN HIGH DENSITY RESIDENTIAL.

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 amended by changing the designation of the following described property from RM, Urban Medium Density Residential to RH, Urban High Density Residential:

Lots 3, 4, and 5; Block 41; Riverside; 17-12-28CC, Tax Lots 3800 and 3900

Read for the first time the 3rd day of November, 1993.

Read for the second time the 17th day of November, 1993.

Placed upon its passage the 17th of November, 1993.

Vote: YES 6 NO 0

Authenticated by the Mayor the 17th day of November, 1993.

Mayor

ATTEST:

Recorder of the City of Bend

94-03037

326 - 2557

ORDINANCE NO. NS-1607

AN ORDINANCE VACATING A PORTION OF ADDISON AVENUE, CITY OF BEND, DESCHUTES, COUNTY, OREGON.

The Bend City Commission on November 3, 1993 requested that the following described area be vacated:

That portion of Addison Avenue (formerly "R" Street) as platted in the Map of Riverside, City of Bend, previously in the County of Crook and filed in the Office of the Deschutes County Clerk lying between the westerly right of way lane of 5th Street and the easterly right of way line of the proposed realignment of the 4th Street. The proposed centerline of 4th Street being described as follows:

An eighty (80.00) foot wide strip lying forty (40.00) feet on either side of the following described centerline:

Beginning at 4th Street centerline Station 0+00, said point also lying on the centerline of Butler Market Road at Station 25+45.81, which bears South 53° 11' 56" East a distance of 1,491.73 feet from the northwest corner of Section 28, T17S, R12E, W.M.; thence along said centerline South 19° 05' 32" West a distance of 243.26 feet to Station 2+43.26; thence along the arc of a 450.00 foot radius curve to the right, through a central angle of 15° 45' 42", a distance of 123.79 feet to Station 3+67.05; thence South 34° 51' 14" West a distance of 85.58 feet to Station 4+52.63; thence along the arc of a 450.00 foot radius curve to the left, through a central angle of 34° 56' 54", a distance of 274.48 feet to Station 7+27.11 and the terminus of this described centerline of 4th Street.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation;

The Recorder of the City of Bend having caused a notice of public hearing for vacation of public property describing the above portion of ADDISON AVENUE right of way to be published in the Bulletin, as provided by ORS 271.110, once each week for two (2) consecutive weeks;

Within five days after the first day of publication of said notice, the City Recorder having caused a notice of street vacation to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area; the first publication and posting of said notice having occurred not less than 14 days prior to the hearing for said proposed vacation;

The City Commission of the City of Bend having fixed the 1st day of December, 1993, at 7:30 p.m. local time in the City Commission Chambers at 710 NW Wall Street, City of Bend, Oregon, as the time and place for the hearing upon said proceedings and at that time having heard all objections to the proposed vacation; 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, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the above described portion of right of way of ADDISON AVENUE, Bend, Deschutes County, Oregon, be vacated. 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 providing 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 December, 1993.

Read for the second time the 15th day of December, 1993.

Placed upon its passage the 15th day of December, 1993.

Yes: 7 No: 0

Authenticated by the Mayor this 15th day of December, 1993.

Mayor

ATTEST:

Recorder, City of Bend

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

94 JAN 21 PM 1:44

MARY SUE PENHOLLOW
COUNTY CLERK

BY. DEPUTY

NO. 94-03037 FEE 10-

DESCHUTES COUNTY OFFICIAL RECORDS

ORDINANCE NO. NS-1608

AN ORDINANCE TO ANNEX TERRITORY, WHICH IS LOCATED ALONG SOUTH HIGHWAY 97 IN THE VICINITY OF BLAKELY ROAD, TO THE CITY OF BEND (QUALITY CENTERS AND OTHER COMMERCIAL PROPERTIES)

WHEREAS, ORS 222.170 (2) provides for annexation of real property to cities when property owners of more than half of the land and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Commission has found the owners of a majority of the land in the below described territory, which is territory proposed to be annexed to the City of Bend, have consented, in writing, to annex their property to the City of Bend and have filed a statement of their consent with the City Commission; and

WHEREAS, the City Commission has determined that there are no registered electors within the below described territory; and

WHEREAS, the City Commission has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the City Commission has fixed February 16, 1994, as the date for a public hearing before the Commission at which time the electors of the City and others may appear and be heard on the question of the annexation; and

WHEREAS, notice of the above hearing was published once each week for two successive weeks prior to the day of the hearing, in the Bulletin, a newspaper of general circulation in the City of Bend, and notices of the hearing were posted in at least four public places in the City for a like period; and

WHEREAS, a public hearing was held on February 16, 1994, on the question of this annexation; and

WHEREAS, all statements of consent from electors and property owners in the territory to be annexed were filed on or before February 16, 1994, and prior to said public hearing; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, the below described territory is located within the Deschutes County Rural Fire Protection District No. 2, hereinafter referred to as "District"; and

WHEREAS, the City has determined that the territory to be annexed to the City that is currently located within the District should be withdrawn from the District; now therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described territory is hereby declared to be annexed to the City of Bend:

Parcel #1 18-12-08D Tax Lots 900 and 1001

A tract of land situated in a portion of the Southeast Quarter and the Southwest Quarter of Section 8, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon, described as follows:

> All that portion of Tracts A, B and C of Blakley Heights, according to the official plat thereof, lying easterly of the easterly right of way of The Dalles California Highway 97.

Parcel #2 18-12-08C Tax Lot 1100

All of the North Half (N 1/2) of Tract 23 and that portion of Tract 24, Blakley Heights, lying westerly of the present westerly right of way of the Dalles California Highway 97.

Together with the adjoining half of the vacated right of way which inured to the premises upon the vacation thereof.

Parcel #3 18-12-08C Tax Lots 1300, 1304 and 1305

A tract of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 8, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon said tract being a portion of Tracts 24 and 25 of Blakley Heights described as follows:

Commencing at the intersection of the North boundary line of Tract 24 with the easterly right of way line of the Dalles-California Highway as located November 15, 1955; thence S 16° 54' 40" W along said easterly right of way 250.00 feet; thence S 89° 24' 20" E 15.63 feet to a point on the new eastern right of way of the Dalles-California Highway as recorded October 12, 1978 in Book 285, Page 210 said point being the True Point of Beginning; thence continuing S 89° 24' 20" E 284.37 feet; thence S 16° 54' 40" W 485.97 feet to the south line of Tract 25; thence N 89° 47' 23" W 284.94 feet to a point of the easterly right of way line of the Dalles-California Highway as located October 12, 1978; thence N 16° 54' 40" E along the said easterly right of way line a distance of 487.96 feet to the True Point of Beginning.

Containing approximately 16.19 acres

SECTION 2. That the above-described territory is hereby withdrawn from the Deschutes County Rural Fire District upon the effective date of this ordinance.

SECTION 3. That the City hereby elects to assume those obligations specified in ORS 222.520 (2)(b) ("Annexation of less than entire district").

READ for the first time this 16th day of February, 1994.

READ for the second time this 2nd day of March, 1994.

PLACED upon its passage the 2nd day of March, 1994.

YES: 4 NO: 2

AUTHENTICATED by the Mayor this 2nd day of March, 1994.

Steve Stenkamp
Mayor Pro Tem

ATTEST:

Recorder of the City of Bend