

ORDINANCE NO. NS-1847

AN ORDINANCE AMENDING THE 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 ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated October 1, 2002, file number PZ-02-305.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Standard Density Residential (RS) to Urban High Density Residential (RH).

Read for the first time the 6th day of November, 2002.

Read for the second time the 20th day of November, 2002.

Placed upon its passage the 20th day of November, 2002.

YES: 7 NO: 0

Authenticated by the Mayor the 20th day of November, 2002.


Bill Friedman, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT "A"
TO
ORDINANCE NO. NS-1847

The subject property is described as follows:

Lots 3, 4, and the east ½ of Lot 2, Block 28, Center Addition subdivision, in the City of Bend, Deschutes County, Oregon.

ORDINANCE NO. NS-1848

AN ORDINANCE AMENDING THE BEND CITY CODE TO MAKE TECHNICAL CHANGES TO CLARIFY THE PENALTY PROVISIONS FOR PARKING VIOLATIONS, THE USE OF A COLLECTION AGENCY TO COLLECT DELINQUENT PARKING VIOLATION FINES AND CHARGE A COLLECTION FEE, AND DECLARING AN EMERGENCY

WHEREAS, the Bend City Code currently implicitly authorizes the use of a collection agency to collect delinquent parking violations and to charge collection fees;

WHEREAS, the City Council finds that as a result of litigation involving other municipalities it is necessary and appropriate to clarify the Bend City Code to expressly authorize its current use of a collection agency, the collection agency's fee structure, and the current schedule of parking violation fines;

AND WHEREAS, certain provisions of the parking code need to be amended to clearly set forth the applicable fines;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION ONE. Section 6.160 is amended by deleting subsection (3) and shall read as follows:

6.160 Parking by Fire Plugs or a Bicycle Lane.

(1) No person shall park a vehicle within prohibited areas adjacent to fire plugs or in designated bicycle lanes.

(2) Unless the police officer issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle and the citation issued for the violation may be placed on the vehicle. If the parking of the vehicle is witnessed by the police officer, the operator of the vehicle is in violation of this section.

~~(3) A violation of this section is a Class B traffic infraction.~~

SECTION TWO. Section 6.295 is amended to read as follows:*

6.295 Failure to Comply with Parking Citation. If the operator does not answer the parking citation or pay the penalty imposed within the required ten days, then the City **or its designee which may be a collection agency** shall send a letter to the owner or lessee of the vehicle informing the owner or lessee of the violation and giving notice that if the citation is not paid then:

(1) In addition to the penalty imposed for the citation, a charge shall be imposed to recover the costs associated with collecting the parking citation (including but not limited to the costs of collection letters and of immobilizing and/or impounding the vehicle). This additional charge shall be as determined in the City's Fees and Charges Resolution established pursuant to Bend Code Section 1.800-806.

(2) The vehicle may be immobilized or impounded. A vehicle that has been immobilized or impounded shall not be released until all outstanding penalties and charges have been paid to the City. No person other than an authorized City agent shall remove or attempt to remove an immobilizer device; and no person shall move or attempt to move an immobilized vehicle until the immobilizer device is removed.

(3) If the City has contracted the enforcement of parking violations that contractor or its agent may collect the delinquent fines, impose additional charges for the collection efforts undertaken, and may immobilize or impound the vehicle pursuant to Bend Code subsection 6.295(2). These additional collection charges shall be established in the City's Fees and Charges Resolution established pursuant to Bend Code Section 1.800-806.

* New provisions in this ordinance are **emboldened**, while deleted provisions are ~~struck through~~.

[Section 6.295 amended by Ord. NS-1655, passed June 5, 1996.]

SECTION THREE. Section 6.900 is renumbered as Section 6.315 and amended to read as follows:

PENALTIES

6.315-6.900 Parking Penalties. (1) A violation of sections 6.150 to 6.285 is punishable by:

Each overtime violation \$10.00

All other parking violations except handicapped parking violations **and violations of 6.160 (Parking By Fire Plugs and In A Bike Lane)** \$20.00

Handicapped parking violations **and violations of 6.160** Amount set by State Law
(**Parking By Fire Plugs and In A Bike Lane**)

(2) If not paid before midnight of the tenth day after issuance of the parking ticket, then the penalty shall be as follows:

Each overtime violation \$30.00

All other parking violations except handicapped parking and violations of 6.160 (Parking By Fire Plugs and In A Bike Lane). \$40.00

Handicapped parking violations and violations of 6.160. Amount set by State Law plus \$20.00

[Section 6.900 amended by Ord. No. NS-1485, passed December 21, 1988]

[Section 6.900 amended by Ord. No. NS-1500, passed September 6, 1989]

[Section 6.900 amended by Ord. No. NS-1624, passed December 7, 1994]

[Section 6.900 amended by Ord. No. NS-1655, passed June 5, 1996].

SECTION FOUR. Section 6.990 is repealed.

~~6.990 Penalties:~~

~~A violation of Bend Code Chapter 6 is a Class C civil infraction unless specified otherwise.~~

SECTION FIVE. The remaining provisions of Bend Code Chapter 6 are not affected by this Ordinance.

SECTION SIX. This ordinance shall become immediately effective upon adoption as an emergency exists as the collection of delinquent parking violations has been suspended pending the adoption of this ordinance.

Read for the first time the 6th day of November, 2002.

Read for the second time the 20th day of November, 2002.

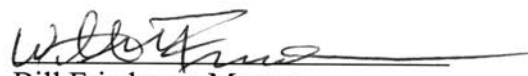
Placed upon its passage the 20th day of November, 2002.

YES: 7

NO: 0

ABSTAIN:

Authenticated by the Mayor the 20th day of November, 2002.


Bill Friedman, Mayor

Attest:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1849

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONING MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM URBAN LOW DENSITY (RL) ZONE TO URBAN STANDARD DENSITY (RS) ZONE.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed changes. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated October 31, 2002, File Number PZ-02-314.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in Exhibit "A" and depicted on Exhibit "B" from RL, Urban Low Density Residential to RS, Urban Standard Density Residential.

Read for the first time the 20th day of November, 2002.

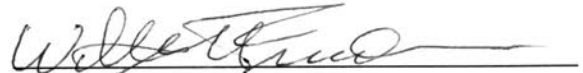
Read for the second time the 18th day of December, 2002.

Placed upon its passage the 18th day of December, 2002.

YES: 7

NO: 0

Authenticated by the Mayor the 18th day of December, 2002.


Bill Friedman, Mayor

ATTEST:

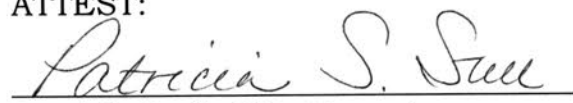
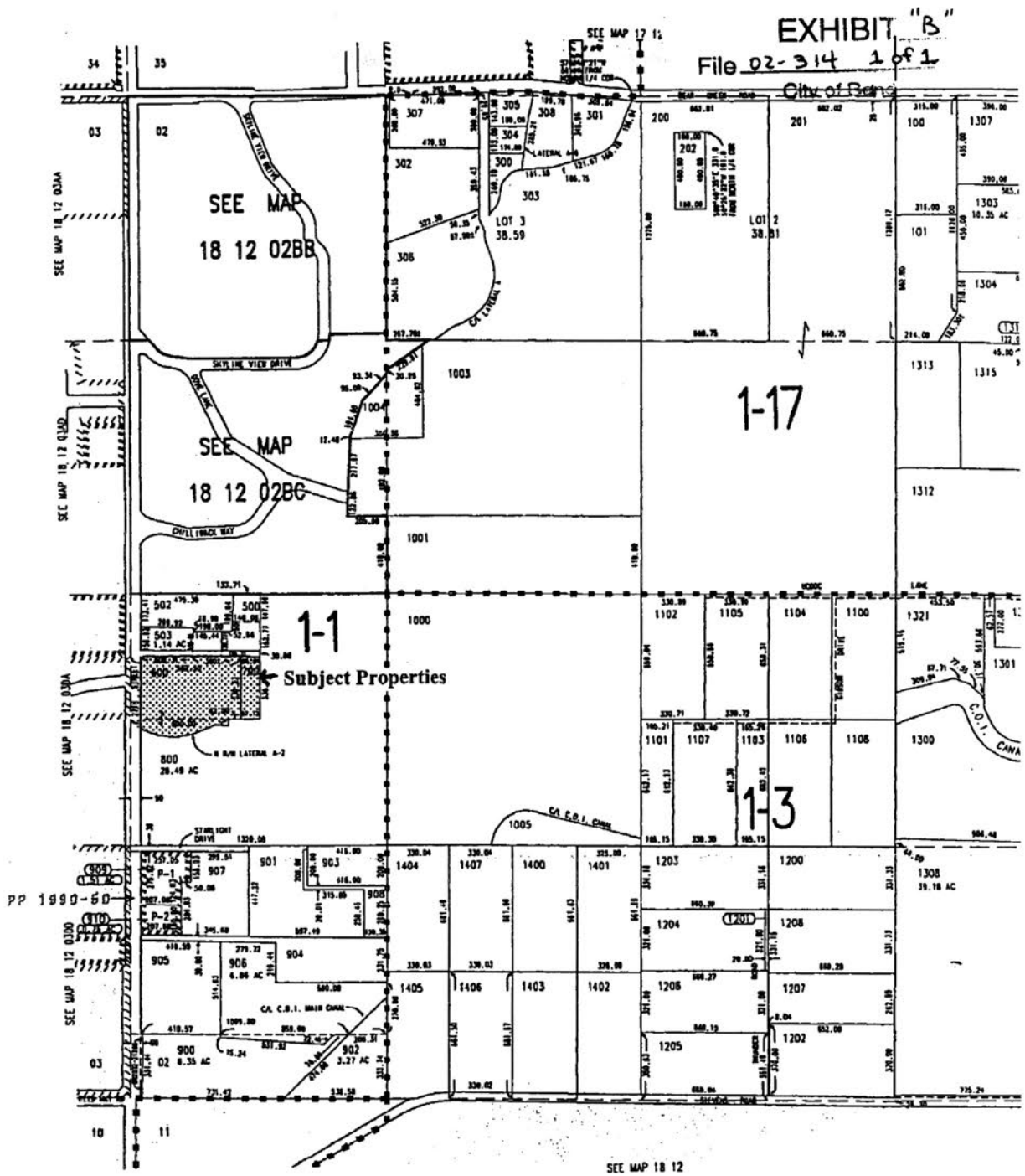

Patricia Stell, City Recorder

EXHIBIT "A"

**File 02-314 1 of 1
City of Bend**

A tract of land being the South Half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (S1/2, NW1/4, SW1/4) of Section Two (2), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon; ALSO that portion of the West 500 feet of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW1/4, NW1/4, SW1/4) of Section Two (2), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, lying and being North of the Central Oregon Irrigation District ditch designated and known as Lateral A-2.



ORDINANCE NO. NS-1850

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE GENERAL PLAN DESIGNATION OF CERTAIN REAL PROPERTY FROM RESIDENTIAL STANDARD DENSITY TO PUBLIC SPECIAL DISTRICT/LAND AND FACILITIES AND BY CHANGING THE ZONING MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM A COMBINATION RESIDENTIAL URBAN STANDARD DENSITY AND INDUSTRIAL GENERAL TO PUBLIC FACILITIES.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed changes. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated October 22, 2002, File Number PZ-02-303.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the General Plan designation of the property described in Exhibit "A" and depicted on Exhibit "B" from Residential Standard Density to Public Special District/Land and Facilities and by changing the Zoning Map Designation from a combination Residential Urban Standard Density and Industrial General to Public Facilities.

Read for the first time the 20th day of November, 2002.

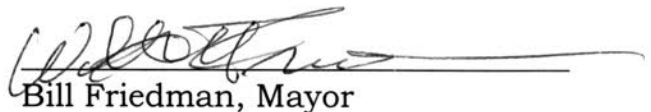
Read for the second time the 18th day of December 2002.

Placed upon its passage the 18th day of December 2002.

YES: 7

NO: 0

Authenticated by the Mayor the 18th day of December, 2002.


Bill Friedman, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

VOL: 1999 PAGE: 30333
RECORDED DOCUMENT

EXHIBIT "A"
File FILE 02-303 Page 1 of 5
City of Bend

STATE OF OREGON
COUNTY OF DESCHUTES



*1999-30333 * Vol-Page

Printed: 06/18/1999 16:14:00

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received
and duly recorded in Deschutes County records:

DATE AND TIME: Jun. 18, 1999; 4:04 p.m.

RECEIPT NO: 7468

DOCUMENT TYPE: Deed

FEE PAID: \$55.00

NUMBER OF PAGES: 4

Mary Sue Penhollow

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

55-

99-30333-1 EXHIBIT "A"
 File File 02-303 Page 2 of 5
 City of Bend

Tax Statements:

RECORDING REQUESTED BY, AND
 WHEN RECORDED, RETURN TO:
 Bend Metropolitan Park and Recreation District
 200 NW Pacific Park Lane
 Bend OR 97702

ORIGINAL

This space provided for recorder's use.

WARRANTY DEED

RIVER BEND LIMITED PARTNERSHIP, an Oregon limited partnership ("Grantor"), conveys and warrants to BEND METROPOLITAN PARK AND RECREATION DISTRICT, a municipal corporation ("Grantee"), the following described real property free of encumbrances, except as set forth herein on Exhibit A attached and incorporated hereto, situated in Deschutes County, Oregon, so long as it is used for public purposes.

See Exhibit B attached hereto and made a part hereof.

IF ANY PART OF THE PROPERTY ceases to be used for public purposes, fee title to that portion of the property shall vest in Deschutes County, a political subdivision of the State of Oregon, and such future interest is hereby granted to Deschutes County.

The true consideration paid for this conveyance is exchange of property in lieu of condemnation.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 18 day of June, 1999.

GRANTOR: RIVER BEND LIMITED PARTNERSHIP, an Oregon limited partnership
 By: The Bend Company, an Oregon corporation, General Partner
 By: William L. Smith
 William L. Smith, President

STATE OF OREGON)
 County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 18 day of June, 1999 by William L. Smith, who is President of The Bend Company, an Oregon corporation, general partner of River Bend Limited Partnership, an Oregon limited partnership, on behalf of the limited partnership.



Linda Sinclair
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: 12/31/2000

ACCEPTANCE

Bend Metropolitan Park and Recreation District and Deschutes County hereby accept the foregoing deed and acknowledge the creation of a future interest in favor of Deschutes County.

Date: June 18, 1999

Date: June 18, 1999

Date: June 18, 1999

Date: June 18, 1999

Date: June 18, 1999

ATTEST:

Recording Secretary

After recording, return to:
 AmeriTitle
 15 OREGON AVENUE, BEND

Page 1 - WARRANTY DEED

20245 020 hst www.oregon.gov/17795-17

EXHIBIT "A"
 File File 02-303 Page 3 of 5 99-30333-2
 City of Bend
EXHIBIT A
 Title Exceptions - River Bend Property

1. Rights of the public and governmental bodies in and to that portion of the property now or at any time lying below the ordinary high water line of the Deschutes River, including any ownership rights which may be claimed by the State of Oregon as to any portion now at any time lying below the ordinary high water line.
2. Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of the Deschutes River.
3. Easement and Restriction, including terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as reserved by Bend Co., recorded May 26, 1915 in Book 16, Page 634, in the Official Records of Deschutes County, Oregon.
4. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as granted to Pacific Power and Light Company, recorded December 6, 1965 in Book 146, Page 384 in the Official Records of Deschutes County, Oregon.
5. Covenants, conditions and restrictions as contained in instrument recorded April 7, 1995, in Book 370, page 0778 in the official records of Deschutes County, Oregon.
6. Water and Sewer Service Agreement, including the terms and provisions thereof, recorded August 7, 1997 in Book 457, Page 1790 in the Official Records of Deschutes County, Oregon.
7. Water Service Agreement, including the terms and provisions thereof, recorded January 15, 1998 in Book 476, Page 2205 in the Official Records of Deschutes County, Oregon.
8. Covenants, conditions and restrictions contained in instrument recorded June 15, 1989 in Book 186, Page 231 in the Official Records of Deschutes County, Oregon.
9. Easement, including terms and provisions thereof reserved by Mount Bachelor Village Corporation, recorded June 15, 1989 in Book 186, Page 231 in the Official Records of Deschutes County, Oregon.

EXHIBIT A
 PAGE 1 OF 1

Page 1.

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EXHIBIT "A"File File 02-203 Page 4 of 6
City of Bend

99-30333-3

RIVER BEND LIMITED PARTNERSHIP TO BEND METRO PARK AND RECREATION DISTRICT

A parcel of land containing 32.05 acres, more or less, located in a portion of the Southeast One-Quarter of Section 6, and the Southwest One-Quarter of Section 5, both of Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Southwest One-Sixteenth corner of said Section 5; thence along the north line of the Southwest One-Quarter of the Southwest One-Quarter (SW1/4 SW1/4) of said Section 6 South 89°43'13" West, 1331.92 feet to the South One-Sixteenth corner common to Section 5 and 6 of said Township and Range; thence along the north line of the Southeast One-Quarter of the Southeast One-Quarter (SE1/4 SE1/4) of said Section 6 North 89°41'02" West, 1319.86 feet to the Southeast One-Sixteenth corner of said Section 6; thence leaving said north line and along the west line of said SE1/4 SE1/4 South 01°25'48" East, 1315.67 feet to the East One-Sixteenth corner common to Sections 6 and 7 of said Township and Range; thence leaving said west line and along the south line of said Section 6 South 89°41'56" West, 199.97 feet to a point on the thread of the Deschutes River; thence leaving said south line and along said thread the following ten courses:

North 04°20'55" West, 158.41 feet;
North 18°18'56" West, 569.05 feet;
North 10°44'22" East, 255.77 feet;
North 04°38'55" West, 354.34 feet;
North 33°39'47" East, 230.15 feet;
North 60°49'57" East, 221.10 feet;
North 74°10'38" East, 364.01 feet;
North 84°20'25" East, 397.02 feet;
North 75°11'36" East, 199.38 feet;
South 87°16'04" East, 94.31 feet;

thence leaving said thread North 01°42'18" East, 174.93 feet to a point on the southerly line of the parcel adjusted per Lot Line Adjustment LL-13-95 (CS# 12204 as filed in the office of the Deschutes County Surveyor on May 30, 1995); thence along the southerly and easterly boundary lines of said adjusted parcel the following six courses:

South 82°25'21" East, 76.89 feet;
North 80°45'39" East, 47.70 feet;
South 88°49'45" East, 96.60 feet;
North 82°09'12" East, 132.38 feet;
North 64°25'36" East, 22.61 feet;

Adjusted Tax Lot 181206D0 2200

03/15/99
Sheet 1 of 2

FIGURE B
PAGE 1 OF 2

EXHIBIT "A"
File File 02-303 Page 5 of 5
City of Bend

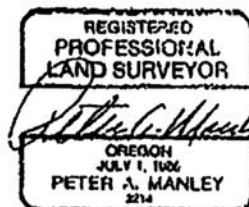
99-30333-4

thence leaving said boundary line South 01°41'27" West, 299.93 feet to a point on the thread of the Deschutes River; thence along said thread the following two courses:

South 74°04'12" East, 472.66 feet;
North 85°58'01" East, 450.95 feet;

thence leaving said thread South 04°01'59" East, 77.19 feet; thence South 59°43'59" East, 395.50 feet to the point of beginning, the terminus of this description.

SUBJECT TO: All easements, restrictions, and rights-of-ways of record and those common and apparent on the land.



Adjusted Tax Lot 181206D0 2200

03/15/99
Sheet 2 of 2

EXHIBIT B
PAGE 2 OF 2

TOTAL P.06

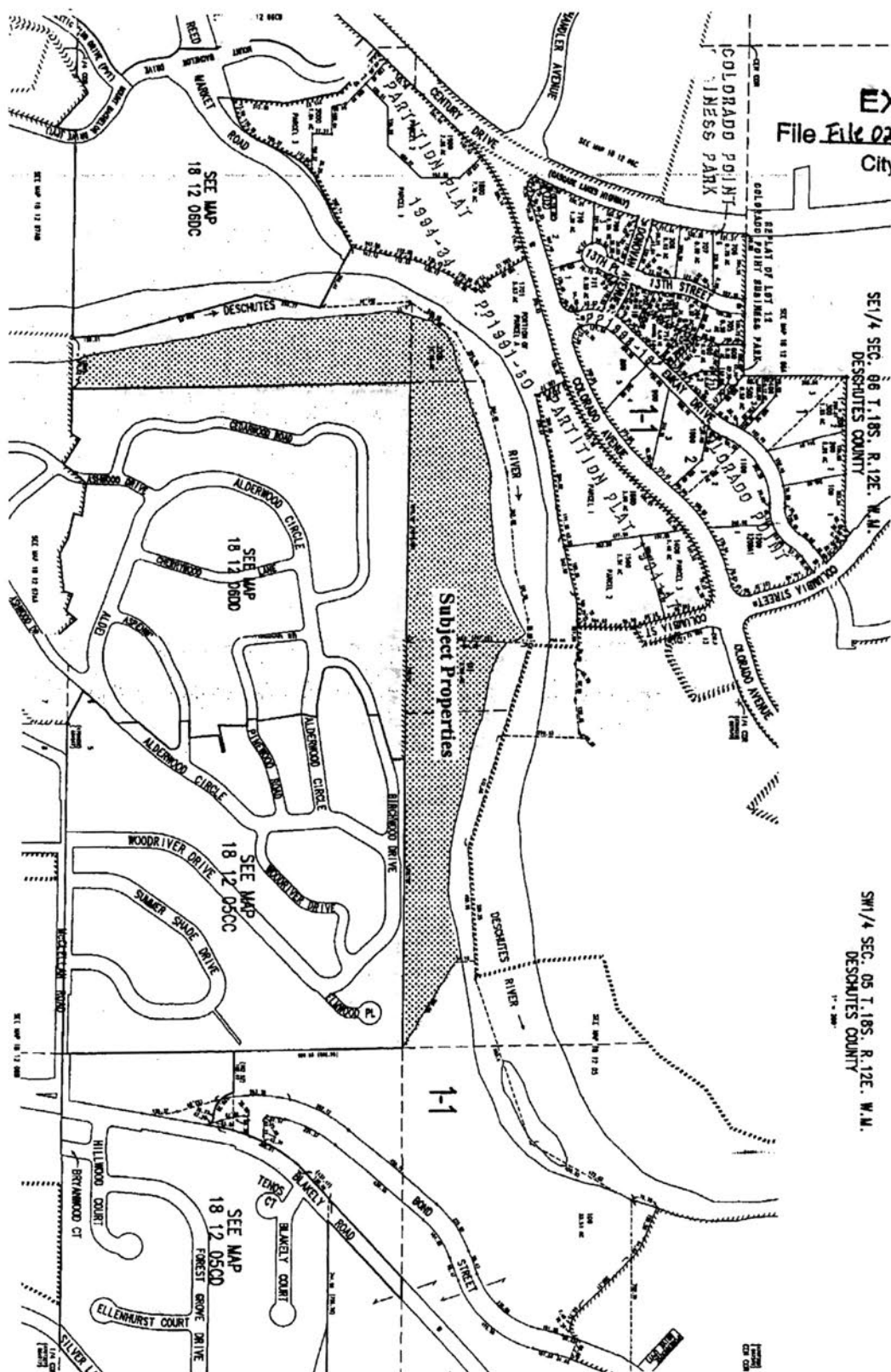


EXHIBIT "B"
File File 02-302 Page 1 of 1
City of Bend

SE 1/4 SEC. 18 T. 12S. R. 12E. W. 10M.
DESCHUTES COUNTY

SW 1/4 SEC. 05 T. 18S. R. 12E. W. 10M.
DESCHUTES COUNTY

ORDINANCE NO. NS-1851

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE No. NS-1178, BY CHANGING THE ZONE OF AN AREA OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearing Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearing Officer dated October , 2002 file number PZ-02-366.

Section 2. The Bend Area General Plan is amended by changing the designation of the property described in Exhibit "A" and depicted on Exhibit "B" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

Read for the first time the 20th day of November, 2002.

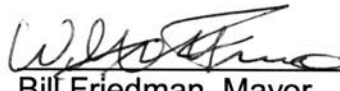
Read for the second time the 18th day of December, 2002.

Placed upon its passage the 18th day of December, 2002.

YES: 7

NO: 0

Authenticated by the Mayor the 18th day of December, 2002.


Bill Friedman, Mayor

ATTEST:


~~Patricia Stell~~, City of Bend Recorder
Kim PARSONS Deputy

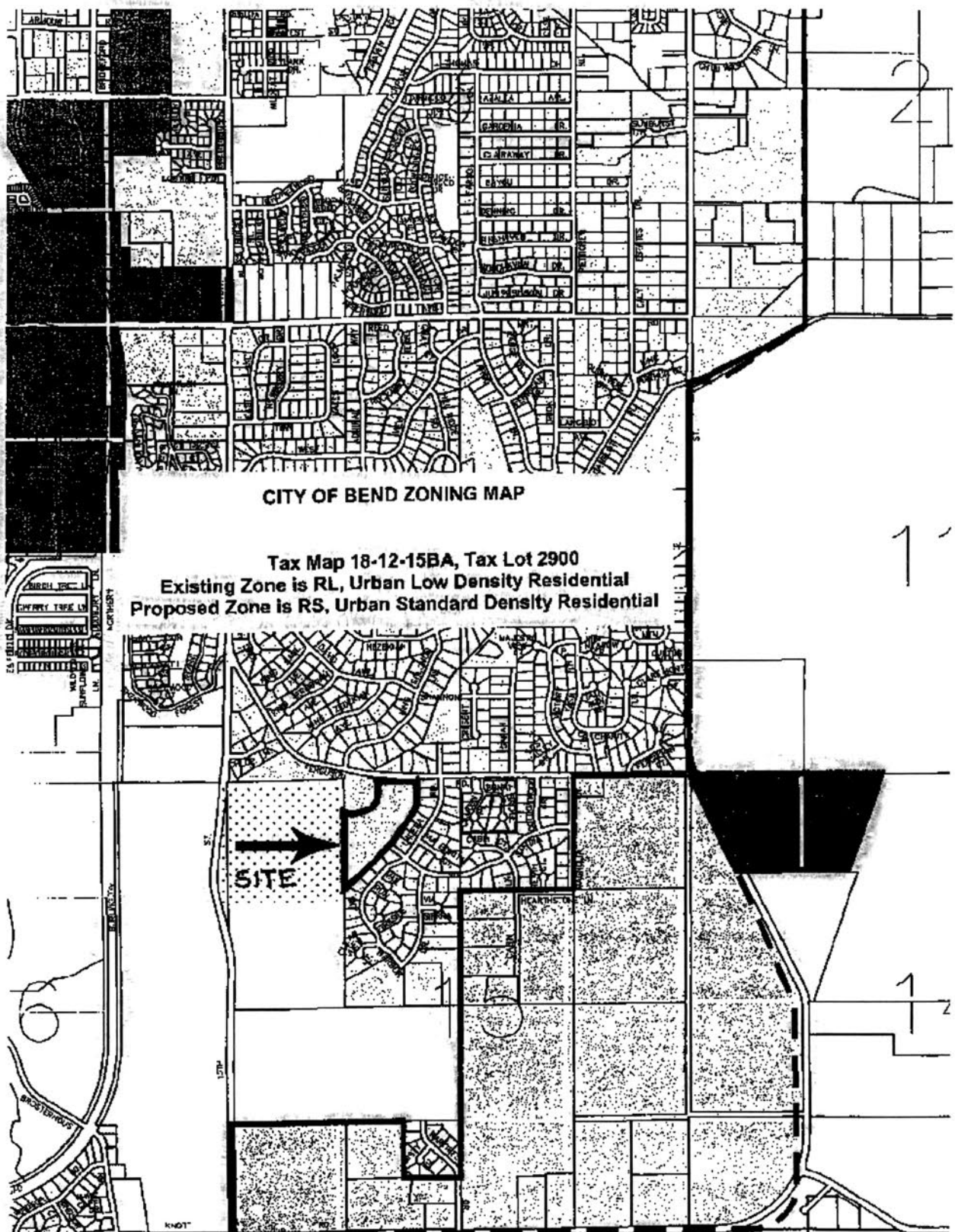
EXHIBIT "A"

A tract of land situated in the Northeast Quarter of the Northwest Quarter (NE '4 NW '4) of Section 15, Township 18 South. Range 12 East of the Willamette Meridian, Deschutes County, Oregon. described as follows:

- Commencing at the North Quarter corner of Section 15; thence along the North line of said Section, South 88~54'19" West, 451.02 feet to the POINT OF BEGINNING; thence leaving said section line. South 03o4000~ West, 351.23 feet; thence South 34o00~00~ West, 526.95
- feet; thence South 45~40'13" West, 798.35 feet to the West line of the Northeast Quarter of the Northwest Quarter (NE '4 NW ~4) of Section 15; thence along said line, North 00o06I32~1. West, 920 feet, more or less, to the centerline of the Central Oregon Irrigation Canal; thence Easterly and Northerly along said canal centerline as said centerline is described in the p1st of Ridgewater, phases I and 2, P.U.D. recorded June 14, 2002 in volume 2002, page 32380, Official Records, to the North line of Section 15; thence along said North line North 88o54~19~ East; 500 feet, more or less, to the POINT OF BEGINNING.

- EXCEPTING THEREFROM** that portion conveyed to Deschutes County in Warranty Deed
- recorded June 19, 1996, Volume 413, Page 1043, Official Records, Deschutes County, Oregon.

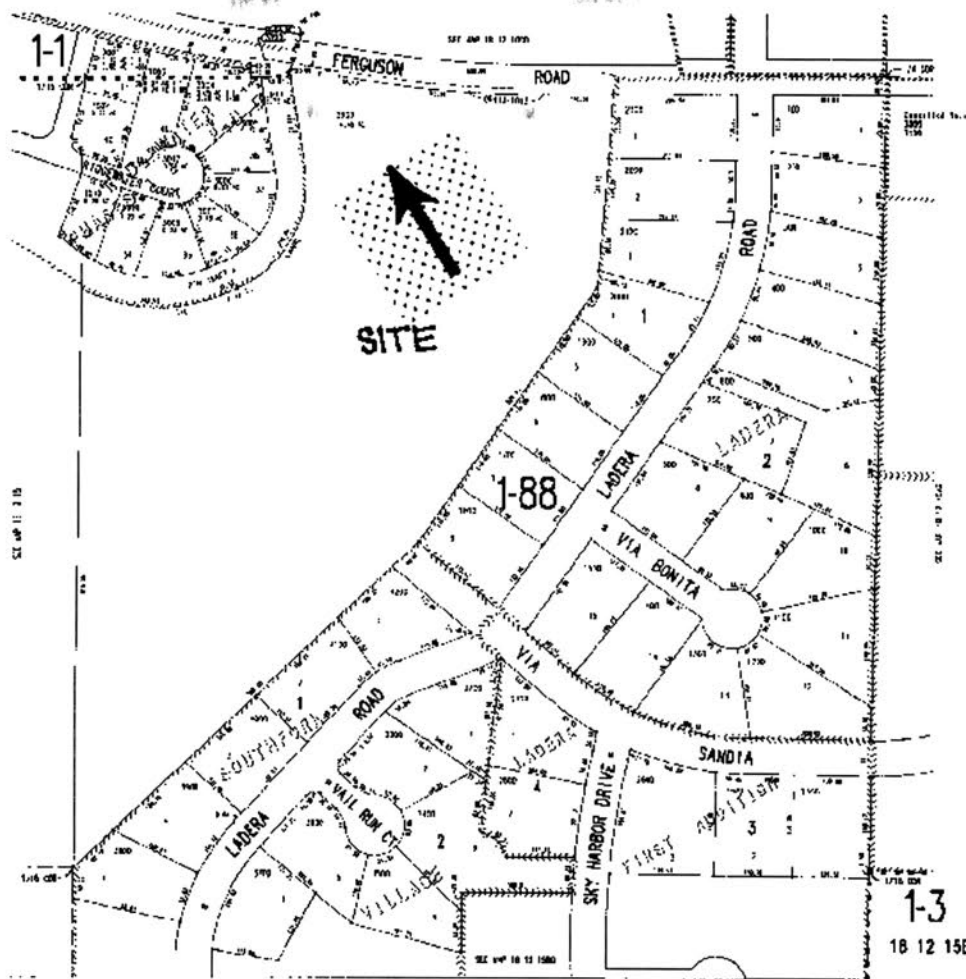
FURTHER EXCEPTING any portion lying within Ferguson Road.



THIS MAP WAS PREPARED BY
JESSE T. WILSON, PROFESSIONAL LAND SURVEYOR
RECORD NO. 1007-1007

NE1/4 NW1/4 SEC. 15 T. 18S. R. 12E. W. 1N.
DESCHUTES COUNTY
1" = 1/4"

18 12 158A



ORDINANCE NO. NS-1852

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN TRANSPORTATION PLAN MAP AND ORDINANCE NO. NS-1756, AN ORDINANCE ADOPTING THE BEND URBAN AREA TRANSPORTATION SYSTEM PLAN

WHEREAS, the City of Bend has adopted and obtained acknowledgment of the Bend Area General Plan, the City's comprehensive plan from the Land Conservation and Development Commission; and

WHEREAS, the Bend City Council adopted Ordinance No. NS-1756 on October 11, 2000 to amend the Bend Area General Plan (BAGP) to include the Bend Urban Area Transportation System Plan (TSP) dated June, 2000; and

WHEREAS, the City has conducted a number of public hearings regarding the extension of Bond Street and Wall Street south of Colorado Avenue and the improvement of those roads and Industrial Way from Bond Street (south) to Colorado Avenue; and

WHEREAS, after adoption of Ordinance No. NS-1756 and after holding a public hearing and meeting regarding the Bond/Wall couplet, the City adopted an agreement with BRC, LLC and BRC2, LLC dated April 5, 2002 to acquire right of way to extend Bond Street and Wall Street to the south of Arizona Avenue to connect with Industrial Way and to improve Bond Street, Wall Street and Industrial Way; and

WHEREAS, BRC, LLC and BRC2, LLC have agreed, in the April 5, 2002 "Right-of-Way Acquisition and Street Improvement Agreement" with the City of Bend to construct streets and roundabouts in the new right-of-ways and in Industrial Way as generally shown on Exhibit B of that agreement in advance of property development in order to connect Bond Street and Wall Street to Industrial Way and, thereby, meet City of Bend transportation system needs identified when the City placed the Bond Street extension in the TSP; and

WHEREAS, the City Council finds that the Wall Street and Bond Street extension and the part of Industrial Way between Bond Street (south) to Colorado Avenue will function as major collector streets once the extended streets are opened for use by the public; and

WHEREAS, the City Council desires to apply the proper plan designation to the roadways; and

WHEREAS, the April 5, 2002 Agreement calls for the City Council to proceed promptly to amend the Transportation System Plan and BAGP with the purpose of allowing BRC, LLC and BRC2, LLC to qualify for the reimbursement of street and intersection improvement costs for the entire street project approved in the April 5, 2002 Agreement from City SDC revenues; and

WHEREAS, the Bend Urban Area Street Inventory of Collector Streets currently lists the Bond Street from Colorado to Industrial Way as a future collector street and that classification should be changed to reflect the improvement of that street segment; and

WHEREAS, the City's goals and contractual obligations can be met by amending the Bend Area General Plan and Ordinance No. NS-1756 to include all parts of the Wall/Bond Street extension and Industrial Way improvements on the City's Transportation Plan map, the TSP plan map and by making changes to the text of the adopted TSP; now therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The map entitled "Bend Urban Area Roadway System Plan Map" (TSP Map Exhibit B) dated July 10, 2000 that is a part of the City's Transportation System Plan ("Bend TSP"), dated June 2000, Ordinance No. NS-1756, are hereby amended as follows:

- A. Designate Wall Street, between Colorado Avenue and Industrial Way, a “Major Collector” street.
- B. Designate Industrial Way, from Colorado Avenue to Bond Street (south), a “Major Collector” street.

SECTION 2. Figure 2, Map of Bend Urban Area – Existing Major Street System of the Bend TSP, Ordinance No. NS-1756, is amended as follows:

- A. Designate Industrial Way, from Colorado Avenue to Bond Street (south), as a collector street.
- B. Designate Wall Street from Colorado Avenue to Industrial Way a collector street.
- C. Designate Bond Street from Colorado Avenue to Industrial Way a collector street.

SECTION 3. Add, in appropriate alphabetical order, the new text shown on **Exhibit A** of this ordinance to Appendix A.1, “Collector Streets,” Bend Urban Area Street Inventory of the Bend TSP, Ordinance No. NS-1756.

SECTION 4. Delete Bond Street, from Colorado Avenue to Industrial Way, from the Bend Urban Area Street Inventory’s chart of “Collector Streets (Future)” that is a part of Appendix A.2 of the Bend TSP, Ordinance No. NS-1756. This street is being reclassified a current street by Section 3, above.

SECTION 5. Amend Bend Urban Area Street Inventory, Intersection Improvement Priorities, Appendix A. 3 of the Bend TSP, Ordinance No. NS-1756, to include the text shown on **Exhibit B** of this ordinance.

SECTION 6. Amend Bend Urban Area Street Inventory, Appendix A.5, New Links Only* (full plan), Collector Streets, of the Bend TSP, Ordinance No. NS-1756, by deleting the lines that describe the Wall Street from Colorado to Arizona link and the Bond (or Alt.) from Colorado to Industrial Way link and replace them with the text shown on **Exhibit C**.

SECTION 7. Amend Table 2, Bend Urban Area Existing Traffic Signals (and Roundabouts), Bend TSP, Ordinance No. NS-1756, to include, at the bottom of Table 2, four new lines and the descriptions for Industrial Way and Colorado Avenue traffic signals (and roundabouts) as shown on **Exhibit D**.

SECTION 8. Amend Section 5.5.4, Transportation Alternative Analysis, Recommended Alternative, Bicycle and Pedestrian Facilities, Bend TSP, Ordinance No. NS-1756, as shown on **Exhibit E**.

SECTION 9. Amend Section 5.5.5, Transportation Alternative Analysis, Recommended Alternative, Street System, *Proposed Roadway System Changes*, Bend TSP, Ordinance No. NS-1756, as shown on **Exhibit F**.

SECTION 10. Amend Section 6.5.1.4, Transportation System Plan, Street System, Roadway Classifications, Minor Arterials, *Minor Arterial Street Descriptions* of the Bend TSP, Ordinance No. NS-1756 as shown on **Exhibit G**.

SECTION 11. Amend Section 6.9.4, Transportation System Plan, Objectives, Policies, Benchmarks and Implementation, Pedestrian and Bicycle Systems, *Policies*, Policy 6 of the Bend TSP, Ordinance No. NS-1756 as shown on **Exhibit H**.

SECTION 12. Amend Section 6.9.6, Transportation System Plan, Objectives, Policies, Benchmarks and Implementation, Street System, *Policies, Implementation*, Policy 2 of the Bend TSP, Ordinance No. NS-1756 as shown on **Exhibit I**.

SECTION 13. Replace Figure 18 (page 91) of the Bend TSP, Ordinance No. NS-1756, with the new Figure 18 that is **Exhibit J** of this ordinance.

SECTION 14. Revise the Bend Area General Plan, Bend Urban Area Roadway System Plan map as follows:

- A. Change Bond Street, from Colorado Avenue to Industrial Way, from a Proposed Major Collector to a Major Collector; and
- B. Designate Wall Street, from Colorado Avenue to Industrial Way, a Major Collector; and
- C. Designate Industrial Way, from Colorado Avenue to Bond Street (south), a Major Collector.

SECTION 15. The amendments in this ordinance are supported by findings of fact and an analysis of the requirements of the relevant Statewide Land Use Planning Goal, Goal 12 and the applicable provisions of the Goal 12 rules. The findings are provided by a document entitled "Findings and Analysis" that is labeled **Exhibit K**, attached hereto and incorporated by reference herein.

SECTION 16. The City's Planning staff is hereby directed and authorized to revise the official maps, tables and provisions of the Bend TSP and the Bend Area General Plan to reflect the amendments made by this ordinance. Staff is also directed and authorized to update the copies of the TSP that are distributed to the public to include copies of the amended maps, tables and text.

Read for the first time the 20th day of November, 2002.

Read for the second time the 18th day of December, 2002.

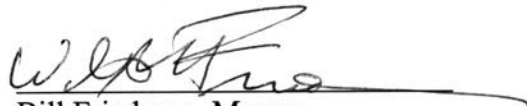
Placed upon its passage the 18th day of December, 2002.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 18th day of December, 2002.


Bill Friedman, Mayor

ATTEST:


Patricia Stell, City Recorder
Kim PARSONS Deputy

EXHIBIT A

Appendix A.1

BEND URBAN AREA STREET INVENTORY
COLLECTOR STREETS

EXISTING CONDITIONS														
CLASSIFICATION	STREET NAME	FROM	TO	Miles	ROW	Paved Width	No. Lanes	Road Cond	ADT	YR	Curb	Bike Lane	Side walk	J
Major Collector	Bond Street	Colorado Ave	Industrial Way	.14	42'-60'	18'-38'	1-2	VG	New	'02	Y	N	Y	B
Major Collector	Industrial Way	Colorado Ave	Bond Street S.	.26	60'-70'	25'-45'	2	VG	8434	'99	Y	N	N	B
Major Collector	Wall Street	Colorado Ave	Industrial Way	.14	38'-60'	17'-38'	1-2	VG	New	'02	Y	N	Y	B

EXHIBIT B

Appendix A.3

Intersection Improvement Priorities

			Estimated Intersection Improvement Costs		
Stop Control legs existing - #			1-5 years	6-10 years	11-20+ years
Arizona Av	Wall Street	1	\$ 500,000		
Arizona Av	Bond Street	1	\$ 300,000		
Colorado Av	Wall Street	1	\$ 300,000		

EXHIBIT C

Appendix A. 5

BEND URBAN AREA STREET INVENTORY
NEW LINKS ONLY* (full plan)

Collector Streets

*planning level estimates

		2000 \$s		Future x 1.5					
CLASSIFICATION	STREET NAME	FROM	TO	Linear Feet	W Plan	Total	Total	Jurisdiction	Priority
Major Collector	Bond Street	Colorado	Industrial Way	720	18'-38'	\$316,800	\$475,200	Bend	Near
Major Collector	Wall Street	Colorado	Industrial Way	720	17'-38'	\$316,800	\$475,200	Bend	Near

EXHIBIT D

Table 2
Bend Urban Area Existing Traffic Signals (and Roundabouts)

No.	Street	Cross Street	Jurisdiction
33	Industrial Way	Wall Street	City of Bend
34	Industrial Way	Bond Street	City of Bend
35	Colorado Avenue	Industrial Way	City of Bend
36	Colorado Avenue	Bond Street	City of Bend

EXHIBIT E

5.0 TRANSPORTATION ALTERNATIVE ANALYSIS

5.5 RECOMMENDED ALTERNATIVE

5.5.4 Bicycle and Pedestrian Facilities

Bicycle and pedestrian facilities are the same as proposed in all of the transportation modeling alternatives and are proposed in the recommended alternative. Currently, bike lanes and sidewalks are typically constructed on both sides of all new arterial and major collector streets. ~~(Sidewalks are on one side of the street only are allowed in steep slope areas. Bikeways may be allowed in locations where bike lanes are determined to be inconsistent with congested urban streetscapes.~~ Existing arterials and collectors will be retrofitted with these facilities on a priority ranked schedule. Sidewalk priorities are more difficult to quantify as many new walkways come on line each year with various private developments. The City budgets funds for construction each year for sidewalks, but like the bike lane improvements, priorities are set and reevaluated each year by the CIP. The City and Park District have developed a plan that delineates planned trail surface types (Map C). The Plan ranges from natural surfaces to fully paved surfaces. Trail system priorities are illustrated on Figure 16a.

EXHIBIT F

5.0 TRANSPORTATION ALTERNATIVE ANALYSIS

5.5 RECOMMENDED ALTERNATIVE

5.5.5 Street System

Proposed Roadway System Changes: Included in this TSP adoption process are revisions to the transportation system to facilitate improvement of the south access to the downtown from the Parkway. A number of alternatives were examined including changes to various streets to one-way roadways. The alternative that emerged as the best traffic capacity (and most cost effective) solution was to extend the Wall/Bond ~~one-way~~ system to the south to include the area between Franklin Avenue and Industrial Way ~~Arizona avenues~~. This alternative also includes the reconstruction of Colorado Avenue as a westbound roadway, between Broadway Street and the Parkway, and Arizona (to be constructed) as an eastbound roadway, between Colorado (i.e., just west of Broadway) and the Parkway. To address this element of the Transportation Plan, (the described section of) Arizona Avenue will be added to the roadway network of minor arterial streets (Figure 18). The Transportation Plan currently shows the Wall/Bond Street system extending between Arizona Avenue and Industrial Way. Industrial Way is shown as a collector street that links Colorado Avenue and the Wall/Bond system to Bond Street in the Old Mill District. The TSP also calls for a study of whether an extension of Lava Road (see Figure 18) ~~or some combination of both~~ should be used as ~~an additional the main~~ connection between the Old Mill District, ~~the downtown~~ and the Parkway. Determining ~~which of these alternative alignments~~ whether this extension should be used to improve traffic flow in this busy part of the City road network shall include a careful consideration of issues. These issues include a balancing of the adequacy of Old Mill District access and mitigating cut-through traffic in the neighborhood located between the Old Mill District and downtown.

The policies section of the TSP requires that before the Lava Road connection alternative to the Arizona/Colorado couplet ~~Bond Street connection~~ can be finalized as part of the TSP road system, the City must conduct a traffic study. This study shall include an analysis of the performance of the Bond/Wall Street system and an analysis of ~~including~~ traffic impacts of the Lava Road extension on adjacent neighborhoods and how those impacts could be

mitigated. ~~If Before the City proceeds with the Lava Road extension, it shall prepare a plan for and fund traffic control and calming measures that will minimize cut-through traffic while allowing residents of the neighborhood reasonable ingress and egress. The area of primary concern is located between the Arizona/Colorado one-way pair system and Franklin Boulevard. If the Lava Road extension or a combination of alternatives using the Lava Road extension is chosen, the mitigation measures must be in place before the Lava Road extension alignment is implemented.~~

If the City proceeds with the Lava Road extension, or a combination of alternatives using the Lava Road extension, it shall prepare a plan for and fund traffic control and calming measures that will minimize cut-through traffic, while allowing residents of the neighborhood reasonable ingress and egress. The mitigation measures must be in place before a Lava Road extension alignment is implemented. The area of primary concern is located between the Arizona/Colorado one-way pair system and Franklin Avenue.

EXHIBIT G

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.1.4 Minor Arterials

Minor Arterial Street Descriptions

Arizona/Colorado one way pair (couplet) system: The conversion of Arizona and Colorado streets to a one way pair "couplet" system, between Broadway and the Parkway, is planned as a method of increasing arterial road capacity without the need to widen existing Colorado Avenue. This is also planned as a strategy to improve downtown access to and from the Parkway. Both roadways would be designated as minor arterials, with Colorado carrying the westbound traffic and bike lane, and Arizona Avenue the respective eastbound movements. The City will develop a street design, including turn lanes, landscaping and access control that will fit the specifics of this project. Wall Street and Bond Street, between Colorado Avenue and Industrial Way, will serve as major collectors. See, Figure 18. Wall and Bond Streets will connect, via Industrial Way, to Bond Street South, as shown on Figure 18, through the Old Mill site, to meet (and connect) to Brookwood Boulevard the northern extension of Blakely Avenue, at the intersection of Wilson Avenue. Completion of the Bond Street extension would require the acquisition of right-of-way and construction of a new roadway for a relatively short distance (400-500 feet) between Arizona Avenue and Industrial Way. In order to facilitate this street extension, the City is working worked with the BNSF Railroad to terminate the railroad tracks at a point east of this Bond Street extension (hence no need for a road-railroad crossing). A similar extension of Wall Street (also a major collector), between Arizona and Industrial Way, has been evaluated but is not currently determined necessary. Also, the Roadway System Plan currently shows Bond Street extending between Arizona Avenue and Industrial Way. The City has acquired right-of-way to extend Wall and Bond Streets from Arizona to Industrial Way. This extension will link downtown Bend with the Old Mill District mixed use development zone. As previously mentioned in the "Proposed Roadway System Changes" section of this TSP, the City will also be studying alternative an additional connections, that include the use of Lava Road instead of or in combination with Bond and Wall Streets for this street connection.

EXHIBIT H

6.0 TRANSPORTATION SYSTEM PLAN

6.9 TRANSPORTATION AND LAND USE

6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS

Policies:

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

EXHIBIT I

6.0 TRANSPORTATION SYSTEM PLAN

6.9 TRANSPORTATION AND LAND USE

6.9.6 STREET SYSTEM

Implementation:

2. Study alternatives to improve the street grid system and east/west street connectivity in order to address future transportation needs: * * *

- (f) Regarding the study of the Lava Road road connection alternatives between Arizona and Industrial Way (i.e., ~~Bond and Lava streets~~):
 - i) Before ~~finalizing any alternative extending Lava Road between Industrial Way/Bond Street and the Colorado/Arizona couplet, to the Bond Street connection to the Old Mill District that uses an extension of Lava Road,~~ the City shall conduct a study (which may be done in conjunction with a refinement plan), with public involvement from the affected neighborhood and other interested parties, ~~of the relative performance of the Bond Street alternatives.~~ This study shall included evaluating the adequacy of the street system to handle anticipated traffic loads, impacts on the affected neighborhood (located between downtown and the Old Mill District) and how those impacts could be mitigated.
 - ii) If the study shows that using the Lava Road extension ~~alternative~~ will operate at a more acceptable level of service, minimize neighborhood cut-through traffic and that neighborhood access will be adequately accommodated, the City shall proceed with an amendment to the BUATSP (which may be done in conjunction with a refinement plan) followed by ~~with~~ the completion of the roadway improvements and traffic mitigation measures. It is important that the study demonstrate that adverse traffic impacts on the neighborhood can be mitigated without unduly compromising the residents' ability to enter and leave the neighborhood. Consequently, the study shall include the following elements:
 - (1) A mitigation plan that combines traffic control and traffic calming measures that will minimize cut-through traffic through the adjacent neighborhoods while allowing neighborhood residents reasonable ingress and egress to street adjoining the neighborhood;
 - (2) Analyzing the level of service at nearby intersections and making any changes that may be necessary to attain at least an acceptable level of service so long as those improvements can be accomplished within the existing pavement.

EXHIBIT J

Figure 18
Wall/Bond/Colorado/Arizona One-Way Pair (Couplet) System

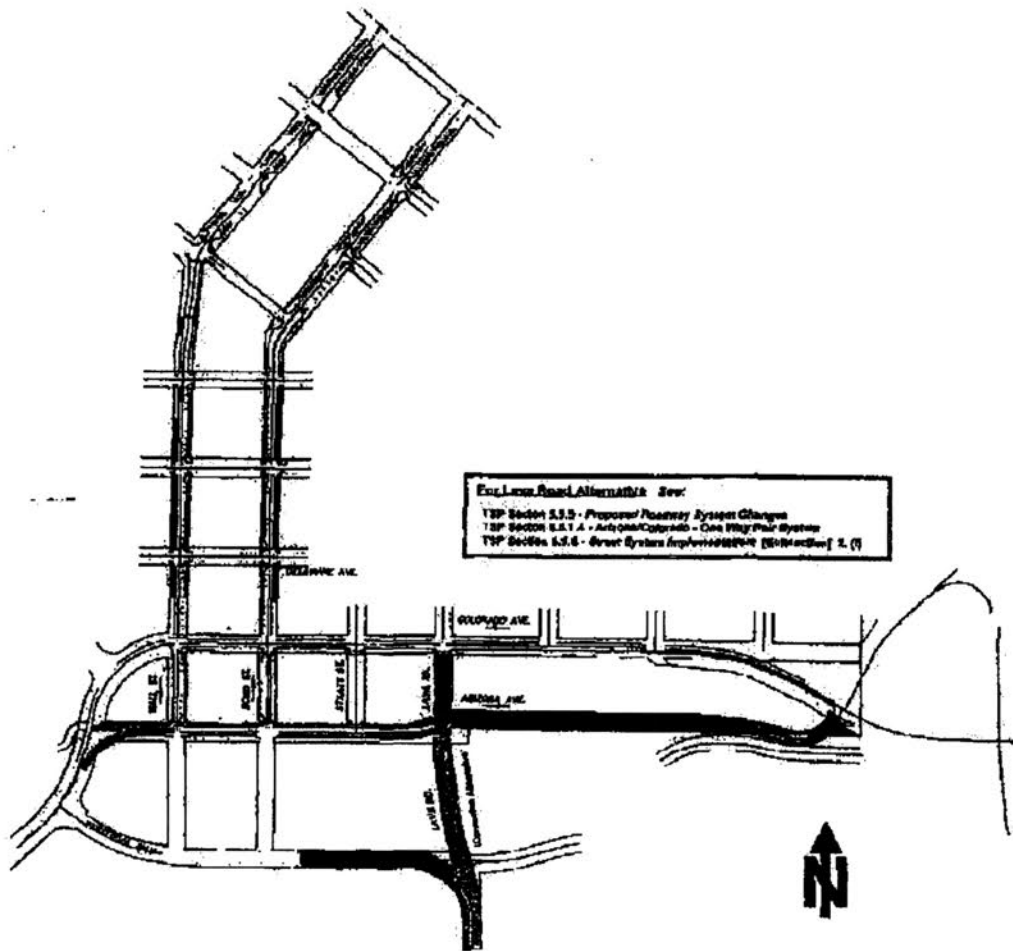


EXHIBIT K

FINDINGS TO SUPPORT ADOPTION OF AMENDMENTS TO THE CITY OF BEND TRANSPORTATION SYSTEM PLAN AND BEND AREA GENERAL PLAN RE WALL/BOND STREET EXTENSION

1. On April 5, 2002, the City and BRC, LLC and BRC2, LLC signed a document entitled "Right of Way Acquisition and Street Improvement Agreement" (the "Agreement"). A copy of that agreement is attached to this exhibit and incorporated by reference herein.
2. The City adopts the recitals of the Agreement as findings to support adoption of this ordinance. The City also relies on the other terms and exhibits of said agreement to support adoption of this ordinance.
3. The City Council also adopts, by reference the findings of fact, analysis and background information contained in the Staff Report dated November 12, 2002 prepared by Rick Root, Transportation Planner.
4. The City has also relied upon the following documents in the record of this case, in addition to the detailed information provided in its TSP, to support approval of the amendments contained in this ordinance:
 - A. March 20, 2001 Meeting Report of March 19, 2001 Meeting of the Bend City Council Transportation Subcommittee and the documents and evidence considered by said Committee.
 - B. Bend City Council Work Session Minutes for July 18, 2001.
 - C. Bend City Council Meeting Minutes for July 18, 2001 (relevant part).
 - D. Hickman, Williams & Associates, Inc. Improvement Alternatives Study – Arizona & Colorado Couplet, March 2001 (report considered by Transportation Subcommittee).
 - E. December 15, 2000 signal analysis letter from Rod Cathcart of Oregon Department of Transportation's Program and Planning Unit to Robert E. O'Neal, Public Projects Supervisor for the City of Bend.
 - F. March 1, 2001 letter from Bend Downtowners Association Board of Directors to Mayor Bill Friedman and Bend City Councilors.
 - G. February 6, 2001 Resolution of Support for Southern Crossing and Wall Street Connection.
 - H. October 6, 1999 Traffic Analysis by David Knitowski of David Evans & Associates, Inc. re Traffic Counts on Industrial Way and Proposed Signal at Industrial Way and Colorado Avenue (signal has been installed).
 - I. August 12, 1999 Traffic Analysis by David Knitowski of David Evans & Associates re Traffic Counts on Industrial Way
 - J. June 5, 2002 Minutes of City Council (pages 5 through 7)
 - K. Document labeled "BRC Improvements."
5. The traffic volumes on Industrial Way and at the intersection of Industrial Way and Colorado Avenue have increased significantly due to the completion of the Wilson Avenue overpass and the Bond Street South extension to join Brookwood Boulevard/Blakely Road. This increase in traffic merits the extension of Wall Street and Bond Street north from Industrial Way to join with the existing Wall Street and Bond Street collector street couplet. This increase in traffic also merits future study of a potential future extension of Lava Avenue north from the northern end of Bond Street South to the planned Arizona Avenue/Colorado Avenue one-way street system.
6. Wall Street and Bond Street North are expected to carry significant volumes of traffic. The volume is expected to fall within the range of traffic expected for collector streets.
7. Industrial Way between Bond Street North and Colorado Avenue currently carries trips approaching volumes expected on arterial streets but that street is currently designated a local street. With the completion of the Wall/Bond collector street extension, the volume traffic on this part of Industrial Way is expected to decrease but to remain significantly higher than the amount of traffic typically expected on a local street (1,500 vehicle trips per day).
8. The proposed collector streets have been selected by the City and BRC to favor pedestrian safety and convenience. This choice was made because the surrounding area includes areas is a mixed use development area that contains urban density commercial, office and industrial development that will, when fully developed, draw a large number of pedestrians.
9. The new improvements called for by the Agreement are viewed by the City as existing facilities. The City, therefore, has not included the improvements on its listing of planned street improvement projects in the TSP.
10. The City has considered OAR 660-012-0060 in its review of these amendments. The amendments proposed respond to increases in area traffic that have occurred due to changes in the City's transportation system during the development of The Old Mill District and area growth. The proposed amendments are measures that are authorized by OAR 660-012-0060(1) to offset plan amendments and zone changes that generate new traffic or change the roadway system in a way that "significantly affects" a transportation facility. The changes and the BRC improvements mitigate the impacts of prior changes by following the mitigation option provided by OAR 660-012-0060(1)(b). This option directs the City to amend the TSP to provide transportation facilities adequate to support proposed land uses.
11. The proposed alternative Lava Road alignment is retained as an option in the TSP until such time in the future as the City specifically addresses the issues raised in Objection C of DLCD Remand Order No. 001291, which is on file at the city of Bend. The purpose of this ordinance is to implement a settlement

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-26983



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DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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agreement and not to specifically address the issues on remand related to the Lava Road alternative in the TSP. The proposed alternative Lava Road alignment is retained as an option in the TSP until such time in the future as the City specifically addresses the issues raised in Objection C of DLCD Remand Order No. 001291, which is on file at the city of Bend. The purpose of this ordinance is to implement a settlement agreement and not to specifically address the issues on remand related to the Lava Road alternative in the TSP.

ORDINANCE NO. NS-1853

AN ORDINANCE VACATING PORTIONS OF VERMONT PLACE, HILL STREET AND AN ADJACENT ALLEY THAT LIE WITHIN NE ¼ OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A vacation having been initiated by the Bend City Council on November 6th, 2002 that the following described area be vacated:

SEE EXHIBIT "A-1" FOR VERMONT PLACE
SEE EXHIBIT "A-2" FOR HILL STREET
SEE EXHIBIT "A-3" FOR HILL STREET AND ADJACENT ALLEY

and stating the purpose for which the described property is proposed to be used and the reason for such vacation;

The City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 18th day of December, 2002, at 7:00 p.m. local time in the City Council 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the Office of the County Clerk of Deschutes County, Oregon.

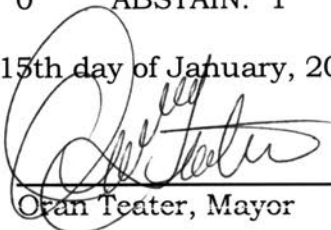
Read for the first time the 18th day of December, 2002.

Read for the second time the 15th day of January, 2003.

Placed upon its passage the 15th day of January, 2003.

Yes: 6 No: 0 ABSTAIN: 1

Authenticated by the Mayor the 15th day of January, 2003.


Olan Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

After recording return to:
Deputy Recorder, City of Bend
710 NW Wall
Bend, OR 97701

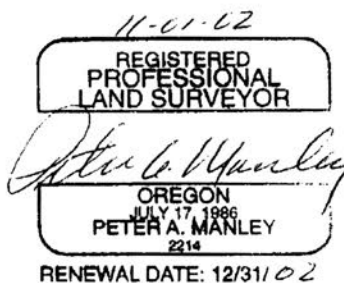
EXHIBIT A-1

A 40.00 wide strip of land located in a portion of the Southeast One-quarter of the Northeast One-quarter (SE1/4 NE1/4) of Section 32, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

A portion of Vermont Place (dedicated per the plat of North Addition to Bend as recorded August 08, 1918 in plat cabinet A, page 9 in the office of the Deschutes County Clerk) bounded on the east by the westerly right-of-way line of the Bend Parkway (Highway 97) and bounded on the west by a line projected from the southeast corner of Lot 4 of Block 4 of said plat to the northeast corner of Lot 4 of Block 9 of said plat.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map entitled "Exhibit B" hereunto incorporated by reference.



September 17, 2002
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Page 1

EXHIBIT B

LOCATED IN A PORTION OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

LAFAYETTE AVENUE

BEND PARKWAY

(HWY 97)

254+00 255+00 256+00 257+00

NORTH ADDITION TO BEND

BLOCK 4

7

6

5

4

3

2

1

TO BE VACATED

VERMONT PLACE

40'

BLOCK 9

7

6

5

4

3

2

1

HILL STREET



PREPARED BY:

HWA
SURVEYORS, ENGINEERS
& PLANNERS

HICKMAN, WILLIAMS & ASSOCIATES, INC
805 SW INDUSTRIAL WAY, SUITE 10, BEND, OREGON 97702
PHONE (347) 369-3351

020810/VermontVac.dwg
11/01/02

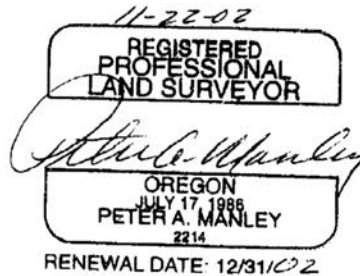
EXHIBIT A-2

A strip of land located in a portion of the Northeast One-quarter of the Northeast One-quarter (NE1/4 NE1/4) of Section 32, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point on the west line of the NE1/4 of the NE1/4 of said Section 32 which bears North 00°16'44" West a distance of 244.69 feet from a 3/8" brass rod in concrete marking the NE 1/16th corner of said Section 32; thence continuing along said west line North 00°16'44" West a distance of 200.24 feet to the intersection of the westerly projection of the south right-of-way line of Norton Avenue with said west line; thence leaving said west line and along said right-of-way projection line South 89°56'38" East a distance of 30.00 feet to the northwest corner of Tract 30 of the unrecorded plat of Lytle Acres Tracts; thence leaving said right-of-way projection line and along the west line of said Tract 30 South 00°16'44" East a distance of 200.20 feet to a point on the north line of that parcel described in Circuit Court for the State of Oregon Judgment Case No. 97-CV-0146-Ab dated June 27, 1997, and as recorded on July 15, 1997 in Volume 454, Page 2816 of Deschutes County Official Records in the office of the Deschutes County Clerk; thence leaving said west line of Tract 30 and along said north line South 89°59'02" West a distance of 30.00 feet to the point of beginning.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map entitled "Exhibit B" hereunto incorporated by reference.



September 17, 2002
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Page 1

EXHIBIT B

LOCATED IN A PORTION OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

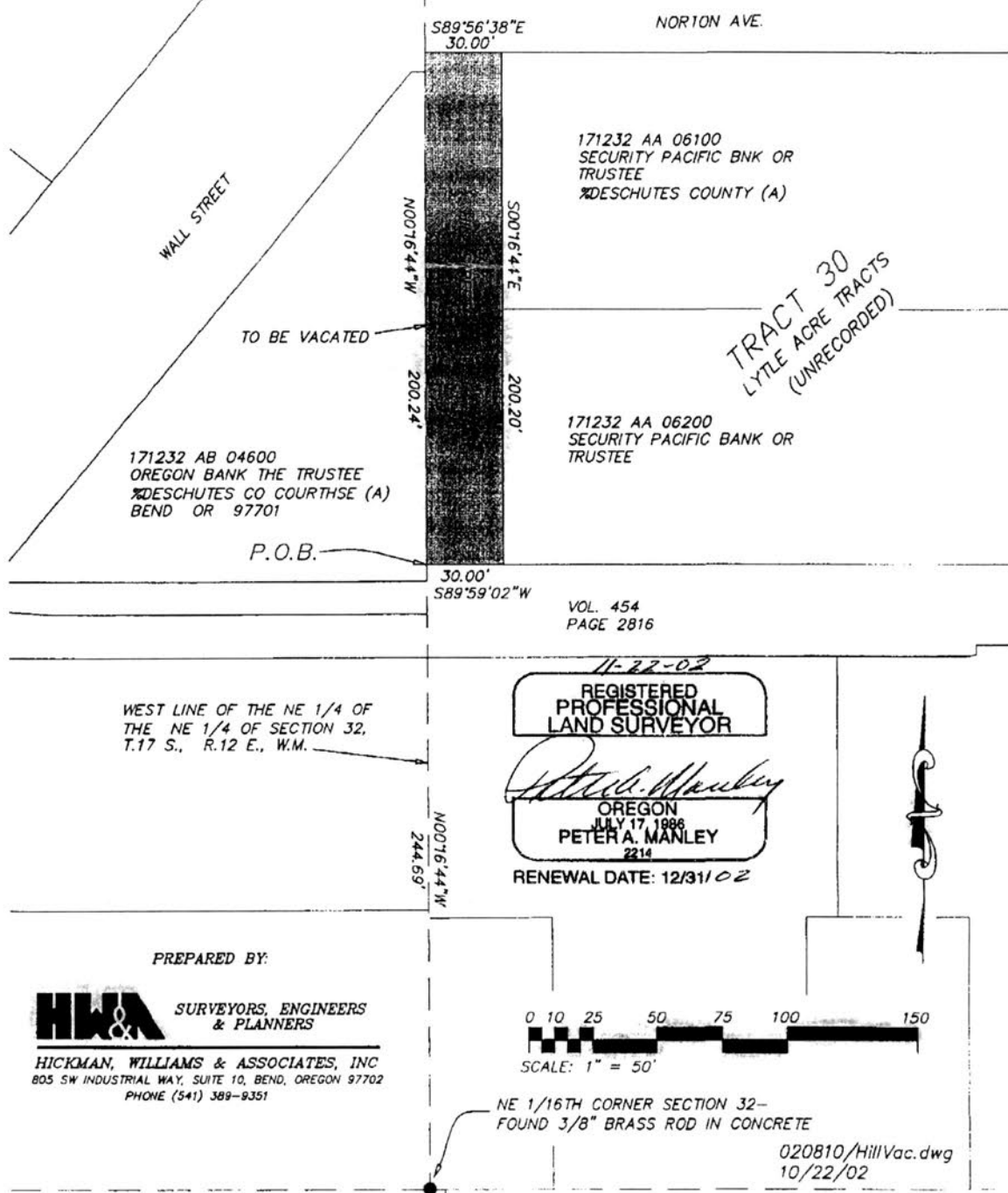




EXHIBIT A - 3

Two (2) parcels of land located in a portion of the Northeast One-quarter (NE1/4) of Section 32, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Parcel 1-

That portion of Hill Street that lies between the north right-of-way line of Lafayette Avenue and the north boundary line of the plat of North Addition To Bend (recorded on July 01, 1918 in plat cabinet A, page 9 in the office of the Deschutes County Clerk) together with that portion of the 20 foot wide alley between the north boundary of said plat and the north boundary of Block 3 of said plat which lies west of the west right-of-way line of the Bend Parkway.

Parcel 2-

That portion of the strip of land quitclaimed to the City of Bend per deed recorded September 18, 1951 in Vol. 98, Page 499 of Deeds in the office of the Deschutes County Clerk lying west of the west right-of-way line of the Bend Parkway.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

See attached map entitled "Exhibit B" hereunto incorporated by reference.

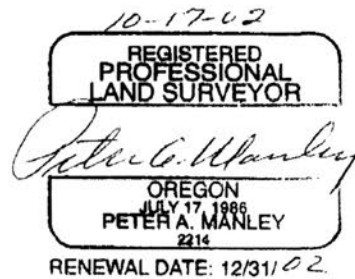
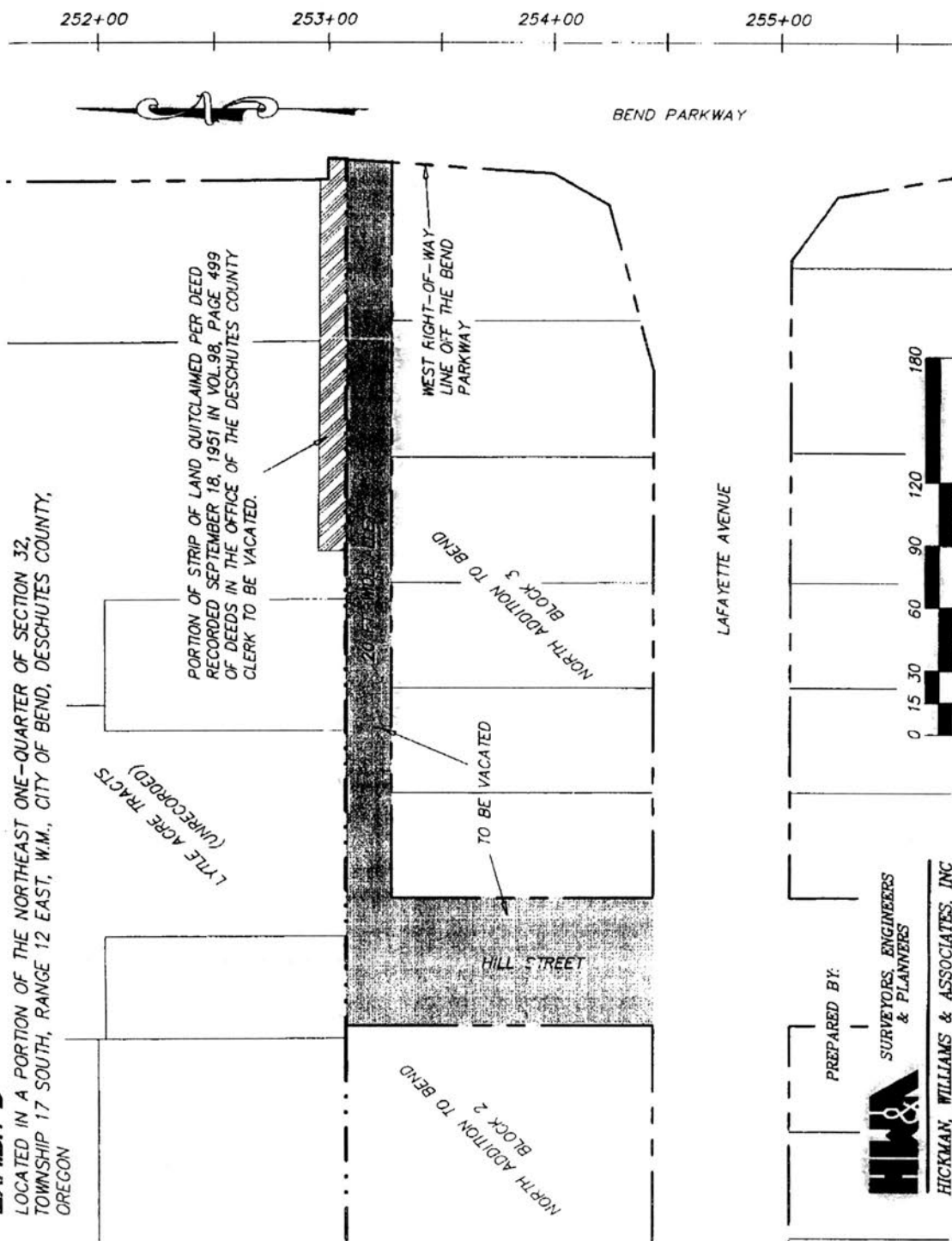


EXHIBIT B

LOCATED IN A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 32,
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND, DESCHUTES COUNTY,
OREGON



PREPARED BY:



SURVEYORS, ENGINEERS
& PLANNERS

HICKMAN, WILLIAMS & ASSOCIATES, INC
805 SW INDUSTRIAL WAY, SUITE 10, BEND, OREGON 97702
PHONE (541) 389-9351

020810/vacations.dwg
09/17/02

ORDINANCE NO. NS-1854

AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO SUSPEND, BY
RESOLUTION, PROVISIONS OF BEND CODE SECTION 5.252 RELATING TO DOGS ON
LEASH, AND PROVIDING FOR SUNSET DATE

Whereas, Section 5.252 of the Bend Code currently requires dogs to be leashed in public places under nearly all circumstances; and

Whereas, A number of citizens of Bend have requested that public places be established where dogs can be allowed to run without leashes, and

Whereas, the Bend City Council wishes to establish a trial period for allowing dogs to run in designated public places without being leashed, subject to the supervision and approval of the Chief of Police,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 5.253 of the Bend Code is enacted to read as follows:

- (a) The Bend City Council may designate certain areas of public parks, owned and operated by the Bend Metro Parks and Recreation District, or other properties under the control or ownership of others, in the discretion of the City Council, as areas where dogs are not required to be leashed, subject to the other provisions of this section.
- (b) A designation of an area by the Bend City Council under Section 5.253(a) of the Bend Code shall not be effective unless the governing body of an organization, or other owner, of land where dogs will be allowed off-leash provides written consent to the Bend Chief of Police specifying the terms and conditions under which dogs will be allowed off-leash. The terms and conditions provided by the owner of the land, together with the terms and conditions established by the Bend City Council for the preservation of the health, safety and welfare of the public, shall be posted at the property where dogs are allowed off-leash. Any dog owner or person responsible for control of a dog shall be subject to a civil penalty under Bend Code 5.252 for violation of the terms and conditions for off-leash dogs as provided in this Section.
- (c) Except as may otherwise be provided in the Bend Code, no dog may be allowed off-leash except in an area enclosed by a fence sufficient to prevent any dog from escaping the area.
- (d) No dog is allowed off-leash unless its owner is within voice- control range of the dog at all times.
- (e) Dog owners must control their dogs at all times. Allowing a dog to engage in fighting with other dogs or allowing a dog to harass, bark at, threaten or injure a person or animal is not permitted.
- (f) Dog owners must clean up all dog waste promptly after it occurs.

Section 2. This ordinance shall remain in effect only until December 31, 2005, at which time it shall automatically expire unless further action is taken by the Bend City Council to renew the ordinance by an affirmative vote of the Council.

Section 3. Bend Code Section 5.292 is amended as follows:

(1) A violation of Bend Code Section 5.252, 5.253, 5.255, 5.260, 5.265 and 5.290 is a Class B civil infraction.

Read for the first time the 18th day of December, 2002.

Read for the second time the 15th day of January, 2003.

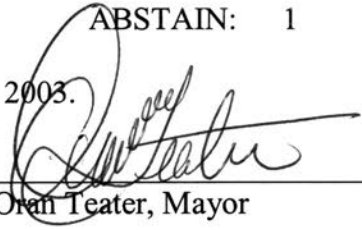
Placed upon its passage the 15th day of January, 2003.

YES: 6

NO: 0

ABSTAIN: 1

Authenticated by the Mayor the 15th day of January, 2003.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1855

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF AREA OF LAND FROM UAR-10, URBAN AREA RESERVE, TO ME, MIXED EMPLOYMENT.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer, including the conditions of approval dated November, 20 2002 (as amended by Findings on Request for Reconsideration dated December 20, 2002) file number PZ-02-253.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in Exhibit A other wise known as Tax Lot 17-11-26, Tax Lot 104 from Urban Area Reserve (UAR-10) to Urban Standard Density Residential (RS).

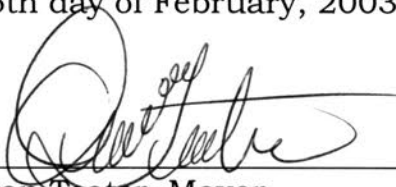
Read for the first time the 15th day of January, 2003.

Read for the second time the 5th day of February, 2003.

Placed upon its passage the 5th day of February, 2003.

YES: 7 NO: 0

Authenticated by the Mayor the 5th day of February, 2003.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

Exhibit A
Legal Description
Gumpert Property Acquisition

All that portion of the Southeast quarter, of the Northeast quarter, of Section 17, Township 17 south, Range 12 East, Willamette meridian, in Deschutes County, Oregon, more particularly described as follows:

Beginning at the East quarter corner of said Section 17, as shown on the Map of Survey of the Bend Parkway Robal Road to Empire Avenue section, recorded in the Deschutes County survey records as CS14588;

Thence North 0°30'43" East, 531.54 feet along the East line of the Southeast quarter of the Northeast quarter of said section 17, to the South right of way of Robal Lane as shown on said Map of Survey;

Thence along said South right of way of Robal Lane the following six courses: North 78°16'25" West 193.35 feet; Thence North 88°19'51" West 91.01 feet; Thence North 84°37'48" West 20.07 feet; Thence North 80°54'48" West 247.54 feet; Thence North 67°22'29" West 37.60 feet; Thence 95.06 feet along the arc of a non-tangent 354.26 foot radius curve to the left, through a central angle of 15°22'29", to the Easterly right of way of the McKenzie-Bend Highway, as shown on said Map of Survey; Thence South 24°25'00" East along said Easterly right of way, 679.12 feet to the South line of said Northeast quarter of section 17; Thence South 89°17'16" East along said South line of said Northeast quarter of said section 17, 388.57 feet to the point of beginning.

The area contained within this description is 303,934 square feet.



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ORDINANCE NO. NS-1856

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated January 15, 2003 file number PZ-02-355.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 18-12-18BA, Tax Lot 1100 and 1101 from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 15th day of January, 2003.

Read for the second time the 5th day of February, 2003.

Placed upon its passage the 5th day of February, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 5th day of February, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1857

AN ORDINANCE VACATING PORTION OF SISEMORE ROAD THAT LIES WITHIN THE NE ¼ OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Council on November 6, 2002 requesting that the following described area be vacated:

VACATE THAT PORTION OF SISEMORE ROAD WITHIN PARCEL 2 OF THE PARTITION PLAT NO. 2002-5, CITY OF BEND, DESCHUTES COUNTY, OREGON.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and said petition being duly acknowledged;

The City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 15th day of January, 2003, at 7:00 p.m. local time in the City Council 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

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 2003.

Read for the second time the 5th day of February 2003.

Placed upon its passage the 5th day of February 2003.

Yes: 7 No: 0

Authenticated by the Mayor the 5th day of February 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

After recording return to:
Deputy Recorder
City of Bend
710 NW Wall
Bend OR 97701

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-22772



\$31.00

D-ODN Cnt=1 Stn=23 JEFF
\$5.00 \$11.00 \$10.00 \$5.00

04/07/2003 04:07:18 PM

04-10-03 P03:01 IN

ORDINANCE NO. NS-1858

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONING MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM SUBURBAN LOW DENSITY RESIDENTIAL (SR 2 ½) TO URBAN STANDARD DENSITY RESIDENTIAL (RS).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated December 5, 2002, File Number PZ-02-418.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property depicted in Exhibit "A" and described on Exhibit "B" from SR 2 1/2, Suburban Low Density Residential to RS, Urban Standard Density Residential.

Read for the first time the 15th day of January, 2003.

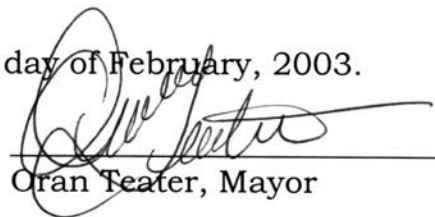
Read for the second time the 5th day of February, 2003.

Placed upon its passage the 5th day of February, 2003.

YES: 7

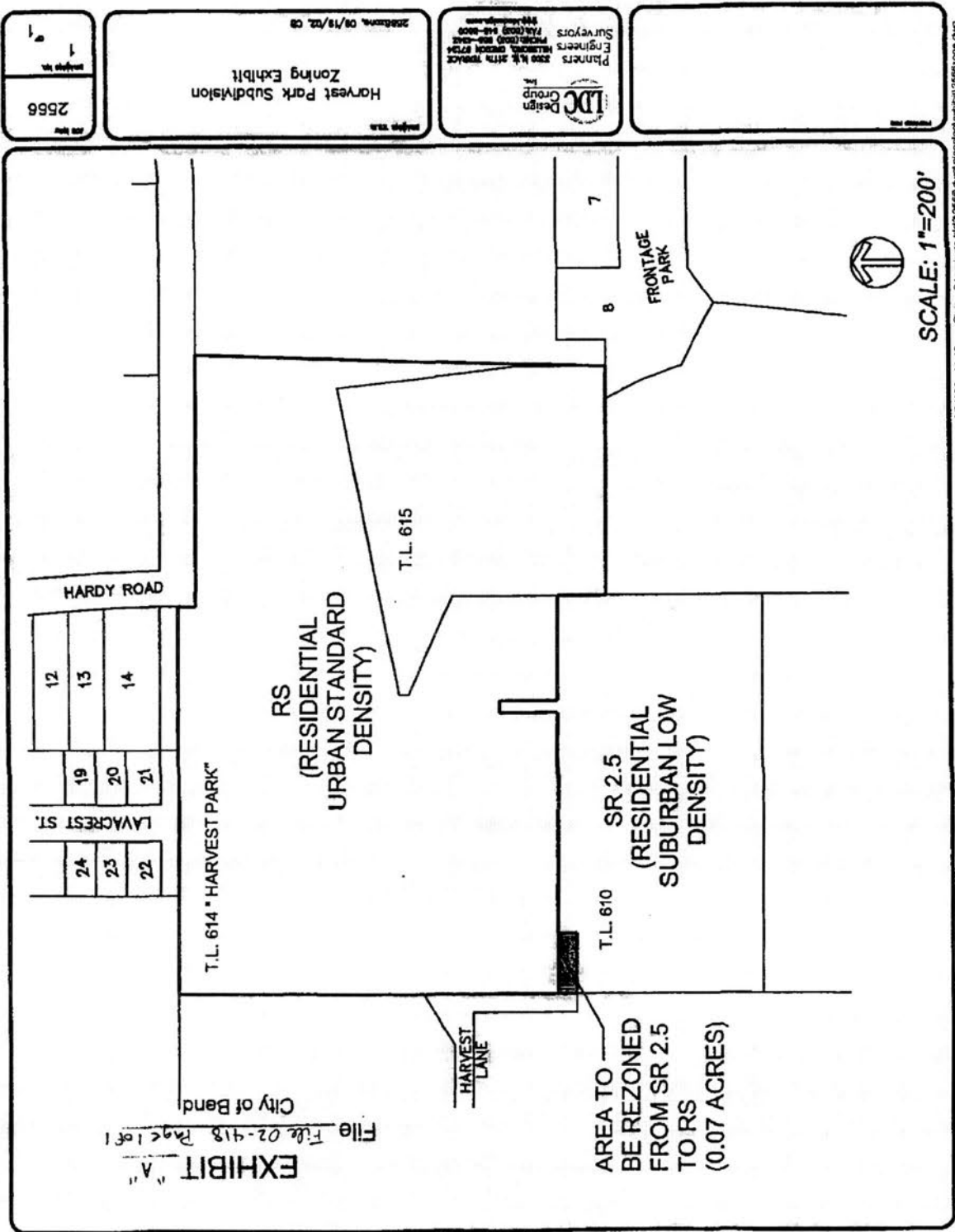
NO: 0

Authenticated by the Mayor the 5th day of February, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder



RECORDED BY
WESTERN TITLE & ESCROW CO.

EXHIBIT "B"

File 02-417 Page 1 of 2

Title Order No. 138601
Escrow No. 138601

After recording return to:

Patricia Elliott
20270 Harvest Lane
Bend, OR 97701

Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address.

Patricia Elliott
address directly above

Name, Address, Zip

This space reserved for recorder's use

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK

City of Bend
2002-03910



\$36.00

D-D Cntx1 Strm4 JEFF
\$10.00 \$11.00 \$10.00 \$5.00

01/22/2002 03:38:06 PM

STATUTORY WARRANTY DEED

Greg K. Jensen and Catherine S. Jensen, as tenants by the entirety, Grantor, conveys and warrants to Patricia A. Elliott, Grantee, the following described real property free of encumbrances, except as specifically set forth herein situated in Deschutes county, OREGON, to wit:

Exhibit "A" Attached Hereto and Made a Part Hereof;

This property is free from encumbrances, EXCEPT: Regulations, including levies, liens, assessments, water and irrigation rights and easements for ditches and canals of Swalley Irrigation District; The existence of roads, railroads, irrigation ditches and canals, telephone, telegraph and power transmission facilities; Reservations and restrictions recording 12/31/63 in volume 137, page 553, Deed Records; Easement recorded 5/6/65 in volume 143, page 323, Deed Records; Easement recorded 1/13/96 in volume 399, page 2438, Official records; SUBJECT TO an easement right retained by Grantors for ingress and egress over and across the existing driveway benefiting and appurtenant to the property described in that certain deed recorded on December 29, 1998 at Volume 528, Page 2840, Deschutes County deed records, until such time as deeded access to a public road is available and constructed to the benefited property through that certain 20-foot by 96.01-foot strip of adjacent property deeded on this date from Patricia Elliott to Grantors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

exchange of property and other consideration CSJ GKS

The true consideration for this conveyance is ~~XXXXX~~ / (Here comply with the requirements of ORS 93.030)

Dated this 18 day of January, 2002.

Greg K. Jensen

Catherine S. Jensen

STATE OF OREGON, County of Deschutes

This instrument was acknowledged before me on January 18, 2002,
by Greg K. Jensen and Catherine S. Jensen



Notary Public for Oregon
My commission expires

Boundary Legal Description

A portion of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 17, Township 17 South, Range 12 East, Willamette Meridian, County of Deschutes, State of Oregon, being more particularly described as follows:

Beginning at a point on the North line of the Jensen Tract of Land as described in deed, recorded on December 29, 1998 in Volume 528, Page 2840, Deed Records of Deschutes County, which bears N89°50'33"W, 556.66 feet from the $\frac{1}{4}$ " Iron Pipe marking the Northeast Corner thereof; said point of beginning bears N89°54'12"W, 324.54 feet, N00°05'13"E, 79.94 feet and N89°50'33"W, 556.66 feet from the $\frac{5}{8}$ " Iron Rod with an aluminum cap inscribed "OR 930 MBA" marking the Northwest Corner of Lot 8, "Frontage Park", a Plat of Record in Deschutes County; thence leaving the North line of said Jensen Tract of Land, S00°10'15"W, 29.98 feet; thence N89°54'07"W, 100.00 feet to the West line of said Jensen Tract of Land; thence along said line N00°10'15"E, 30.09 feet to the Northwest Corner thereof; thence along the North line of said Tract of Land, S89°50'33"E, 100.00 feet to the point of beginning.

Containing 3,003 Square Feet.

The bearings are based along the North Line of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 17 pursuant to that Survey recorded on November 19, 1992 in CS 02527. The remaining courses and corners described hereon are based upon the actual Survey of said lands by LDC Design Group in June of this year. The record of this survey has not yet been recorded with the Deschutes County Surveyor.

ORDINANCE NO. NS-1859

AN ORDINANCE GRANTING TO QUANTUM COMMUNICATIONS, AN OREGON CORPORATION, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN A DATA COMMUNICATIONS SERVICE FACILITY; TO OCCUPY CITY RIGHTS-OF-WAY; AND TO PROVIDE TELECOMMUNICATION SERVICES IN THE CITY OF BEND, OREGON.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Definitions - as used in this ordinance:

1. "City" means City of Bend, Oregon.
2. "Grantee" means Quantum Communications, LLC, the grantee of rights under this franchise, including its successors or assigns.
3. "Council" means the City Council of the City of Bend, Oregon.
4. "Facilities" means the conduits, cables, poles, wires, fixtures, underground lines, and appurtenances thereto, including other technical Facilities necessary for the purpose of providing telecommunication services.
5. "Gross revenues" means all revenues earned by the Grantee in the delivery of goods and services within the City of Bend, and is further defined in Section 9.
6. "Person" means any person, firm, partnership, association, corporation, limited liability company or organization of any kind.
7. "Rights of way" include streets, roads, highway, bridges, alleys, sidewalks, and public utility easements, including the subsurface under and air space over these areas. This definition applies only to the extent of the City's right, title, interest or authority to grant a franchise to occupy and use such areas for siting telecommunications facilities. "Rights of way" excludes other property owned by the City, such as parks or public buildings.
8. "Telecommunications service provider" means any entity that transmits information for hire, in electromagnetic frequency, electronic or optical form, including voice or data, whether or not the transmission medium is owned by the provider itself.
9. "Ultimate consumer" means any entity that obtains telecommunications services transmitted over Grantee's Facilities for its own use by any means, including purchase, lease or direct receipt of such services.

Section 2. Grant of Authority. City grants to Grantee the right and privilege, subject to all City of Bend ordinances, policies, rules and regulations, to construct, install, maintain and operate over, in, on and under the present and future City rights of way of the City of Bend, Facilities necessary for the purpose of providing telecommunication services. This franchise is not exclusive, and City reserves the right to grant a similar privilege to any other Person at any time during the period of this franchise. This grant is further subject to all prior rights, interests, agreements, permits easements or licenses granted by the City, and to the City's right to use the rights of way for any purpose it deems fit, including the same or similar purposes allowed Grantee hereunder.

Section 3. Compliance with Laws, Rules and Regulations. The locations and methods of installation and maintenance of all Grantee's Facilities shall be subject at all times to regulation by the City (including City's ordinances and policies on street cuts and use of right-of-way), and all such Facilities shall be so constructed and maintained as to interfere as little as practicable with street or other traffic. Nothing herein however shall be construed to change or modify any

applicable Oregon law regarding Grantee's ability to recover costs for any relocation of its Facilities. All of such Facilities shall be installed and at all times maintained by Grantee in accordance with telecommunications industry standards. Grantee shall change the location of or remove any pole, conduit, structure or Facility within the public right of way when the City determines that the public convenience requires such changes or removal. The expense of said change shall be paid by Grantee

Section 4. Grantee Liability, Indemnification of City and Insurance.

1. Grantee 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. Grantee shall defend, save harmless and indemnify City from any loss or claim against City on account of or in connection with any activity of Grantee in the construction, operation or maintenance of its Facilities.
3. This franchise shall not be effective until Grantee secures, and shall at all times be conditioned upon Grantee maintaining, a comprehensive liability insurance policy which shall contain the following provisions:
 - a. Grantee shall obtain, at Grantee's expense, and keep in effect at all times during the term of this franchise, comprehensive general liability insurance covering bodily injury and property damage in an amount equal to at least two-times the City's tort liability limit, as established by Oregon Law.
 - b. Grantee, and its subcontractors, if any, will comply with the Oregon Worker's Compensation Law at all times.
 - c. City, its officers, directors, and employees shall be added as additional insured with respect to all policies. All commercial general liability insurance policies will be endorsed to show this additional coverage. Grantee will require that its insurance carrier give the City 30 days written notice of any change in insurance coverage.
 - d. There shall be no cancellation, material change, exhaustion of aggregate limits, or intent not to renew insurance coverage without 30 days written notice to City. Any failure to comply with this provision will not affect the insurance coverage provided to City. The 30 days notice of cancellation provision shall be physically endorsed on the policy.
 - e. Coverages provided by Grantee must be underwritten by an insurance company deemed acceptable by City. City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating or not authorized to transact business in Oregon.
 - f. As evidence of the insurance coverage required by this franchise, Grantee shall furnish a Certificate of Insurance to City. This franchise shall not be in effect until the required certificates have been received and approved by City. The Certificate will specify and document all provisions within this franchise. A renewal certificate will be sent to City 10 days prior to coverage expiration.
4. In the event that City's tort liability limits are raised by law, Grantee shall obtain and maintain insurance in the amount of two-times the City's tort liability limits as they are amended.

Section 5. Performance Bond.

1. Upon the effective date of this franchise, Grantee shall furnish proof of the posting of a performance bond running to City, with good and sufficient surety approved by City, in the

penal sum of \$100,000, conditioned that Grantee shall well and truly observe, fulfill, and perform each term and condition of this franchise. Grantee shall pay all premiums charged for the bond, and shall keep the bond in full force and effect at all times throughout the term of this franchise, including, if necessary, the time required for removal of all of Grantee's telecommunications system installed in City's right of way. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire without prior written consent by City. The bond shall be reviewed and approved as to form by the City Attorney.

2. During the term of this franchise, Grantee shall file with City a duplicate copy of the bond along with written evidence of payment of the required premiums. However, in no event shall City exercise its rights against the performance bond under Section 5.1 if a bona fide, good faith dispute exists between City and Grantee.
3. Not sooner than October 15, 2005, City may, based upon inflation or other identifiable needs, require the amount of the performance bond and construction bond to be increased after reasonable notice to Grantee.

Section 6. Conditions on Right of Way Occupancy.

1. Use. Grantee shall construct, install, maintain and operate its Facilities in designated City rights of way to the industry standard and City's satisfaction, in compliance with all City ordinances, rules, policies and regulations; and in a manner so 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.
2. Restoration. In case of any disturbance of pavement, sidewalk, driveway or other surfacing by Grantee, Grantee shall, at its own cost and expense and in a manner approved by City, replace and restore all paving, sidewalk, driveway, landscaping or surface of any street or alley disturbed. If Grantee fails to make restoration as required, City may cause the repairs to be made at the expense of Grantee.
3. Relocation. Except as provided below, if the removal or relocation of Facilities is caused directly by an identifiable development of property and the removal or relocation of Facilities occurs within the area to be developed, or is made for the convenience of a customer, Grantee may charge the expense of removal or relocation to the developer or customer. Grantee shall be solely responsible for enforcing collection from the developer or customer. City may require Grantee to relocate its Facilities. If the removal or relocation of Facilities results from City's need to provide public Facilities, is a City project, or is otherwise requested by City and is made for the purpose of improving a street to City standards or other improvement for the benefit of the public, Grantee will remove or relocate its Facilities at Grantee's expense within a reasonable time frame after notification by City. In cases of capital improvement projects undertaken by City, Grantee shall convert existing overhead distribution Facilities to underground at Grantee's expense if requested to do so by City. City agrees to comply with provisions of applicable law when requiring such conversion.
4. Placement of Facilities. Grantee shall not place its Facilities where they will interfere with any existing or future City utility, gas, electric or telephone fixture, power, sanitary sewer, storm sewer or water facility. Grantee will consult with City's Public Works Department prior to placement of Facilities, and will comply with all City ordinances, policies, rules and regulations in connection with its placement of Facilities. Whenever all existing electric utilities, cable facilities and telecommunications facilities are located underground within a public right of way of the City, Grantee must also locate and relocate its facilities underground.
5. Temporary Rearrangement of Facilities. Grantee shall, consistent with City policies, ordinances, rules and regulations, arrange to temporarily raise, lower, or otherwise move its Facilities to permit the moving of buildings or other objects if the Person wishing to move the building or other object makes a reasonable arrangement to reimburse Grantee for its

expenses in rearranging its Facilities. Nothing contained in this section shall preclude City from requiring Grantee to move its Facilities at its own expense when public convenience requires the move, as described in Subsections 3 and 4 of this section.

Section 7. Transfer of Franchise. Grantee shall not sell, assign, dispose of, lease or transfer in any manner whatsoever any interest in this franchise or in the Facilities authorized by this franchise, or any part of the Facilities, without prior written approval of City, which consent shall not be unreasonably withheld. The City may impose reasonable conditions on its approval of any transfer, including but not limited to the requirement that the transferee acknowledge in writing and agree to be bound by the terms of this Franchise. City shall have the right to collect from Grantee City's actual administrative costs associated with processing a transfer request, including the cost of ascertaining the financial responsibility of the proposed transferee.

Section 8. City Rights in Franchise.

1. City Supervision and Inspection. City shall have the right to supervise all construction or installation of Grantee's Facilities subject to the provisions of this franchise and make such inspections as it shall find necessary to insure compliance with governing laws, ordinances, rules and regulations.
2. Termination or Abandonment of Franchise. Upon any termination of this franchise, all Facilities installed or used by Grantee shall be removed by Grantee at Grantee's expense and the property upon which the Facilities were used restored by Grantee to the condition it was in before installation except that City or its designee shall have the following options after termination of this franchise:
 - a. City or its designee may elect to acquire the Facilities for their fair market value consistent with any applicable law; and
 - b. Value shall be determined by an appraiser who is mutually acceptable to City and Grantee. In the event that City and grantee are unable to agree on a single appraiser, then the City and grantee shall each appoint an appraiser, and those two appraisers shall select a third appraiser. The opinion of any two appraisers shall be determinative of the value of the Facilities.
 - c. City agrees to provide Grantee with written notice of its intention to acquire Grantee's Facilities pursuant to this section within 120 days after termination of this franchise by City, or City's declaration of Facilities abandonment by Grantee, with the closing of the acquisition to occur as soon thereafter as is practicable.
3. City Connection to Facilities. In addition to City's other rights in this franchise, and so long as Grantee has sufficient capacity on its Facilities that is not being used by a paying customer at that time, City shall have the right to obtain services from Grantee at the Grantee's most favorable rate applicable to those services. Nothing in this subsection shall affect Grantee's obligation to pay franchise fees to the City under Section 9 of this Ordinance.

Section 9. Franchise Fee.

1. Grantee shall pay monthly to City the sum of 3% of Grantee's gross revenues earned in the delivery of services within the corporate limits of the City to parties (including lessees of the Facilities) who are not the ultimate consumers of those services, but who redistribute services to third parties, plus 7% of Grantee's gross revenues earned in the delivery of services within the corporate limits of the City to Ultimate Consumers of those services. Grantee also may at its option deduct uncollectible accounts of customers within the corporate limits of City from these gross revenues. The intention of the parties in charging different fees for telecommunications service providers and ultimate consumers is to prevent any end user from paying a permit or franchise fee to City more than once for the same use of the Facilities, while at the same time charging a fair amount for the use of City's rights of way.

2. The fee required by this section shall be due and payable within 60 days after the end of each applicable calendar month. Any payment not made when due shall bear interest at the rate of 9% per annum, compounded monthly, from the date due until paid.
3. With each payment, Grantee shall furnish City with a written statement, under oath, executed by an officer of Grantee, verifying the amount of gross revenues of Grantee within City for the monthly period covered by payment computed on the basis set out in Subsection 1 of this section.
4. City's acceptance of any payments due under this section shall not be considered a waiver by City of any breach of this franchise.
5. Before Grantee begins earning any revenues from use of the Facilities, Grantee shall pay City a monthly fee for use of the City's right-of-way in the amount of \$833.33 per month.
6. Grantee agrees and covenants that it will not challenge the validity of the franchise fees under this ordinance as long as they do not exceed the maximum amounts established by applicable statutes.

Section 10. Grantee Records and Reports.

1. Grantee shall keep accurate books of financial accounts at an office within the State of Oregon throughout the term of this franchise. Grantee shall produce all books and records directly concerning its gross revenues and other financial information deemed necessary by City for purposes of calculation of the franchise fee for inspection by City, upon no less than 10 days prior written notice, during normal working hours. City may require periodic reports from Grantee relating to its operation within City. City shall have the right during the term of this franchise or within 180 days thereafter to conduct audits of Grantee's records. Such audits shall be undertaken by a qualified person or entity selected by City. The cost of any such audit shall be borne by City, unless the results of any such audit reveal an underpayment of more than 8% of the franchise fee for the period audited. In the case of such underpayment, the full cost of such audit shall be paid by Grantee. Grantee shall immediately pay the amount of the underpayment as determined by such audit to City together with 12% per annum interest from the date such payment should have been made to the date the payment is actually made.
2. Any audit information obtained by City under these provisions shall be kept confidential to the maximum extent allowed by Oregon law, except that this obligation shall not prevent the City from introducing audit results in any forum where enforcement of the provisions of this franchise is at issue.

Section 11. Permit and Inspection Fees. Nothing in this ordinance shall be construed to limit the right of City to require Grantee to pay reasonable costs incurred by City in connection with the issuance of a franchise or permit, making an inspection, or performing any other service for or in connection with Grantee or its Facilities, whether pursuant to this ordinance or any other ordinance or regulation now in effect or hereafter adopted by City.

Section 12. Enforcement and Termination of Franchise for Violation.

1. Default: Time of payment and performance are of the essence in the franchise. The following shall be events of default:
 - a. Default in Payments. The failure of Grantee to pay City when due any amounts required by the franchise and such failure continues for a period of 10 days after the due date.
 - b. Default in Other Covenants. The failure of Grantee to perform any of the covenants and conditions required herein to be kept and performed by Grantee, and such failure continues for a period of 30 days after notice from City of such failure. If the same failure occurs within 24 months of the initial notice, City may

terminate the franchise without further opportunity to cure.

2. **Termination.** Upon the occurrence of an event of default, this franchise may be terminated at the option of City by notice in writing to Grantee given within 30 days of the date of default. If this franchise is not terminated by election of City, Grantee shall pay to City the sum of \$200 per day for each day the default continues along with any additional damages suffered by City as a result of Grantee's default.

Section 13. Remedies not Exclusive; Waiver. All remedies under this ordinance, including termination of franchise, are cumulative, and recovery or enforcement of one is not a bar to the recovery or enforcement of any other remedy. Remedies contained in this ordinance, including termination of the franchise, are not exclusive and City reserves the right to enforce penal provisions of any ordinance and also use any remedy available to City at law or in equity. 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 14. Franchise Term. This franchise is granted for a term of five years beginning on the date on which this franchise ordinance is approved. City agrees to renegotiate in good faith a renewal of this franchise for a similar term if this franchise is not in default at its expiration.

Section 15. Acceptance of Franchise. Within 30 days from the effective date of this ordinance, Grantee shall file with the City Recorder a written unconditional acceptance of this franchise executed by its duly authorized representative and all of its terms and conditions, and if it fails to do so, this ordinance shall be void and of no effect.

Section 16. Severability. If any section, subsection, sentence, clause or portion of this ordinance is for any reason held invalid or 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 validity or constitutionality of the remaining portion thereof. 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 such court or other governmental agency shall be the franchise fee charged by this ordinance.

Section 17. Notices. Any notice required or permitted under this franchise shall be deemed given when received or when deposited with postage prepaid in the United States Mail as registered or certified mail addressed as follows:

TO CITY: David A. Hales
City Manager
710 NW Wall Street
Bend, OR 97701

TO GRANTEE: Mark Holden
General Manager
Quantum Communications, LLC
PO Box 1748
Redmond, OR 97756

or to such other address as may be specified from time to time by either parties in writing.

Section 18. Interpretation/Jurisdiction. This franchise shall be deemed to have been entered into in Deschutes County, Oregon. Jurisdiction of any dispute shall be in the circuit court of the State of Oregon, and venue shall be in Deschutes County, Oregon. Interpretation of the franchise shall be governed by laws of the State of Oregon.

Read for the first time January 15, 2003.

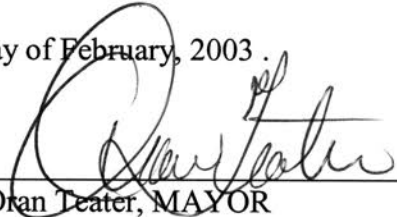
Read for the second time this 5th day of February, 2003.

Placed upon its passage this 5th day of February, 2003.

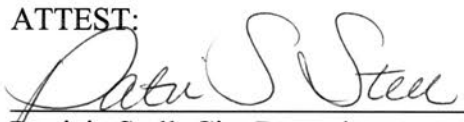
YES: 7

NO: 0

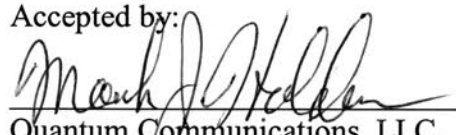
Authenticated by the Mayor this 5th day of February, 2003.


Oran Teater, MAYOR

ATTEST:


Patricia Stell, City Recorder

Accepted by:


Quantum Communications, LLC

Date:

2/28/03

General Manager

ORDINANCE NO. NS-1860

AN ORDINANCE AMENDING THE INTERGOVERNMENTAL AGREEMENT
RATIFIED UNDER ORDINANCE NO. NS-1842

WHEREAS, ORS 190.085 requires local governments to enact ordinances ratifying the creation of intergovernmental entities through intergovernmental agreements prior to the effective date of such agreements; and

WHEREAS, an intergovernmental agreement was already adopted under Ordinance No. NS-1842 that established the Bend Metropolitan Planning Organization, and

WHEREAS, the State of Oregon, as a signing party to the agreement, made minor changes to the text of the agreement after it had been ratified by the City of Bend,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1.

The Intergovernmental Agreement ratified under Ordinance No. NS-1842 is amended to read as per Exhibit A (attached).

Section 2.

The Mayor is authorized to execute the amended Agreement.

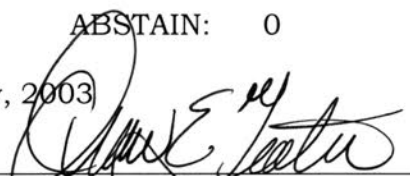
Read for the first time the 5th day of February, 2003.

Read for the second time 19th day of February, 2003

Placed upon its passage 19th day of February, 2003

YES: 7 NO: 0 ABSTAIN: 0

Authenticated by the Mayor 19th day of February, 2003


Oran Teater, Mayor

Attest:


Patricia Stell, Recorder

For Recording Stamp Only

December 4, 2002

**INTERGOVERNMENTAL AGREEMENT
ESTABLISHMENT OF THE BEND METROPOLITAN PLANNING ORGANIZATION**

This agreement is made and entered into by and between the CITY OF BEND ("City"), DESCHUTES COUNTY ("County"), and the STATE OF OREGON, acting by and through its Department of Transportation, ("ODOT").

1. Introduction

Based on the results of the US 2000 Census, the Bend Urbanized Area has exceeded 50,000 in population. Federal regulations (29CFR part 450) requires that an MPO be designated for the area to conduct a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. 29CFR part 450 also allows ODOT to be a voting member of any policy boards created under the rules of 29CFR part 450. The plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and freight.

ORS 190.110 and 283.110, allow state agencies to enter into cooperative agreements with units of local government or other state agencies for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

ORS 190.010 allows units of local government to join together to form intergovernmental entities, and enter into cooperative agreements for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

Pursuant to these statutes and regulations, an intergovernmental entity is hereby created by City and County by way of this agreement, to be called the Bend Metropolitan Planning Organization ("BMPO") located at 710 NW Wall Street, Bend, Oregon 97701. This agreement shall be governed and construed in accordance with the laws of the State of Oregon.

2. Purpose

- 2.3 The purpose of the BMPO is to carry out planning, coordination and integration of activities necessary to maintain a comprehensive, cooperative, and continuing multi-agency transportation planning program; and further, as specified by the Policy Board of the BMPO, carry out other related specific tasks including implementation thereof.
- 2.2 The BMPO shall establish a setting in which to undertake effective decision-making processes regarding transportation in the metropolitan area of Bend; evaluate transportation alternatives that are realistic and scaled to address the needs of the metropolitan area; develop and maintain a long range transportation plan for the metropolitan area which covers a 20 year planning horizon; and develop a Transportation Improvement Program ("TIP") to establish how transportation funding will be used for regional transportation purposes to

address the modernization, operation and maintenance of transportation facilities and services needs within the BMPO.

- 2.3 The BMPO shall promote public participation in the decision making process through public meetings. The BMPO shall exercise leadership and initiative in planning and assisting development of efficient, integrated transportation system facilities and services in the Bend metropolitan area.
- 2.4 The area within the BMPO includes the urban area as defined by the 2000 U.S. Census plus all area within the Urban Growth Boundary (UGB), and other additional areas that may be annexed to accommodate expected growth and anticipated development for the next twenty years. The areas included outside of the Urban Growth Boundary can be described as Deschutes River Woods to the South, the Woodside Ranch area, an area East of the UGB from Stevens Road to Hwy 20, an area East of the UGB from Neff to Butler Market Road, the Bend Pine nursery area, an area along Hwy 97 North of the UGB and the area located Northeast of the UGB that the City is considering annexing. Based upon the 2000 Census, this area qualifies as a U.S. Census Designated Urban Area.

3. Governing Body of BMPO

- 3.1 Policy Board The Policy Board of BMPO shall consist of representatives appointed by the governing body of each party to this Intergovernmental Agreement based upon a formula of one (1) representative per each 15,000 residents with a minimum of 1 representative for each agency. The three initial agencies represented on the Policy Board are the three major transportation providers within the geographical boundaries that form the BMPO. As future major transportation providers form, such as a Transit District, they shall be added to the Policy Board by way of amendment of this agreement, and become a party hereto. The parties to this agreement and the governmental entities making up the Policy Board, as it now exists at the present time or in the future will be referred to throughout this agreement as "Party" or "Parties." Based on this formula, the representatives are as follows:

<u>Jurisdiction</u>	<u>Policy Board Members</u>
City of Bend	3 (1 of whom is a City Council member appointed to COACT)
Deschutes County	1 (a County Commissioner appointed to COACT)
ODOT	1
Total	5

- 3.2 Appointment of each Policy Board member shall be for a period of one year. Each member of the Policy Board shall hold office until the Party he or she represents appoints a successor. Policy Board members may be re-appointed by the Party that appointed that Policy Board member. A Policy Board member need not be a member of the governing body of the Party that appointed the Policy Board member.

4. Policy Board Members, Terms of Office, Officers and Meetings

- 4.1 The Policy Board of the BMPO shall elect the following officers at its first meeting of the calendar year to serve for that year: Chair and Vice Chair. In the absence of the Chair, or upon her/his inability to act or serve, the Vice Chair shall have the powers of the Chair. The Chair and Vice Chair will serve without compensation and shall serve for a period of one year, renewable.
- 4.2 The Policy Board shall be responsible for the management, supervision, policy and direction of all programs, functions and activities established and operated

under BMPO. Also at the first meeting of each calendar year, the Policy Board shall designate an Administrative Officer who shall account for the financial matters of BMPO and handle other necessary administrative functions.

- 4.3 Any Policy Board member who has three (3) consecutively unexcused absences from Policy Board meetings may be removed by the Party appointing such member.
- 4.4 A vacancy on the Policy Board shall be filled by the Party that appointed the member who created the vacancy.
- 4.5 The Policy Board shall follow the Public Meeting Laws of Oregon.

The first meeting of the Policy Board shall be on the first Monday following the effective date of approval of this agreement by all Parties. Thereafter, regular meetings of the Policy Board shall be held at such time and place as determined by the Policy Board. Special meetings of the Policy Board may be called by the Chair. All Policy Board members are entitled to notice. No action may be taken unless all Policy Board members are given notice. Notice of meetings may be given telephonically or by other means of electronic communication.

- 4.6 BMPO business may not be conducted without a quorum of the Parties. A quorum consists of representation by at least one Policy Board member from each of the Parties making up the BMPO Policy Board. The Policy Board may meet telephonically or by other means of electronic communication.
- 4.7 Any conflict of interest must be stated prior to discussion of that particular agenda item.
- 4.8 A consensus of all Parties will constitute passage. This means that a majority of the three City representatives must support any given decision item, as well as each of the other Parties.
- 4.9 The Administrative Officer shall provide a financial report at each monthly meeting and an annual report at the August meeting for the previous fiscal year. The monthly report shall include a list of expenditures the payment of which shall be approved by the Policy Board, and the balance of all depository accounts.
- 4.10 The decision making process outlined in this IGA has been designed to be consistent in structure with those of the City of Bend and Deschutes County.

5. Bylaws The Policy Board may adopt bylaws to establish procedures for management of the BMPO, if the Policy Board finds that bylaws would be conducive towards the furtherance of BMPO business.

6. Powers and Responsibilities of BMPO

- 6.1 The BMPO Policy Board is responsible for all actions, agreements, and functions to be carried out by the Bend Metropolitan Planning Organization. To this end, the BMPO may:
 - 6.1.1 Serve in a review capacity to insure that all federal and state assisted development projects are consistent with integrated regional transportation plans and programs;
 - 6.1.2 Accept contributions and grants-in-aid;
 - 6.1.3 Contract with the Federal Government for planning assistance and other transportation-related planning projects, products, and services;
 - 6.1.4 Contract for the provision and receipt of planning or associated products or services;

- 6.1.5 Administer grants, Planning Funds (Federal Highway Administration “FHWA” funds) and Federal Transit Administration “FTA” funds;
- 6.1.6 Own property, facilities and equipment;
- 6.1.7 Incur debt, subject to Oregon Constitution Article II, Sections 9 and 10;?
- 6.1.8 Issue bonds;
- 6.1.9 Maintain Financial records, supporting documentation for financial records and records relating to procurement and management of contracts for implementation of its work plan shall be kept in compliance with applicable state and federal requirements;
- 6.1.10 Take such other and further actions as are reasonably necessary to carry out its responsibilities.
- 6.2 The BMPO is responsible for development of the following essential products:
 - 6.2.1 Annual Unified Planning Work Program (“UPWP”)/Budget;
 - 6.2.2 Regional Transportation Plan;
 - 6.2.3 Transportation Improvement Program (“TIP”) the program that establishes a blueprint for the use of transportation resources to meet the capital and operating needs of the BMPO;
 - 6.2.4 Annual Audit of BMPO activities; and
 - 6.2.5 Other products deemed essential may be authorized by the Policy Board as specified in the UPWP.

7. Technical Advisory Committee (“TAC”)

- 7.1 The BMPO Policy Board identifies the need to create a standing committee to be known as the BMPO Technical Advisory Committee (TAC). Membership of the TAC includes governmental entities within the BMPO that are impacted by the decisions and that have significant contributions to the BMPO, but do not necessarily need to be Parties. The TAC is composed of technical and/or managerial staff representatives from each of the participating governmental entities. In addition, there may be one or more ex-officio non-voting representatives each from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Each ex-officio non-voting member must be approved by the agency he/she represents.
- 7.2 As future major transportation providers form, such as a Transit District, they shall be added to the TAC. In addition, a representative from any technical subcommittee or advisory group that is formed shall have a seat on the TAC. Policy Board directive may also add additional positions (as voting members or as ex-officio members) to the TAC, such as a citizen representative, business representative, or freight stakeholder.
- 7.3 The TAC has authority and primary responsibility to conduct technical reviews and analyses regarding all work activities of the UPWP, and any related issues as specified by the BMPO Policy Board and to so advise the Policy Board on appropriate actions to be taken. The TAC works closely with the BMPO staff, providing guidance and direction for development of the annual UPWP and work activities defined therein.
- 7.4 TAC Membership
 - 7.4.1 Voting membership on the BMPO TAC shall be as follows:

City of Bend - Three (3) positions: (to be named by City Council)

Deschutes County - One (1) position (to be named by County Board of Commissioners):

ODOT - One (1) position: Region 4 Coordinator or designee

Central Oregon Intergovernmental Council (COIC) - One (1) position: (to be named by governing body)

Central Oregon Area Commission on Transportation (COACT) - One (1) position: (to be named by governing body)

Central Oregon Community College (COCC) - One (1) position: (to be named by governing body)

Commute Options - One (1) position: (to be named by governing body)

Deschutes County Bike/Pedestrian Advisory Committee - One (1) position: (to be named by governing body)

Bend-Lapine School District - One (1) position: (to be named by governing body)

7.4.2 Ex-Officio Members on the BMPO TAC shall be as follows:

Federal Highway Administration

Federal Transit Administration

Oregon Department of Land Conservation and Development

Oregon Department of Environmental Quality

The person in each of the positions under Section 7.4.2 may, by a written statement to the Chairs of the Policy Board and the TAC, designate a regular alternate. Non-regular alternates (i.e. for a particular meeting) must be declared when the meeting is called to order.

7.4.3 Organization of management of the TAC shall be according to bylaws adopted by the TAC and approved by the BMPO Policy Board.

8. BMPO Finances

8.1 The fiscal year for the BMPO shall commence on July 1 of each year.

8.2 The BMPO shall have the power to receive funds from any public or private source including, but not limited to, the federal, state and local governments, voluntary associations, non-profit corporations, firms, partnerships, or person or any combination thereof, bequests, donations, devices, grants and gifts of all kinds of property.

8.3 The BMPO Policy Board Chair shall call for an annual audit of the financial affairs of the BMPO to be made by a certified public accountant selected by the members of the BMPO Policy Board at the end of each federal fiscal year. The audit is a public record, and shall be made available to all BMPO Parties.

9. Formation of Committees

9.1 The BMPO Policy Board, as deemed necessary, may create special BMPO committees. A special committee may be either an ad hoc committee for a specific work task or a standing committee for one or more work tasks. Any such special committee will be responsible to the BMPO Policy Board.

- 9.2 At the direction of respectively the Chairs of the Policy Board and the TAC, subcommittees may be formed to investigate a particular work task or issues relevant to the BMPO.
- 9.3 The BMPO Policy Board shall define the duties, and authorize the power of all special committees. Special committees shall comply with the Public Meeting Laws of Oregon. Special committees with membership consisting entirely and exclusively of staff and employees of a Party or Parties are considered not to be subject to public meetings requirements.
- 9.4 The BMPO Policy Board and/or the TAC shall determine membership on a special committee. The BMPO Policy Board and/or the TAC may appoint, at its discretion, any individual it deems qualified to serve on a special committee.

BMPO Staff

- 10.1 The BMPO will remain a separate entity from the City and County, and from any Party, with a separate budget, its own governing body and separate operating principles as outlined in this IGA.
- 10.2 The BMPO may contract for support staff or hire staff as necessary, including legal counsel. The BMPO staff consists of an Executive Director and supporting staff personnel. The Executive Director of the BMPO shall report directly to and take direction from the BMPO Policy Board. Supporting staff personnel shall report directly to and take direction from the Executive Director.
- 10.3 The BMPO Policy Board will be responsible for preparing a Request for Proposals for staffing of the MPO. The Policy Board will also be responsible for developing the evaluation criteria for the proposals, rating the proposals, selecting the successful candidate, and awarding the contract. The RFP shall request, and the successful proposal must include, a description of how autonomy will be retained, including descriptions of where the agency will be housed, who will staff the agency, and whether there will be any overlap with Parties regarding employee responsibilities. The RFP and selection process shall begin after the Policy Board is formed in January 2003 and shall be completed prior to the start of the BMPO's first fiscal year on July 1, 2003.
- 10.4 Parties may donate personnel to serve as staff to the BMPO, subject to the provisions of Section 12.

11. No Joint and Several Liability

- 11.1 Parties are *not* jointly and severally liable with other Parties for any tort (as defined by ORS 30.260(8)) committed by an elected or appointed official, employee or agent of such Party acting in connection with this agreement, nor with the BMPO.
- 11.2 Nothing in this agreement shall be construed to increase tort liability that Party would otherwise have under Oregon Law.
- 11.3 Obligations of BMPO arising from contract or quasi contract shall be the obligations of BMPO alone, and Parties are *not* jointly and severally liable for such obligations, unless one or more of the Parties agree, in writing, to individually guarantee performance of a specific obligation.

12. Employment Liabilities. Each Party shall be responsible for any and all claims arising from its respective employer/employee relationships with respect to any donated employee of the Party during any time that the employee of the Party is working on BMPO matters. For the purpose of this agreement, elected and appointed public officials are included in the employer/employee relationship. Examples of the employer/employee relationship include selection, termination, discipline, benefits and equal employment opportunity issues. Each Party shall provide its own Workers' Compensation coverage as provided by law with respect to any employee of the Party during any time that the employee of the Party is working on BMPO matters.

13. Effectiveness, Duration, Termination and Withdrawal

13.1 This agreement and the formation of the BMPO shall be effective upon the adoption by ordinance of this agreement by the City and County, and upon approval of this agreement by the Oregon Transportation Commission for ODOT, and upon designation of the BMPO by the Governor of Oregon.

13.2 This agreement shall be perpetual unless terminated by agreement of all Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

On November 14, 2002, the Oregon Transportation Commission approved this agreement. At that time, the Commission authorized the Deputy Director, Transportation Development Division to execute this agreement.

The Oregon Transportation Commission on January 16, 2002, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

SIGNATURE PAGE TO FOLLOW

On January 31, 2002, the Director of the Oregon Department of Transportation approved Subdelegation Order 2, delegating day-to-day authority to the Deputy Directors, Division Managers, Chief of Staff, Technical Services Manager/Chief Engineer, Branch and Regions Managers for their respective Branch or Region, which includes authority to approve and execute personal services contracts and intergovernmental agreements up to \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program or in other system plans approved by the Oregon Transportation Commission, or in a line item in the approved biennial budget.

STATE OF OREGON, by and through its
Department of Transportation

By: _____
Deputy Director, Transportation Development

Date _____

Recommended for Approval

By: _____
Mark DeVoney, ODOT Region 4

Date _____

Approved for Legal Sufficiency

By: _____
Assistant Attorney General

Date _____

DESCHUTES COUNTY, by and through
elected officials

By: _____
Dennis Luke, County Commissioner

By: _____
Mike Daly, County Commissioner

By: _____
Tom DeWolf, County Commissioner

Date _____

CITY OF BEND, by and through its
elected officials

By: _____
Oran Teater, Mayor

By: _____
Patty Stell, City Recorder

Date _____



DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

ORDINANCE NO. NS-1861

AN ORDINANCE RENAMING COYOTE BUTTE COURT TO PILOT VIEW COURT WITHIN THE CITY OF BEND, OREGON.

THE PUBLIC WORKS DEPARTMENT WILL ADVISE THE LOCAL UTILITY COMPANIES, THE U.S. POST OFFICE, THE COUNTY TAX ASSESSOR'S OFFICE, 9-1-1 AND OTHER EMERGENCY SERVICES AGENCIES OF THIS STREET NAME CHANGE.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. That Coyote Butte Court be renamed to Pilot View Court.

Section 2. The effective date for renaming this street shall be 30 days following the adoption of this ordinance.

Read for the first time the 5th day of February 2003.

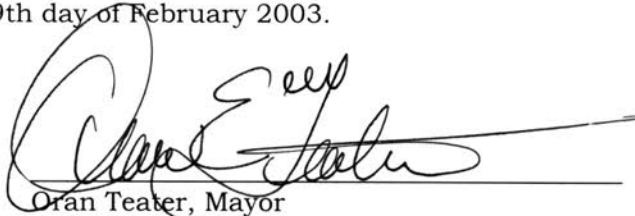
Read for the second time the 19th day of February 2003.

Placed upon its passage the 19th day of February 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 19th day of February 2003.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City Recorder

Record this side only
After recording return to
Deputy Recorder
City of Bend
710 NW Waldo
Bend OR 97701

ORDINANCE NO. NS-1862

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE GENERAL PLAN DESIGNATION OF CERTAIN REAL PROPERTY FROM RESIDENTIAL STANDARD DENSITY TO A SPLIT ZONE OF URBAN MEDIUM DENSITY RESIDENTIAL AND URBAN HIGH DENSITY RESIDENTIAL AND BY CHANGING THE ZONING MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM RESIDENTIAL URBAN STANDARD DENSITY AND TO A SPLIT ZONE OF URBAN MEDIUM DENSITY RESIDENTIAL AND URBAN HIGH DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed changes. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated February 4, 2003, File Number PZ-02-404.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property from Urban Standard Density Residential RS to Urban Medium Density Residential RM and Urban High Density Residential RH. The change in zoning shall be is subject to the condition of approval recommended from the Hearings Officer dated February 4, 2003, File Number PZ-02-404.

Read for the first time the 5th day of March, 2003.

Read for the second time the 19th day of March, 2003.

Placed upon its passage the 19th day of March, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 19th day of March, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

Do not record this side

ORDINANCE NO. NS-1863

AN ORDINANCE AMENDING BEND CODE CHAPTER SEVEN BY ADDING THE
REQUIREMENT THAT TAXI OPERATORS PROVIDE PROOF OF INSURANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Bend Code Chapter Seven is Amended to add a new Section 7.693 as follows:

TAXICABS

7.672 Definition. For the purposes of sections 7.670 to 7.696, "taxicab" means any vehicle including motor vehicles, animal drawn vehicles, human powered vehicles, and limousines, except motorbuses, used for transporting passengers for hire. Taxicabs used for hire shall be governed by and comply with the provisions of this Code.

7.674 Permit Required. No person shall operate a taxicab without a permit issued by the Chief of Police.

7.678 Fees. A person operating a taxicab shall pay a fee set by resolution pursuant to Bend Code 1.800 - 1.806.

7.688 Application.

- (1) A taxi cab driver shall, before beginning his/her duties, apply to the Chief of Police for a permit and shall furnish all information that may be required.
- (2) A permit may be denied if the applicant has been convicted of a felony or a misdemeanor involving moral turpitude.
- (3) A permit may be denied if the applicant's driving record clearly demonstrates he/she is not qualified to transport the public with sufficient safety.

7.690 Identification Card.

- (1) Upon approval of a taxicab driver's permit and payment of the fee pursuant to Bend Code 1.800 through 1.806, the Chief of Police shall furnish the taxicab driver with a photo identification card.
- (2) The identification card shall not be transferable and shall remain posted in a conspicuous place in the taxicab operated by the driver.

7.692 Applicants for Drivers' Permits to Furnish Fingerprints. A person applying for a taxicab driver's permit under this Code shall furnish to the Police Department a complete set of fingerprints on each hand.

7.693 Insurance A person applying for a taxicab driver's permit under this Code shall obtain a policy of all risk insurance with a per incident policy limit of at least two times the City's then existing tort liability limit as established by Oregon Law. The insurance must remain in effect at all times that the person, or any of the person's employees, is operating a taxi in Bend. A certificate of insurance must be provided to the City, and the City must be given at least 30 days' prior notice of cancellation of the insurance.

7.694 Temporary Suspension. In addition to the provisions of section 7.222, the Chief of Police may suspend a permit issued to a taxicab driver when there is reasonable grounds to believe that the driver is incompetent or an improper person to operate a taxicab. A driver having his/her permit suspended by the Chief of Police may appeal the suspension within five days from the date of suspension to the Council pursuant to section 7.224

Read for the first time the 19th day of March, 2003.

Read for the second time the 2nd day of April, 2003.

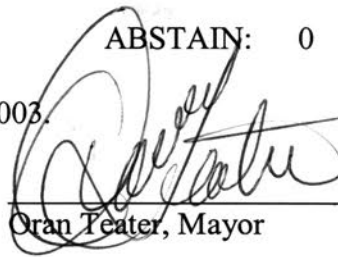
Placed upon its passage the 2nd day of April, 2003.

YES: 7

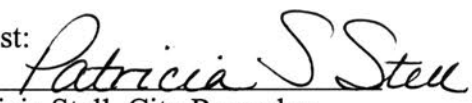
NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 2nd day of April, 2003.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1864

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated February 26, 2003, file number PZ-02-454.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

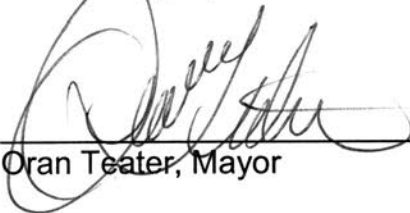
Read for the first time the 2nd day of April, 2003.

Read for the second time the 16th day of April, 2003.

Placed upon its passage the 16th day of April, 2003.

YES: 4 NO: 1

Authenticated by the Mayor the 16th day of April, 2003.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

EXHIBIT "A"
TO
ORDINANCE NO. NS-1864

The subject property is described as follows:

A parcel of land, also being Tax Lots 500 and 600, situated in the Southwest one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 3, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, more particularly describes as follows:

Commencing at the Northeast-Southeast 1/64 corner of Section 3, also being the Southwest corner of Sunburst Park and the INITIAL POINT; thence South 00°12'28" West 344.46 feet; thence North 89°56'41" West 635.66 feet to a point on the Easterly right-of-way line of Pettigrew Road; thence along said right-of-way line North 00°22'50" East 342.98 feet; thence leaving said right-of-way line North 89°55'16" East 634.63 feet to the INITIAL POINT, containing 5.01 acres, more or less.

ORDINANCE NO. NS-1865

AN ORDINANCE VACATING PORTION OF PORCUPINE ROAD EASEMENT THAT LIES WITHIN SE ¼ OF SECTION 7, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Council on February 19, 2003 requesting that the following described area be vacated:

All that portion of Porcupine lying westerly of Larkwood Drive as described in Book 35, Page 578 and Book 19, Pages 507 and 508 for a road easement.

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 16th day of April, 2003, at 7:00 p.m. local time in the City Council 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

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 16th day of April, 2003.

Read for the second time the 7th day of May, 2003.

Placed upon its passage the 7th day of May, 2003.

Yes: 7 No: 0

Authenticated by the Mayor the 7th day of May, 2003.


Grant Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

Please record this side only.

After recording return to:
Deputy Recorder
City of Bend
710 NW Wall
Bend, OR 97701

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-36934



\$31.00

00170130200300369340020026

06/03/2003 10:34:50 AM

D-ODN Cnt=1 Stn=23 JEFF

\$5.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

ORDINANCE NO. NS-1866

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178, CITY OF BEND ZONING ORDINANCE, AS AMENDED, TO ADOPT A DEFINITION, ALLOW THE USE OF, AND STANDARDS FOR TEMPORARY HOUSING.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Section 10-10.4, NS-1178, is hereby amended to add the definition for Temporary Housing to read as follows:

Temporary Housing. A permanent facility providing temporary shelter for individuals and/or families who may be homeless or in transition. Services may be provided including, but not limited to, accommodations, meals, toilet/bathing facilities, clothing/laundry, case management services and information on or referral to other community resources. ✓

Section 2. Section 10-10.15(2), NS-1178, is hereby amended by adding sub-section (uu) to read as follows:

(uu) Temporary Housing, up to 100 beds, subject to the Special Use Standards in Section 25. ✓

Section 3. Section 10-10.16(2), NS-1178, is hereby amended by adding sub-section (dd) to read as follows:

(dd) Temporary Housing, up to 100 beds, subject to the Special Use Standards in Section 25. ✓

Section 4. Section 10-10.17(2), NS-1178, is hereby amended by adding sub-section (p) to read as follows:

(p) Temporary Housing, up to 100 beds, subject to the Special Use Standards in Section 25. ✓

Section 5. Section 10-10.18(2), NS-1178, is hereby amended by adding sub-section (k) to read as follows:

(k) Temporary Housing, up to 5 beds, subject to the Special Use Standards in Section 25. ✓

Section 6. Section 10-10.21B(2), NS-1178, is hereby amended by adding sub-section (af) to read as follows:

(af) Temporary Housing, up to 25 beds, subject to the Special Use Standards in Section 25. ✓

Section 7. Section 10-10.21D(2), NS-1178, is hereby amended by adding sub-section (f) to read as follows:

(f) Temporary Housing, up to 25 beds, subject to the Special Use Standards in Section 25. ✓

Section 8. Section 10-10.9D(3), NS-1178, is hereby amended by adding sub-section (q) to read as follows:

(q) Temporary Housing, up to 10 beds, subject to the Special Use Standards in Section 25. ✓

Section 9. Section 10-10.10(3), NS-1178, is hereby amended by adding sub-section (cc) to read as follows:

- ✓ (cc) **Temporary Housing, up to 10 beds, subject to the Special Use Standards in Section 25.**

Section 10. Section 10-10.11(3), NS-1178, is hereby amended by adding sub-section (p) to read as follows:

- ✓ (p) **Temporary Housing, up to 50 beds, subject to the Special Use Standards in Section 25.**

Section 11. Section 10-10.12(3), NS-1178, is hereby amended by adding sub-section (q) to read as follows:

- ✓ (q) **Temporary Housing, up to 50 beds, subject to the Special Use Standards in Section 25.**

Section 12. Section 10-10.18(3), NS-1178, is hereby amended by adding sub-section (g) to read as follows:

- ✓ (g) **Temporary Housing, 6-25 beds, subject to the Special Use Standards in Section 25.**

Section 13. Section 10-10.21B(3), NS-1178, is hereby amended by adding sub-section (j) to read as follows:

- ✓ (j) **Temporary Housing, 26-100 beds, subject to the Special Use Standards in Section 25.**

Section 14. Section 10-10.21D(3), NS-1178, is hereby amended by adding sub-section (j) to read as follows:

- ✓ (j) **Temporary Housing, 26-100 beds, subject to the Special Use Standards in Section 25.**

Section 15. Section 10-10.25, NS-1178, is hereby amended by adding sub-section (27) to read as follows:

(27) **Temporary Housing**

- (a) **Supervision:** On site supervision must be provided at all times. At least one competent adult must be present for every 25 persons utilizing the facility.
- (b) **Loitering:** There shall be no loitering at the facility location.
- (c) **Outdoor activities:** All functions associated with a Temporary Housing use, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the Temporary Housing use. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients. Waiting shall not take place beyond one hour before for the facility opens or one hour after it has closed.
- (d) **Development Standards:** The development standards for the base zone and any overlay zone shall apply to Temporary Housing uses, unless superseded by standards in this section.

- (e) **Parking:** The parking space requirements for Temporary Housing uses shall be 1 space per 500 square feet of gross floor area.
- (f) **Signs:** Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to, the Sign Ordinance and Design Review Ordinance.
- (g) **Separation:** Any proposed Temporary Housing facility must be located at least 1000 feet from any other Temporary Housing facility.
- (h) **Compliance:** Any Temporary Housing facility must meet all other applicable requirements of federal, state, and/or local authorities including but not limited to local Fire Department, Building, and Environmental Health requirements.

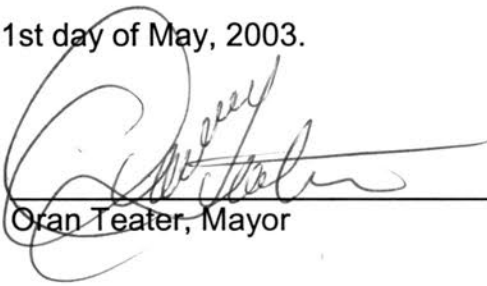
Read for the first time the 7th day of May, 2003.

Read for the second time the 21st day of May, 2003.

Placed upon its passage the 21st day of May, 2003.

YES: 7 NO: 0

Authenticated by the Mayor the 21st day of May, 2003.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1867

AN ORDINANCE CORRECTING SCRIVENER'S ERRORS CONTAINED IN ORDINANCE NO. NS-1855 WHICH AMENDED THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 BY CHANGING THE ZONING DESIGNATION OF AN AREA OF LAND FROM UAR-10, URBAN AREA RESERVE TO ME, MIXED EMPLOYMENT

WHEREAS, City Council on February 5, 2003, adopted Ordinance No. NS-1855;

WHEREAS, Ordinance No. NS-1855 contained two errors which were clerical in nature and did not accurately reflect the application and recommended order of the appointed hearings officer;

WHEREAS, the adopted ordinance contained an erroneous legal description of the property which correctly should have been Tax Lot 17-12-17A-TL100, instead of Tax Lot 17-11-26 Tax Lot 104;

AND WHEREAS, the adopted ordinance in Section 2 contained an erroneous Zoning District designation which correctly should have been Mixed Employment (ME) instead of Urban Standard Density Residential (RS).

THE CITY OF BEND THEREFORE ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council readopts Ordinance No. 1855 to correctly state the legal description and zoning district designation. Section 2 of that ordinance shall read as follows with the stricken-through language being deleted and the emboldened language added:
"Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in Exhibit A otherwise known as **Tax Lot 17-12-17A, Tax Lot 100** ~~100 17-11-26~~, Tax Lot 104 from Urban Reserve (UAR-10) to **Mixed Employment (ME)** ~~Urban Standard Density Residential (RS)~~."
- Section 2. The remaining provisions of Ordinance NS-1855 are not affected by this Ordinance as the only purpose of this Ordinance is to correct the above-referenced scrivener's errors.

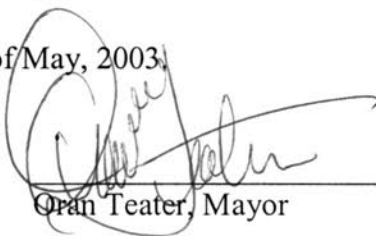
Read for the first time the 7th day of May, 2003.

Read for the second time the 21st day of May, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 21st day of May, 2003.


Grant Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1868

AN ORDINANCE AMENDING THE BEND URBAN AREA GENERAL PLAN MAP AND THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM URBAN LOW DENSITY (RL) TO URBAN STANDARD RESIDENTIAL (RS).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated February 25, 2003, File Number PZ-02-483.

Section 2. The Bend Urban Area General Plan Map and Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property depicted in Exhibit "A" and described on Exhibit "B" from Urban Low Density (RL) to RS, Urban Standard Density Residential.

Read for the first time the 7th day of May, 2003.

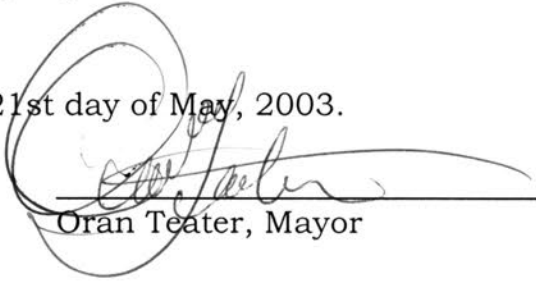
Read for the second time the 21st day of May, 2003.

Placed upon its passage the 21st day of May, 2003.

YES: 4

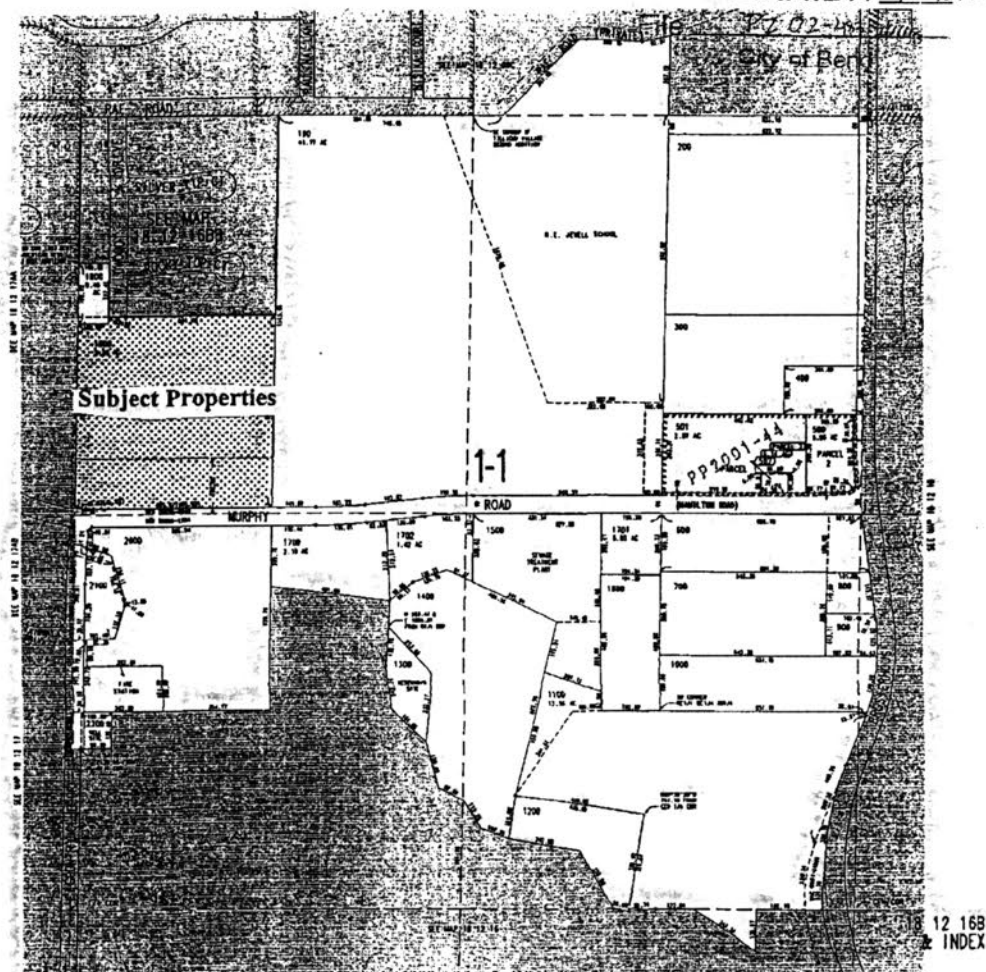
NO: 3

Authenticated by the Mayor the 21st day of May, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder



PROPERTY TO BE RE ZONED FROM RL TO RS

LEGEND

- | | |
|--|---|
| ☐ (MR) Mixed Use River Front | ☐ (CC) Commercial Convenience |
| ☐ (ME) Mixed Employment | ☐ (CG) Commercial General |
| ☐ (PO) Professional Office | ☐ (CH) Commercial Highway |
| ☐ (PF) Public Facilities | ☐ (CL) Commercial Limited |
| ☐ (SR 2 1/2) Residential Suburban Low Density | ☐ (CN) Commercial Neighborhood |
| ☐ (RH) Residential Urban High Density | ☐ (IG) Industrial General |
| ☐ (RL) Residential Urban Low Density | ☐ (IL) Industrial Light |
| ☐ (RM) Residential Urban Medium Density | ☐ (IP) Industrial Park |
| ☐ (RS) Residential Urban Standard Density | ☐ (PO/RM/RS) Combination |
| ☐ (SM) Surface Mining | ☐ (UAR) Urban Area Reserve |
| ☐ (CB) Central Business District | |



PRELIMINARY TITLE REPORT

EXHIBIT B icf10
File P2 02-483
City of Bend

MERRILL O'SULLIVAN MACRITCHIE & PETERSEN November 21, 2002
1070 NW BOND, SUITE 303 Report #1
BEND, OR 97701 Title Number : 050078
Title Officer : MARIE TERRY
Attn: TIA LEWIS

Policy or Policies to be issued: Liability Premium
SUBDIVISION REPORT

We are prepared to issue 1992 ALTA title insurance policy(ies) of CHICAGO TITLE INSURANCE COMPANY of OREGON, in the usual form insuring the title to the land described as follows:

See Attached Exhibit "A"

Vestee:

PARCEL 1:
RITA A. KORISH
PARCEL 2:
WILLIAM H. ROBECK and NORMA P. ROBECK, as tenants by the entirety
PARCEL 3:
WILLIAM H. ROBECK and NORMA P. ROBECK, as tenants by the entirety
PARCEL 4:
A. EARL WRIGHT
PARCEL 5:
WILLIAM H. ROBECK and NORMA P. ROBECK, as tenants by the entirety

Dated as of November 7, 2002 at 7:30 a.m.

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Easements, liens, encumbrances, interests or claims thereof which are not shown by the public records. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. (a) Unpatented mining claims; (b) Reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law not shown by the public records.

15 Oregon Avenue • PO Box 752 • Bend, Oregon 97709 • 541 389-7711 • Fax 541 389-0506 • Website: www.amerititle.com

SPECIAL EXCEPTIONS FOR PARCEL 1:

Taxes assessed under Code No. 1-001 Account No. 18 12 16B0 01900
Serial No. 121019

NOTE: The 2002-2003 Taxes: \$2,334.65, PAID IN FULL.

6. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Arnold Irrigation District.
7. Water Well Agreement, including the terms and provisions thereof, recorded July 23, 1975, in Book 220, Page 975, Deed Records.

SPECIAL EXCEPTIONS FOR PARCEL 2:

Taxes assessed under Code No. 1-001 Account No. 18 12 17AA 00100
Serial No. 121117

NOTE: The 2002-2003 Taxes: \$1,199.61, PAID IN FULL.
(Includes \$56.00 Fire Patrol)

8. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Pacificorp dba Pacific Power & Light Company
Recorded: February 14, 1990
Book/Page: 202/1732, Deschutes County Records.

SPECIAL EXCEPTIONS FOR PARCEL 3:

Taxes assessed under Code No. 1-001 Account No. 18 12 17AA 00101
Serial No. 158218

NOTE: The 2002-2003 Taxes: \$1,522.37, PAID IN FULL.
(Includes \$18.00 Fire Patrol)

9. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Arnold Irrigation District.
10. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Deschutes County
Recorded: June 19, 1985
Book/Page: 98/0056, Deschutes County Records

SPECIAL EXCEPTIONS FOR PARCEL 4:

Taxes assessed under Code No. 1-001 Account No. 18 12 17AA 00300
Serial No. 121114

NOTE: The 2002-2003 Taxes: \$1,065.68, PAID IN FULL.
(Includes \$56.00 Fire Patrol)

11. Any improvement located on the insured property, which is described or defined as a mobile home under the provisions of Chapters 803 and 820, Oregon Revised Statutes, and is subject to registration as provided therein.
(X-184008)
12. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Arnold Irrigation District.
13. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Pacificorp, dba Pacific Power & Light Company
Recorded: February 14, 1990
Book/Page: 202/1726, Deschutes County Records.

SPECIAL EXCEPTIONS FOR PARCEL 5:

Taxes assessed under Code No. 1-001 Account No. 18 12 17AA 00400
Serial No. 121113

NOTE: The 2002-2003 Taxes: \$1,703.48, PAID IN FULL.
(Includes \$56.00 Fire Patrol)

14. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Arnold Irrigation District.
15. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: PacificCorp, dba Pacific Power & Light Company, a corporation
Recorded: February 14, 1990
Book/Page: 202/1729, Deschutes County Records

NOTE: The property address as shown on the Assessor's Roll is:
20422 Murphy Road, Bend, Oregon 97702 (Parcel 1)
20360 Murphy Road, Bend, Oregon 97702 (Parcel 2)
20350 Murphy Road, Bend, Oregon 97702 (Parcel 4)
20390 Murphy Road, Bend, Oregon 97702 (Parcel 5)

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

AmeriTitle

By: _____
Marie Terry, Title Officer
MT:kw

"Superior Service with Commitment and Respect for Customers and Employees"

EV

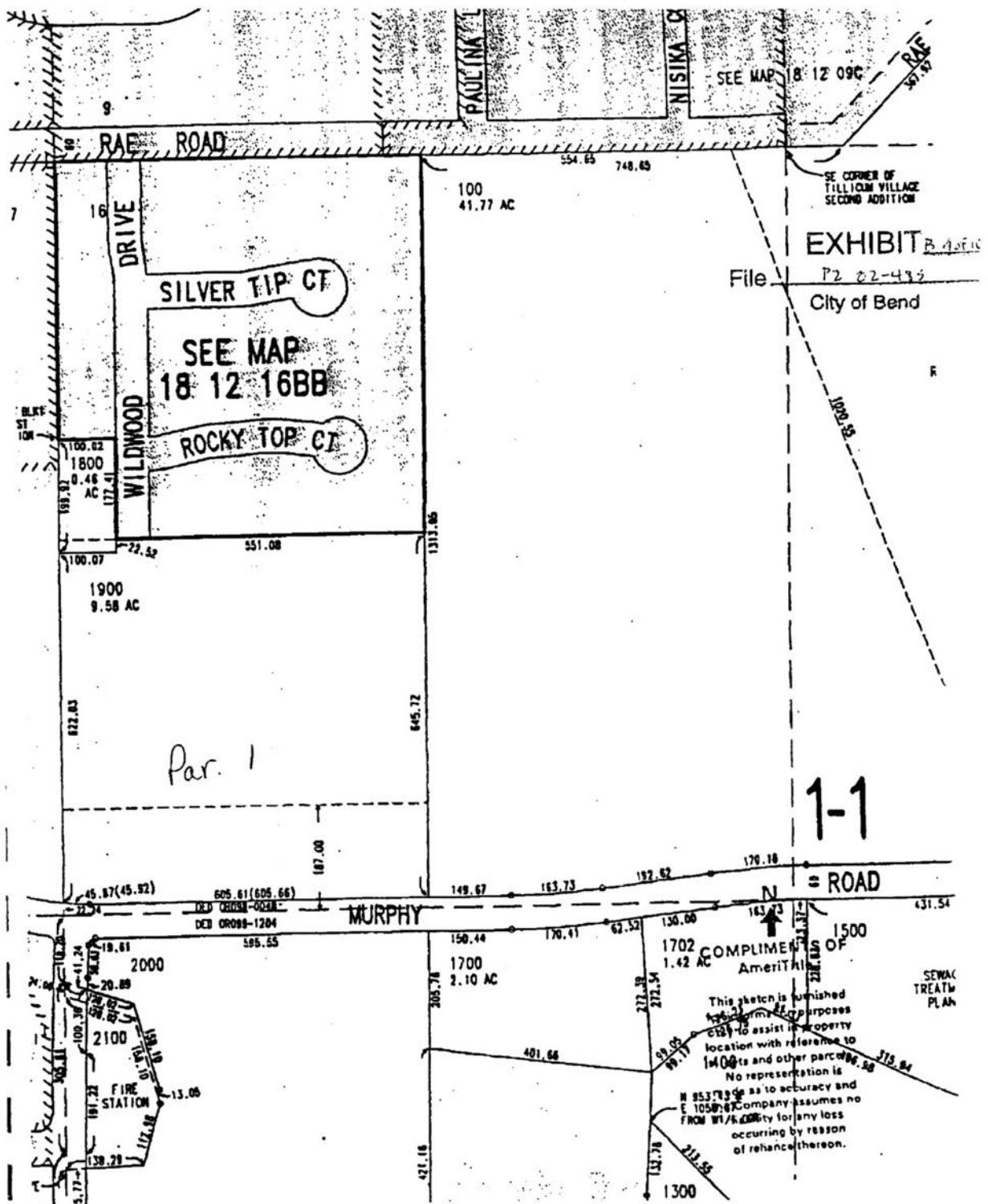


EXHIBIT "A"

File P2 02-483
City of Bend

PARCEL 1:

That portion of the South 187.00 feet of the West Half of the Northwest Quarter of the Northwest Quarter (W1/2 NW1/4 NW1/4) of Section Sixteen (16), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon lying Northerly of the Northerly property line of that certain parcel described in Deed recorded June 1985 in Book 98, Page 48 of Deschutes County Official Records

ALSO in Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon; Section Sixteen (16); the West Half of the Northwest Quarter of the Northwest Quarter (W1/2 NW1/4 NW1/4);

Except the South 187.00 feet of the W1/2 NW1/4 NW1/4 of said Section 16;

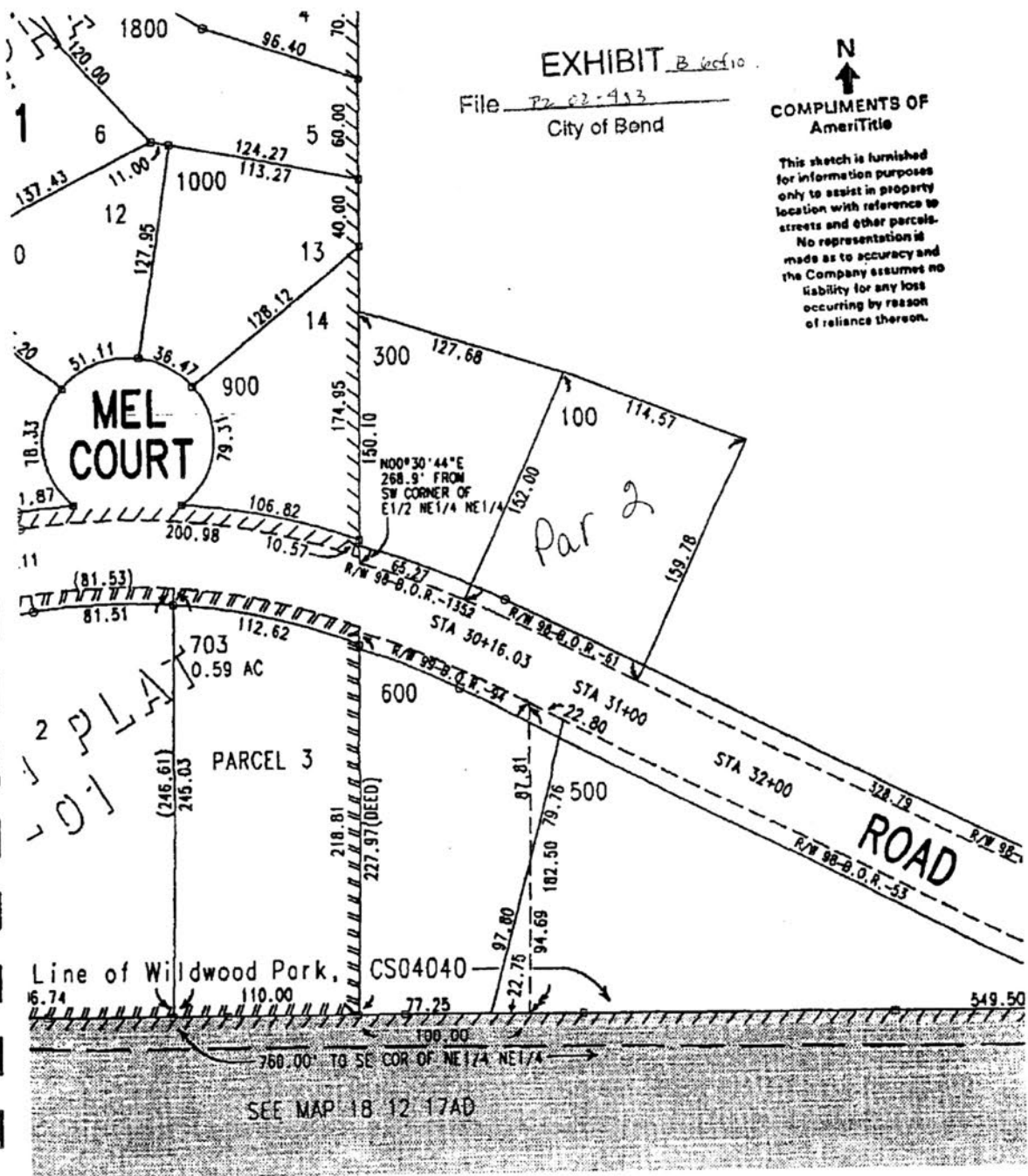
Excepting therefrom the plat of American West and American West First Addition.

Excepting therefrom beginning at the Southwest corner of Lot Three (3), Block One (1), American West, First Addition, a duly recorded subdivision in Deschutes County, Oregon; thence along the South boundary of said Lot 3, North 89°50'02" East 100.02 feet to the Southeast corner of said Lot 3 and the West right-of-way of Wildwood Drive; thence along said West right-of-way of South 00°31'37" West 177.41 feet to the Southwest corner of the aforementioned American West, First Addition; thence continuing South 00°31'37" West 22.52 feet; thence South 89°50'02" West 100.07 feet to the West boundary of the aforementioned Section 16; thence along said West boundary North 00°32'22" East 199.92 feet to the point of beginning.

PARCEL 2:

A parcel of land located in the East One-half Northeast One-quarter Northeast One-quarter (E1/2NE1/4NE1/4) Section Seventeen (17), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner to Section 17, Township 18, South, Range 12 East, Willamette Meridian, Deschutes County, Oregon; thence South 0°32'22" West 1095.00 feet along the East line of said Section 17; thence West 190.00 feet; thence South 0°32'22" West, 165.20 feet to the Northerly right of way line of Murphy Road; thence North 63°37'01" West 328.79 feet along the said Northerly right of way line of Murphy Road to the true point of beginning of this description; thence North 24°56'05" East 159.78 feet; thence North 68°07'12" West, 114.57 feet; thence South 24°42'28" West, 152 feet to the Northerly right of way line of Murphy Road; thence Southeasterly along the Northerly right of way line of Murphy Road to the true point of beginning. Excepting that portion deeded to Deschutes County June 19, 1985, in Book 98, Page 65, Deschutes County Records.



PARCEL 3:

A parcel of land located in the East One-half, Northeast One-quarter, Northeast One-quarter (E1/2 NE1/4 NE1/4) Section Seventeen (17), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner to Section Seventeen (17), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, the true point of beginning of this description; thence South 0°32'22" West, 1095.00 feet along the East line of said Section 17; thence West 190.00 feet; thence South 0°32'22" West, 165.20 feet to the Northerly right of way line of Murphy Road; thence North 63°37'01" West 328.79 feet along the said Northerly right of way line of Murphy Road; thence North 24°56'05" East, 159.78 feet; thence North 68°07'11" East, 114.57 feet; thence North 72°04'50" West, 127.68 feet to the Easterly line of Chuckanut Estate; thence North 0°24'43" East, 680.25 feet; thence South 89°54'35" East, 209.86 feet; thence North 0°06'01" West, 208.00 feet to the North line of said Section (17); thence South 89°54'35" East, 442.58 feet; to the true point of beginning.

EXCEPT that portion platted as CHUCKANUT EAST, PHASE I.

ALSO EXCEPT that portion conveyed to Deschutes County recorded June 19, 1985, Book 98, Page 56, Deschutes County Records.

PARCEL 4:

A tract of land located in the East Half of the Northeast Quarter of the Northeast Quarter (E1/2NE1/4NE1/4) of Section Seventeen (17), Township Eighteen South, Range Twelve (1) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point whence the Southwest corner of said East Half of the Northeast Quarter of the Northeast Quarter of Section 17 bears South 00°30'46" West, 268.90 feet; thence North 00°30'46" East, 150.10 feet; thence South 71°58'32" East, 127.68 feet; thence South 24°42'28" West 152.00 feet more or less, to a point on the Northerly right of way line of Murphy Road; thence Westerly along said right of way line, 65.27 feet, more or less, to the point of beginning, excepting that portion conveyed to Deschutes County June 27, 1985, in Book 98, Page 1352, Deschutes County Records.

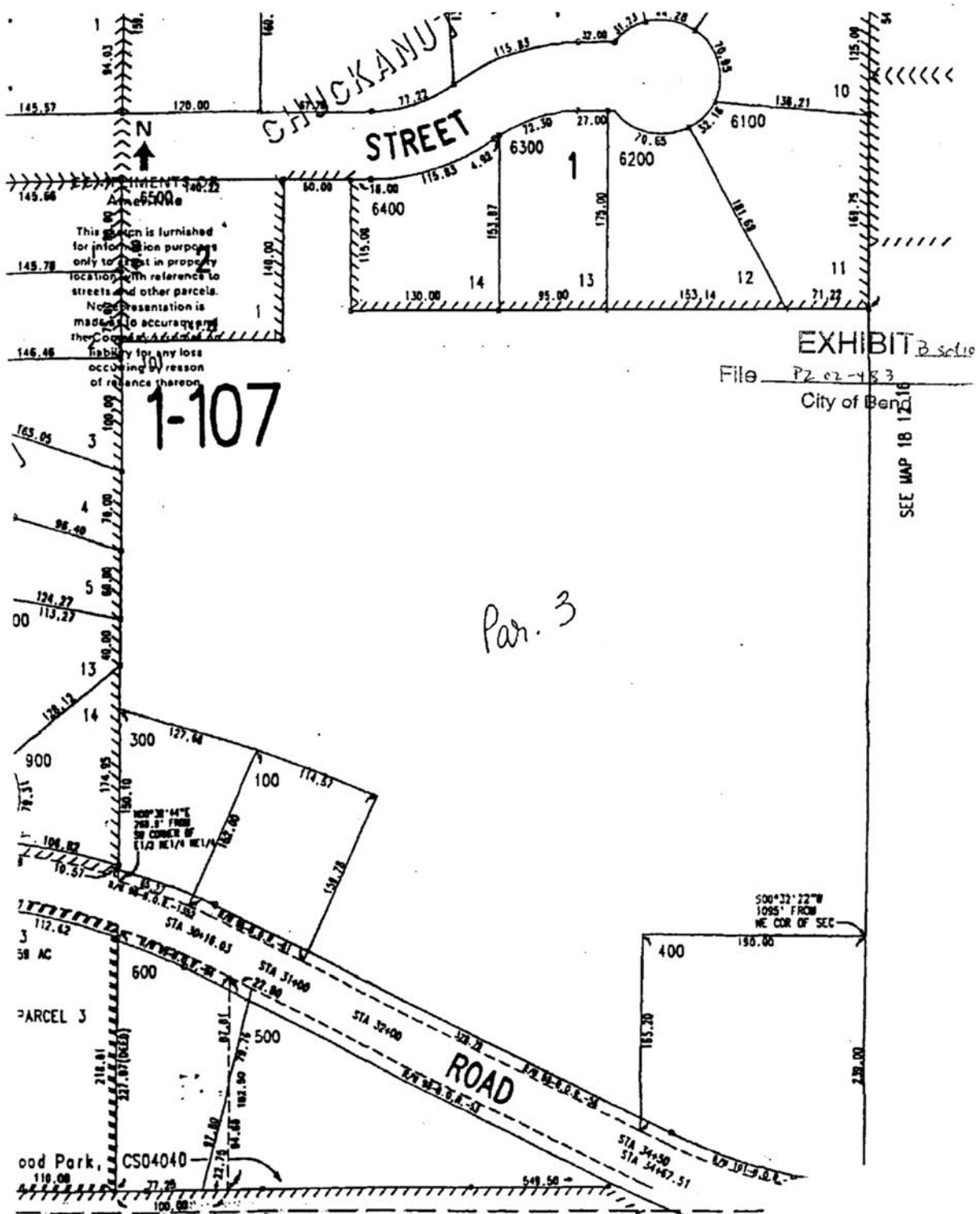
PARCEL 5:

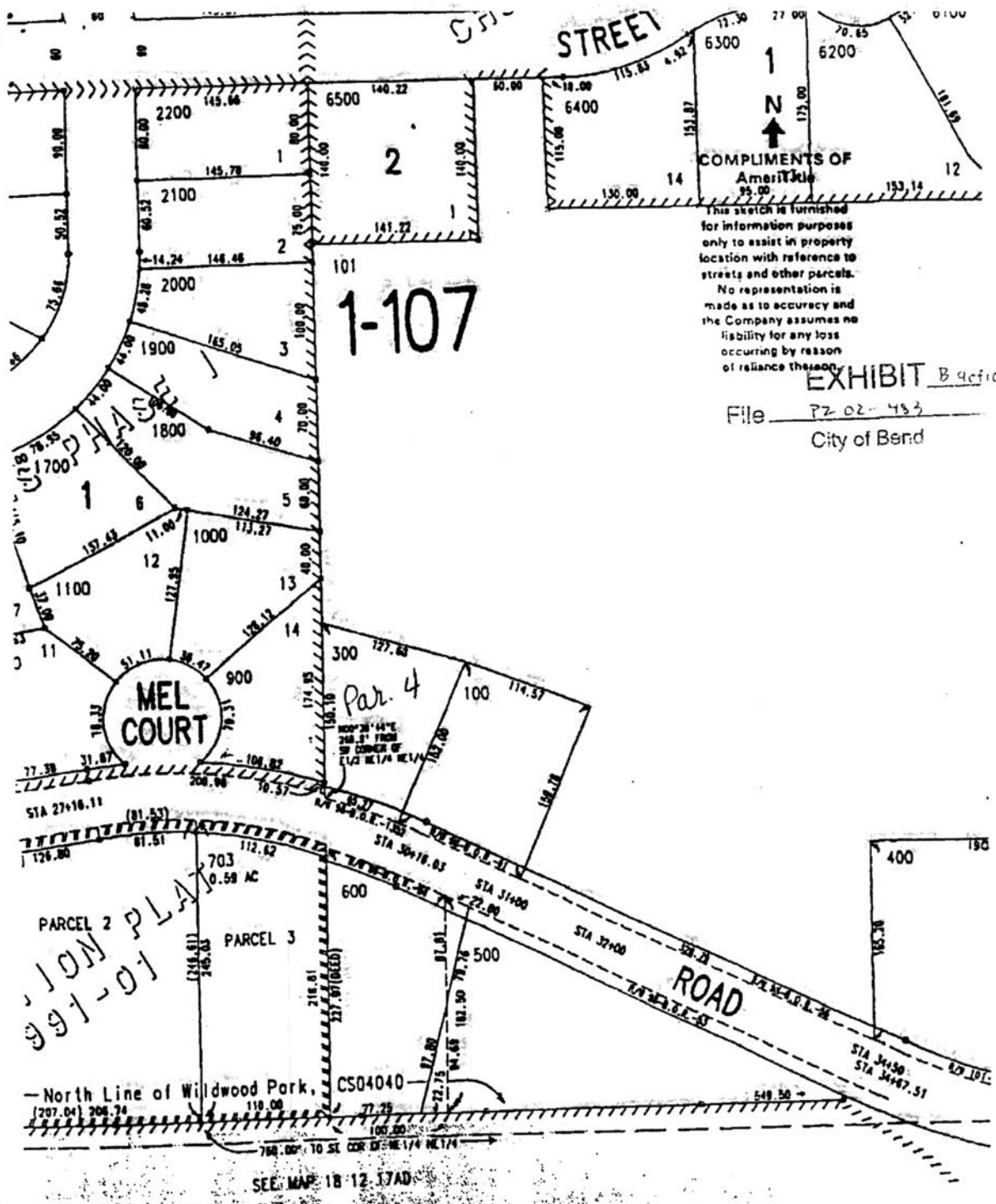
In Section Seventeen (17), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon:

A portion of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 17, more particularly described as follows:

Beginning at the Southeast corner of the NE1/4NE1/4; thence North along the East line of the NE1/4NE1/4 a distance of 239.00 feet; thence West and parallel to the South line of the NE1/4NE1/4 a distance of 190.00 feet to a point; thence South and parallel to the East line of the NE1/4NE1/4 to the North line of the existing County Road running through the NE1/4NE1/4; thence Southerly along the North line of the existing County Road to the South line of the NE1/4NE1/4; thence East along the South line of the NE1/4NE1/4 to the point of beginning.

EXCEPTING that portion conveyed to Deschutes County in instrument recorded August 1, 1985 in Book 101, Page 78, Deschutes County Records.





ORDINANCE NO. NS-1869

**AN ORDINANCE TRANSFERRING THE AUTHORITY TO EXERCISE THE
POWERS OF THE CITY'S URBAN RENEWAL AGENCY FROM THE
BOARD CREATED BY ORDINANCE NO. NS 1740 TO THE CITY COUNCIL
PURSUANT TO ORS 457.055**

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS OF FACT.

1. The City of Bend, by Ordinance No. NS-1499, adopted an urban renewal plan, known as the Central Bend Development Program Area Plan on September 6, 1989, making a determination of blight and providing an outline for accomplishing the urban renewal projects the urban renewal plan proposed. The Central Bend Development Program Area Plan has been amended from time to time; and
2. By Ordinance No. NS-1554, adopted January 15, 1992, the City of Bend transferred 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 to the City Commission (now known as the City Council); and
3. By Ordinance No. NS 1740, adopted by the City Council on February 2, 2000, the City Council established a seven member board called the Bend Development Board to exercise the powers of the urban renewal agency and transferred the urban renewal agency powers from the City Council to that board; and
4. ORS 457.055 provides that, any time after adoption of an urban renewal plan (such as was adopted by Ordinance No. NS-1499, and subsequently amended), the governing body of a municipality may, by ordinance, transfer the authority to exercise the powers of the urban renewal agency to any body authorized to exercise those powers under ORS 457.045. The governing body itself may exercise such powers under ORS 457.045(3).

Section 2. TRANSFER OF POWERS. Pursuant to ORS 457.055 and 457.045(3), the City of Bend transfers the urban renewal agency powers from the board created by Ordinance No. NS 1740 to the Bend City Council, which is the governing body of the City of Bend. The Bend City Council shall be known as the Bend Development Board when exercising the urban renewal powers. Nothing in this ordinance shall be construed as creating any interruption in the existence or operation of the powers of the urban renewal agency of the City of Bend, from the time the Central Bend Development Program Area Plan was first adopted until the present time.

Section 3. AMENDMENT OF BEND CODE. Sections 1.511 to 1.519 of the Bend Code are amended to read:

1.511 URBAN RENEWAL AGENCY. The City Council hereby declares, pursuant to ORS 457.045~~(2)~~, (3), 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 Council creating the agency and adopting urban renewal plans, shall be ~~transferred to,~~ exercised by and vested in the City Council 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 Council, 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 Council.

1.513 RULES OF CONDUCT. The rules of conduct and procedure applicable to the City Council when acting as a City Council shall apply with like force to the

Council 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 Councilor, shall be required prior to service by a City Councilor as a member of the Bend Development Board.
- 1.517 MEMBERSHIP AND 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 Council. ~~The Bend Development Board shall be composed of seven members who reside within the City of Bend. All members shall be appointed by the City Council by resolution. The terms of the members shall be structured so that the terms of not more than four members of the Board shall expire in any given year.~~
- 1.519 OFFICERS AND ADMINISTRATION. The administrative responsibilities of the Bend Development Board shall be discharged by City of Bend personnel under the supervision of the City Manager. 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.

Section 4. REPEALER. Section 2 of Ordinance No. NS-1740, to the extent that it transferred urban renewal agency powers to the seven member board created by Section 2 of Ordinance No. NS 1740, is hereby repealed.

Section 5. DECLARATION OF EMERGENCY AND EFFECTIVE DATE. The Bend City Council finds that this ordinance is necessary for the preservation of the general welfare of the City of Bend. The City Council therefore finds that an emergency exists. Accordingly, this ordinance takes effect immediately upon its passage.

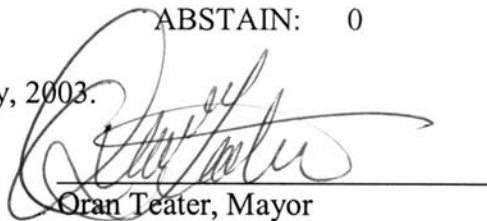
Read for the first time the 7th day of May, 2003.

Read for the second time the 7th day of May, 2003.

Placed upon its passage the 21st day of May, 2003.

YES: 7 NO: 0 ABSTAIN: 0

Authenticated by the Mayor the 21st day of May, 2003.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1870

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated April 17, 2003 file number PZ-02-527.
- Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 18-12-08C, tax lots 700 and 701 from Urban Low Density (RL) to Urban Standard Density Residential (RS).

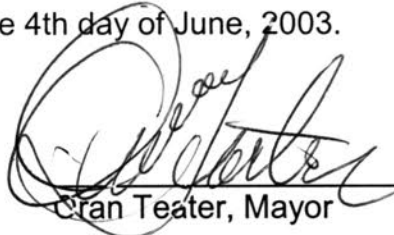
Read for the first time the 21st day of May, 2003.

Read for the second time the 4th day of June, 2003.

Placed upon its passage the 4th day of June, 2003.

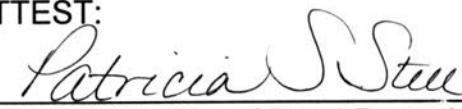
YES: 6 NO: 0

Authenticated by the Mayor the 4th day of June, 2003.



Fran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1871

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated May 12, 2003 file number PZ-03-54.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 18-12-07, Tax Lot 701 from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 18th day of June, 2003.

Read for the second time the 2nd day of July, 2003.

Placed upon its passage the 2nd day of July, 2003.

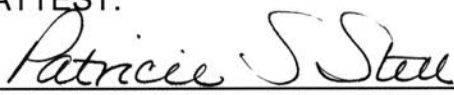
YES: 6

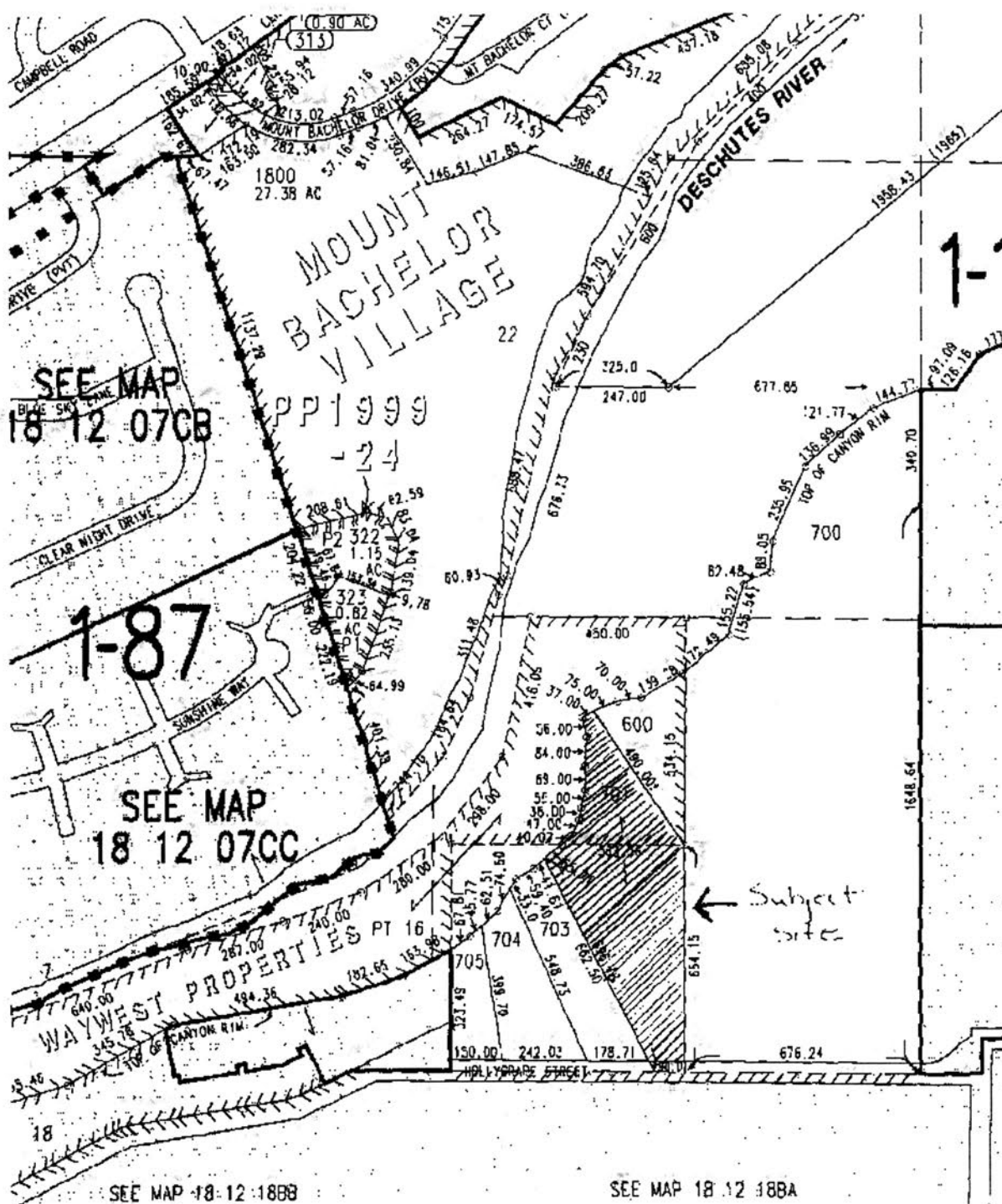
NO: 1

Authenticated by the Mayor the 2nd day of July, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder



ORDINANCE NO. NS-1872

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated May 15th, 2003 file number PZ-03-84.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 18-12-03 DA, Tax Lot 101 and 102 from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 2nd day of July, 2003.

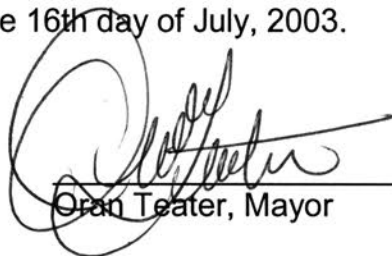
Read for the second time the 16th day of July, 2003.

Placed upon its passage the 16th day of July, 2003.

YES: 6

NO: 0

Authenticated by the Mayor the 16th day of July, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1873

AN ORDINANCE AMENDING ORDINANCE NO. NS-1775, CITY OF BEND LAND USE REVIEW AND PROCEDURES ORDINANCE, BY PROVIDING FOR NOTICE OF LAND USE APPLICATIONS TO RECOGNIZED NEIGHBORHOOD ASSOCIATIONS.

WHEREAS, the City of Bend adopted Ordinance NS-1775 in 2001 in order to improve the way land use applications are processed; and

WHEREAS, The City of Bend has subsequently initiated a program of encouraging the organization of neighborhood associations which, among other things, serve as a local forum for discussion of proposed land use development within their boundaries; and

WHEREAS, The neighborhood associations, in order to provide effective input on the subject of proposed land use developments within their boundaries need to receive effective and consistent notice of land use applications and hearings relating to proposed land use developments within their boundaries, and

WHEREAS, Ordinance No. 1775 has been codified as Chapter 10-16 of the Bend Code, now therefore,

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Bend Code Section 10-16.2(1)(C) is amended to read as follows:

C. Public Meeting Notification. If any part of a proposed new development as referenced in Section 10-16.1(B) above is to be constructed within the boundaries of a recognized neighborhood association of the City of Bend, the applicant shall notify the administrative body of such association of the presentation. It shall be the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected neighborhood of the date, time and location of the meeting/presentation. It shall be the applicant's responsibility to provide the information listed in Section 10-16.1(C) (1)(b. and c.) below to the administrative body for the neighborhood association. Such meeting shall be held no less than 15 and no more than 45 days from the date that the applicant notifies the administrative body of the affected neighborhood association. The following provisions shall be applicable to the applicant's obligation to notify the residents of the area affected by the new development application, whether the proposed development is within the boundaries of a recognized neighborhood association or not:

1. The applicant shall send mailed notice of the public meeting to all property owners within 500 feet of the boundaries of the subject property, and, if any part of the subject property is within the boundaries of a neighborhood association recognized by the City of Bend, notice shall be mailed to the administrative body of such neighborhood association. The property owner list shall be compiled from the Deschutes County Tax Assessor's property owner list from the most recent property tax assessment roll. The address for the administrative body of the affected neighborhood association shall be obtained from the City of Bend. The notice shall be sent a minimum of 15 days prior to the public meeting, and shall include at a minimum:
 - a. Date, time and location of the public meeting.
 - b. A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernable.
 - c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessors map) which depicts the subject property.

Section 2. Bend Code Section 10-16.3(2) is amended to read:

(2) Notice.

A. Published Notice.

1. Notice of a legislative change shall be published in a newspaper of general circulation in the City at least ten (10) days prior to each public hearing.
2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director.

C. Individual Notice. Individual notice to property owners, as defined in Section 2(2)(A) of this ordinance, shall be provided at the discretion of the Planning Director.

D. Neighborhood Associations. Notice of legislative changes shall be mailed to the administrative body of any neighborhood association recognized by the City of Bend, where the legislative change affects any land within the boundary of such neighborhood association.

Section 3. Bend Code Section 10-16.7(3) is amended to read:

(3) Notice of hearing or administrative action.

A. Individual Mailed Notice.

1. Except as otherwise provided for herein, notice of a land use application shall be mailed at least twenty days prior to the hearing for those matters set for hearing, or at least fourteen (14) days prior to issuance of a written decision for those matters to be processed administratively with notice. Written notice shall be sent by mail to the following persons:
 - a. The applicant.
 - b. Owners of record of property as shown on the most recent property tax assessment roll of property located:
 1. Within 100 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 45 feet in height. The notice boundary shall increase by 200 feet for every 15-foot increment of structure height above 45 feet.
 2. The required notice area boundary shall be measured from the opposite side of any street rights of way, rivers, and/or canals adjacent to the subject property from which the notice area originates.
 3. The Applicant shall bear the cost (i.e. mailing, etc.) of any increased notice area required by a structure with height in excess of 45 feet.
 - c. For a solar access or solar shade exception application, only those owners of record identified in the application as being burdened by the approval of such an application.
 - d. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.
 - e. The administrative body of a neighborhood association recognized by the City of Bend, where any part of the proposed development is within the boundaries of a recognized neighborhood association.
2. Notwithstanding subsection (A)(1)(b)(1) of this section, all owners of property within 250 feet of property that is the subject of a plan amendment application or zone change application shall receive notice.
3. Mailed notice per ORS 227.160 – 227-185 shall be provided to all property owners affected by a proposed text or plan amendment.
4. The failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Division can show by affidavit that such notice was given.
5. The Planning Director may increase the minimum notice area required under subsection (A)(1)(b)(1) at his or her sole discretion.

Read for the first time the 2nd day of July, 2003

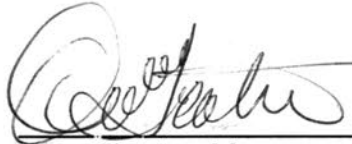
Read for the second time the 16th day of July, 2003.

Placed upon its passage the 16th day of July, 2003.

YES: 6

NO: 0

Authenticated by the Mayor the 16th day of July, 2003.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1874

AN ORDINANCE VACATING PORTION OF UNNAMED ACCESS ROAD THAT LIES WITHIN NW ¼ OF NE ¼ OF SECTION 3, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Council on May 7, 2003 requesting that the following described area be vacated:

SEE EXHIBIT "A"

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 16th day of July, 2003, at 7:00 p.m. local time in the City Council 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

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 16th day of July, 2003.

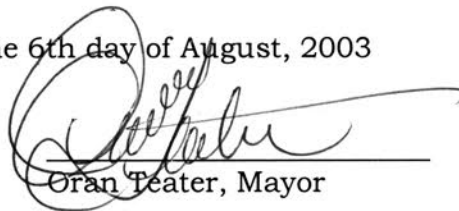
Read for the second time the 6th day of August, 2003.

Placed upon its passage the 6th day of August, 2003

Yes: 7

No: 0

Authenticated by the Mayor the 6th day of August, 2003


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

Please Record Ordinance No. NS-1874 pages 1 and 2 and 3

After recording return to Deputy Recorder, City of Bend, 710 NW Wall, Bend, 97701

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-63441



\$41.00

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09/12/2003 03:54:42 PM

D-ODN Cnt=1 Stn=23 TRACY
\$15.00 \$11.00 \$10.00 \$5.00

EXHIBIT "A"

Legal Description for Right of way Vacation

A parcel of land located in the NW ¼ of the NE ¼ of Section 3, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon. More particularly described as follows:

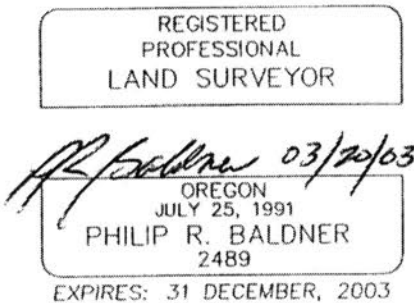
Commencing at a 5/8" iron pipe at the Northwest corner of Hollow Pine Estates, Phase III as filed on November 21, 2001 in plat cabinet E page 751 in the office of the Deschutes County Clerk, this point being on the North-South centerline of said Section 3; thence North 00°17'13" East a distance of 316.06 feet to a point on the westerly right of way of an unnamed dedication per M.W. Acre Tracts as filed on August 1, 1918 in plat cabinet A page 27 in the office of the Deschutes County Clerk, and the Point of Beginning; thence continuing along said North-South centerline, and said westerly right of way North 00°17'13" East a distance of 101.68 feet; thence leaving said North-South centerline and said westerly right of way North 24°10'10" East a distance of 49.40 feet to the easterly right of way of said unnamed dedication; thence along said right of way the following two courses:

South 00°17'13" West a distance of 146.61 feet;
South 89°35'26" West a distance of 20.00 feet

to the point of beginning, the terminus of this description.

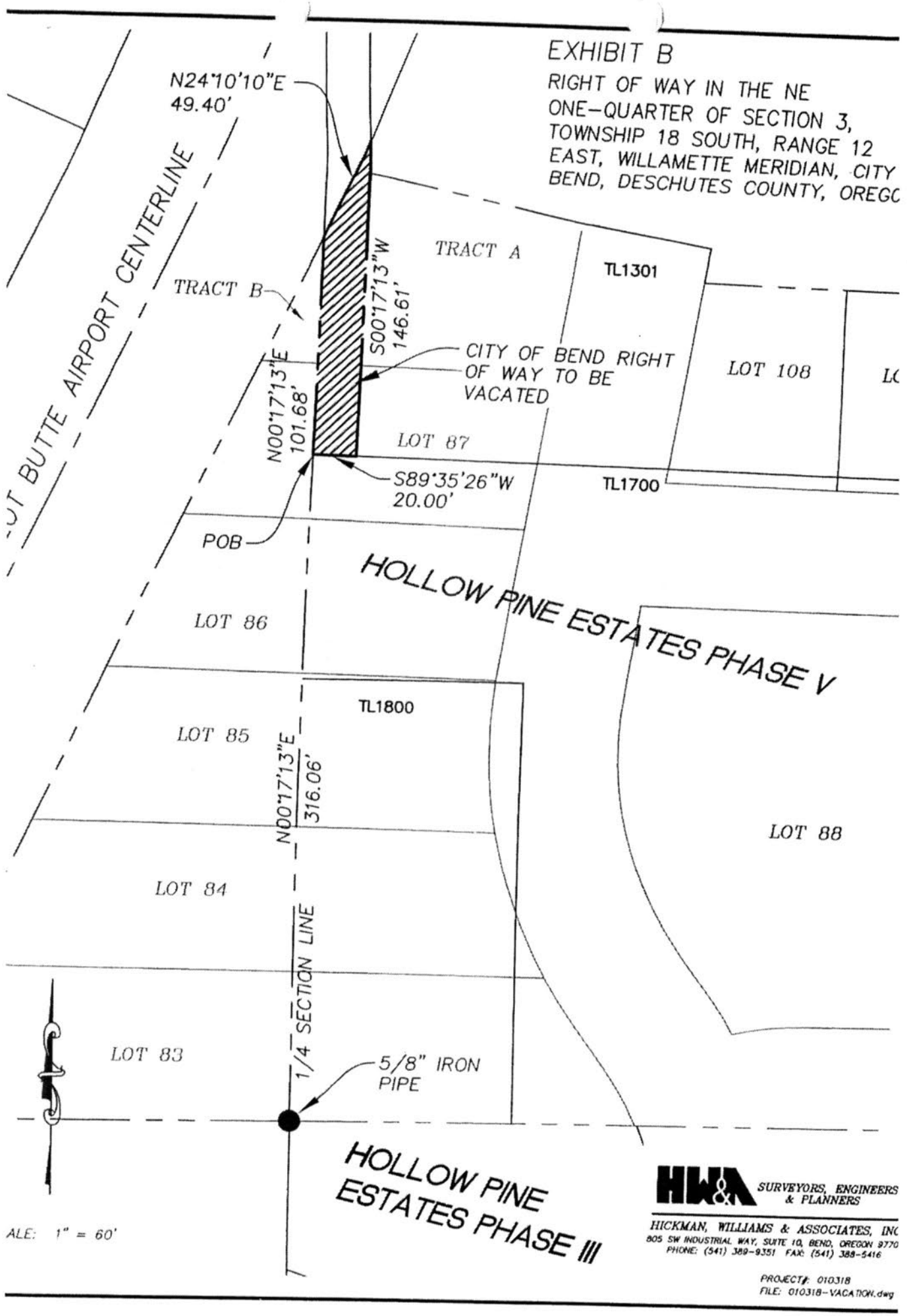
SUBJECT TO: All easements, restrictions, and right-of-ways of record and those common and apparent on the land.

See attached drawing entitled "EXHIBIT B" hereby incorporated by reference.



S:\Land Projects\010318 Hollow Pine Additions\Documents\VACATION-LEGAL.doc

\\STORAGE1\DEV\engineering\ROW VAC and B&S Deeds\VAC 02\02-05 Access Rd Blue Skies\PETITION



HWA SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC.
805 SW INDUSTRIAL WAY, SUITE 10, BEND, OREGON 97702
PHONE: (541) 389-9351 FAX: (541) 389-5416
PROJECT#: 010318
FILE: 010318-VACATION.dwg

ORDINANCE NO. NS-1875

2/3
AN ORDINANCE VACATING A PORTION OF KINGSTON AVENUE THAT LIES WITHIN SW ¼ OF NE ¼ OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Council on May 7, 2003 requesting that the following described area be vacated:

SEE EXHIBIT "A"

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 16th day of July, 2003, at 7:00 p.m. local time in the City Council 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

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.

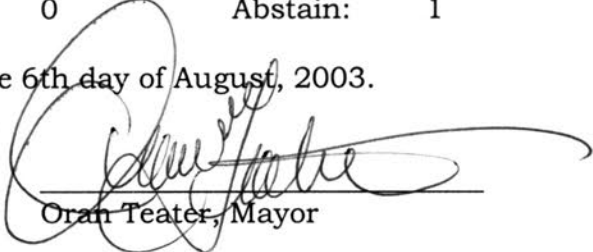
Read for the first time the 16th day of July, 2003.

Read for the second time the 6th day of August, 2003.

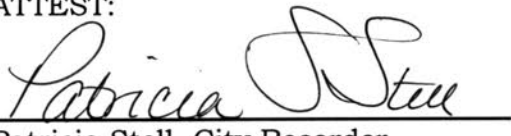
Placed upon its passage the 6th day of August, 2003

Yes: 6 No: 0 Abstain: 1

Authenticated by the Mayor the 6th day of August, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

Please record pages 1 through 4 of Ordinance NS-1875

After recording return to: Deputy Recorder, City of Bend, 710 NW Wall, Bend 97701

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-63442



\$46.00

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09/12/2003 03:54:42 PM

D-ODN Cnt=1 Stn=23 TRACY

\$20.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

DESCRIPTION OF A PROPOSED VACATION OF A
NORTHWESTERLY PORTION OF KINGSTON AVENUE
(PARCEL ONE)

A 10 foot wide strip of land containing 4184 square feet, being a portion of Kingston Avenue as platted in the Bonne Home Addition to Bend, Oregon lying in the Northeast One Quarter of the Southwest One Quarter, Section 31, Township 17 South, Range 12 East, W.M., Deschutes County, Oregon and more particularly described as follows:
Beginning at the most southerly corner of Lot 6, Block 18 of said Bonne Home Addition, said point also lying on the northwesterly right of way of Kingston Avenue.

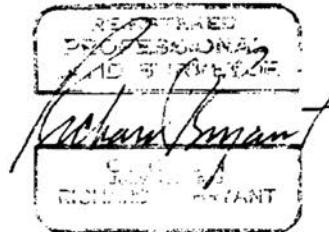
Thence N 55°00'00"E along the line common to the southeasterly line of Block 18 and the northwesterly right of way of Kingston Avenue as shown on the plat of said Bonne Home Addition, 366.23 feet to the most easterly corner of Lot 1, Block 8, of the Bonne Home Addition;

Thence continuing N 55°00'00"E along the northwesterly right of way of Kingston Avenue and the southeasterly line of that portion of Ithaca Avenue as vacated by Order NS-1533, 52.24 feet to the south line of Lot 1 of the plat of Rockwood Estates Phase 1;

Thence S 35°00'00"E 10.00 feet;

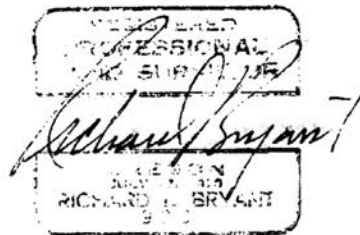
Thence S 55°00'00"W 418.47 feet;

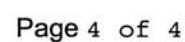
Thence N 35°00'00"W 10.00 feet to the point of beginning of this description.



DESCRIPTION OF A PROPOSED VACATION OF A
SOUTHEASTERLY PORTION OF KINGSTON AVENUE
(PARCEL TWO)

A 10 foot wide strip of land containing 4184 square feet, being a portion of Kingston Avenue as platted in the Bonne Home Addition to Bend, Oregon lying in the Northeast One Quarter of the Southwest One Quarter, Section 31, Township 17 South, Range 12 East, W.M., Deschutes County, Oregon and more particularly described as follows:
Commencing at the most southerly corner of Lot 6, Block 18 of said Bonne Home Addition, said point also lying on the northwesterly right of way of Kingston Avenue.
Thence S 35°00'00"E 70.00 feet to the point of beginning of this description:
Thence continuing S 35°00'00"E 10.00 feet to the southeasterly right of way of Kingston Avenue:
Thence N 55°00'00"E along the southeasterly right of way of Kingston Avenue 418.47 feet:
Thence leaving said right of way and going N 35°00'00"W 10.00 feet:
Thence S 55°00'00"W 418.47 feet to the point of beginning of this description.





ORDINANCE NO. NS-1876

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendations of the Hearings Officer dated Jun 18, 2003, file number PZ 03-207.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

Read for the first time the 16th day of July, 2003.

Read for the second time the 6th day of August, 2003.

Placed upon its passage the 6th day of August, 2003.

YES: 6 NO: 0 Abstain: 1

Authenticated by the Mayor the 6th day of August, 2003.



Oran Teater, Mayor

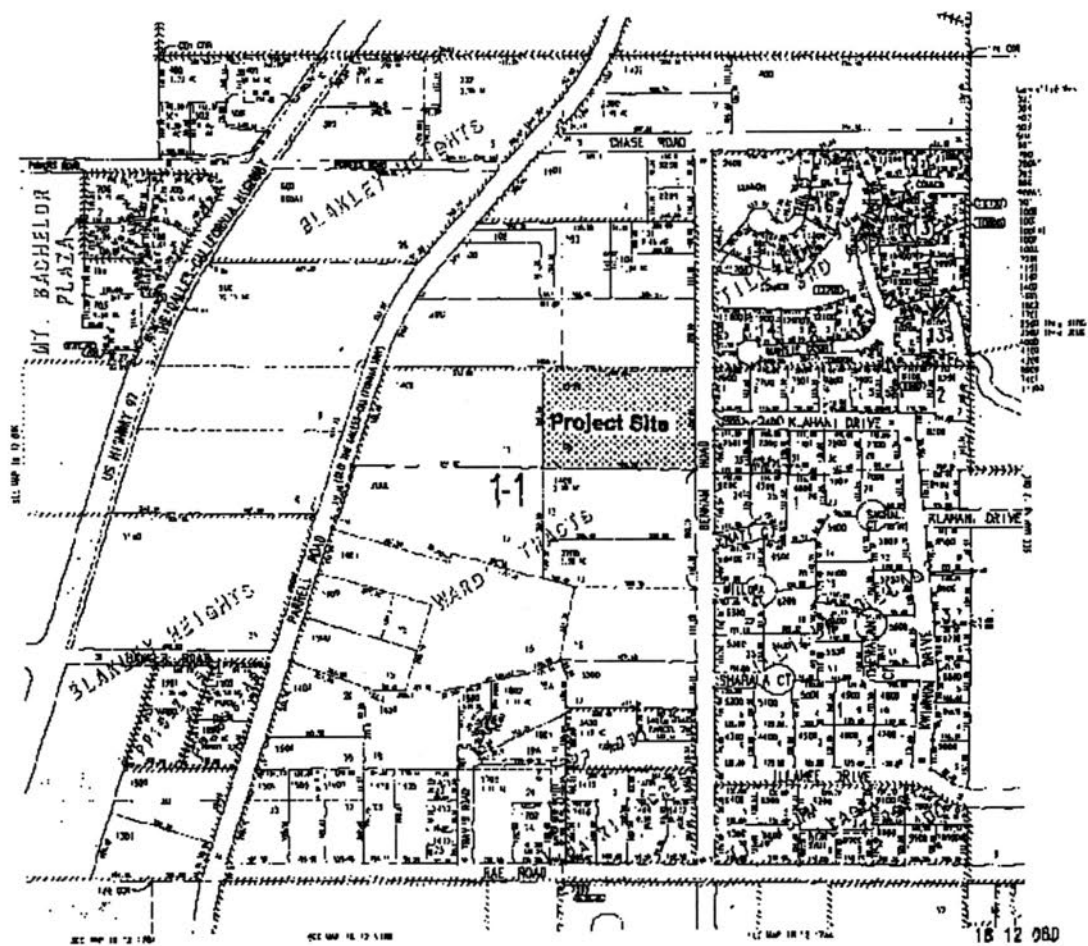
ATTEST:



Patricia Stell, City of Bend Recorder

Exhibit "A"

WARDS TRACTS, LOT 10



ORDINANCE NO. NS-1877

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NS-1178 BY ADDING A REFINEMENT PLAN OVERLAY DISTRICT AND AMENDING THE ZONING MAP, BY CHANGING THE DESIGNATION OF PROPERTY LOCATED NORTH OF BEAR CREEK ROAD AND WEST OF PURCELL BOULEVARD.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation dated May 27, 2003, regarding file PZ-03-200.
- Section 2. The City of Bend Zoning Ordinance NS-1178 is amended by adding Section 22E. Dean Swift Refinement Plan Overlay Zone as described in "Exhibit A".
- Section 3. The City of Bend Zoning Map is amended by changing the designation of the property shown in "Exhibit B" from Residential Urban Standard Density (RS) to Residential Urban Medium Density and Residential Urban Standard Density (RS) to Mixed Employment (ME).

Read for the first time the 16th day of July, 2003.

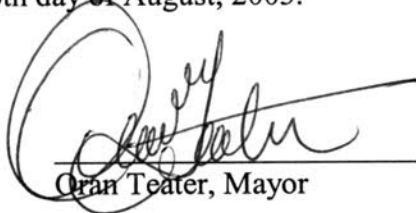
Read for the second time the 6th day of August, 2003.

Placed upon its passage the 6th day of August, 2003.

YES: 6

NO: 1

Authenticated by the Mayor the 6th day of August, 2003.


Grant Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT "A"

Section 22E. Dean Swift Refinement Plan Development Standards

- (1) Purpose. The Dean Swift Refinement Plan overlay is intended to implement the Dean Swift Neighborhood Plan concepts and to create special overlay zoning standards for the residential and mixed-use designations within the refinement plan area. The overlay standards will:

- Provide a variety of housing types
- Locate higher densities near commercial corridors and services
- Create opportunities for neighborhood oriented services
- Ensure compatibility within the neighborhood and surrounding area
- Improve the local street grid for automobiles and pedestrian benefit
- Create a livable neighborhood for all ages.

The Dean Swift Refinement Plan area is approximately 29 acres in size. The area is intended to remain primarily residential in character and use. Through the refinement plan public process, approximately 3.55 acres of the total land area was identified for development as Mixed Employment. In addition, residential sub-areas within the neighborhood have been identified to create a transition between the commercial high use areas along Hwy 20 and the established residential uses to the south. The sub area is shown on the attached map. The Dean Swift residential neighborhood will have an overall density consistent with the RM zone. However, development standards and densities will be different within each sub-area.

- (2) Use Standards. The special standards of the Dean Swift Refinement Plan area shall supercede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone shall apply.

(a) Modified RM Residential Overlay

- (A) Sub-area "A" is located along the north side of Carl and Don Streets and south of the Highway 20 commercial district. Sub-area "A" does not extend to Purcell Boulevard. The purpose of this area is to provide a transition between the Highway Commercial development to the north and the residential neighborhood. The development characteristics of Sub-area "A" are as follows:

- The residential density range is 10-21 units per net acre.
- The maximum building height is 40 feet.
- Lot coverage has been increased to 50% to allow flexibility to develop higher residential densities.
- Two locations within the sub-area have been designated for "live/work" development. This allows low impact commercial use on the ground floor of a building provided that an equal or greater area of residential use is provided on the upper floors.

- (B) Sub-area "B" is located south of Carl Street, west of Dean Swift Road and north of the proposed "A Street". A second portion of sub-area "B" is located along the proposed north/south "C Street" that parallels Purcell Boulevard between Don Street and Bear Creek Road. The purpose of sub-area "B" is to provide a diversity of housing types and density transition to the single-family home development in sub-area "C". The development characteristics of Sub-area "B" are as follows:

- The residential density range for this sub-area is 7 to 12 units per net acre.

- The minimum lot size in this sub-area is 4,500 square feet except where zero lot line attached housing is proposed, the minimum lot size can be 2,000 square feet.
- Lot coverage is increased to 45% to allow the flexibility for a variety of housing types.
- The maximum building height is 35 feet.

(C) Sub-area "C" is the largest sub-area and is located north of Bear Creek Road, south of the proposed "A Street" and Don Street and west of the proposed "C Street". This area represents a more traditional residential neighborhood. The development characteristics of Sub-area "C" are as follows:

- The residential density range for this sub-area is 6 to 10 units per net acre.
- The predominate housing type will be single-family except on corner lots where duplex and triplex units may be developed provided each duplex unit shall access and/or front on different streets.
- Accessory dwelling units that are subordinate to the main home are encouraged.
- The minimum lot size is 5000 square feet.
- On lots greater than 7000 square feet, detached homes may be built, provided all provisions of this code can be met.
- The maximum lot coverage is 45%.
- The maximum building height is 35 feet.

(D) Lot Requirements. The lot requirements for the RM zone as described in Section 11 of the zoning ordinance shall be observed unless specifically addressed by each sub-area or as indicated below.

(i) The minimum front yard setbacks within all sub-areas shall be 5 feet for buildings except garages and carports shall be setback 18 feet . Corner lots will need to observe the clear vision setbacks in addition to the overlay setbacks. Uncovered porches and stoops may encroach into the setback a maximum of 2 feet.

(ii) Side and rear yard setbacks do not increase based on building height

(iii) Vehicular access shall be from an alley where provided.

(b) **Modified Mixed Employment Overlay**

(A) The permitted and conditional uses in the Mixed-Employment Zone are very diverse. Some of the uses in the ME zone could adversely impact the residential character of the Dean Swift neighborhood thereby obstructing the intent and purpose of the overlay. For this reason, the overlay zone will restrict the permitted and conditional uses for this area. ME uses within the Dean Swift Refinement Overlay will be limited to the following permitted and conditional uses:

I. **(B) Permitted Uses**

- (a) Service commercial and retail uses, excluding drive-thru service.
- (b) Professional office, excluding medical uses.
- (c) Residential housing located above or behind a permitted or conditional use.

- (d) Auto related/ auto dependant uses when contiguous to a commercial zone.

(C) Conditional Uses

- (a) Commercial day nursery or day care facility that is not part of a service for employees of a permitted or conditional use.
- (b) Buildings exceeding 45 feet in height.

(D) Service commercial, retail or office buildings greater than 5,000 square feet of gross floor area shall provide residential dwelling units above or behind the use at a 1:2 ratio based on gross square footage.

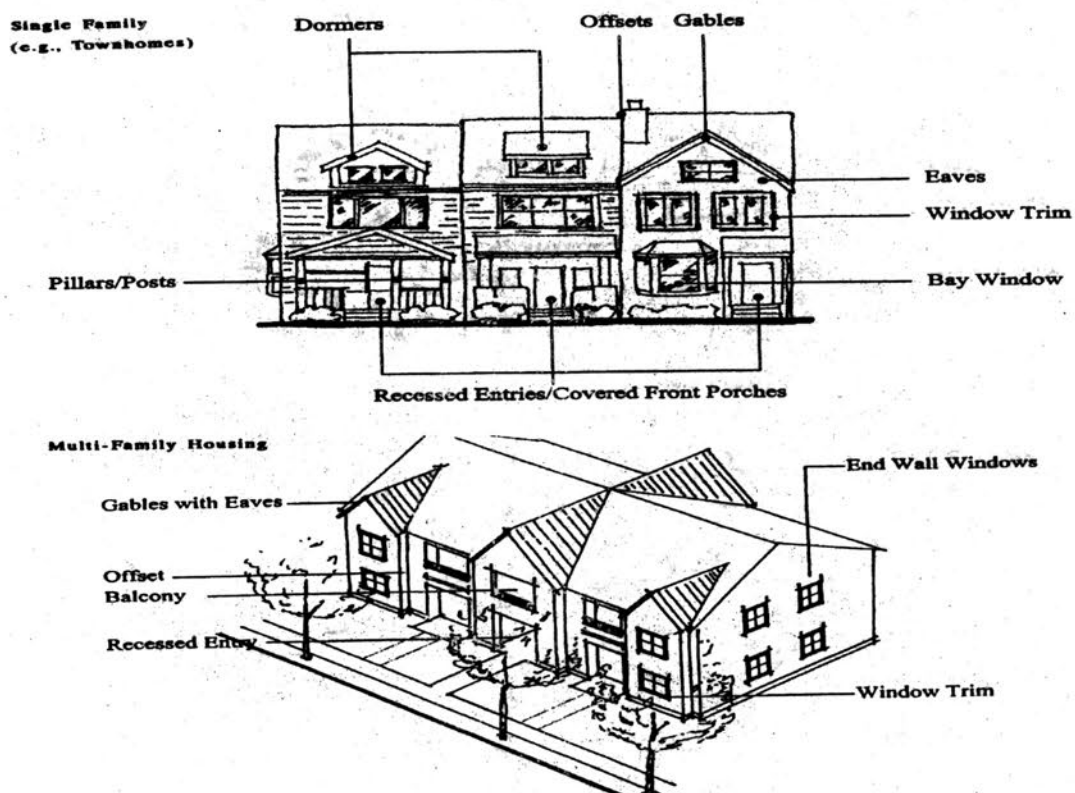
- (3) Neighborhood Open Space. An area of land located in the southwest corner of the Plan area with frontage along Bear Creek Road has been designated as open space as shown on the Refinement Plan map. A natural rock outcrop elevates this area. The area would be difficult to develop for residential purposes and shall remain as natural open space unless it is combined with the contiguous property to the west for public use. The development potential for the preserved area may be transferred to the balance of the parcel for development .
- (4) Street and Pedestrian Standards. All streets within the refinement area are designated as local streets. Bear Creek Road, designated as a minor arterial and Purcell Boulevard, designated as a major collector, border the refinement area. All streets and pedestrian facilities shall be consistent with the requirements of the Bend General Plan, the Zoning Ordinance and the Land Division Ordinance.
- (5) Alleys. If private or public alleys are proposed within the refinement area, the alley way shall be a minimum of 20 feet in width with a minimum of 18 feet of paved travel surface. All alleys shall comply with Emergency Service access requirements.
- (6) Pedestrian Corridors/ Trails. Pedestrian corridors and trails shall be dedicated to the City on a final plat. The right of way width shall be 15 feet with a minimum 10 foot paved surface.
- (7) Street Trees. Tall stature trees shall be planted along all street frontages within the Dean Swift Refinement area with the development of the adjacent properties. Those properties located within the flight path of the private airport located south of Bear Creek shall limit selection to tree species with a maximum mature height of 60 feet. Proposed street tree varieties shall be approved by the City prior to planting. The trees shall be planted a maximum of 30 feet apart. Trees shall be a minimum of 2-inch caliper measured four feet above the ground at the time of planting. Maintenance of the street trees is the responsibility of the adjacent property owner.
- (8) Fences. Walls and fences located within the front yard setbacks shall not exceed three and one half (3 ½) feet in height. Taller fences or walls may be permitted along interior property lines after first obtaining the necessary permits.
- (9) Lot Access. New lots within the Dean Swift Refinement Plan area shall utilize rear or side alleyways for vehicular access as designated on the circulation plan.
- (10) Design Standards. The design standards are intended to provide detailed human scale design to preserve the quaint character of the neighborhood while allowing flexibility to develop a variety of building types.

All single family, multiple family, mixed use and commercial buildings must comply with all of the following standards. The illustrations provided are intended to show how to comply, not restrict building types. Other building types and design can be used to comply so long as they are consistent with the design standards.

All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of building surfaces.

(A) Detailed Design Elements. All buildings shall provide detailed design along all elevations (front, sides, and rear). A minimum of 5 architectural features shall be provided on the front elevation and a minimum of 3 architectural features shall be provided on the side and rear elevations selected from the following list of features:

- a. Dormers
- b. Gables
- c. Recessed entries
- d. Covered Porches
- e. Cupolas or towers
- f. Pillars or Posts
- g. Eaves with a minimum 12 inch projection
- h. Window trim with a minimum 4-inch width
- i. Offsets in building face or roof by a minimum of 16-inches
- j. Bay windows
- k. Balconies
- l. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, board and batt, masonry)



The following definitions shall be added to the Zoning Ordinance Section 10.10.4

Accessory Dwelling – A small, secondary housing unit on a lot. The unit can be attached to the main home or garage or detached. The maximum floor area of the unit shall not exceed 800 square feet.

Auto-related/Auto-dependant use – The use serves motor vehicles and would not exist without them, such as a vehicle repair, gas station, car wash or auto and truck sales.

Live/Work Dwelling – A dwelling or a group of dwellings in which a business may be operated on the ground floor. The ground floor commercial space has visibility, signage, and access from the primary street frontage. To preserve the pedestrian orientation of the commercial space, alley access is required to provide trash service, delivery access and parking.

ORDINANCE NO. NS-1878

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN, BY CHANGING THE DESIGNATION OF PROPERTY LOCATED NORTH OF BEAR CREEK ROAD AND WEST OR PURCELL BOULEVARD AND AN AMENDMENT TO THE BEND AREA GENERAL PLAN CHAPTER 1 POLICY TEXT.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation dated May 27, 2003, regarding file PZ-03-200.
- Section 2. The City of Bend Zoning Map is amended by changing the designation of the property shown in "Exhibit B" from Residential Urban Standard Density (RS) to Residential Urban Medium Density and Residential Urban Standard Density (RS) to Mixed Employment (ME).
- Section 3. To update the General Plan Chapter 1 Policy Text as described in "Exhibit C" to be consistent with the Plan Map.

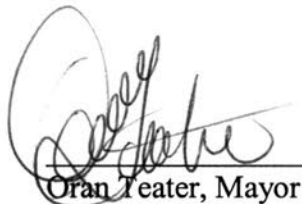
Read for the first time the 16th day of July, 2003

Read for the second time the 6th day of August, 2003

Placed upon its passage the 6th day of August, 2003

YES: 6 NO: 1

Authenticated by the Mayor the 6th day of August, 2003


Oran Yeater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT "C"

The following text will replace the existing policy language found in Chapter 1 of the General Plan. (page 1-8, Plan Management and Citizen Involvement)

- #9. A refinement plan, including detailed maps, policies, and text, when adopted by the city, shall become part of the Zoning Ordinance.

ORDINANCE NO. NS-1879

AN ORDINANCE ADOPTING THE GRADING AND CLEARING ORDINANCE
ATTACHED HERETO AS EXHIBIT 'A'.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts a Grading and Clearing Ordinance,
attached hereto as Exhibit 'A'.

Section 2. The effective date of the Grading and Clearing Ordinance shall be
November 1st, 2003.

Read for the first time the 16th day of July, 2003.

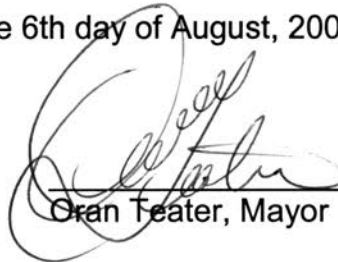
Read for the second time the 6th day of Aug., 2003.

Placed upon its passage the 6th day of August, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 6th day of August, 2003.



Gran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder



CITY OF BEND

ORDINANCE NO. NS-

DRAFT

June 1, 2003

GRADING/CLEARING ORDINANCE

CITY OF BEND GRADING/CLEARING ORDINANCE NO

Sections:

- 1 Purpose**
- 2 Definitions**
- 3 Applicability and Exemptions**
- 4 General Grading/Clearing Performance Standards**
- 5 Minor Grading/Clearing Permit Submittals and Procedures**
- 6 Major Grading/Clearing Permit Submittals and Procedures**
- 7 Blasting**
- 8 Rock Crushing**
- 9 Inspections and Performance defaults**
- 10 Variances**
- 11 Enforcement and Penalties**

SECTION 1 PURPOSE.

A. Purpose:

1. The purpose of this ordinance is to protect the public health, safety, property, general welfare, and aesthetics by regulating and establishing performance standards for all grading/clearing (including initial clearing, brushing or grubbing, and subsequent excavating or filling) on private and public lands.
2. This ordinance establishes grading/clearing performance standards and permit thresholds for all grading/clearing activities designed to:
 - a. Regulate the development of potentially hazardous terrain,
 - b. Conserve the general visual character of grading/clearing sites and settings,
 - c. Enhance the aesthetic value of new development,
 - d. Conserve the aesthetic value of surrounding properties,
 - e. Protect water quality,
 - f. Minimize adverse impacts on air quality,
 - g. Reduce propagation of noxious weeds and
 - h. Minimize adverse storm water impacts.

SECTION 2 DEFINITIONS.

A. General usage: The definition and usage of terms in this section are as contained within this ordinance.

B. Definitions: For purposes of this ordinance only, the following words and terms shall mean:

1. **Access road:** A road within one mile of the grading/clearing site, designated on the approved grading/clearing plan, and used, during grading/clearing, for the transport of grading equipment, hauling of fill and other equivalent vehicular traffic to and from the grading/clearing site.
2. **Affected Area:** The area to be disturbed by grading/clearing activities.
3. **Applicant:** The person, company or corporation responsible for the managing and conducting of grading/clearing operations.
4. **Approval:** Written notice by the City Engineer or Building Official or designees approving the design, progress or completion of work.
5. **Approval Authority:** The Building Official for Minor Grading/Clearing Permits and the City Engineer for Major Grading/Clearing Permits.
6. **Approved plan:** The most current grading/clearing sketch or grading/clearing plan, which bears the authorized signature of approval of the City Engineer or Building Official.
7. **Berm:** A mound or wall of earth used for landscaping purposes.
8. **Blasting:** Any activity entailing the use of explosives for the purpose of producing an explosion to demolish structures or to fragment rock for mining, quarrying, excavation and construction.
9. **Blasting Operations:** Blasting operations are herein defined to mean drilling and site preparation for blasting and detonation itself.
10. **Borrow:** Earth material acquired from an off-site location for use in grading/clearing a site.
11. **Brushing:** The selective removal of vegetation.
12. **City:** City of Bend, including its duly authorized representatives.
13. **Clearing:** The substantial removal of vegetation.
14. **dbh:** Diameter at breast height. A measurement of tree diameter taken between four (4) and five (5) feet from ground level.

15. Development: Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
16. Drainage Control System: A method of containing or channeling storm water.
17. Earth Material: Any rock, natural soil or fill or any combination thereof.
18. Emergency: An unforeseen combination of circumstances that calls for immediate action to preserve life or property.
19. Envelope, building: The building footprint for all structures including all attached roof structures such as carports, covered patios and ramadas but excluding typical eave overhangs.
20. Envelope, development: ~~The sum of the areas of the permit holder's land to be graded, including the building envelope, accessory buildings, and areas of related parking, driveways, swimming pools, walls and other accessory structures, but excluding individual sewage disposal systems.~~
21. Erosion: The wearing away of the ground surface as a result of the movement of wind, water or ice.
22. Excavation: The removal of earth material by manual labor, mechanical equipment, blasting or other such means.
23. Explosives: Explosives shall mean any substance, chemical compound, or mechanical mixture that is commonly used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.
24. Fill: The addition of earth material by manual labor, mechanical equipment, blasting or other such means.
25. Final inspection: Field inspection conducted by the City prior to project acceptance or release of assurances if required.
26. Grade: The vertical location of the ground surface.
27. Grade, existing: The actual current ground surface as naturally occurring formations or as altered prior to the date of adoption of the ordinance codified in this section.
28. Grade, finished: The final ground elevation, after all grading/clearing has been completed conforming to the approved grading/clearing sketch or plan.

29. Grade, rough: The stage at which grading substantially conforms to the approved grading sketch or plan in an unfinished state.
30. Grading: The excavating or filling of a site.
31. Grading/Clearing Permit: An official document issued by the City of Bend authorizing the grading/clearing activity specified by the Grading/Clearing Permit conditions.
32. Grading/Clearing Permit conditions: The specifications and requirements of the approved grading/clearing sketch or grading/clearing plan, grading/clearing statement, soils report or other documents necessary for Grading/Clearing Permit approval.
33. Grubbing: The removal of trees and other large plants by their roots.
34. Inspector: A person authorized by the City Engineer or Building Official to perform inspection on grading/clearing work.
35. Land Use Action: Includes any consideration for approval of a quasi-judicial plan amendment or zone change, any consideration for approval of a land use permit and any consideration of a request for a declaratory ruling (including resolution of any procedural questions raised in any of these actions).
36. Mitigation: The general conditions of approval on an approved Grading/Clearing Permit that rectify the impact by repairing, rehabilitating or restoring the affected environment.
37. Noxious Weeds: Those species of plants that are considered harmful as listed by the Oregon Department of Agriculture.
38. Pavement: Any impermeable surface.
39. Retaining wall: A wall designed to resist the lateral displacement of soil or other material, as defined in the current Uniform Building Code (UBC) code.
40. Re-vegetation: Placement of living plant material on sites or excavation and fill slopes where the natural vegetation has been removed.
41. Rights-of-Way: That portion of land acquired for construction of a roadway and supporting utilities falling under the jurisdiction of public entities.
42. Setbacks: The minimum required horizontal distance from a given point or line of reference.
43. Site: Any lot or parcel of land, or contiguous combination of lots, parcels and or easements under the same ownership or unified control, ~~where grading/clearing is to be performed.~~

44. Site Boundary: The limits or border of any lot or parcel of land, or contiguous combination of lots, parcels, and/or easements under the same ownership or unified control, whereon grading is to be performed.
45. Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or expressed as a percent of the change in elevation over a given distance.
46. Slope, Exposed: Any graded slope that is 3:1 or steeper.
47. Soil: Unconsolidated sediments and deposits of solid mineral particles that have resulted from the disintegration of rock and can be excavated manually.
48. Stabilization: Treatment that reduces the potential for erosion or increases the structural strength of a graded area.
49. Stockpiling: Temporary storage of earth materials.
50. Stream: A year round flowing watercourse.
51. Terrace: A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
52. Vegetation: Any plant material including trees, brush, shrubs, grasses, etc.

SECTION 3 APPLICABILITY AND EXEMPTIONS.

A. Scope: All grading/clearing activities shall be done in accordance with the provision of this ordinance.

1. All grading/clearing activities in the City of Bend shall conform to the performance standards as stated in Section 4 of this ordinance, unless exempted or a variance is obtained through the provisions of Section 10.
2. All grading/clearing as defined by the thresholds of subsections B and C of this section shall require a Grading/Clearing Permit, except as exempted in subsection D of this section.

B. Permit applicability: Either a Minor or Major Grading/Clearing Permit shall be required for the following actions:

1. Excavation or fill exceeding 2 feet.
2. Alteration to or creation of slopes exceeding 20%.
3. An excavation or fill within two (2) feet of the **site property** boundary.
4. Tree removal **of trees more than eight (8) inches dbh** on properties greater than one (1) acre, except as exempted in Section 3(D).
5. Any excavation, fill or vegetation removal within riparian corridors is subject to regulations in the Waterway Overlay Zone.

A Grading/Clearing Permit will not be required for grading/clearing activities approved in conjunction with the building and/or land use permitting processes as those activities will be reviewed in conjunction with those permits. When grading/clearing activities are associated with a land use action or a building permit, information showing compliance with this ordinance shall be submitted with those applications.

C. Permit Types: Minor and Major Grading/Clearing Permits.

1. Minor Grading/Clearing Permit. Minor Grading/Clearing Permits shall be obtained when:
 - a. Grading/clearing activities are proposed to affect an area one (1) acre or less pursuant to thresholds in subsection B above.
 - b. Tree removal **is proposed for trees more than eight (8) inches dbh** without any proposed grading or clearing activities as referenced in subsection B (4) above.

2. Major Grading/Clearing Permit. Major Grading/Clearing Permits shall be obtained when:
- a. Grading/clearing activities are proposed to affect an area greater than one (1) acre pursuant to thresholds in subsection B above.
 - b. Tree removal **is proposed for trees more than eight (8) inches dbh** without any proposed grading or clearing activities as referenced in subsection B (4) above, which requires a Minor Grading/Clearing Permit.

D. Exemptions:

- 1. The following activities, while subject to all other applicable City ordinances and the performance standards listed in Section 4 of this ordinance; do not require a Grading/Clearing Permit:
 - a. Excavation or fill not exceeding two (2) feet or a finished graded slope less than twenty percent (20%).
 - b. Normal and customary trenching/excavation for public and private utilities and public and private irrigation lines when the affected area is returned to the original grade.
 - c. Raised beds and landscaped berms that do not exceed four (4) feet in height and are setback two (2) or more feet from the property boundary.
 - d. Normal and customary excavation and fill associated with the ongoing maintenance activities on golf courses such as reconstruction of tee boxes, re-sculpturing of fairway bunkers and greens, etc.
 - e. Stockpiling of earth materials.
 - f. The addition of six inches (6") or less of soil for normal customary landscaping.
 - g. Resurfacing or maintenance of an existing paved surface.
 - h. Individual sewage disposal system with a Deschutes County Environmental Health Department permit.
 - i. Excavation below finished grade for a foundation proposed in conjunction with a building permit or land use permit application.
 - j. Exploratory excavation under the direction of a soil engineer or engineering geologist provided all excavation is properly backfilled.
 - k. Underground utility installations and maintenance under a paved roadway surface or a continuously maintained unpaved roadway surface.
 - l. Grading/clearing for the maintenance of an existing private access road or driveway, provided either existed prior to adoption of, or was established in conformance with, this ordinance.
 - m. Grading for an appurtenant access, public infrastructure maintenance or utility easement.

2. The following activities while subject to all other applicable City ordinances do not require a Grading/Clearing Permit and are exempted from this ordinance:
- a. Cemetery graves.
 - b. Refuse disposal site controlled by other agency regulations.
 - c. Archaeological exploration conducted under state permit.
 - d. Removal of selected individual plants for storage and replanting.
 - e. All other land uses exempt from local regulations under State and Federal statutes.
 - f. Removal of trees on single family residential lots one (1) acre or less.
 - g. Removal of trees less than 8 inches dbh ~~on single family residential lots greater than one (1) acre.~~
 - h. Removal of flammable vegetation and combustible growth within thirty (30) feet of a structure for fire safety.
 - i. Normal maintenance, pruning or limbing of trees.
 - j. Removal of noxious weeds.
 - k. Removal of trees within an area approved by the Deschutes County Environmental Health Department for a sanitary septic system.
 - l. Normal pruning, limbing and removal of trees and vegetation in the routine maintenance of public school grounds, parks and trails that is not associated with preliminary grading or clearing for a development project.
 - m. Normal pruning, limbing and removal of trees and vegetation in the routine maintenance of golf courses and cemeteries that is not associated with preliminary grading or clearing for a development project.
 - n. An emergency that immediately affects life or property.

SECTION 4 GENERAL GRADING/CLEARING PERFORMANCE STANDARDS.

- A. Scope:** All grading/clearing activities shall be done in accordance with this section.
- B. Site Re-vegetation and stabilization of the affected area:** All graded and or cleared areas including excavation and fill slopes shall be re-vegetated or stabilized in order to reduce erosion, dust and noxious weeds. When a permit is issued, the re-vegetation or stabilization shall occur within the timeline established on the approved grading plan.
- C. Tree Preservation:** For grading and/or clearing activities on all undeveloped properties or properties without land use approval, including single family residential lots greater than one (1) acre in size, the following tree preservation standards shall be implemented:
1. For grading and or clearing activities that are not conducted in conjunction with or are conducted prior to a land use action or building permit, the following standards shall be met for tree preservation:
 - a. All trees twelve (12) inches dbh and larger shall be retained on-site.
 - b. Fifty percent (50%) of all trees between eight (8) inches and twelve (12) inches dbh shall be retained on-site.
 - c. The fifty percent (50%) retention of trees between eight (8) inches and twelve (12) inches dbh shall result in a tree coverage pattern that is dispersed throughout the site pursuant to on-site tree locations.
 - d. All trees retained on-site shall be protected during grading/clearing activities.
 - ~~2. For tree removal that is not in conjunction with grading and or clearing activities, a tree management plan prepared by a certified arborist must be submitted and approved.~~
- D. Fill:** Fill greater than two (2) feet for non-structural areas shall be compacted to a minimum of eighty percent (80%) of maximum dry density, as determined by the "Standard Proctor" method (American Society for Testing and Materials (ASTM) or American Association of State Highway and Transportation Officials (AASHTO)), or equivalent method approved by the City Engineer or Building Official.

E. Erosion and Drainage control systems:

1. Permanent systems:

- a. Erosion control shall be designed, constructed and maintained to prevent erosion of graded or disturbed areas that may result in off-site sediment deposition.
- b. Where excavation slopes are not subject to erosion due to the erosion-resistant character of the native materials, erosion control may be omitted upon approval by the City Engineer or Building Official.
- c. The shoulders of a paved public or private roadway, pathways, trails and sidewalks shall be protected against erosion wherever curbing or constructed spillways are not provided.
- d. Surface drainage: All surface drainage created by proposed development or grading activities shall be contained on-site unless routed to an approved drainage facility. Excavation and fill slopes shall be provided with engineered surface drainage designed for stability and erosion protection of affected properties.
- e. Natural and existing drainage routes shall be shown on and planned for as part of the grading/clearing plan. The plan shall demonstrate that grading/clearing activities will have minimal impact on the existing water flow through the natural and existing drainage routes, except in instances where an approved surface water collection and disposal facility is incorporated into the grading/clearing plan.
- f. Subsurface drainage: Subsurface drainage measures for stability and protection of affected properties from water seepage may be required.

- 2. Temporary systems:** Approved temporary drainage control systems shall be provided in phased developments, during construction or when conditions warrant.

F. Import and export of earth material:

1. All other required permits shall be obtained prior to importing or exporting of any earth material on any project requiring a Grading/Clearing Permit.
2. During all required inspections, approved plans and permits must be available on-site.
3. The transportation of earth material on public rights-of-way shall be in a manner that does not allow blowing soil and other hazards, in accordance with other state and local regulations.

G. Hours of operation:

1. Grading equipment operation and maintenance shall be conducted in accordance with the requirements of the Bend Code Section 5.385 Noise.
2. The City Manager may allow grading equipment operation or maintenance during other hours if such operations are not detrimental to public health, safety or welfare.
3. Permitted hours of operation or maintenance may be shortened by written notice, if the City Engineer finds a substantial adverse effect on the public health, safety or welfare.

H. Restriction of vehicles:

1. No vehicles shall be driven over natural open space areas that have been designated on the applicant's approved grading/clearing sketch or grading/clearing plan except as vehicle use is included in the plan.
2. Points-of-entry to the site during grading/clearing shall be only as designated on the approved grading/clearing sketch or grading/clearing plan.
3. For Major Grading/Clearing Permits, access roads to the site during grading/clearing shall be only as designated on the approved grading/clearing plan.

I. Dust Control:

1. During grading/clearing, and until re-vegetation or stabilization has taken place, dust shall be minimized through application of approved dust control measures.
2. All grading/clearing activities must comply with all Department of Environmental Quality regulations for air quality, fugitive and visual emissions.

J. Additional requirements:

1. Public rights-of-way, sidewalks and other improvements shall be maintained by the permit holder during grading/clearing in a neat and clean condition, free of loose soil, construction debris and trash.
2. Debris, fill or equipment shall not be stored within a public right-of-way or emergency access routes.

SECTION 5 MINOR GRADING/CLEARING PERMIT SUBMITTALS AND PROCEDURES (GRADING SKETCH).

- A.** Scope: An application for a Minor Grading/Clearing Permit requires a completed Grading/Clearing Permit application, grading/clearing sketch and grading/clearing statement. A survey stamped by a registered land surveyor is not required.
- B.** Grading/clearing sketch requirements:
1. The existing and proposed finished grade of the area to be graded based on spot elevations and two (2) foot contour interval maps as applicable.
 2. The extent of graded areas, delineated and labeled excavation or fill and, where structures are to be constructed:
 - a. The existing grade at the primary building corners and proposed finished floor elevations; and
 - b. The proposed building heights, shown to conform to the building height requirements.
 3. The location of proposed mitigation measures, such as re-vegetation or retaining walls.
 4. The exterior boundaries of the site.
 5. Access roads and points-of-entry to the grading/clearing site, including gravel construction entrances.
 6. The approximate location of all trees eight (8) inches dbh and larger.
 7. Delineation of any areas to be preserved.
- C.** Grading/clearing statement: A written grading/clearing statement shall be submitted with an application for a Grading/Clearing Permit. The statement shall include, where applicable:
1. A description of both temporary and permanent stabilization, erosion and drainage control measures.
 2. Estimated start and completion dates.
 3. A description of the dust control method to be used during grading/clearing and until re-vegetation or stabilization has been completed.
 4. A description of the tree protection standards to be implemented during construction.

D. Documents preparation: Documents shall be prepared in accordance with City requirements.

E. Application:

1. The Grading/Clearing Permit application, grading/clearing sketch and grading/clearing statement shall be submitted for review to the Building Division of the City Community Development Department.
2. The Grading/Clearing Permit application shall be completed and is required to be signed by the property owner.
3. Fees are payable to the City in accordance with the fees resolution adopted by City.

F. Application review:

1. The grading/clearing sketch and statement shall be reviewed for consistency with applicable regulations and standards (refer to Section 4), and Grading/Clearing Permit application status shall be determined within ten (10) working days of application.
2. If determined inadequate, the application shall be returned and the applicant may resubmit an amended grading/clearing sketch or statement.
3. The City Building Official shall require that plans and specifications be modified to make them consistent with this ordinance and any other applicable regulations.

G. Grading/Clearing Permit issuance and expiration:

1. Issuance: Grading/Clearing Permits are issued by the City Community Development Department. A copy of the Grading/Clearing Permit and approved grading/clearing sketch shall be kept in an easily accessible location on the site.
2. Expiration: A Grading/Clearing Permit shall be null and void if the authorized work has not been completed within one-hundred-eighty (180) days of permit issuance.

H. Grading/Clearing Permit extension and reapplication:

1. Extensions: Upon written request by the permit holder, the City Engineer or Building Official may approve a single one-hundred-eighty five (185) day extension of a Grading/Clearing Permit.

2. Non-Conformance Reapplication: Non-compliance with the approved grading/clearing sketch will require reapplication for a Grading/Clearing Permit in conformance with this ordinance. Applicable penalties and additional conditions may be imposed on the permit.
3. Expiration Reapplication: Reapplication for a Grading/Clearing Permit may be made in accordance with this ordinance. Additional conditions may be imposed on a permit, as a consequence of reapplication.

I. Changes to Grading/Clearing Permit:

1. Emergency conditions: If drainage problems, flood hazards or other hazards occur that were not anticipated at the time the permit was issued, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the City Building Official.
2. Non-emergency conditions: If unanticipated non-emergency conditions are encountered during grading/clearing and are beyond the scope of the Grading/Clearing Permit, a non-conformance reapplication shall be required by the City Building Official

SECTION 6 MAJOR GRADING/CLEARING PERMIT SUBMITTALS AND PROCEDURES (GRADING/CLEARING PLAN).

- A. Scope: An application for a Major Grading/Clearing Permit requires a completed Grading/Clearing Permit application, grading/clearing plan, grading/clearing statement, soils report (as required) and drainage improvement plan prepared by a registered professional engineer or registered landscape architect.
- B. Grading/clearing plans requirements:
1. The existing grade contours, proposed finished grade contours (minimum of one (1) foot, maximum of ten (10) feet) and sufficient spot elevations of the area to be graded including the general topography (**such as city aerial maps or visual site inspection**) for a minimum of one hundred (100) feet beyond the ~~site~~ **boundary affected area** or as determined by the City Engineer. This information shall be prepared by a registered professional engineer or registered landscape architect.

2. If known, the extent of building envelopes and where structures are to be constructed:
 - a. Spot elevations shall be shown for the finished grade within the building envelope.
 - b. All building pads showing the existing grade at the primary building corners and proposed finished floor elevations.
 - c. The proposed building heights shown to conform to the building height requirements.
 3. A description of the preservation and mitigation methods, specifying elevations, dimensions, quantities and locations, to be used during grading/clearing and until re-vegetation or stabilization has been completed.
 - a. The extent and manner of preserving, relocating, clearing and disposing of existing vegetation.
 - b. The final ground cover, re-vegetation (if any), erosion control and proposed methods for excavation or fill stabilization, based upon the soils report (refer to subsection D of this section).
 - c. Both temporary and permanent drainage improvement plans shall contain:
 1. Drainage or other protective devices to be constructed as part of the grading.
 2. The drainage area and estimated runoff of the area served by drains.
 4. Depiction of the site boundaries (by bearing and distance), existing survey monuments and a local and/or temporary benchmark with the elevation and coordinates on Deschutes County Grid.
 5. The location of all trees eight (8) inches dbh and larger within **the affected** area ~~to be affected or disturbed~~ and the location of any regulated areas or areas to be preserved (i.e. Areas of Special Interest, wetlands, open spaces, etc.).
 6. Access roads, haul routes and all points-of-entry including but not limited to all gravel construction entrances, to the grading/clearing site.
- C. Grading/clearing statement: A written grading/clearing statement shall be submitted with an application for a grading/clearing permit. The statement shall include, where applicable:
1. A description of both temporary and permanent stabilization, erosion and drainage control measures.
 2. The off-site disposal location and estimated quantity of earth material and vegetation to be removed from the site during grading/clearing.

3. The off-site source location and estimated quantity of materials to be delivered to the site during grading/clearing.
4. Estimated starting and completion dates.
5. A description of the dust control method to be used during grading/clearing and until re-vegetation or stabilization has been completed.
6. A description of the tree protection standards to be implemented during construction.

D. Soils report: A geotechnical report may be required when slopes greater than 2:1, retaining walls or extensive areas of fill are proposed, unusual soil conditions are encountered or upon the request of the City Engineer.

1. The report shall contain all geotechnical engineering information and recommendations applicable to the project and shall be stamped by a registered professional engineer.
2. The report shall be incorporated into the grading clearing plan and statement.
3. The applicant shall be required to provide written certification to the City Engineer that embankment/fill within proposed public rights of way complies with the City of Bend Standards and Specifications or to the Building Official that filled areas under proposed buildings have met the foundation requirements.

E. Documents preparation:

1. Documents shall be prepared in accordance with City requirements.
2. Information shall conform to land use conditions (when applicable) and shall be consistent with the land use site analysis and other applicable regulations.
3. Grading/clearing plan preparation: The plan shall be prepared by a registered professional engineer.

F. Application:

1. The Grading/Clearing Permit application, grading/clearing plan and other required materials shall be submitted to the Engineering Division of the City Public Works Department for distribution to the applicable City review agencies.
2. The Grading/Clearing Permit application shall be completed and is required to be signed by the property owner.

3. Fees are payable to the City in accordance with the fees schedule adopted by City ordinance.

G. Grading/clearing assurances in the absence of land use approval:

1. When approval has been granted for grading/clearing, grading/clearing assurances shall be required in the absence of land use approval in an amount not to exceed 120% of the cost estimate made by a registered professional engineer or registered landscape architect for restoration of the site to original conditions or for compliance with Grading/Clearing Permit.

a. Assurances shall consist of one of the following:

1. 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.
 2. A cash deposit in a City account at an approved lending institution.
 3. 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.
 4. An "Assurance Provider" arrangement between the owner, the City and a federally insured financial institution which assures the City that the funds to complete the performance of the owner's grading/clearing permit will be provided by the federally insured financial institution to the City in the event the owner does not complete performance of the grading/clearing permit. The form of the Assurance Provider arrangement and the federally insured financial institution must be satisfactory to the City.
2. The assurances shall be released by the City when the grading/clearing has been inspected and received the written approval of the City Engineer or Building Official. Final approval of a Grading/Clearing Permit shall not require the release of the assurances in the event of grading/clearing noncompliance.

H. Application review consistent with approved engineered plans:

1. Grading/clearing plans and related submittals shall be reviewed concurrent with land use action, the construction plans or building permit review process for the project.
2. Prior to approval of the grading/clearing plan, the City Engineer shall inspect the site to determine that the submittals are current and reflect existing conditions.

I. Grading/Clearing Permit extension and reapplication:

1. A Grading/Clearing Permit shall be null and void if the authorized work has not been completed within one hundred eighty (180) days of permit issuance or a longer timeline is authorized by the City Engineer at the time of Grading/Clearing Permit issuance.
2. Extensions: Upon written request by the permit holder, the City Engineer may approve a single one hundred eighty five (185) day time extensions of a Grading/Clearing Permit.
3. Non-Conformance Reapplication: Non-compliance with the approved grading/clearing sketch will require reapplication for a Grading/Clearing Permit in conformance with this ordinance. Applicable penalties and additional conditions may be imposed on the permit.
4. Expiration Reapplication: Reapplication for a Grading/Clearing Permit may be made in accordance with this ordinance. Assurances of additional conditions may be imposed on a permit, as a consequence of reapplication.

J. Changes to Grading/Clearing Permit:

1. Emergency conditions: If drainage problems, flood hazards or other hazards occur that were not anticipated at the time the permit was issued, the City Engineer shall require that any substantial engineering modifications be submitted in a report and that the grading/clearing design be modified.
2. Non-emergency conditions: If unanticipated non-hazardous conditions are encountered during grading/clearing and are beyond the scope of the Grading/Clearing Permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the City Engineer.

SECTION 7 BLASTING.

This section in no way replaces or negates the requirements pertaining to explosives as contained in the Oregon Revised Statutes, Chapter 480-010 through 480.290, 1999 Edition or any statute in addition to or replacement of such.

A. All persons conducting blasting activities shall comply with all federal, state and local regulations applicable to blasting activities. Such person shall have and provide upon request, evidence of all necessary federal, state and local licensing required to conduct blasting activities.

B. Notification

1. Notice of all blasting shall be provided to the City Engineer. Prior to blasting, the person responsible for the blast shall inform all building occupants within one hundred (100) feet of the blast site.

a. The City Engineer may require additional notification for sensitive areas such as medical districts, hospitals, schools, etc.

b. Signs shall be placed at street intersections adjacent to the blasting site on the day of the blasting or earlier if feasible. Sign shall state approximate blasting times and who to contact.

SECTION 8 TEMPORARY ROCK CRUSHING OUTSIDE OF THE SM ZONE.

A. Temporary on-site rock crushing for on-site construction and maintenance is permitted outright in any zone if the following standards are met:

1. The subject property has received site plan, tentative plat or final plat approval for the construction or maintenance activity or is an approved public facility project.

2. Rock crushing equipment has a valid Oregon Department of Environmental Quality air contaminant discharge permit.

3. The crushing equipment is capable of providing material meeting "three quarter (3/4) inch minus" specifications.

4. No off-site materials are brought on site for crushing.

5. Rock crushing equipment is removed from the site within fifteen (15) days of completing the crushing activity.

6. Excavated crushed material not used for on-site construction or landscaping is removed to a City approved location within fifteen (15) days of completing the crushing activity.

7. The rock crushing equipment is set up as far away as practicable from any property line or existing residence but in no case shall the setback be less than one hundred fifty (150) feet.

8. The duration of the temporary rock crushing activity is for no more than sixty (60) consecutive days from the issuance of the permit, unless the applicant obtains an extension of time pursuant to the City of Bend Land Use Permit and Procedures Ordinance.

9. Rock crushing occurs Monday through Friday, between 8:00 AM and 5:00 PM, and not on legal holidays.

10. Water is available to provide dust control.

B. Application requirements. An application for a temporary permit for on-site rock crushing shall contain the following:

1. A detailed explanation of the proposed construction and rock crushing activities, including:
 - a. An approved grading/clearing plan.
 - b. An estimate of the amount material to be processed.
 - c. The amount of material to be used on site and the amount to be removed if any.
 - d. The duration and operating characteristics of the rock crushing activity.
2. An explanation of how the proposal will reduce truck trips or otherwise benefit the community.
3. A map drawn to scale showing:
 - a. The location of property boundaries.
 - b. The truck travel route for vehicles accessing the site and rock material being removed from site.
 - c. The location site for material being removed.
 - d. Setbacks to the rock crushing activity.
 - e. Any topographic features in the immediate vicinity of the proposed rock crusher.
4. Any additional information, which will assist in the evaluation of the proposed rock crushing.
5. The application shall be processed pursuant to the City of Bend Land Use Permit and Procedures Ordinance.

C. Revocation of a Temporary Permit for Noncompliance. Any permit for temporary permit for rock crushing granted in accordance with the terms of this ordinance may be revoked if any of the conditions or terms of such permit are violated.

SECTION 9 INSPECTIONS AND PERFORMANCE DEFAULTS.

All construction subject to these regulations shall be subject to inspection by the City Engineer and the City Public Works Department in addition to inspections by the project engineer and consultants. When required by the City Engineer, additional inspections and additional testing shall be performed to verify conformance with these regulations. The cost of additional inspections and additional testing shall be borne by the property owner.

If the City Engineer determines that any portion of the project is not in conformance with the requirements of this ordinance and no waiver of such requirements has been granted, the City Engineer shall notify, in writing, the project engineer and or property owner. The project engineer and or property owner shall take immediate action to resolve the problems(s) enumerated. If corrective action is not taken to the satisfaction of the City Engineer, then the City Engineer shall impose one or more of the following:

1. Issue a stop work order.
2. Notify the agency issuing the bond, irrevocable letter of credit, certificate of deposit or cash deposit used as assurance.
3. Do the necessary work at the property owner's expense.
4. Not sign the final plat.
5. Request the Community Development Department to not issue any additional building permits for this development.
6. Collect on the bond or irrevocable letter of credit, certificate of deposit or cash deposit.

A. General inspections:

1. All grading/clearing which requires a permit shall be inspected by the Building Official, City Engineer or representative in accordance with the Grading/Clearing Permit:
 - a. The permit holder shall provide notification forty-eight (48) hours prior to an inspection request, or as specified on the Grading/Clearing Permit.
 - b. The City shall provide an inspection within two (2) working days of the request time.

2. If the Building Official, City Engineer or representative finds site conditions are not as stated in the approved Grading/Clearing Permit conditions, the City Engineer or Building Official may issue a stop work order until a revised grading/clearing sketch or plan has been approved.
3. Whenever grading/clearing work requiring City inspection is concealed by additional work without first having been inspected, the City Engineer or Building Official may require, by written notice or other means, that such work be exposed, for inspection by the City.

B. Final inspection of rough grade:

1. All rough grading/clearing shall be completed in accordance with the Grading/Clearing Permit prior to final rough grade inspection by the City.
2. The final inspection shall be conducted by the City prior to issuance of a certificate of substantial grading/clearing conformance or release of grading/clearing assurances (if required). The permit holder shall provide a minimum of forty-eight (48) hours notice to the City when any phase of rough grading/clearing is ready for final inspection.
3. The City Engineer or Building Official may approve completed rough grading/clearing prior to completion of related work in cases of extreme hardship or where grading/clearing has been designed to be completed in phases, provided that no hazards exist and a performance bond has been posted to ensure completion of remaining grading/clearing work of that phase.
4. The soil report and certification of sub-base requirements shall be submitted to the Building Official prior to any foundation inspections or to the City Engineer prior to issuance of certificate of final grading/clearing approval.

C. Final grading/clearing inspection:

1. All required grading/clearing work shall be completed in accordance with the Grading/Clearing Permit prior to final grading/clearing inspection by the City Engineer or Building Official and issuance of a certificate of final grading/clearing approval.
2. Where the conditions of a Grading/Clearing Permit include the establishment of vegetation or other final site grading/clearing work that extends beyond the expiration of the Grading/Clearing Permit, the City shall make a post-grading/clearing inspection within six (6) months of permit expiration or as required by the Grading/Clearing Permit before final approval

D. Maintenance

The owner of any private property on which grading/clearing or other work has been performed pursuant to an approved grading/clearing plan, approved land use application or approved building permit granted by the Community Development

Department, shall maintain and repair in perpetuity all graded surfaces and erosion prevention devices, retaining walls, drainage structures, plantings and ground cover, or other means or devices deemed not to be the responsibility of the City of Bend or other public agency.

SECTION 10 VARIANCES.

- A.** The Approval Authority may authorize variances from the standards of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship. In granting a variance, the Approval Authority may attach conditions found necessary to protect the best interest of the surrounding property or neighborhood, and to otherwise achieve the purpose of this ordinance.
- B. Criteria:** No variance shall be granted pursuant to the provisions of subsection A of this Section unless the applicant can establish that:
1. That special conditions exist which are peculiar to the land involved and which are not applicable to other lands in the general vicinity of the subject property.
 2. That strict interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the general vicinity of the subject property under the terms of this ordinance.
 3. That the special conditions or circumstances do not result from the actions of the applicant and such conditions do not merely constitute pecuniary hardship or inconvenience.
 4. That granting the variance will be in harmony with the objectives of this ordinance, and not injurious to the neighborhood or otherwise detrimental to the public welfare.

SECTION 11 ENFORCEMENT AND PENALTIES.

A. Performance Standards and Grading/Clearing Permit enforcement:

1. The enforcement of this ordinance and conditions of the Grading/Clearing Permits issued pursuant to this ordinance shall be regulated by this section.
2. If the performance standards contained in this ordinance are violated, penalties under subsection B below shall apply.
3. When the City Engineer or Building Official determines that a substantial noncompliance exists with the conditions of the Grading/Clearing Permit, the City Engineer or Building Official may issue a stop-work order by written notice, in addition to the penalties contained in subsection B.
4. In addition to the penalties contained in subsection B, the City Engineer or Building Official may issue a stop work order when any work for which a permit is required by this ordinance has been commenced without first obtaining said permit. The City shall perform an investigation of the site to determine the appropriate mitigation and or penalties before a permit may be issued for such work.
5. If the City determines that grading/clearing does not comply with this ordinance or the Grading/Clearing Permit conditions, or that the soil or site conditions are not as stated on the permit, the City Engineer or Building Official may order the work stopped by written notice served on any person engaged in doing or causing such work to be done.
6. When a stop work order is issued pursuant to this ordinance, the applicable person shall immediately stop all building and construction work until authorized to continue by the City Official who issued the order. The failure to stop work after being notified of the stop work order shall be a violation of this ordinance and subject to the enforcement remedies contained in subsection B below.
7. Failure to obtain a Grading/Clearing Permit prior to commencement of grading/clearing, unless not required or exempted by this ordinance, shall be a violation of this ordinance.
8. The City Engineer or Building Official may authorize the refunding of any fee paid hereunder in accordance with applicable law and the City's refund policy.
9. If all provisions of this ordinance and the terms of a valid Grading/Clearing Permit have been fulfilled, the City shall not prosecute the permittee under this ordinance for any unforeseen circumstances resulting from the actions of the permittee.

B. Compliance and Penalties:

The following enforcement remedies and penalties can be applied individually or cumulatively upon violation of this Ordinance:

1. A violation of the provisions of this ordinance is punishable upon conviction by:

- a. For a Minor Grading/Clearing Permit, an initial fine of \$300 depending upon the severity of the violation and a fine of not more than \$100 for each day of violation, where the offense is a continuing offense, but such fine may not exceed \$5,000.
 - b. For a Major Grading/Clearing Permit and other violations of this ordinance including but not limited to the performance standards, an initial fine of \$600 depending upon the severity of the violation and a fine of not more than \$600 for each day of violation where the offense is a continuing offense, but such fine may not exceed \$25,000.
2. If a person or corporation has gained money or an increase in property value through the violation of this ordinance, the court may sentence the defendant to pay an amount fixed by the court not exceeding double the amount of the defendant's gain from the commission of the violation. This calculation shall be based upon the formula set forth in the schedule of penalties established by the state legislature currently located at ORS 153.018 and ORS 164.115.
3. In addition to the enforcement and penalty provisions, the Court may require the replacement of vegetation removed in violation of this ordinance. The amount of replacement trees, shrubs and ground cover shall be determined by the area of removed vegetation. The property owner shall enter into a mitigation agreement plan approved by the City. The mitigation plan shall include a plan providing for the planting and maintenance of the replacement vegetation. The plan shall make provisions for the replacement of plants that die within three years of planting.

Failure to enter into a mitigation agreement plan as required by this section or failure to comply with any condition of that plan shall be a violation of this ordinance and be a separate violation each day the failure to comply continues.
4. In addition to the enforcement and penalty provisions, the Court may order the defendant to mitigate the harm caused by the violation of the Ordinance. This plan may include but is not limited to the replacement of trees and vegetation removed by the defendant in violation of this ordinance. The amount of replacement trees, shrubs and ground cover shall be determined by the area of removed vegetation.
5. The City may refuse to accept any development permit applications for the property upon which a violation of this ordinance has occurred or stop work on any development approved for the subject property until a permit has been acquired and an acceptable mitigation plan, if applicable, has been submitted and performed.

ORDINANCE NO. NS-1880

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated July 14, 2003 file number PZ-03-219.
- Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 18-12-17, Tax Lot 2300, 2307 and 2308 from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 6th day of August, 2003.

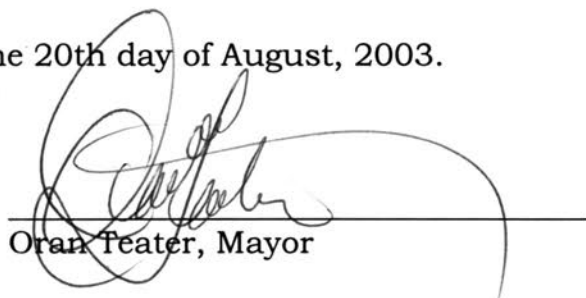
Read for the second time the 20th day of August, 2003.

Placed upon its passage the 20th day of August, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 20th day of August, 2003.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1881

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM URBAN STANDARD DENSITY RESIDENTIAL (RS) TO URBAN MEDIUM DENSITY RESIDENTIAL (RM).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Decision and Recommendation of the Hearings Officer dated July 2, 2003, File Number PZ-03-94 and PZ03-95.

Section 2. The Zoning Map of the City of Bend are amended by changing the designation of the property described and depicted in Exhibit "A" from Urban Standard Density Residential (RS) to RM, Urban Medium Density Residential.

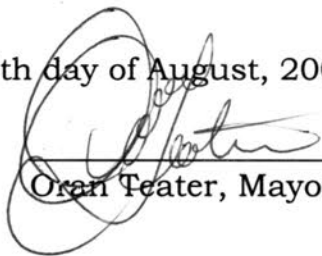
Read for the first time the 6th day of August, 2003.

Read for the second time the 20th day of August, 2003.

Placed upon its passage the 20th day of August, 2003.

YES: 7 NO: 0

Authenticated by the Mayor the 20th day of August, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder



After recording return to:
TRIPLE R DEVELOPMENT, L.L.C.
P.O. BOX 7077
BEND, OR 97708

Until a change is requested all
tax statements shall be sent to
the following address:
TRIPLE R DEVELOPMENT, L.L.C.
P.O. BOX 7077
BEND, OR 97708

Escrow No. BT048781LS
Title No. _____

48781 61.00
DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK 2002-61044



\$61.00

D-D Chris Sina TRACY
\$35.00 \$11.00 \$10.00 \$5.00

11/01/2002 03:08:04 PM

EXHIBIT A

File P203-94

City of Bend

WARRANTY DEED

JULIA COULTER and,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
TRIPLE R DEVELOPMENT, L.L.C. an Oregon limited liability company
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the county of DESCHUTES and State of Oregon, to wit:
SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE
SERIAL NO. 120023 16120680 01500

SUBJECT TO: all those items of record and those apparent upon the land, if
any, as of the date of this deed and those shown below, if any:
and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is \$ 475,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

Dated this 28th day of October, 2002

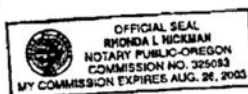
Julia Coulter
JULIA COULTER

State of Oregon
County of DESCHUTES

This instrument was acknowledged before me on October 30, 2002 by JULIA
COULTER.

After recording, return to:
AmeriTitle
15 OREGON AVENUE, BEND

Rhonda L. Nickman
(Notary Public for Oregon)
My commission expires 8-26-03



— EXHIBIT 1 page 1 of 4 —

EXHIBIT A

File R6118050

Bend Parkway Section, Phase 2
The Dalles-California Highway
Deschutes County
Drg. No. 1A-22-22
Non-Throughway
MSS 06-06-2002

Oregon Department of Transportation
Parcels 1, 2, 3, and 4

Parcel 1 - Sale

A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197, Deschutes County Records; the said parcel being that portion of said property lying Northwestery of the following described line:

Beginning at a point opposite and 75.00 feet Northwestery of Engineer's Station 372+17.86 on the center line of the relocated The Dalles-California Highway; thence Southwesterly in a straight line to a point opposite and 80.00 feet Northwestery of Engineer's Station 374+00.00 on said center line; thence Southwesterly in a straight line to a point opposite and 85.00 feet Northwestery of Engineer's Station 377+17.86 on said center line; thence Southwesterly in a straight line to a point opposite and 84.00 feet Northwestery of Engineer's Station 380+00.00 on said center line; thence Southwesterly in a straight line to a point opposite and 82.50 feet Northwestery of Engineer's Station 383+35.00 on said center line.

The center line of the relocated The Dalles-California Highway referred to herein is described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2000, Page 49898, Deschutes County Records.

ALSO that portion of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records lying Northwestery of said described line.

ALSO that portion of that property described in that Donation Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2002, Page 14131, Deschutes County Records lying Northwestery of said described line.

R6118050sale.doc

— EXHIBIT 1 page 2 of 4 —

EXHIBIT A CONTINUED - Page 2

File R6118050

EXCEPT therefrom that property lying Southerly of the South line of that property described in that Warranty Deed to Rudy Donald Stark and Mitra Vuldich, recorded in → Volume 130, Page 455, Deschutes County Records and Southerly of the Easterly extension of said South line.

The parcel of land to which this description applies contains 5.21 acres, more or less.

Parcel 2 – Reserving a Permanent Easement for Access

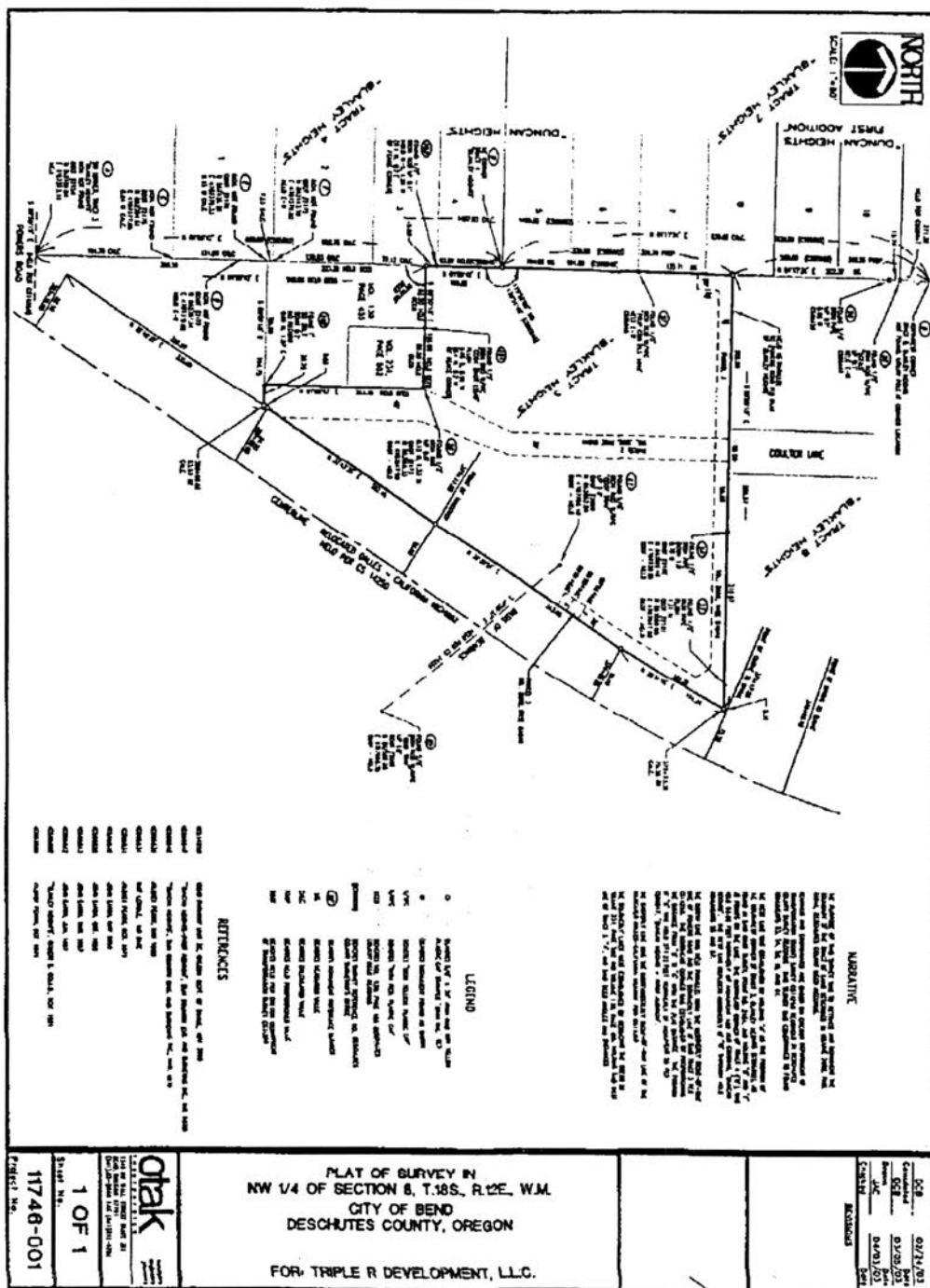
A parcel of land lying in Tract 3, BLAKLEY HEIGHTS, Deschutes County, Oregon and being a portion of that property described in those deeds to the State of Oregon, by and through its Department of Transportation, recorded in Volume 347, Page 1197 and in Volume 2002, Page 14131 both of Deschutes County Records.

Beginning on the North line of Parcel 1 at a point 95.00 feet Westerly of the Northwest corner of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records; thence Southerly, parallel with the West line of said last-mentioned property, to the Westerly extension of the South line of said last-mentioned property; thence Southerly, in a straight line, to the Easterly extension of the North line of that property described in that Donation Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 2002, Page 14131, Deschutes County Records at a point 45.00 feet Easterly of the Northwest corner of said last-mentioned property; thence Southerly, parallel with the West line of said last-mentioned property, to the Southeast line of Parcel 1; thence Southwesterly, along said Southeast line, to the South line of said last-mentioned property; thence Westerly along said South line to the Southwest corner of said last-mentioned property; thence Northerly along the West line of said last-mentioned property to the Northwest corner of said last-mentioned property; thence Northerly, in a straight line, to the Westerly extension of the South line of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded in Volume 389, Page 2796, Deschutes County Records at a point 125.00 feet Westerly of the Southwest corner of said last-mentioned property; thence Northerly, parallel with the West line of said last-mentioned property, to the North line of Parcel 1; thence Easterly, along the North line of Parcel 1, a distance of 30.00 feet to the point of beginning.

The parcel of land to which this description applies contains 24,050 square feet, more or less.

R6118050sale.doc

— EXHIBIT 1 page 3 of 4 —



DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-63443



\$36.00

00202461200300634430020032

09/12/2003 03:54:42 PM

D-ODN Cnt=1 Stn=23 TRACY
\$10.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

ORDINANCE NO. NS-1882

AN ORDINANCE VACATING AN ALLEY IN BLOCK 19 NORTHWEST TOWNSITE CO'S SECOND ADDITION TO BEND THAT LIES WITHIN SW ¼ OF NE ¼ OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Council on May 21, 2003 requesting that the following described area be vacated:

SEE EXHIBIT "A"

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 16th day of July, 2003, at 7:00 p.m. local time in the City Council 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated. This vacation is subject to the condition that the applicant for the vacation (the Bend LaPine School District) obtain site plan approval for the development of its adjacent property and that the development include the provision of side walks to replace the access currently provided by the to-be vacated street. In the event that this condition is not satisfied within one year of the date of this ordinance, this ordinance shall not be effective.

This vacation is hereby made a matter of record.

Upon the satisfaction of the above condition, 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.

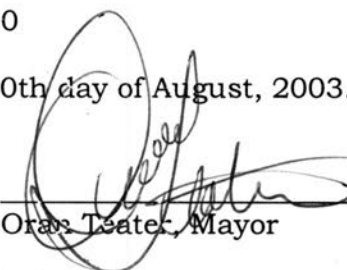
Read for the first time the 16th day of July, 2003.

Read for the second time the 20th day of August, 2003.

Placed upon its passage the 20th day of August, 2003.

Yes: 7 No: 0

Authenticated by the Mayor the 20th day of August, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

Please record Ordinance NS-1882

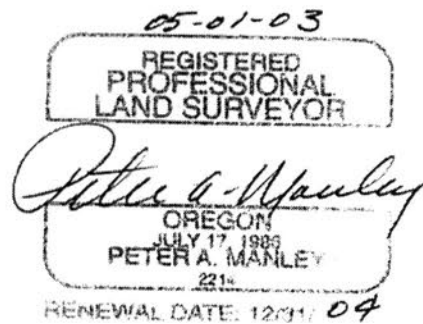
After recording return to Deputy Recorder, City of Bend, 710 NW Wall, Bend 97701

EXHIBIT A

A tract of land located in a portion of the Southwest One-quarter of the Northeast One-quarter (SW 1/4 NE 1/4) of Section 31, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The alley bounded on the north by the south boundary of Block 6 of the plat of Grandview Addition to Bend as recorded on August 01, 1918 in plat cabinet A, page 33 in the office of the Deschutes County Clerk, bounded on the south by the north boundary of Block 19 of the plat of Northwest Townsite Co's Second Addition to Bend Oregon as recorded on November 06, 1912 in plat cabinet A, page 19 in the office of the Deschutes County Clerk, bounded on the west by the east right-of-way line of West 13th Street, and bounded on the east by the west right-of-way line of West 12th Street.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.



April 30, 2003

S:\Land Projects\030125-SCHOOL_TOPOS\docs\AlleyVacation.doc

Page 1

ORDINANCE NO. NS-1883

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated July 28, 2003 file number PZ-03-222.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 18-12-18BA, Tax Lot 500 from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 20th day of August, 2003.

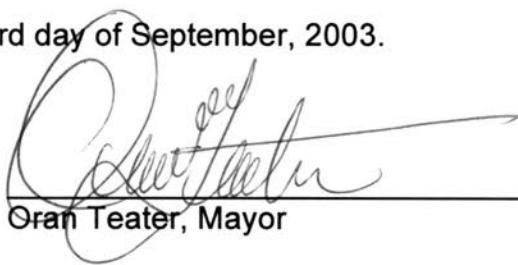
Read for the second time the 3rd day of September, 2003.

Placed upon its passage the 3rd day of September, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 3rd day of September, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1884

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM SUBURBAN LOW DENSITY (SR 2 ½) TO URBAN STANDARD RESIDENTIAL (RS).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Decision and Recommendation of the Hearings Officer dated July 18, 2003, File Number PZ-03-171, PZ-03-172 and PZ03-202.

Section 2. The Zoning Map of the City of Bend is amended by changing the designation of the property described on Exhibit "A" and depicted in Exhibit "B" from Suburban Low Density (SR 2 ½) to RS, Urban Standard Density Residential.

Read for the first time the 20th day of August, 2003.

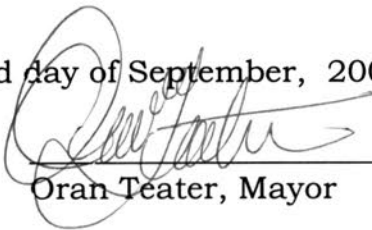
Read for the second time the 3rd day of September, 2003.

Placed upon its passage the 3rd day of September, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 3rd day of September, 2003.


Oran Teater, Mayor

ATTEST:

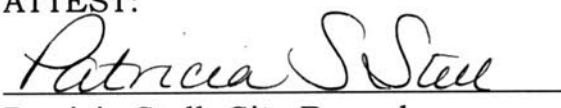

Patricia Stell, City Recorder

EXHIBIT "A"

File P203-171 Page 1 of 1

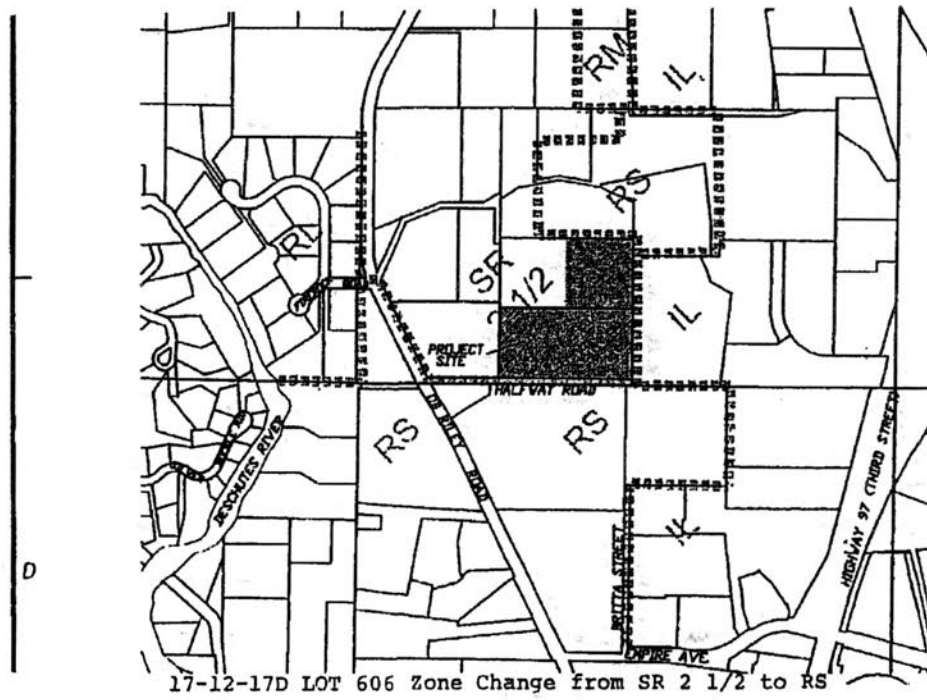
City of Bend

EXHIBIT "A"

A parcel of land located in the southeast one-quarter of the southeast one-quarter (SE1/4 SE1/4) and the southwest one-quarter of the southeast one-quarter (SW1/4 SE1/4) of Section 17, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon being more particularly described as follows:

Beginning at the southeast corner of that parcel of land described in deed in Volume 2002, Page 27100 of the Deschutes County Official Records (Knoell Tract); thence along the east line of said parcel, North 00°00'00" East, 334.81 feet to the east corner common to said parcel and that parcel of land described in deed in Volume 2002, Page 59009 of the Deschutes County Official Records (Jensen Tract); thence along the east and north lines of said Jensen Tract for the following six courses: thence North 00°00'00" East, 334.71 feet; thence North 89°54'55" West, 172.91 feet; thence North 00°05'05" East, 96.12 feet; thence North 89°54'55" West, 20.00 feet; thence South 00°05'05" West, 96.12 feet; thence North 89°54'55" West, 92.35 feet; thence leaving said north line of the Jensen Tract, South 00°00'00" West, 175.00 feet; thence North 90°00'00" West, 42.67 feet; thence South 00°00'00" West, 244.66 feet; thence North 89°55'04" West, 327.96 feet to the west line of said parcel described in deed in Volume 2002, Page 27100 (Knoell Tract); thence along the west and south lines of said Knoell Tract for the following two courses: thence South 00°00'57" West, 250.39 feet; thence South 89°58'04" East, 655.96 feet to the true point of beginning.

EXHIBIT "B"
File P203-171 Page 1 of 1
City of Bend



ORDINANCE NO. NS-1885

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated July 30, 2003, file number PZ-03-230.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

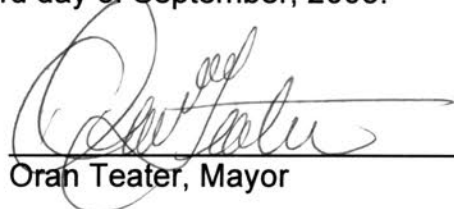
Read for the first time the 20th day of August, 2003.

Read for the second time the 3rd day of September, 2003.

Placed upon its passage the 3rd day of September, 2003.

YES: 7 NO: 0

Authenticated by the Mayor the 3rd day of September, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

EXHIBIT "A"

PARCEL 1:

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW1/4SWT/4) Section Two (2) , Township Eighteen (18) South, Range Twelve (12) , East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

commencing at the Southwest corner of said Section 2; thence North 0001431 East 1221.35 feet along the West line of said Section 2; thence South 8903854 East 602.48 feet to the true point of beginning; thence South **89.38.54** East 281.70 feet; thence South 00'14'16" West, 228.00 feet; thence South 8903854u East, 315.65 feet; thence South 0002416 West 258.45 feet; thence North 88~47'25" West 597.49 feet; thence North 0001431fl East 447.20 feet to the TRITE POINT CF BEGINNING.

EXCEPTING THEREFROM that portion conveyed in Deed recorded May 2, 1975, in Book 218, Page 88, Deed Records.

PARCEL 2:

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Two (2) , Township Eighteen (18) South, Range Twelve (12) East of the VJillamette Meridian, Deschutes County, Oregon, the aforesaid tract of land being more particularly described as follows:

Beginning at a point that is North 837.24 feet and East 743.76 feet from the Southwest corner of said Section 2; thence South 880 47' 25" East 580.08 feet; thence South **000** 14 16" West 231,75 feet; thence North 890 38' 54" West, 580.00 feet; thence North 000 14' 16" East 240.44 feet to the point of beginning and terminus of the description.

TOGETHER with a strip of land 30.00 feet wide, more or less, over and across a portion of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 2, Township 18 South, Range 12, East of the Willamette Meridian Deschutes County, Oregon, the aforesaid strip of land being more particularly described as follows:

Beginning at a point on the Easterly right of way line of Arnold Market Road said point being North 852.23 feet and East 33.60 feet from the Southwest corner of said Section 2; thence leaving said right of way line South 88' 47' 25" East 710.32 feet; thence South 000 14' 16" West 30.00 feet; thence North 680 47' 25" West 710.32 feet to a point on the Easterly right of way line of said Arnold Market Road; thence along said right of way line North 00~ 14' 31' East 30.00 feet to the point of beginning and terminus of this description.

Order No. 053225 Page 7

PARCEL 3,

A parcel of land located in the Southwest One-quarter of the Southwest One-quarter (SW1/4SW1/4) of Section Two (2) , Township Eighteen (18) South, Range Twelve (12) , East of the Willamette Meridian, Deschutes County, Oregon being more particularly described as follows:

Beginning at a point on the West One-sixteenth line of said Section 2, with said point being located North 00o14l16~~ East, 333.77 feet from the West One-sixteenth corner between Sections 2 and 11; thence North **99035~54"** West, 277.31 feet; thence South 45~46'21" West, 72.45 feet; thence North **95O43t34~t** West, 531.92 feet; thence North 00o14~16~~ East, 529.87 feet; thence South 88047~25~~ East, 279.72 feet; thence South 00O14~16~ west, 240.44 feet; thence South 89038 54" East, 580.00 feet to the West One-sixteenth line of the aforementioned Section 2; thence along said line South 00~l4'16" West, 270.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying Southeast of the Central Oregon Irrigation Main Canal.

PARCEL 4:

That portion of the South Nest Quarter of the Southwest Quarter (SW-1/4 SNI/4) of Section Two (2) , Township Eighteen (18) South, Range Twelve (12) , East of the willamette Meridian, Deschutes County, Oregon, described as follows:

Commencing at the Northwest corner of the SW-1/4 SW-1/4 of said section; thence South 8903954 East along the North line of the SW-1/4 SW-1/4 of said section, a distance of 50 feet to the true point of beginning; thence continuing South **89~38'54"** East along said North line, a distance of 552.48 feet; thence South 0001431 West, a distance of 477.20 feet to the North line of the parcel conveyed to Claude Gregory, etux, by deed recorded February 20, 1973, in Book 192, Page 701, Deed Records; thence North 88'47'25" West, a distance of 552.56 feet to

a point 50 feet East of the West line of said section; thence North 0~14'31" East, a distance of 468.93 feet to the true point of beginning.

EXCEPT beginning at the Southwest corner to Section 2, T. 18 S., R. 12, E.W.M., Deschutes County, Oregon; thence North 00014 '31" East, 1321.35 feet along the West line of said Section 2 to the South 1/16th corner; thence South **8903854 East**, 50.00 feet to the East right of way of Arnold Market Road, the true point of beginning of this description; thence continuing South 89~38'54" East, 256.97 feet; thence South 0001431 West, 188.03 feet; thence North 89'38 54" West, 50.00 feet; thence South 00014~31tl West, 284.00 feet; thence North 88'47'25' West, 207.00 feet to the East right of way of Arnold Market Road; thence North 0001431 East, 468.93 feet to the true point of beginning.

ALSO EXCEPT the North 20 feet thereof.

PARCEL 5:

The East 416 feet of the North 208.00 feet of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4), Section Two (2), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.
Order No. 053225 Page 8

PARCEL 6:

A 20.00 foot wide strip of land located in a portion of the Southwest One-quarter (SW1/4) of Section Two (2) Township Eighteen (18) South, Range Twelve (12) , East of the Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows,

Eeginning at the Southwest corner of said Section 2; thence North 0001431 East, 1321.35 feet along the West line of said Section 2; thence South 89~38'54" East, 1320.08 feet along the North line of the Southwest One-quarter of the Southwest Onequarter {SW1/4SVfl/4) of said Section 2; thence South 0001416 West, 208.0 feet; thence North 8903854 West, 120.35 feet to the "true point of beginning" of this description; thence continuing North **8903854 West**, 295.65 feet; thence North 0001416 East, 188.00 feet; thence North 8903854 West, 20.00 feet; thence South 00dl416~ West, 208.00 feet; thence South 99033 '54" East, 315.65 feet; thence North 00~14'16" East, 20.00 feet to the true point of beginning, the terminus of this description.

ORDINANCE NO. NS-1886

AN ORDINANCE AMENDING FIGURE 22 OF THE BEND AREA GENERAL
PLAN TO DESIGNATE ADDITIONAL PROPERTY AS ELIGIBLE FOR
DESTINATION RESORT SITING.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation in the Staff Report dated July 25, 2003, regarding file No. PZ-02-421.
- Section 2. The Bend Area General Plan is amended by revising Figure 22 to designate Urban Reserve Areas Eligible for Destination Resort Siting as shown on Exhibit "A."

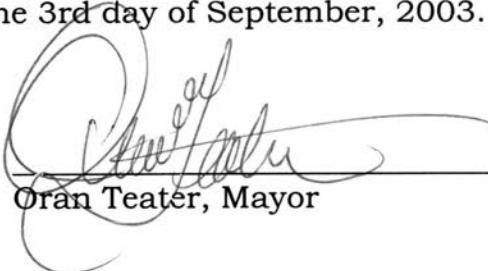
Read for the first time the 20th day of August, 2003.

Read for the second time the 3rd day of September, 2003.

Placed upon its passage the 3rd day of September, 2003.

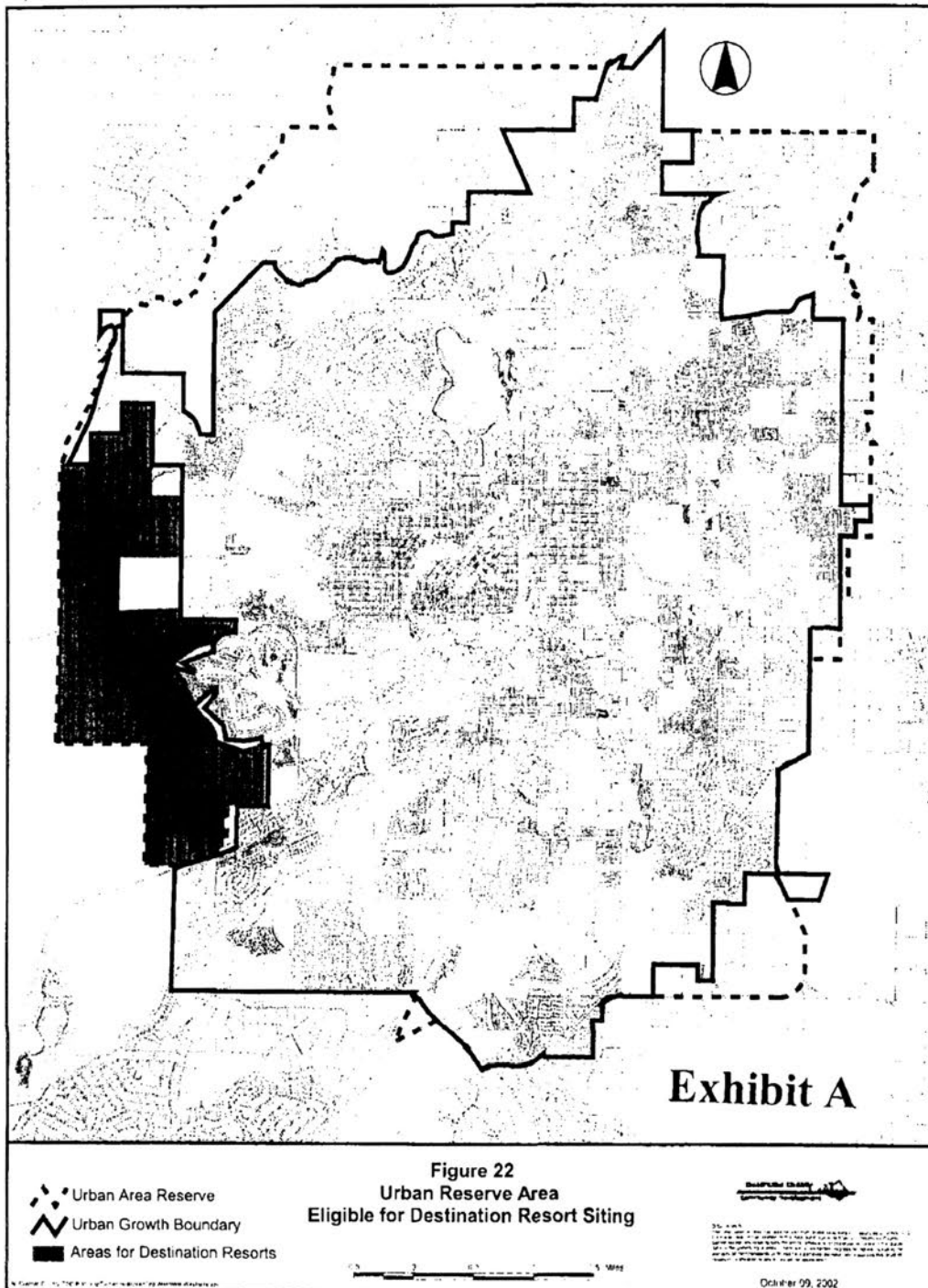
YES: 7 NO: 0

Authenticated by the Mayor the 3rd day of September, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder



ORDINANCE NO. NS-1887

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RS, STANDARD DENSITY RESIDENTIAL to RM, URBAN MEDIUM DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated August 7, 2003 file number PZ-03-288.
- Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 17-12-35CC, Tax Lot 100 from Urban Standard Density Residential (RS) to Urban Medium Density Residential.

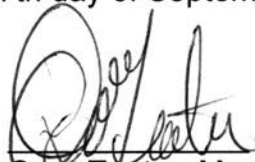
Read for the first time the 3rd day of September, 2003.

Read for the second time the 17th day of September, 2003.

Placed upon its passage the 17th day of September, 2003.

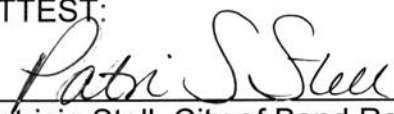
YES: 6 NO: 1

Authenticated by the Mayor the 17th day of September, 2003.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1888

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM COMMERCIAL LIMITED (CL) TO PUBLIC FACILITIES (PF).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Decision and Recommendation of the Hearings Officer dated August 15, 2003, File Number PZ-03-271.

Section 2. The Zoning Map of the City of Bend is amended by changing the designation of the property described on Exhibit "A" and depicted in Exhibit "B" from Commercial Limited (CL) to PF, Public Facilities.

Read for the first time the 3rd day of September, 2003.

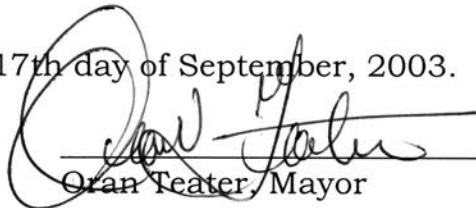
Read for the second time the 17th day of September, 2003.

Placed upon its passage the 17th day of September, 2003.

YES: 6

NO: 1

Authenticated by the Mayor the 17th day of September, 2003.


Gran Teater, Mayor

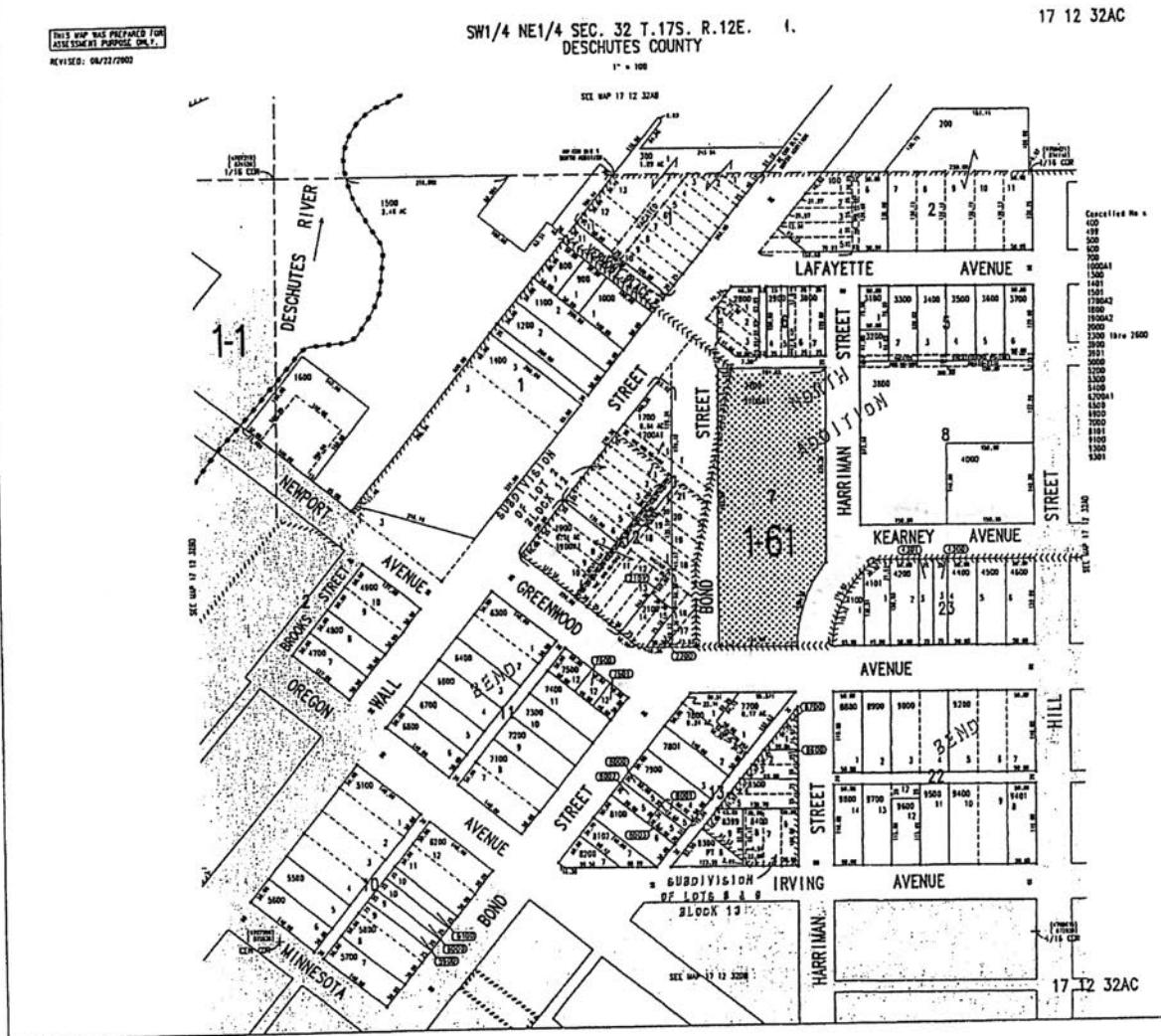
ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT "A"
File 1 of 1
City of Bend

All of Block Seven (7), NORTH ADDITION TO BEND, Deschutes County,
Oregon.

EXHIBIT "b"
File 4 of 1
City of Bend



ORDINANCE NO. NS-1889

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO.NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendations of the Hearings Officer dated July 14, 2003, file number PZ 03-147.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

Read for the first time the 3rd day of September, 2003.

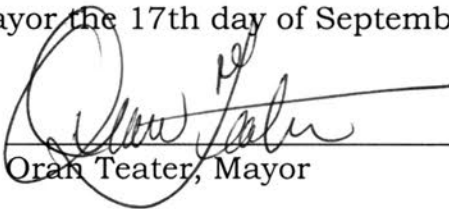
Read for the second time the 17th day of September, 2003.

Placed upon its passage the 17th day of September, 2003.

YES: 6

NO: 1

Authenticated by the Mayor the 17th day of September, 2003.


Oran Teater, Mayor

ATTEST:

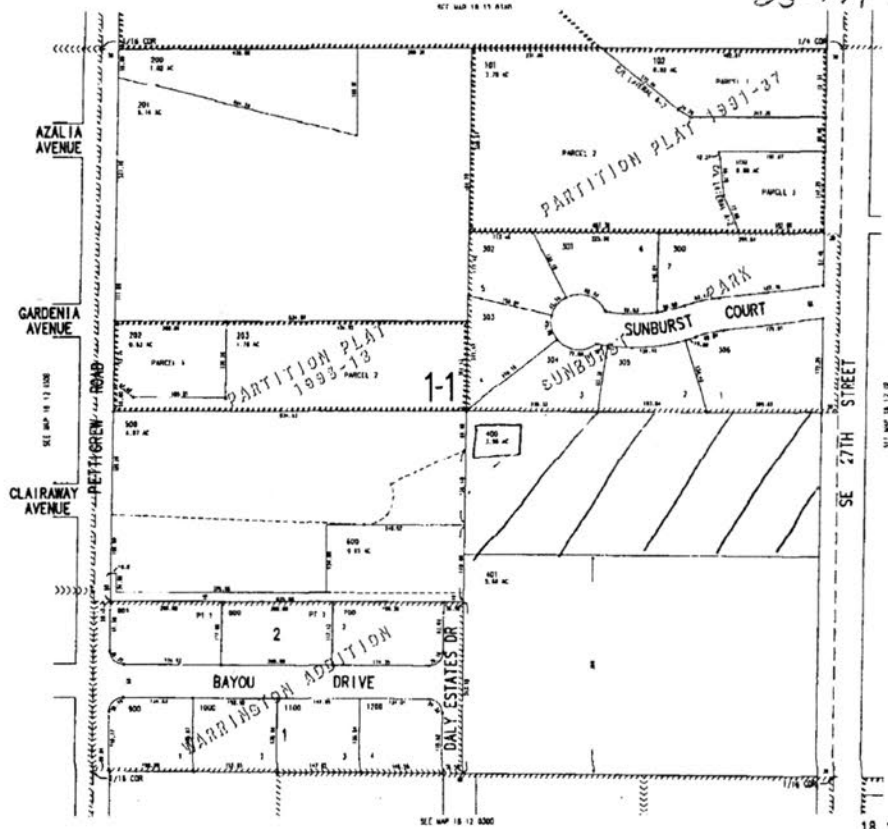

Patricia Stell, City of Bend Recorder

THIS MAP WAS PREPARED FOR
ADDITIONAL PARTIAL ONLY
REVISED: 07/04/2003

NE1/4 SE1/4 SEC. 03 T.18S. R.12E.
DESCHUTES COUNTY
1" = 100'

18 12 03DA

05 139
03-147 ZC



ORDINANCE NO. NS-1890

**AN ORDINANCE CHANGING THE NAME OF THE URBAN RENEWAL AGENCY
OF THE CITY OF BEND**

WHEREAS, The City of Bend, by Ordinance No. NS-1499, adopted an urban renewal plan, known as the Central Bend Development Program Area Plan on September 6, 1989, making a determination of blight and providing an outline for accomplishing the urban renewal projects the urban renewal plan proposed, and

WHEREAS, The Central Bend Development Program Area Plan has been amended from time to time, without creating any gap in the existence of the urban renewal agency, and

WHEREAS, Under existing ordinance, the urban renewal agency is known as the "Bend Development Board," and

WHEREAS, The Urban renewal Agency has voted to change its name to the "Bend Urban Renewal Agency," and

WHEREAS, The name change made by this ordinance is a change in name only, and the Bend City Council has no intention of creating a gap in the existence of the urban renewal agency, or in any way altering its powers, existing obligations, existing rights or current undertakings.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Urban Renewal Agency of the City of Bend, created by ordinance pursuant to ORS Chapter 457, will henceforth be known as the "Bend Urban Renewal Agency."

Section 2. The City Recorder is authorized to make editorial changes to the Bend Code to substitute the name "Bend Urban Renewal Agency" for the "Bend Development Board."

Section 3. This is a change of name only, and nothing in this ordinance changes in any way the continuity of the existence of the City of Bend's urban renewal agency, or in any way alters its powers, existing obligations, existing rights or current undertakings.

Read for the first time the 3rd day of September, 2003.

Read for the second time the 17th day of September, 2003.

Placed upon its passage the 17th day of September, 2003.

YES: 6 NO: 1 ABSTAIN: 0

Authenticated by the Mayor the 17th day of September, 2003.



Oran Teater, Mayor

Attest:



Patricia Stell, City Recorder

ORDINANCE NO. NS-1891

AN ORDINANCE PROVIDING THAT THE NAME OF THE NEW BRIDGE OVER THE DESCHUTES RIVER SHALL BE THE "BILL HEALY MEMORIAL BRIDGE"

WHEREAS, The City of Bend is in the final stages of constructing a new bridge over the Deschutes River that will connect Mt. Washington Drive on the west side of the river to Reed Market Road on the east side of the river, significantly improving vehicle access to Century Drive in the southwest part of town, and

WHEREAS, Bill Healy was the principal founder of the Mt. Bachelor Ski Resort, located southwest of Bend on Century Drive; and Mt. Bachelor is a major point of identification for Bend as well as a valuable source of economic development, recreation and pride for the citizens of Bend, and

WHEREAS, Bill Healy, in addition to his work in founding the Mt. Bachelor Ski Resort, made valuable contributions to the citizens of Bend through his generosity, wisdom and hard work, and

WHEREAS, The Bend City Council finds that it is appropriate to commemorate Bill Healy's contributions to the citizens of Bend by naming the new bridge after him,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the new bridge over the Deschutes River connecting Mt. Washington Drive on the west side of the river to Reed Market Road on the east side of the river shall be officially known as the "Bill Healy Memorial Bridge."

Section 2. That this ordinance shall be recorded with the Deschutes County Clerk, filed with the Deschutes County Assessor, filed with the Deschutes County surveyor and filed or served upon all other agencies that record official place names, so that the name "Bill Healy Memorial Bridge" shall be referenced as the official name of the bridge.

Read for the first time the 3rd day of September, 2003.

Read for the second time the 17th day of September, 2003.

Placed upon its passage the 17th day of September, 2003.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 17th day of September, 2003.


Oran Teater Mayor

Attest:


Patricia Stell, City Recorder

Please record this side only.
After recording return to:
Deputy Recorder, City of Bend
710 NW Wall, Bend, OR 97701

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK



00232058200300875310010017
D-ODN Cnt=1 Stn=23 JEFF
\$5.00 \$11.00 \$10.00 \$5.00

2003-87531

\$31.00

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ORDINANCE NO. NS - 1892

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178, CITY OF BEND ZONING ORDINANCE SECTION 22D NORTHWEST CROSSING OVERLAY ZONE TO ELIMINATE REDUNDANT REVIEW PROCESSES AND MODIFY CLEAR VISION AREA REQUIREMENTS.

WHEREAS, the City of Bend adopted Ordinance No. NS-1178 Section 22D NorthWest Crossing Overlay Zone in 2001 in order to create the NorthWest Crossing Overlay Zone; and

WHEREAS, the City of Bend has subsequently modified Section 22D NorthWest Crossing Overlay Zone in order to eliminate redundant review processes and modify clear vision area requirements within the NorthWest Crossing Overlay Zone, and

WHEREAS, Ordinance No. NS-1178 has been codified as Section 22D of the City of Bend Zoning Ordinance, now therefore,

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Bend Code Section 22D. NorthWest Crossing Overlay Zone is amended to read as follows:

1. Purpose. The purpose of the NorthWest Crossing Overlay Zone is to implement NorthWest Crossing Master Development Plan and the Bend Urban Area General Plan policies regarding the NorthWest Crossing property, and to create overlay zoning standards for the residential, commercial and industrial districts within the NorthWest Crossing Master Development Plan boundaries. The overlay zone standards will:
 - (a) Provide a variety of employment opportunities and housing types.
 - (b) Locate higher density housing adjacent to collector and arterial streets or public parks.
 - (c) Create opportunities for community commercial and small scale businesses in selected locations to foster a mixed-use residential neighborhood.
 - (d) Promote pedestrian and other multi-modal transportation options.
 - (e) Ensure compatibility of uses within the development and with the surrounding area.
 - (f) Create an interconnected system of streets with standards appropriate to the intensity and type of adjacent use.
 - (g) Create safe and attractive street scapes that will meet emergency access requirements and enhance pedestrian and bicycle access.

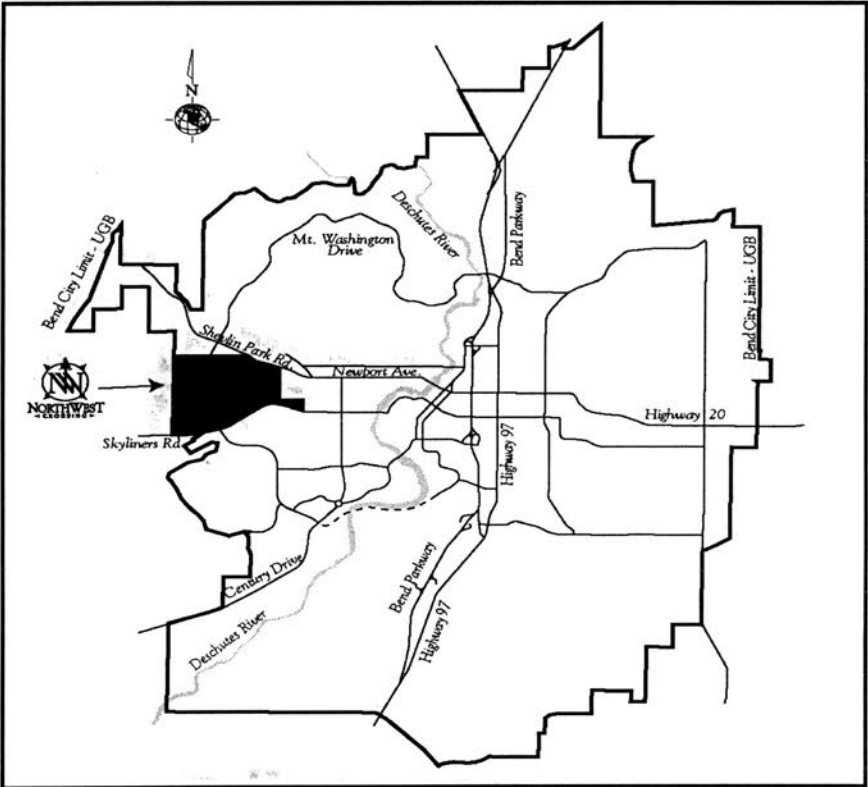


Figure 1. NorthWest Crossing Overlay Zone

2. Definitions. The following definitions apply to uses, building types and standards that are specific to the NorthWest Crossing Overlay Zone.
- (a) Accessory Dwelling. A separate, complete dwelling unit, either attached to or separate from the primary dwelling unit. An accessory dwelling may be no larger than 33% of the living area, excluding the garage, of the primary dwelling, or 800 square feet, whichever is less. Maximum height for a detached accessory dwelling is 24 feet. Accessory dwelling units must meet the setbacks for the City of Bend Urban Standard Residential Zone (RS). Accessory dwellings may be permitted on any RS lot in accordance the provisions of the RS Zone.
 - (b) Community Commercial. A building not exceeding a total of 2,000 square feet of gross floor area containing a retail, service, office, or food service establishment, excluding drive-through. A community commercial building is a stand-alone commercial use to serve neighborhood needs. It is not intended to draw large numbers of patrons from outside of the neighborhood. The design of the building shall be residential in scale and character. Off-street parking is limited to a maximum of one space per 500 square feet of building. Off-street parking must be located at the side or rear of the building. The public entrance to the building shall be on the primary street frontage.
 - (c) Live/work Dwelling. A dwelling in which a business may be operated on the ground floor. The ground floor commercial or office space has visibility, signage and access from the primary street. To preserve the pedestrian orientation of the commercial or office space, alley access is required to provide trash service and residential parking. A live/work dwelling is allowed instead of, or in addition to, home occupation as defined by this Code. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat. The permitted live/work housing types are defined below:
 - i. Live/work House: A single-family detached house with no more than 50 percent of the first story of the building available as commercial or office space.
 - ii. Live/work Townhome: A residential, fee simple townhome unit in which a business may be operated. The commercial or office portion of the building shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire building, excluding the garage.
 - iii. Live/work Apartment: A primarily residential multi-story, multi-unit building with a maximum of 50 percent of the building ground floor square footage used as commercial or office space. Residential units may be for rent or for sale in condominium or cooperative ownership.
 - (d) Parking District. The area designated for common parking lots or facilities in the two NorthWest Crossing Commercial/Mixed Employment Districts. Each Commercial/Mixed Employment District has areas designated for common off-street parking lots or facilities designed to serve the minimum parking needs for permitted uses in the Commercial Limited and Mixed Employment zoned Districts. The designated parking areas will be located behind or at the side of buildings permitted in the District, or on private streets within the District. The designated common parking areas will allow all buildings to be close to the street to create a lively pedestrian oriented commercial streetscape. A public entrance to all buildings shall be on the primary street frontage
 - (e) Primary Street Frontage. The location along a street in the Residential Mixed-use District where live/work housing or community commercial uses may be located. Table "A" in Section 3(c) (G) of this code identifies areas and limits the maximum lot frontage along the Primary Street Frontage that may be used for live/work housing or community commercial uses in each area. The primary entrance to the office or commercial portion of live/work housing or a

community commercial building must be located on the Primary Street Frontage.

- (f) Townhome. A single-family dwelling type with common walls on one or both side lot lines and continuous front facades. Townhomes are the highest density housing type in NorthWest Crossing that provides yards and fee simple ownership. Townhomes may be located on lots with detached garages and accessory dwellings. Alleys, to the rear of the building, provide parking and service access.

3. Districts.

- (a) Applicability. The special standards of the NorthWest Crossing overlay districts shall supercede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone shall apply.

(b) Urban Standard Residential District

- A. Purpose. The purpose of the Urban Standard Residential District is to implement the Urban Standard Residential Zone with flexibility to allow greater lot coverage to accommodate single-family houses on small lots. The Urban Standard Residential District in Northwest Crossing also is the base zone for the Residential Overlay Districts described in Sections b, c and d.

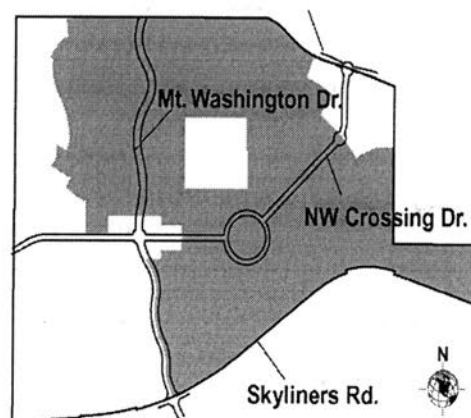


Figure 2. Urban Standard Residential District

- B. Application of Residential Overlay Districts. The standards of the Urban Standard Residential Zone, as provided for in this section, shall apply to the land zoned as Urban Standard Residential. Where a Residential Overlay District is shown, the special standards of the Overlay District shall apply to uses permitted by the Overlay District.
- C. Uses Permitted.
- i. All uses permitted in the Urban Standard Residential Zone.
 - ii. **Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum lot size for a duplex.**
- D. Conditional Uses.
- i. **Except for duplexes, which are allowed only on identified duplex lots on approved subdivision plats, conditional uses permitted in the underlying Urban Standard Residential Zone are subject to a Conditional Use Permit and the provisions of Section 29.** ~~All conditional uses permitted in the Urban Standard Residential Zone subject to a Conditional Use Permit and the provisions of Section 29.~~
- E. Height Standards
- i. No building shall be erected, enlarged or structurally altered to

exceed 30 feet in height without a Conditional Use Permit.

F. Lot Requirements.

- i. The lot requirements of the RS Zone shall apply to all permitted and conditional uses.
- ii. Setbacks. The setback requirements of the RS Zone shall apply to all permitted and conditional uses.
- iii. Lot Coverage. On lots 6,000 square feet or greater the maximum lot coverage shall be 35 percent.
- iv. On lots that are less than 6,000 square feet, the maximum lot coverage by buildings shall be 50 percent.

G. Site Plan Review. **A duplex located on a lot approved as a duplex lot on an approved subdivision plat is not subject to site plan review under Section 23 of this code.**

(c) Residential Townhome Overlay District.

- A. Purpose. The purpose of the Townhome Overlay District is to permit townhomes along collector streets, adjacent to public parks or a Multiple-Family District. The Townhome District will allow a diversity of housing types and a mix of residential density within NorthWest Crossing.

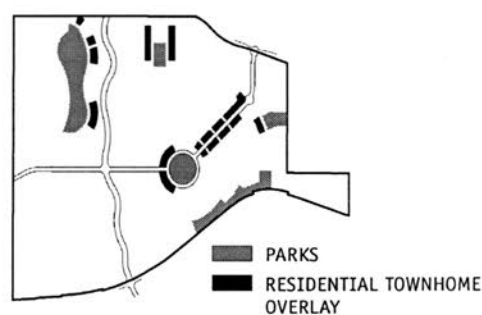


Figure 3. Residential
Townhome
Overlay District

B. Uses Permitted.

- i. All uses permitted in the Urban Standard Residential Zone.
- ii. Townhomes.
- iii. **Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum lot size for a duplex.**

C. Conditional Uses.

- i. **Except for duplexes, which are allowed only on identified duplex lots on approved subdivision plats, all conditional uses permitted in the underlying Urban Standard Residential Zone, subject to a Conditional Use Permit and provisions of Section 29.**
- ~~i. All conditional uses permitted in the Urban Standard Residential Zone subject to a Conditional Use Permit and the provisions of Section 29.~~

D. Height Standards

- i. No building shall be erected, enlarged or structurally altered to exceed 35 feet in height without a Conditional Use Permit.

E. Lot Requirements.

- i. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except townhomes.
- ii. Except as specified in this section, the lot requirements of the RM Zone shall apply to townhomes.
- iii. Setbacks. For townhomes the front yard setback is a minimum of 5 feet and the side yard setback may be 0 feet.
- iv. Lot Coverage. There is no maximum lot coverage standard for townhomes and accessory structures on a townhome lot.

- F. Maximum Density. The maximum density in the Townhome District is 12 units per net acre.
- ✓ G. Site Plan Review. Townhomes, **and duplexes on a lot approved as a duplex lots on a subdivision plat** are not subject to site plan review under Section 23 of this code.

(d) Residential Multiple-family Overlay District

- A. Purpose. The Residential Multiple-family Overlay District is applied in specific locations adjacent to arterial or collector streets, public parks or commercial areas. The purpose is to provide a diversity of housing types in the Urban Standard Residential Zone at the edges of single-family neighborhoods and to locate higher density housing adjacent to commercial services and open space.

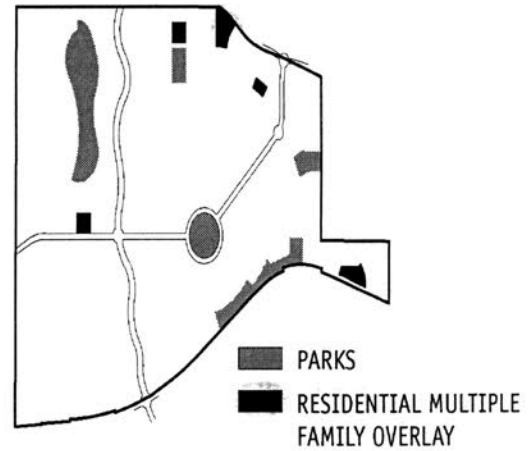


Figure 4.
Residential Multiple-Family District

- B. Uses Permitted.
- i. All uses permitted in the Urban Standard Residential Zone.
 - ii. Multiple-family housing.
- C. Conditional Uses.
- i. Conditional uses permitted in the underlying Urban Standard Residential Zone subject to a Conditional Use Permit and the provisions of Section 29.
- D. Height Standards.
- i. No building, except multiple-family housing, shall be erected, enlarged or structurally altered to exceed 30 feet in height without a Conditional Use Permit.
 - ii. The maximum height for multiple-family housing is 45 feet unless a greater height is approved through a conditional use permit.
- E. Lot Requirements.
- i. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multiple-family housing.
 - ii. Except as specified in this section, the lot requirements of the RH Zone shall apply to multiple-family housing.
 - iii. Lot Coverage. There is no maximum lot coverage standard for multiple-family housing.
- F. Maximum Density. The maximum density in the Multiple-family District is 19 units per net acre.
- G. Site Plan Review. Multiple-family housing shall be subject to the provisions of Section 23 of this code.

(e) Residential Mixed-use Overlay District.

- A. Purpose. The Residential Mixed-use Overlay District is applied in locations adjacent to collector streets or public parks to allow higher density residential uses, live/work housing and community commercial uses in the Urban Standard Residential Zone. The purpose is to create small areas of mixed-use at specific locations within the neighborhood.

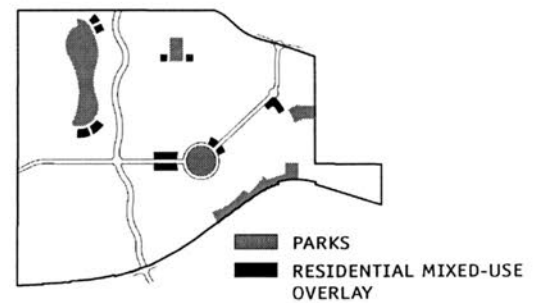


Figure 5. Residential Mixed-Use Overlay District

B. Uses Permitted.

1. All uses permitted in the Urban Standard Residential Zone.
2. Multiple-family housing.
3. Townhome.
4. Live/work single-family house subject to the provisions of this District.
5. Live/work townhome subject to the provisions of this District.
6. Live/work apartment subject to the provisions this District.
7. Community Commercial subject to the provisions of this District.

C. Conditional Uses. Conditional uses permitted in the underlying Urban Standard Residential Zone subject to a Conditional Use Permit and the provisions of Section 29.

D. Site Plan Review.

- i. **Townhomes, Live/work house and live/work townhomes are not subject to site plan approval requirements provisions of this code.**
- ii. Live/work apartments and community commercial uses are subject to site plan approval according to Section 23 of this code, except that where special standards of the Residential Mixed-use District conflict with standards within the code, the standards of the Residential Mixed-use District shall apply.

E. Height Standards.

- i. No building except town homes, live/work townhome, multi-family or live/work apartment housing shall be erected enlarged or structurally altered to exceed 30 feet in height without a Conditional Use Permit.
- ii. The maximum height for multiple-family housing or live/work apartment is 45 feet unless a greater height is approved through a Conditional Use Permit.
- iii. The maximum height for a townhome or live/work townhome is 35 feet unless a greater height is approved through a Conditional Use Permit.

F. Lot Requirements.

- i. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multiple-family housing, townhomes, live/work townhomes, live/work apartments and community commercial.
- ii. The lot requirements of the RH Zone shall apply to multiple-family housing and live/work apartments except that the minimum front yard setback is 5 feet and the minimum side yard setback is 0 feet.
- iii. The lot requirements of the RM Zone shall apply to townhomes and live/work townhomes, except that the minimum front yard setback is 5 feet, the minimum side yard setback is 0 feet, and the minimum lot width is 24 feet.
- iv. The lot requirements of the CN zone shall apply to community commercial except that the minimum front yard setback is 5 feet.

v. There is no maximum lot coverage standard for townhomes, live/work townhomes live/work apartments or multiple-family housing.

G. Density. The density in the Residential Mixed-use District is a maximum of 19 units per net acre.

H. Primary Street Frontage. Live/work housing and community commercial uses may only be located along primary street frontage identified in the four area maps below (Figures 6, 7, 8 and 9). The amount of live/work housing and community commercial is further limited to the maximum lot frontage identified in Table “A” below.

Table A. Residential Mixed-use District – Maximum Allowable Live/work Housing and Community Commercial by Area.

Area	Linear feet of primary frontage in District	Maximum Primary Street Frontage for Live/work Housing Lots	Maximum Primary Street Frontage for Community Commercial Lots
1. Discovery Park	600	300 linear feet	200 linear feet
2. Lewis & Clark Park	200	200 linear feet	50 linear feet
3. Compass Park	1000	800 linear feet	100 linear feet
4. Lemhi Pass/ NW Crossing	500	500 linear feet	Not permitted

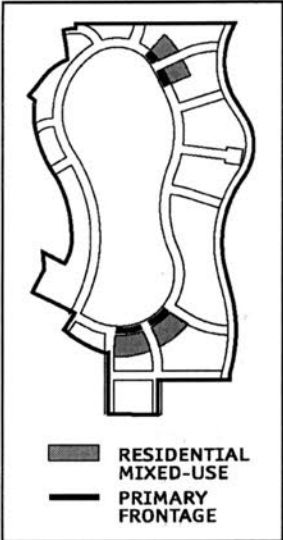


Figure 6. Discovery Park

Area

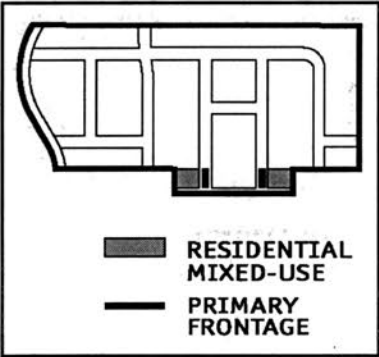


Figure 7. Lewis And Clark Park

Area

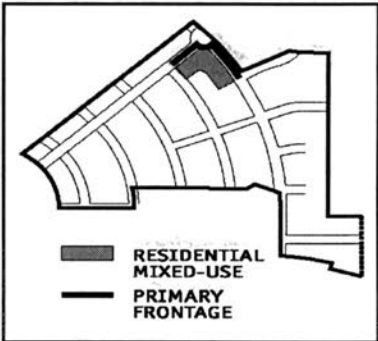


Figure 8. Lemhi Pass/NW

Crossing Area

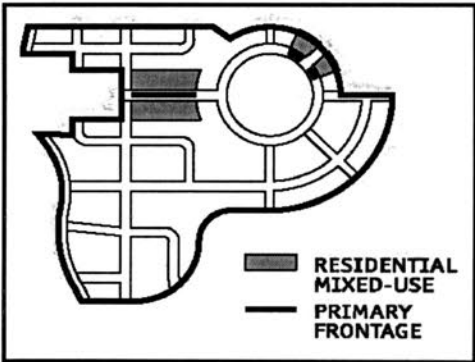
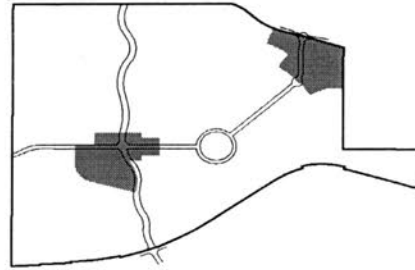


Figure 9. Compass Park Area

- I. Platting Lots for Live/work Housing and Community Commercial Uses.
 - i. The final plat for a subdivision in the Residential Mixed-use Overlay District shall specify the lots where live/work housing or community commercial uses will be permitted.
 - ii. A deed restriction shall be recorded with each lot identified on the final plat as a live/work housing or community commercial.
 - iii. The number of lots in the Residential Mixed-use Overlay District shall be limited to a maximum amount of linear primary street frontage.
- J. Sign Standards.
 - i. Each live/work house or live/work townhome may have non-illuminated sign(s) not exceeding a combined maximum area of 16 square feet. Signs shall be attached to the building.
 - ii. Each live/work apartment or community commercial building may have one non-illuminated monument sign and/or one building mounted sign not exceeding a combined maximum area of 32 square feet.
 - iii. Individual businesses in live/work apartment buildings may have additional non-illuminated sign(s) mounted on the building not exceeding a combined maximum of 8 square feet in size.
- K. Off-street Parking Standards.
 - i. Each live/work house or live/work townhome may have no more than two off-street spaces in addition to the two spaces required by Section 10.10.24(4) of this code.
 - ii. The off-street parking standards in Section 10.10.24 shall apply to a work use in a live/work apartment building.
 - iii. Community commercial uses shall have a minimum of one off-street vehicle parking space for each 500 square feet of floor area and a minimum of 4 covered bicycle parking spaces. The maximum number of off-street parking spaces for a community commercial building is 5, including one handicapped accessible space, if required.
- L. Special Standards For Live/work Townhomes and Live/work Houses.
 - i. The area dedicated to the work use in the live/work unit shall not exceed the size requirement in the applicable definition of live/work house or live/work townhome in Section X .2 (f) (I) or (ii) of this code.
 - ii. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work house or live/work townhome.
 - iii. No outside storage of materials or goods related to the work occupation or business shall be permitted.
 - iv. No dust or noxious odor shall be evident off the premises.
 - v. Employees of the work occupation or business may not occupy more than 2 on-street parking spaces at any time.
 - vi. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before 7:00 a.m. or after 7:00 p.m.
 - vii. ~~Live/work townhomes and live/work houses are not subject to site plan approval under Section 23 of this code.~~

(f) **Commercial/Mixed Employment Overlay District**

- A. Purpose. The purpose of this District is to allow a special front yard setback that is not permitted in the underlying Commercial Limited and Mixed Employment Zones and to create parking districts. The purpose of the parking districts is to allow minimum parking needs to be met in common, shared, off-site parking lots. The special setback and parking districts will create a pedestrian friendly, mainstreet environment.



*Figure 10.
Commercial/Mixed
Employment District*

- B. Uses permitted.
- i. The permitted uses allowed in the underlying Commercial Limited and Mixed Employment Zones shall be allowed.
- C. Conditional Uses.
- i. Conditional uses permitted in the underlying Commercial Limited and Mixed Employment Zones subject to a Conditional Use Permit and the provisions of Section 29.
- D. Height Standards.
- i. The height standards of the underlying Commercial Limited or Mixed Employment Zone shall apply.
- E. Lot Requirements. None.
- F. Lot Coverage. There is no maximum lot coverage standard.
- G. Front Yard Setback.
- i. No front yard setback is required when an entrance to the building is located at the front lot line and the building is adjacent to a sidewalk 10 feet or wider in a public or private street right of way.
- H. Site Plan Review. The provisions of Section 23 of this code shall **not** apply in the Commercial/Mixed Employment District **provided that West Bend Property Company maintains design review standards and process consistent with the May 2003 NorthWest Crossing Commercial Rules and Design Guidelines.** ~~except that except that where special standards of the Commercial/Mixed Employment District conflict with standards within this code, the standards of the Commercial/Mixed Employment District shall apply~~
- I. Parking District Standards
- i. Each Commercial/Mixed Employment District will have areas designated for common off-street parking lots and streets designed to serve the minimum parking needs for permitted and conditional uses in the Commercial Limited and Mixed Employment Zones.
 - ii. Buildings shall be located on and oriented to the streets and the parking lots will be located in the interior of the site or at the sides of buildings.

The designated common parking areas will allow all buildings to be close to the street to create a pedestrian scale street environment.

- iii. When uses are approved under the City Zoning Code in the Commercial Limited and Mixed Employment Zones, the minimum off-street parking requirements may be met in off-site, common parking lots or facilities, or in on-street parking on designated streets conveniently located to serve the commercial, office and industrial uses.
- iv. City approval of a use in the Commercial/Mixed Employment District shall be conditioned on evidence that the city minimum parking requirements for a proposed use are met by:
 - a. A deed, lease, contract or other legal agreement assuring reservation of the required minimum number of spaces in a common District parking lot or facility, or in on-street parking on private streets; or,
 - b. City approval of a shared or joint use agreement evidenced by a deed, lease, contract or other legal agreement.
- v. Any parking desired over the minimum city standard shall be met with on-street or shared parking within the Commercial Districts.
- vi. Designated pedestrian access from the common District parking areas to the street and entrances to the commercial uses shall be provided.
- vii. All buildings must have at least one primary entrance directly fronting a public or private street.
- viii. The Parking District facilities shall be managed and maintained by an association of building owners in the Commercial/Mixed Employment Districts.
- ix. Parking for any secondary, second story residential use shall be provided in assigned and reserved parking spaces, or through city approval of a shared or joint use agreement evidenced by a deed, lease, contract or other legal agreement. Reserved residential parking spaces shall not exceed the minimum city standard.
- x. Parking lot landscaping will meet or exceed minimum city standards.

J. Industrial Park Overlay District

- A. Purpose. The purpose of the Industrial Park Overlay District is to permit lumber and building material retail sales in addition to all uses allowed in the Industrial Park Zone.

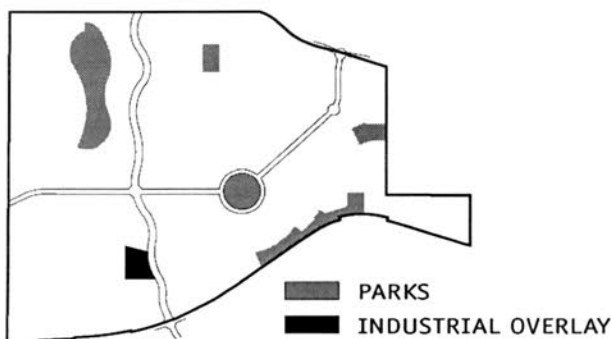


Figure 11. Industrial Park Overlay District

- B. Uses permitted.
 - i. All uses permitted in the Industrial Park Zone.
 - ii. Retail or combination retail/wholesale lumber and building material yard, not including concrete mixing.

C. Conditional Uses.

- i. Conditional uses permitted in the Industrial Park Zone subject to a Conditional Use Permit and the provisions of Section 29.

D. Height Standards.

- i. Height standards shall be the same as in the Industrial Park Zone.

E. Lot requirements.

- i. Lot requirements shall be the same as the in Industrial Park Zone.

✓ **F. Site Plan Review. The provisions of Section 23 of this code shall not apply in the Industrial Park Overlay District provided that West Bend Property Company maintains design review standards and process consistent with the May 2003 NorthWest Crossing Commercial Rules and Design Guidelines.**

4. NorthWest Crossing Special Street Standards

- (a) Figure 12 depicts the street type, tentative street location and alignment in NorthWest Crossing. Table B defines the standards to correspond to the street type shown in Figure 12. The precise street alignment shall be determined as tentative subdivision plans are submitted and approved. The NorthWest Crossing Street Type Plan, Figure 12, and the NorthWest Crossing Street Standards, Table B, shall be applied to the NorthWest Crossing development as illustrated except when an alternate standard is permitted under Section (b) or through the tentative plan approval process.

- (b) Any city street standard adopted after the effective date of this chapter, which permits a lesser street standard may be applied to NorthWest Crossing in conformance with the provisions of the new standard.

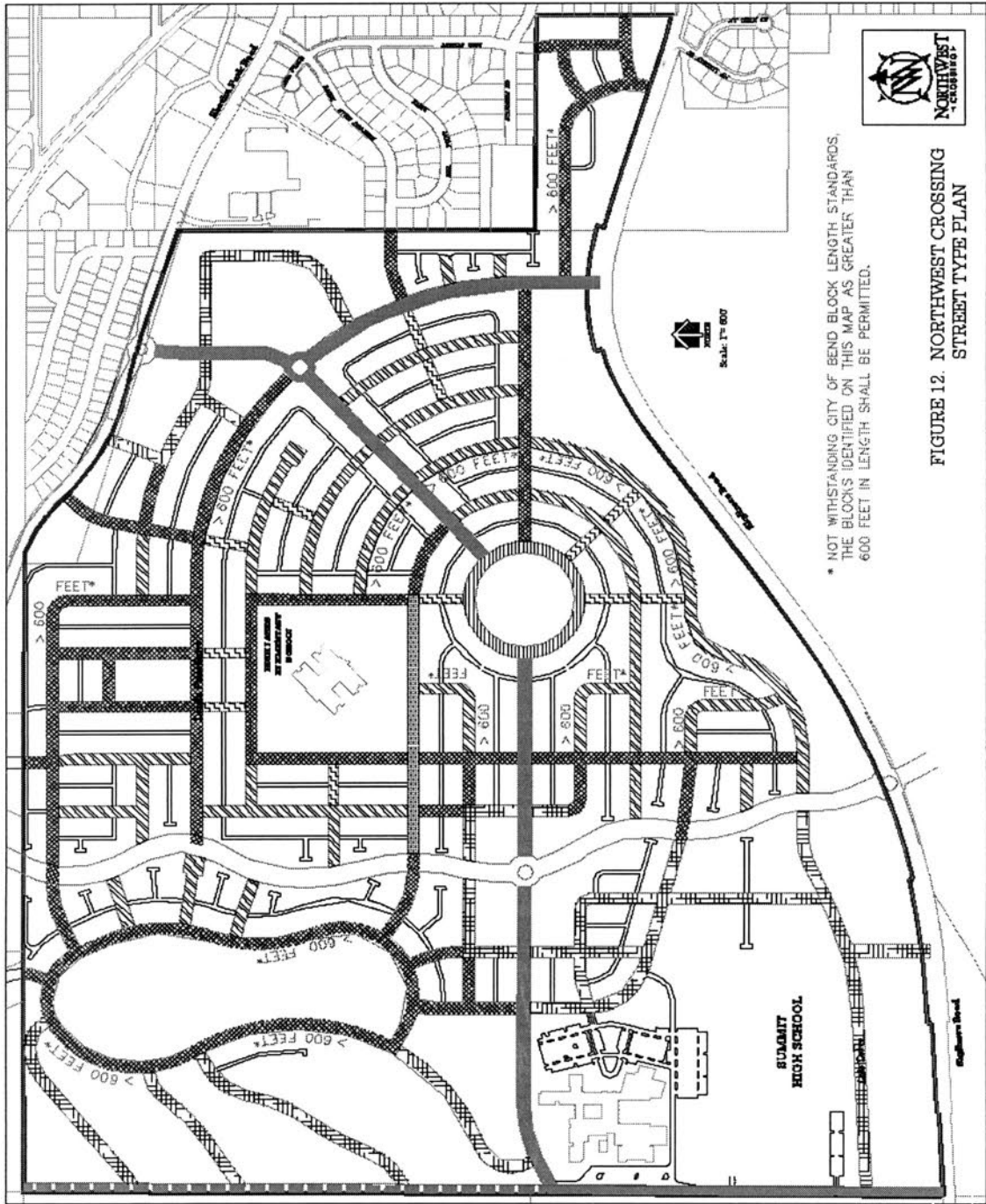
✓ **(c) Clear Vision Area.**

A. At local/local, stop-controlled street intersections, the clear vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance of 20 feet.

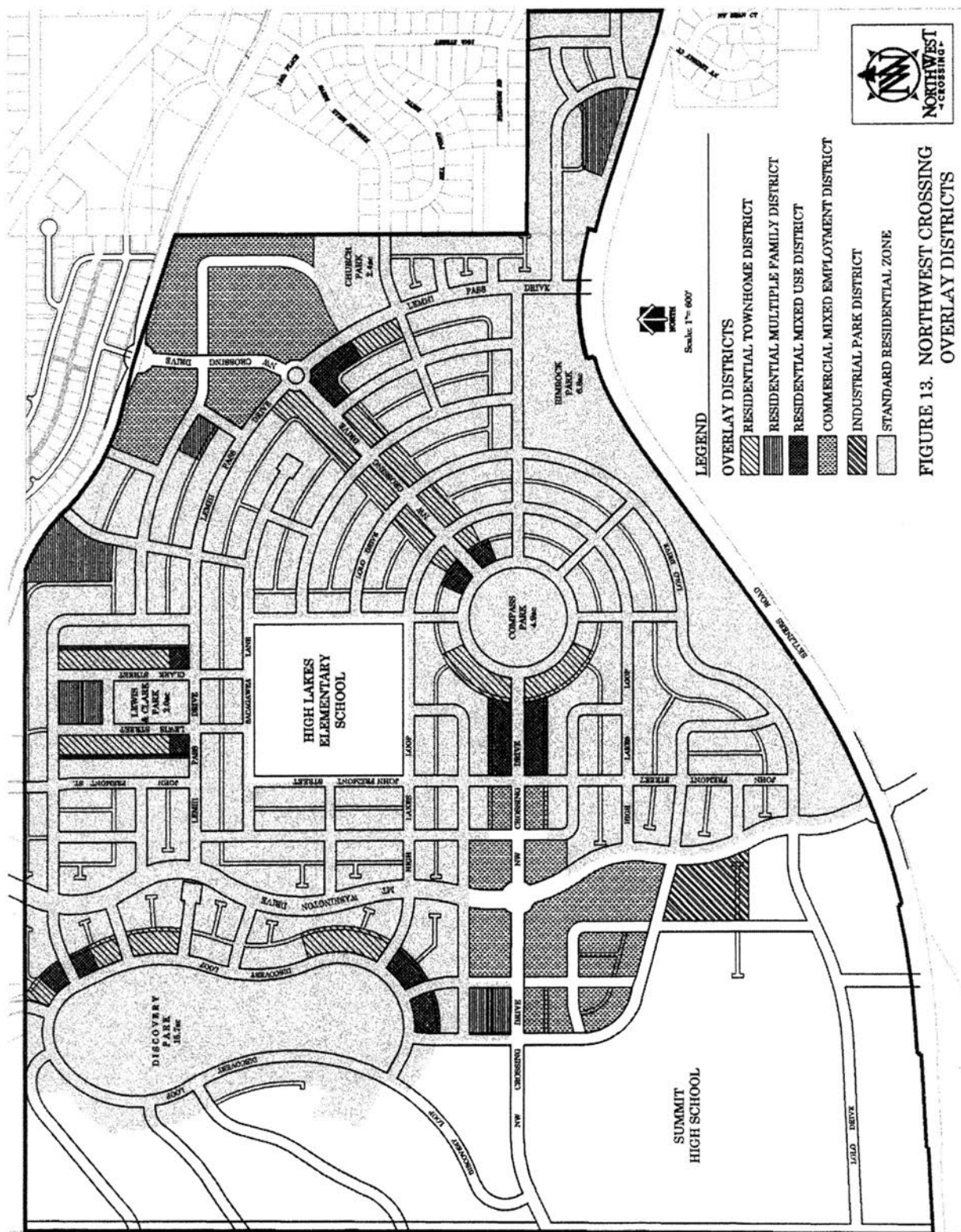
✓ **(d) Performance Standards for Local Residential Street "B":**

- A. Average daily traffic volumes on the local "B" street does not exceed 300 ADT.
- B. The street is connected to a grid street pattern at both block ends.
- C. Blocks shall have dedicated public alley access constructed to City standards.
- D. "No Parking" zones are established 55 feet from the centerline of intersecting local streets.
- E. For block lengths exceeding 300 feet, "No Parking" zones shall be established on both sides of the street spaced no greater than 250 feet apart. The "No Parking" zones shall be a minimum of 30 feet in length.

Figure 12. NorthWest Crossing Street Type Plan



**Figure 13. NorthWest Crossing
Overlay Districts**



[Section 22D added by Ord. NS 1782, passed May 2, 2001]

Read for the first time the 17th day of September, 2003.

Read for the second time the 1st day of October, 2003.

Placed upon its passage the 1st day of October, 2003.

Yes: 7

No: 0

Abstain: 1

Authenticated by the Mayor this 1st day of October, 2003.

ATTEST:

Patricia S. Stell

Oran Teater

Patricia Stell, City Recorder
Ordinance NS-1892

ORDINANCE NO. NS-1893

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendations of the Hearings Officer dated August 25, 2003, file number PZ 03-244.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

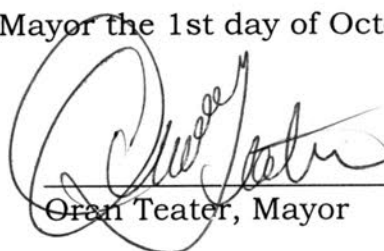
Read for the first time the 17th day of September, 2003.

Read for the second time the 1st day of October, 2003.

Placed upon its passage the 1st day of October, 2003.

YES: 7 NO: 0

Authenticated by the Mayor the 1st day of October, 2003.



Grant Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

EXHIBIT "A"

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at a point from whence the Northeast corner of said Southeast Quarter Southeast Quarter (SE1/4SE1/4) bears North 89°50'46" East 557.84 feet; thence South 89°50'46" West 380.0 feet; thence South 00°07'00" East 330.00 feet; thence North 89°50'46" East 316.65 feet; thence South 47°17'00" East 86.39 feet; thence North 00°07'00" West 388.77 feet to the point of beginning. EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE RIGHT OF WAY OF Porcupine Drive (formerly Alder Drive)

ORDINANCE NO. NS-1894

AN ORDINANCE AMENDING THE 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 OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendations of the Hearings Officer dated September 16, 2003, file number PZ 03-384.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Medium Density Residential (RM) to Urban High Density Residential (RH).

Read for the first time the 1st day of October, 2003.

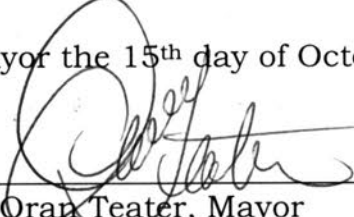
Read for the second time the 15th day of October, 2003.

Placed upon its passage the 15th day of October, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 15th day of October, 2003.


Oran Teater, Mayor

ATTEST:

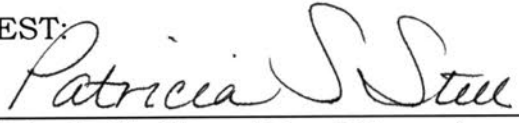

Patricia Stell, City of Bend Recorder

EXHIBIT "A"

Lot 11, Block 42, Riverside, Deschutes County Oregon.
Tax Lot No. 17-12-28-CC-3303

ORDINANCE NO. NS-1895

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated September 15, 2003, file number PZ-03-233.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

Read for the first time the 1st day of October, 2003.

Read for the second time the 15th day of October, 2003.

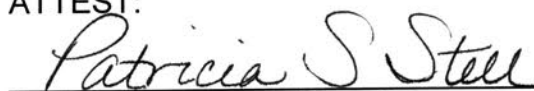
Placed upon its passage the 15th day of October, 2003.

YES: 7 NO: 0

Authenticated by the Mayor the 15th day of October, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

Order No. 051961
Page 4

EXHIBIT "A"

Parcel I:

The West Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (W1/2SW1/4SW1/4SW1/4) of Section Eighteen (18), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

Parcel II:

A portion of Tract One (1) of WAYWEST PROPERTIES, Deschutes County, Oregon, described as follows:

Beginning at the Southwest corner of Section 18, Township 18 South, Range 12 East of the Willamette Meridian; thence North 00°20' East 660.00 feet to the point of beginning; thence North 00°20' East 420.00 feet; thence North 89°26'33" East 330.00 feet; thence South 00°20' West 420.00 feet; thence South 89°26'33" West 330.00 feet to the point of beginning.

EXCEPTING therefrom the North 30.00 feet dedicated for road purposes.

ORDINANCE NO. NS-1896

AN ORDINANCE AMENDING THE 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 ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated September 16, 2003, file number PZ-03-285.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Standard Density Residential (RS) to Urban Medium Density Residential (RM).

Read for the first time the 1st day of October, 2003.

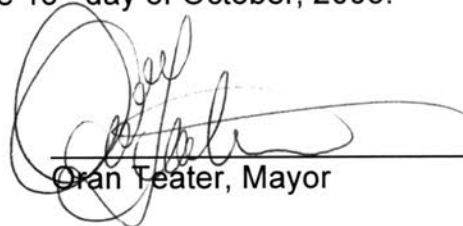
Read for the second time the 15th day of October, 2003.

Placed upon its passage the 15th day of October, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 15th day of October, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT "A"

Tract 14 of Blakley Heights, Deschutes County, Oregon, excepting therefrom the following described portion of said tract, to-wit:

Beginning at the Southeast corner of said Tract 14; thence North along the East line of said Tract a distance of 208 feet; thence West 208 feet; thence South 208 feet to the South line of said Tract 14; thence East along said line of said tract a distance of 208 feet to the point of beginning; ALSO EXCEPTING that portion lying within the right-of-way of Brooks-Scanlon Logging Railway.

ALSO EXCEPTING THEREFROM the Northerly 15 feet as deeded to Deschutes County by Warranty Deed recorded November 16, 1992 in Book 282 Page 1619.

ORDINANCE NO. NS-1897

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM URBAN LOW DENSITY (RL) TO URBAN STANDARD RESIDENTIAL (RS).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Decision and Recommendation of the Hearings Officer dated September 17, 2003, File Number PZ-03-387.

Section 2. The Zoning Map of the City of Bend is amended by changing the designation of the property described on Exhibit "A" and depicted in Exhibit "B" from Urban Low Density (RL) to RS, Urban Standard Density Residential.

Read for the first time the 15th day of October, 2003.

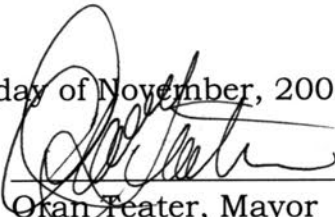
Read for the second time the 5th day of November, 2003.

Placed upon its passage the 5th day of November, 2003.

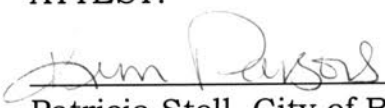
YES: 7

NO: 0

Authenticated by the Mayor the 5th day of November, 2003.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder
Kim Parsons Deputy

DALY ESTATES DESCRIPTIONS:

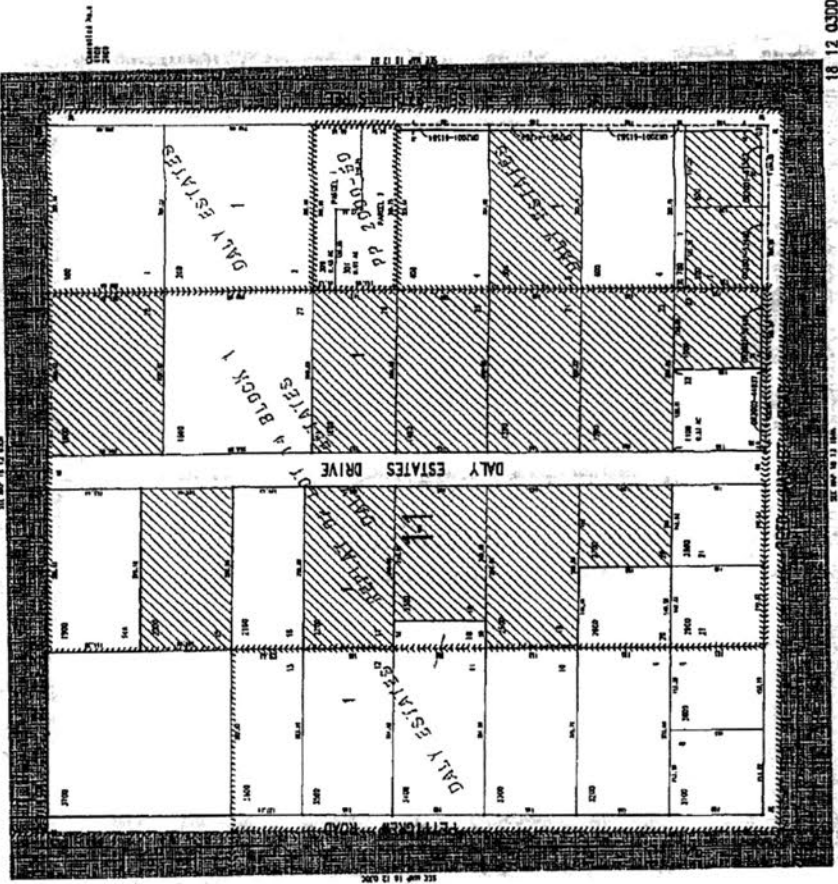
SE ¼ of the SE ¼, Section 3, Township 18 South, Range 12 East, Western Meridian
Platted as Daly Estates, in June 1970, re-platted in July 1972

SUMMARY OF TAX ASSESSOR'S INFORMATION

Assessor's Map 18-12-03DD	Currently Owned By:
Tax Lot 500	Michael Engstrom 61633 Se 27th Bend OR 97702
Tax Lot 800	Nils & Diane Kristiansen 1293 NW Wall St, Ste 99 Bend OR 97701
Tax Lot 900	Nils & Diane Kristiansen
Tax Lot 1000	William & Sally Smith 61351 Kellally Ct Bend OR 97702
Tax Lot 1200	Kenneth & Cynthia Erickson 61030 Jennings Rd Bend OR 97702
Tax Lot 1300	John Williams 21900 Rastovich Rd Bend OR 97702
Tax Lot 1400	Lawrence & Karen Chitwood 61650 Daly Estates Dr Bend OR 97702
Tax Lot 1500	Gayle & Oscar McChristy 3530 Zafarano, Ste 6741 Santa Fe NM 87505
Tax Lot 1800	Ronald Bernhardt 1125 NW Harmon Bend OR 97701
Tax Lot 2000	Lewis Tulare 60596 Springtree Ct Bend OR 97702
Tax Lot 2200	Gayle & Oscar McChristy
Tax Lot 2300	Gayle & Oscar McChristy
Tax Lot 2500	Gayle & Oscar McChristy
Tax Lot 2700	Gayle & Oscar McChristy

SE/4 SE/4 SEC. 03 T. 18S. R. 12E. W.M.
DESCHUTES COUNTY
1" = 100'

EXHIBIT "D"
File 03-387 Page 1 of 1
City of Bend



18 12 0300

18 12 0300

ORDINANCE NO. NS-1898

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF AN AREA OF LAND FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM DENSITY RESIDENTIAL. ALSO TO AMEND THE BEND AREA GENERAL PLAN DESIGNATION FOR THE SUBJECT PROPERTY FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated September 17, 2003 file numbers PZ 03-239 & 03-240.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in Exhibit "A" and depicted on Exhibit "B" from Urban Standard Density Residential (RS) to Urban Medium Density Residential (RM).

Read for the first time the 15th day of October, 2003.

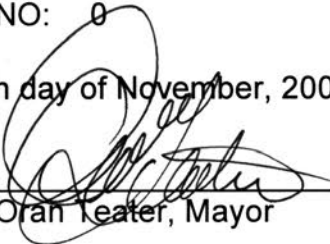
Read for the second time the 5th day of November, 2003.

Placed upon its passage the 5th day of November, 2003.

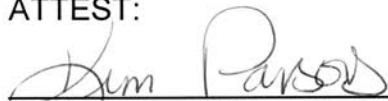
YES: 7

NO: 0

Authenticated by the Mayor the 5th day of November, 2003.


Oran Teater, Mayor

ATTEST:



Patricia Stoll, City of Bend Recorder

Kim Parsons

Deputy

EXHIBIT A

Parcels of land located in the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Three (3), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, City of Bend, Deschutes County Oregon, more particularly described as follows:

25A - The Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road.

25C - The Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road.

27A - The Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road and Reed Market Road.

27C - The Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road and Reed Market Road.

19C-P1 - A parcel of land in Tract 19 being in the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, thence North 88° 57' 14" East 30.00 feet to the Easterly right-of-way of Southeast 15th Street (Ferguson Road) and the True Point of Beginning; thence along said Easterly right-of-way North 00° 13' 45" West 31.14 feet; thence East 134.21 feet; thence South 00° 11' 42" East 28.69 feet; thence South 88° 57' 14" West 164.20 feet to the True Point of Beginning.

25B - The Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road.

25D - The Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road.

Page 2 - Exhibit A

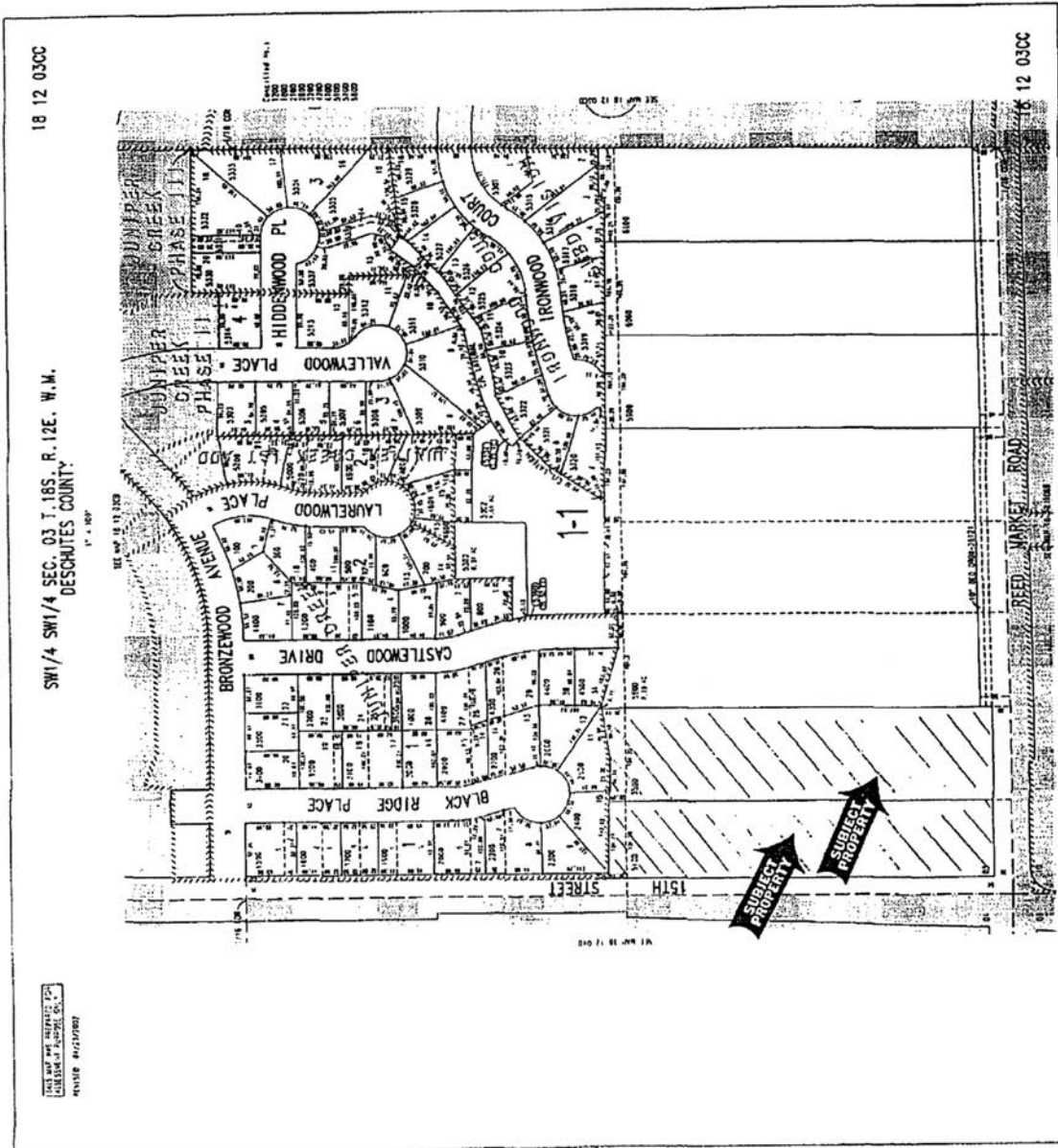
27B - The Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road and Reed Market Road.

27D - The Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon. Excepting therefrom the right-of-way of Ferguson Road and Reed Market Road.

19D-P2 - A parcel of land in Tract 19 being in the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 3, thence North 00° 11' 42" West 28.69 feet thence East 74.74 feet; thence North 81° 13' 32" East 90.48 feet; thence South 00° 09' 39" East 39.49 feet; thence South 88° 57' 14" West 164.20 feet to the Point of Beginning.

EXHIBIT B



ORDINANCE NO. NS-1899

AN ORDINANCE AMENDING BEND CODE CHAPTER 9 (BUILDING CODE) TO
AUTHORIZE ENFORCEMENT OF WILDFIRE HAZARD ZONE RESTRICTIONS
CONCERNING USE OF FIRE RESISTANT ROOFING MATERIALS AND ADOPTING
MAP OF WILDFIRE HAZARD AREAS

WHEREAS, ORS 93.270(4) and the Uniform Building Code provide for restrictions against the use of flammable roofing materials in areas designated by the local governing body as "Wildfire Hazard Zones," and

WHEREAS, The purpose of a Wildfire Hazard Zone is to define those areas where buildings need to be more resistant to wildfires because the weather, topography, natural vegetative fuels and natural vegetative fuel distribution result in a significant hazard of catastrophic fire over relatively long periods of time each year, and

WHEREAS, The City of Bend has determined, from years of experience and from analysis of the factors set forth in the Oregon Department of Forestry Criteria for Determination of Wildfire Hazard Zones (OAR 629-044-0200 through 0260) that all areas within the Bend City Limits meet the definition of a Wildfire Hazard Zone, and

WHEREAS, Deschutes County has designated all areas in Deschutes County, including all land within and surrounding the Bend City Limits as a Wildfire Hazard Zone, by ordinance No. 2001-024, and

WHEREAS, The City of Bend finds that the Wildfire Hazard Zone determination made by Deschutes County in Ordinance No. 2001-024 is factually and legally appropriate, and

WHEREAS, In a Wildfire Hazard Zone, roofing material used in new construction and in the replacement of existing roofs must be made of fire resistant materials, and

WHEREAS, The City of Bend finds that a combination of weather, topography, natural vegetative fuels and natural vegetative fuel distribution results in a significant hazard of catastrophic fire over relatively long periods of time each year in all areas of the City of Bend and surrounding areas, and

WHEREAS, The City of Bend finds that roofs on one or two family residential dwelling structures, as well as roofs on commercial and other non-residential structures that are made of cedar shakes or other non-fire retardant materials pose a significant risk of spreading fires. This risk is due to the propensity of such roofs to readily ignite from fire brands released by nearby fires (including wildfires). In addition, such roofing materials have a propensity to release fire brands of their own, threatening other areas of Bend with fire and significantly adding to the risk of wildfire in and around the City of Bend.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Bend Code Chapter 9 (Building Code) is hereby amended to add a new Section 9.201 to read as follows:

9.201 Adoption of Wildfire Hazard Zone:

- (1) A wildfire Hazard Zone is adopted for all areas in the City of Bend, as shown on the map attached as Exhibit A. Adoption of the Wildfire Hazard Zone implements the wildfire hazard provisions of the Oregon One and Two Family Dwelling Specialty Code, adopted under Section 9.200(5) of this Chapter.
- (2) A wildfire Hazard Zone is adopted for all areas in the City of Bend, as shown on the map attached as Exhibit A. Adoption of the Wildfire Hazard Zone implements the wildfire hazard provisions of the Oregon Structural Specialty Code as adopted by Section 9.200(1) of this Chapter.

Section 2. The City of Bend adopts the map attached as Exhibit A entitled "City of Bend Wildfire Hazard Areas" pursuant to OAR Chapter 629, Division 44 for all land within the City of Bend and all land which may be subsequently annexed to the City of Bend.

Read for the first time the 15th day of October, 2003.

Read for the second time the 5th day of November, 2003.

Placed upon its passage the 5th day of November, 2003.

YES: 7

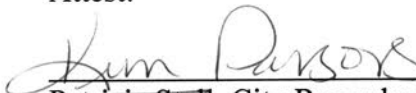
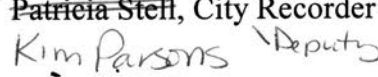
NO: 0

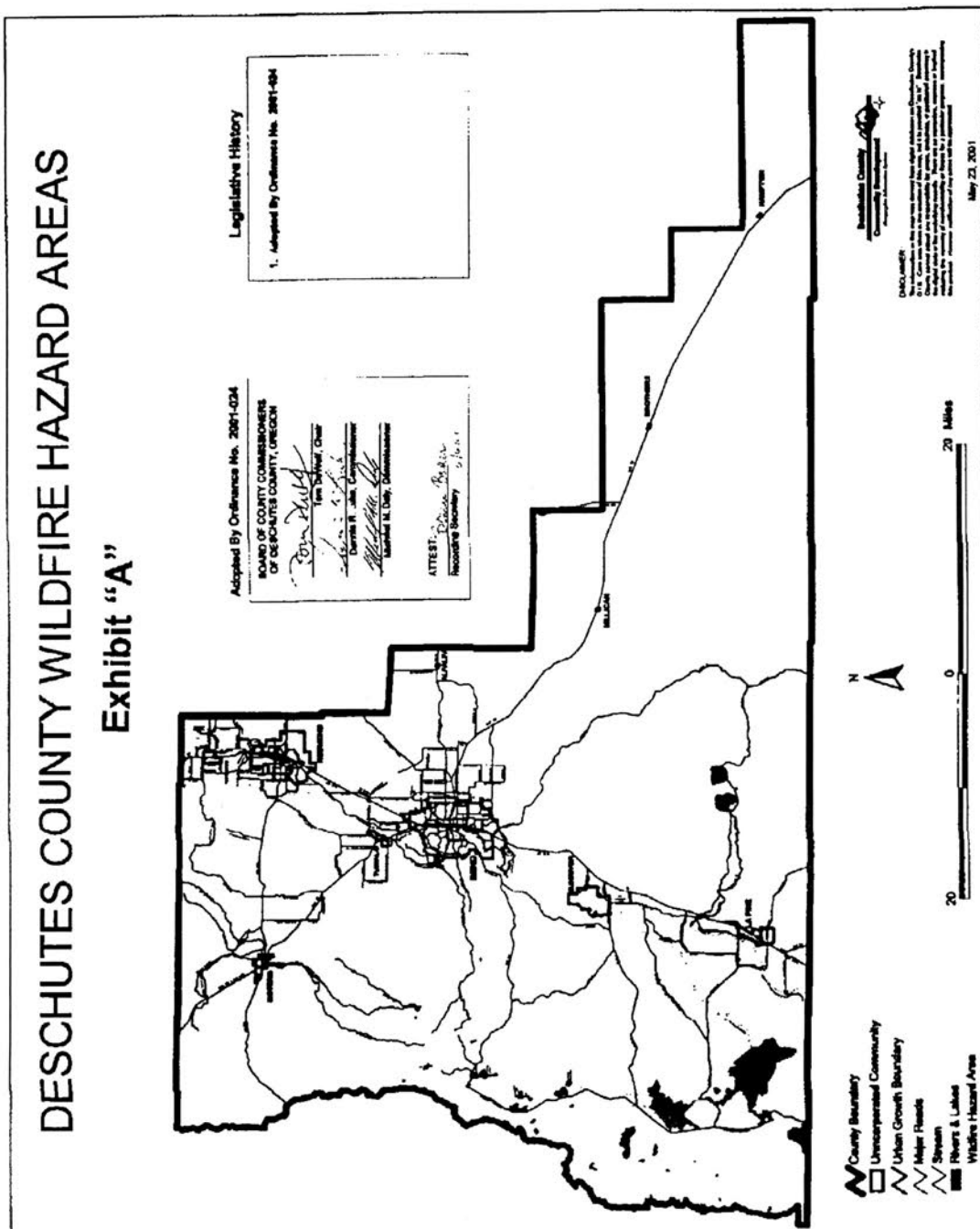
ABSTAIN: 0

Authenticated by the Mayor the 5th day of November, 2003.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder

Kim Parsons, Deputy



ORDINANCE NO. NS-1900

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO.NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendations of the Hearings Officer dated October 31, 2003, file number PZ 03-447.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

Read for the first time the 19th day of November, 2003.

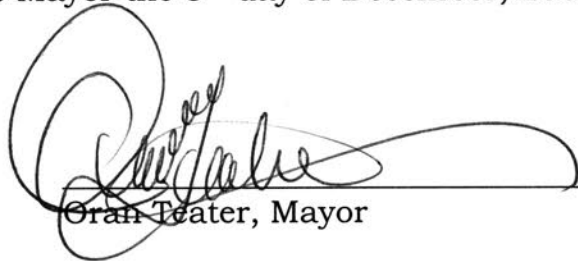
Read for the second time the 3rd day of December, 2003.

Placed upon its passage the 3rd day of December, 2003.

YES: 7

NO: 0

Authenticated by the Mayor the 3rd day of December, 2003.


Grant Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT "A"

That portion of Tract 15, WAY WEST PROPERTIES, Deschutes County, Oregon, described as follows:

Beginning at the Northwest corner of Tract 15, WAY WEST PROPERTIES, Deschutes County, Oregon; thence 89°53'23" East, 663.95 feet; thence South 00°07'00" East, 340.70 feet; thence South 89°53'23" West, 662.56 feet; thence North 00°20'40" West, 340.70 feet.

(New text is in **bold** typeface; deleted text is in ~~struckthrough~~ typeface)

ORDINANCE NO. NS - 1901

AN ORDINANCE AMENDING ORDINANCE NO. NS-1775, CITY OF BEND LAND USE PERMIT & REVIEW PROCEDURES TO ALLOW FOR 75% OF THE APPEAL FEES TO BE REFUNDED IF THE CITY COUNCIL DOES NOT HEAR THE APPEAL AND IF THE APPELLANT DOES NOT APPEAL THE ISSUE TO THE LAND USE BOARD OF APPEALS.

WHEREAS, the City of Bend adopted Ordinance No. NS-1775 Land Use Permit & Review Procedures in 2001 in order to improve the way land use applications are processed; and

WHEREAS, the City of Bend has subsequently modified Section 10 APPEALS in order to allow for a 75% refund of the appeal fee when City Council does not hear the appeal and when the appellant does not appeal the issue to the Land Use Board of Appeals, and

WHEREAS, Ordinance No. 1775 has been codified as Chapter 10-16 of the Bend Code, now therefore

THE CITY OF BEND ORDAINS AS FOLLOWS:

SECTION ONE Section 10-16 (2) (C) APPEALS is amended to read as follows:

C. If the City Council is the Hearings Body and the council declines review, **75% of the appeal fee will not be refunded when City Council does not hear the appeal and when the appellant does not appeal the issue to the Land Use Board of Appeals.**

SECTION TWO. The remaining provisions of Bend Code Chapters 10-16 are not affected by this Ordinance.

Read for the first time the 19th day of November, 2003.

Read for the second time the 3rd day of December, 2003.

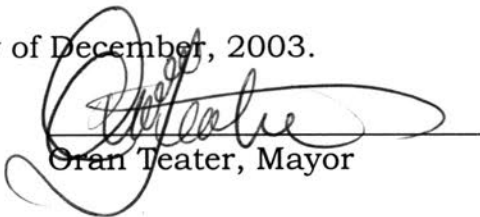
Placed upon its passage on the 3rd day of December, 2003.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 3rd day of December, 2003.


Gran Teater, Mayor

Attest:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1902

AN ORDINANCE TO CORRECT ERRORS IN ORDINANCE 1892 RELATING TO THE NORTHWEST CROSSING OVERLAY ZONE

WHEREAS, City Council adopted Ordinance NS 1892 on October 1, 2003, for the purpose of eliminating redundant review processes and modifying clear vision area requirements;

WHEREAS, certain provisions were inadvertently omitted from the ordinance adopted by City Council even though these provisions were considered by the Planning Commission and City planning staff;

WHEREAS, it was the intention of City Council to not require design review in the Northwest Crossing Overlay Zone Commercial/Mixed Employment Overlay and Industrial Overlay Districts as long as Northwest Crossing maintained its current design review provisions;

WHEREAS, it was the intention of City Council to require that site plan review continue in the Commercial/Mixed Employment and Industrial Overlay Districts of the Northwest Crossing Overlay Zone;

AND WHEREAS, Council desires to correct these omissions regarding design review and to clarify the provisions pertaining to site plan review in these zoning districts of the Northwest Crossing Overlay Zone;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-10.22D(3)(f)(H). Northwest Crossing Overlay Zone pertaining to Commercial/Mixed Employment Overlay District shall read as follows with the new language highlighted and deleted text is in ~~striketrough~~ typeface:

Site Plan Review and Design Review. The provisions of Section 23, Site Plan Review, shall apply in the Commercial/Mixed Employment District. The provisions of Section 23 of this code The provisions of Section 23A of this code pertaining to design review shall not apply in the Commercial/Mixed Employment District provided that West Bend Property Company maintains design review standards and process consistent with the May 2003 North West Crossing Commercial Rules and Design Guidelines.

Section 2. Section 10-10.22D(3)(j)(F). Northwest Crossing Overlay Zone pertaining to the Industrial Park Overlay District is corrected to read as follows with the new language highlighted and deleted text is in ~~striketrough~~ typeface:

Site Plan Review and Design Review. The provisions of Section 23, Site Plan Review, shall apply in the Industrial Park Overlay District. The provisions of Section 23 of this code The provisions of Section 23A of this code pertaining to design review shall not apply in the Industrial Park Overlay District provided that West Bend Property Company maintains design review standards and process consistent with the May 2003 NorthWest Crossing Commercial Rules and Design Guidelines.

Section 3. The other provisions of Ordinance NS-1892 shall not be effected by this ordinance.

Read for the first time the 3rd day of December, 2003.

Read for the second time the 17th day of December, 2003.

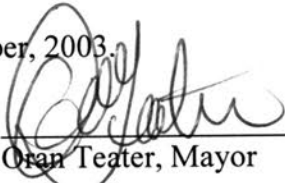
Placed upon its passage the 17th day of December, 2003.

YES: 7

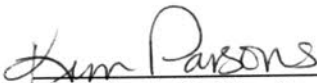
NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 17th day of December, 2003.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder
Kim Parsons Deputy City Recorder

ORDINANCE NO. NS-1903

AN ORDINANCE AMENDING THE BEND URBAN AREA GENERAL PLAN DESIGNATION FOR TWO AREAS ADJACENT TO DOWNTOWN BEND FROM COMMERCIAL LIMITED AND COMMERCIAL GENERAL TO CENTRAL BUSINESS DISTRICT, AND AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONING DESIGNATIONS FOR THE SUBJECT PROPERTIES FROM LIMITED COMMERCIAL (CL) AND GENERAL COMMERCIAL (CG) TO CENTRAL BUSINESS DISTRICT (CB).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's recommendation and public record in this matter, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Planning Commission and Staff dated October 27th, 2003 file number PZ 03-585.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the properties described in Exhibit "A" and depicted on Exhibit "B" from Limited Commercial (CL) and General Commercial (CG) to Central Business District (CB).

Read for the first time the 3rd day of December, 2003.

Read for the second time the 17th day of December, 2003.

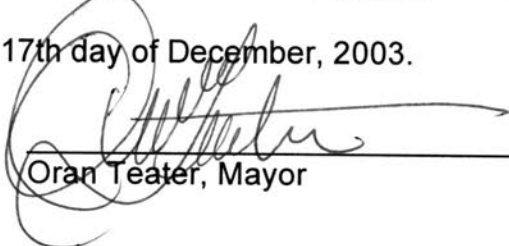
Placed upon its passage the 17th day of December, 2003.

YES: 5

NO: 0

Abstain: 2

Authenticated by the Mayor the 17th day of December, 2003.


Oran Teater, Mayor

ATTEST:

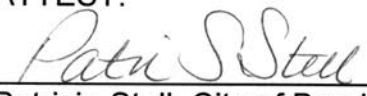

Patricia Stell, City of Bend Recorder

EXHIBIT A

AREA A

Plat of Bend, Block 22, Lots 1 – 14

Plat of Bend, Block 23, Lots 1 – 6

Plat of Bend, Block 24, Lots 1- 3

Resubdivision of Block 24, Lots 4 – 22 (Replat)

Plat of Bend, Block 25, Lots 1 – 14

AREA B

Plat of Bend, Block 17, 13 – 20

ORDINANCE NO. NS-1904

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RS, STANDARD DENSITY RESIDENTIAL to RM, URBAN MEDIUM DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated December 16, 2003 file number PZ-03-553.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Assessor's Map 18-12-04CC, Tax Lots 600 & 700 from Urban Standard Density Residential (RS) to Urban Medium Density Residential (RM).

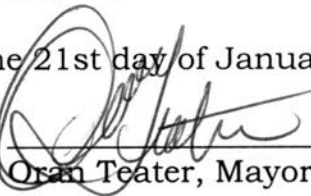
Read for the first time the 7th day of January, 2004.

Read for the second time the 21st day of January, 2004.

Placed upon its passage the 21st day of January, 2004.

YES: 6 NO: 0

Authenticated by the Mayor the 21st day of January, 2004.


Oran Teater, Mayor

ATTEST:

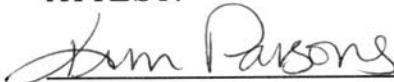

Patricia Stell, City of Bend Recorder
Kim Parsons Deputy

EXHIBIT "A"
TO
ORDINANCE NO. NS-1904

The subject property is described as follows:

Two portions of Tract Twenty-three (23) of VIRGINIA PARK, Deschutes County, Oregon, described as follows:

Portion #1

Beginning at the Southeast Corner of Tract 23 in the said plat of VIRGINIA PARK; thence West along the South line of said Tract 23 a distance of 108.40 feet to a point; thence along the East line of said Tract 23 a distance of 435.66 feet to the place of beginning.

Portion #2

Beginning at a point 108.40 feet West from the Southeast corner of said Tract 23; thence West along the South line of said Tract 23 a distance of 108.4 feet to a point; thence North 435.66 feet to a point; thence East 108.40 feet to a point; thence South 435.66 feet to the point of beginning.

ORDINANCE NO. NS-1905

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, LOW DENSITY RESIDENTIAL to RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated December 18, 2003 file number PZ-03-559.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Assessor's Map 18-12-18AB, Tax Lot 4300 from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

Read for the first time the 7th day of January, 2004.

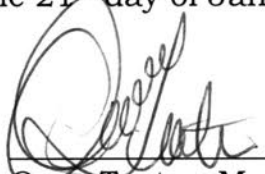
Read for the second time the 21st day of January, 2004.

Placed upon its passage the 21st day of January, 2004.

YES: 6

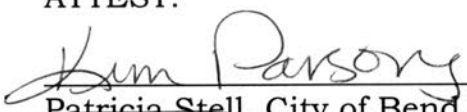
NO: 0

Authenticated by the Mayor the 21st day of January, 2004.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder
Kim Parsons Deputy

EXHIBIT "A"
TO
ORDINANCE NO. NS 1905

The subject property is described as follows:

A parcel of land located in a portion of Tract 11 of WAYWEST PROPERTIES in Section 8, TOWNSHIP 18 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the intersection of the Northerly right-of-way line of Brookswood Boulevard and the Easterly right-of-way line of Lodgepole Drive marked by a 5/8" iron rod with a plastic cap stamped 'HWA'; thence along said Easterly right-of-way line the following two courses and one curve:

North 38°34'48" West a distance of 60.42 feet to a 5/8" iron rod with a plastic cap stamped 'HWA'; around a 220.00-foot radius curve right, 152.19 feet (chord bears North 18°45'42" West, 149.18 feet) to a 5/8" iron rod with a plastic cap stamped 'HWA'; North 01°00'24" East a distance of 270.25 feet to a 1/2" iron rod with no cap;

thence South 89°44'15" East a distance of 575.05 feet to a 5/8" iron rod with a plastic cap stamped 'HWA' on the Westerly boundary line of the plat of Larkwood Estates; thence along said Westerly boundary line South 01°02'37" West a distance of 143.53 feet to the Northerly right-of-way line of Brookswood Boulevard marked by a 5/8" iron rod with a plastic cap stamped 'HWA'; thence along said Northerly right-of-way line the following two courses and one curve:

South 75°56'37" West a distance of 21.57 feet to a 5/8" iron rod with a plastic cap stamped 'HWA'; around a 590.00-foot radius curve left, 252.53 feet (chord bears South 63°40'55" West, 250.61 feet) to a 5/8" iron rod with a plastic cap stamped 'HWA'; South 51°25'12" West a distance of 314.63 feet to the Point of Beginning, the terminus of this description.

ORDINANCE NO. NS-1906

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated December 11, 2003, file number PZ-03-453.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

Read for the first time the 7th day of January, 2004.

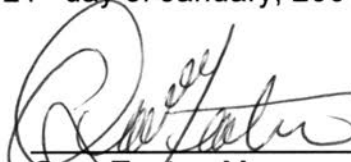
Read for the second time the 21st day of January, 2004.

Placed upon its passage the 21st day of January, 2004.

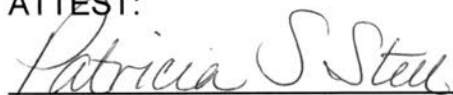
YES: 6

NO: 0

Authenticated by the Mayor the 21st day of January, 2004.


Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

EXHIBIT "A"

A portion of Tract 11, WAYWEST PROPERTIES, Deschutes County, Oregon, described as follows:

Beginning at the Northwest corner of said Tract 11; thence North 89°39'10" East, 453.75 feet; thence South 00°20' West, 376.81 feet; thence West, 453.75 feet to a point which is located South 00°20' West, 378.76 feet from the point of beginning; thence North 00°20' East, 378.76 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within Hollygrape Street and Lodgepole Drive.

ORDINANCE NO. NS-1907

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN POLICY TEXT
FOR CHAPTER 5, POLICY 2.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Planning Commission dated November 19, 2003, regarding file PZ-03-260 to the extent that the findings support the Council's amended policy text.

Section 2. To update the General Plan Chapter 5, Policy Text as described below.

Policy #2. In areas where existing urban level development has an established lot size pattern, new infill subdivision or PUD developments shall have a compatible lot transition that respects the number of adjoining lots, lot size and building setbacks of the existing development while developing residential densities within the range for the underlying zone. New developments may have smaller lots or varying housing types internal to the development.

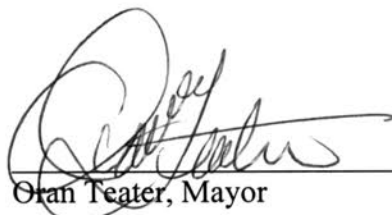
Read for the first time the 7th day of January, 2004.

Read for the second time the 21st day of January, 2004.

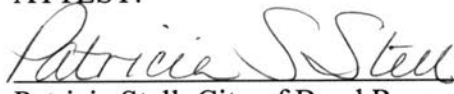
Placed upon its passage the 21st day of January, 2004.

YES: 6 NO: 0

Authenticated by the Mayor the 21st day of January, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1908

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, SECTION 10.10.10(5)(A) AND ADD A NEW SECTION 10.10.10(8) RESIDENTIAL COMPATIBILITY STANDARDS.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Section 10.10.10(5)(a) of NS-1178 is hereby amended to read as follows:

- (a) **Lot Area:** A lot in a subdivision or Planned Unit Development approved after December 2, 1998, shall have a minimum area of 4,000 square feet provided that the overall density does not exceed 7.3 dwellings per gross acre. All other lots shall have a minimum area of 6,000 square feet. New lot development is subject to Section 10.10.10(8) below and shall have an overall density range of 2.0 - 7.3 units per gross acre.

Section 2. Section 10.10.10(8) of NS-1178 is hereby amended to read as follows:

- (8) **Residential Compatibility Standards** The following standards shall apply to new subdivision lots created after (XXX) the date of adoption and shall be observed:
 - (a) **Purpose.** The residential compatibility standards in this section are intended to provide added protection to residentially zoned properties and existing neighborhoods from potential impacts sometimes associated with increased residential density development.
 - (b) **Applicability.** The residential compatibility standards shall apply to all RS zoned development properties that are abutting existing residential lots, excluding lots in the RM and RH zoning districts, that have been legally created through a subdivision plat and have a minimum lot size of 8,000 square feet or greater.
 - (c) **Lot Development Standards.**
 - i. No more than two new lots or portions thereof shall adjoin an existing lot boundary.
 - ii. New lots along an adjoining subdivision boundary where existing lots are 20,000 square feet or greater shall be at least 15,000 square feet in area.
 - (d) **Building Setbacks** The building setback regulations of the Residential Compatibility Standards shall apply to the side and/or rear setbacks of lots that abut the existing development in accordance with the following standards:
 - i. **Minimum Rear Yard Setback.** The rear yard setback of the subject property shall be the same as the required rear yard setback of the abutting existing subdivision.
 - ii. **Minimum Side Yard Setback.** The side yard setback of the subject property shall be the same as the required side yard setback for the abutting existing subdivision.
 - (e) **Exceptions.**
 - i. When the adjoining existing lot width is greater than 300 feet, the developer may establish a lot pattern along the adjoining subdivision boundary consisting of 15,000 square foot lots with a minimum lot depth of 100 feet. In no instance as described above, shall the new development lots be required by this section to exceed 15,000 square feet in size. This exception may result in more than two (2) new lots abutting an existing large subdivision lot.
 - ii. All lot configurations subject to this section shall conform to the Residential Compatibility Standards or be approved through a hearing process.
 - iii. Public or private alleys, streets with less than 60-foot right of way, and open space tracts less than 30 feet in width shall not be allowed to abut an existing subdivision boundary as a means of circumventing the compatibility standards provided herein.

- iv. When the adjoining existing residential development is bordered by a common open space tract less than 30 feet in width, the new development shall be subject to the Residential Compatibility Standards in Section 10.10.10 (8) above.

Read for the first time the 7th day of January, 2004.

Read for the second time the 21st day of January, 2004.

Placed upon its passage the 21st day of January, 2004.

YES: 6

NO: 0

Authenticated by the Mayor the 21st day of January, 2004.


Grant Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

ORDINANCE NO. NS-1909

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCELS OF LAND AS SHOWN IN EXHIBIT "A" FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated January 8, 2004 file number PZ-03-528.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Assessor's Map 18-12-18BA, Tax Lots 600, 700, 800 and Tax Map 18-12-18BB, Tax Lots 100, 200, 400, 500, 600 and shown in Exhibit "A". The change will be from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 4th day of February, 2004.

Read for the second time the 18th day of February, 2004.

Placed upon its passage the 18th day of February, 2004.

YES: 6

NO: 0

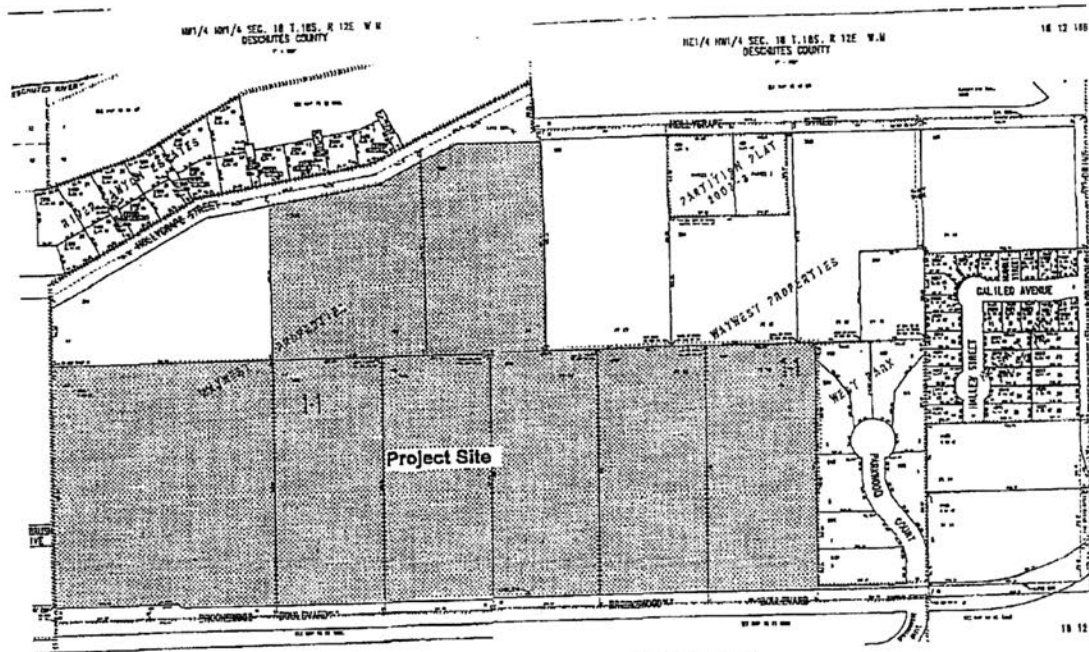
Authenticated by the Mayor the 18th day of February, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT A
 File 08-528
 City of Bend



18-12-18BA 00600, 00700, & 00800
 18-12-18BB 00100, 00200, 00400, 00500 & 00600
 Zone Change from RL to RS

LEGEND

- | | |
|--|---|
| ☐ (MR) Mixed Use River Front | ☐ (CC) Commercial Convenience |
| ☐ (ME) Mixed Employment | ☐ (CG) Commercial General |
| ☐ (PO) Professional Office | ☐ (CL) Commercial Limited |
| ☐ (PF) Public Facilities | ☐ (CN) Commercial Neighborhood |
| ☐ (SR2 1/2) Residential Low Density | ☐ (IG) Industrial General |
| ☐ (RH) Residential Urban High Density | ☐ (IL) Industrial Light |
| ☐ (RL) Residential Urban Low Density | ☐ (IP) Industrial Park |
| ☐ (RM) Residential Urban Medium Density | ☐ (PO/RM/RS) Combination |
| ☐ (RS) Residential Urban Standard Density | ----- Outer Urban Reserve |
| ☐ (SM) Surface Mining | ----- Urban Growth Boundary |
| ☐ (UAR) Urban Area Reserve | ----- City Limits |
| ☐ (CB) Central Business District | |

ORDINANCE NO. NS-1910

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NS-1178 BY ADDING AN OUTDOOR LIGHTING ORDINANCE.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts "Exhibit A" included in the City Council Issue Summary dated February 18, 2004.

Section 2. The City of Bend Zoning Ordinance NS-1178 is amended by adding Section 10-10.23B, Outdoor Lighting Ordinance as described in "Exhibit A".

Read for the first time the 4th day of February, 2004.

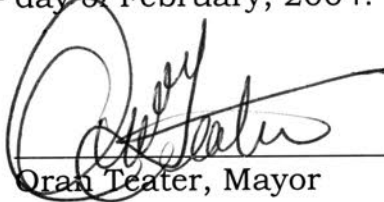
Read for the second time the 18th day of February, 2004.

Placed upon its passage the 18th day of February, 2004.

YES: 6

NO: 0

Authenticated by the Mayor the 18th day of February, 2004.


Oran Teater, Mayor

ATTEST:

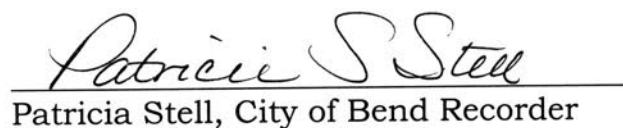

Patricia Stell, City of Bend Recorder

EXHIBIT "A"

Section 10-10.23B. OUTDOOR LIGHTING ORDINANCE FOR NEW FIXTURES

- (1) **Intent.** It is the intent of this ordinance to allow citizens, businesses, and public agencies in Bend to illuminate residential, commercial, industrial, public areas, roadways and walkways with lighting fixtures appropriate to the need while using such illumination in a way that preserves urban vistas and is directed onto and is confined to the property from which it is generated.
- (2) **Outdoor Lighting Fixtures Subject to this Ordinance.** Light fixtures subject to the standards in Section (3) of this ordinance are outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, lights for:
- (a) Buildings and structures;
 - (b) Recreational areas;
 - (c) Parking lot and maneuvering areas;
 - (d) Landscape areas;
 - (e) Streets and street signs;
 - (f) Product display area;
 - (g) Building overhangs and open canopies;
 - (h) Holiday celebrations;
 - (i) Construction Lights;
- (3) **Standards for installation and operation of outdoor lighting.** Except as exempt by Section (4) of this ordinance, new outdoor lighting fixtures installed after [February 18, 2004] shall be subject to the standards below. No provision of this ordinance is intended to pre-empt the City of Bend Sign Code or applicable state codes.
- (a) All outdoor lighting fixtures subject to this Ordinance shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties.
 - (b) All lighting for roadways, roadway signs, intersections, and pedestrian ways shall be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.
 - (c) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
 - (d) The operation of searchlights for advertising or promotional purposes is prohibited.
 - (e) Outdoor lights at designated Historic Sites or within Historic Neighborhoods that are consistent with the architectural style or era of the building or property shall be consistent with the provisions of this ordinance.
 - (f) Businesses and institutions with outdoor lighting, such as parking lot lights, building lights, landscaping lights and other similar exterior lighting features, are encouraged to extinguish such lights at the end of the working day, except for lights necessary for personal and building safety.
 - (g) All outdoor lighting used for public or private sports stadiums, sports areas, recreation facilities, outdoor performance areas and other similar outdoor facilities shall be extinguished within an hour after conclusion of the final event of the day, except as exempted herein.

- (h) Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial shopping complexes; such lighting shall not be located more than 15 feet from finished grade and shall not be used to define a building roof-line; and, such lighting shall not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this section, all neon lighting associated with signs shall be in accordance with the provisions of the City of Bend Sign Code.

(4) Exemptions. The following light fixtures or uses are exempt from complying with the outdoor lighting standards of this ordinance. These exemptions shall not prevent the city from adoption of later ordinances that may address the retrofitting or removal of outdoor lighting fixtures.

- (a) All outdoor light fixtures lawfully installed and operating prior to the effective date of this ordinance, and not prohibited by this ordinance. This exemption shall not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged to help improve safety and quality of life in Bend.
- (b) Residential decorative lighting and low wattage lighting used for yards and driveways that do not shine glare, emit direct illumination, or cast a shadow onto adjacent property.
- (c) Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded to not shine visible glare into the public right of way or onto adjacent or nearby properties.
- (d) Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and do not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year-round dense evergreen tree canopies which will contain or limit illumination of the sky.
- (e) Correctional Institutions. Exterior lighting for County correctional institutions shall be shielded high-intensity discharge lighting except at the immediate entry area, in which case other lighting may be used that conforms to the intent of this ordinance.
- (f) Low wattage lights used for holiday decorations for no more than 60 days are exempt from the requirements of this ordinance
- (g) Carnivals and Fairs that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
- (h) U.S. flags displayed by top mounted lighting only. The illumination of all flags other than the U.S. flag shall be extinguished at the end of public business hours or by 10:00 PM whichever is later.
- (i) Temporary lighting for television or movie film productions, roadway or utility construction or building construction not to exceed 60 days in any one vicinity. Permanent installations at dedicated sites must conform to the requirements of this ordinance.
- (j) The operation of outdoor lighting used for public or private sports stadiums, sports areas, recreation facilities, outdoor performance areas and other similar outdoor facilities later than the conclusion of the final event of the day when maintenance such as field grooming, irrigation, cleaning and other similar maintenance activities are required in order to have the facility ready for operation the following morning. Lights during after-events maintenance shall be kept at the minimum level practicable.

- (k) All outdoor light fixtures used to highlight art features within a traffic circle or roundabout providing they are properly aimed and shielded to not shine visible glare into the public right of way or onto adjacent or nearby properties.
- (5) **Violations and penalties.** For any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting fixture, or cause the same to be done, contrary to or in violation of any provision of this ordinance shall constitute a Class C Civil Infraction and is subject to abatement under the nuisance provisions of Section 5.400 through 5.425 of the Bend Code. Each day a lighting fixture is in violation of this ordinance shall constitute a separate violation.
- (6) **Definitions.** The following definitions apply to terms in this ordinance.

(a) **End of business hours or End of business.** "End of business hours or end of business" means (a) the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.

(b) **Full Cut-off.** "Full Cut-off" means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. [See illustrations below]



- (c) **Glare.** "Glare" means stray, unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.
- (d) **High intensity discharge lighting.** "High intensity discharge lamp lighting" means high-pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps.
- (e) **Installed.** "Installed" means initial installation of outdoor lighting fixtures, poles, electrical wiring, and related mounting equipment following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.
- (f) **Low Wattage lights.** "Low Wattage Lights" means 12-volt direct current lights or individual lamps less than 0.25 watts each strung together within a translucent or transparent plastic cover.
- (g) **Replacement.** "Replacement" means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket or wall, tree, or other structure. Replacement does not mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.
- (h) **Safety / security.** "Safety" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cut-off light fixtures above doors, at fire service stanchions, loading areas, and similar building access points.

- (i) **Shielding.** "Shielding" means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque painted glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination or glare onto adjacent or nearby property.
- (j) **Unshielded.** "Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare onto adjacent or nearby property.
- (k) **Up-lighting.** "Up lighting" means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an adjacent or nearby building element, shrub, tree or other landscaping.

ORDINANCE NO. NS-1911

AN ORDINANCE AMENDING BEND CODE SECTIONS 5.600 THROUGH 5.635 TO PROVIDE A FEE FOR RESPONDING TO FALSE ALARMS AND PROVIDING GREATER INCENTIVES TO LIMIT FALSE ALARMS

WHEREAS, The Bend Police Department and the Bend Fire Department spend substantial amounts of time and resources responding to false alarms, and

WHEREAS, Most false alarms can be prevented through better maintenance by the alarm users, and/or better training of the personnel responsible for the operation and maintenance of the alarm systems, and

WHEREAS, The Bend Code currently provides a set of regulations that seek to encourage owners of property protected by private alarm systems to maintain their equipment and train their employees to reduce the incidence of false alarms, and

WHEREAS, In spite of the regulations currently in place in the Bend Code, the Bend Police Department, in the past 12 months, responded to approximately 2,562 false alarms; and the Bend Fire Department also responded to a significant number of false alarms. Each false alarm response costs the City of Bend substantial amounts of personnel time and resources; and

WHEREAS, The health, safety and welfare of the City of Bend would benefit from a set of regulations and incentives that more effectively prevent false alarms,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Bend Code Sections 5.600 through 5.630 are amended as follows:

5.600 Purpose

To require that users of alarms that summon City Police and Fire Department responses take responsibility for maintaining the reliability of their alarm systems in order to prevent unnecessary and expensive responses to false alarms.

5.610 Definitions

"Alarm" Any electronic or other signal that requests, causes or is intended to cause a response by police, fire or emergency medical personnel; or Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police, fire or medical personnel are expected to respond.

"False alarm" Any alarm eliciting a response by Police, Fire or emergency medical personnel when a situation requiring a response does not in fact exist.

"Owner" A person, firm, association, or corporation owning, in possession or control of any property that an alarm originates from.

"Chief of Police" The Chief of the Bend Police Department or his designee.

"Fire Chief" The Chief of the Bend Fire Department or his designee.

"Audible alarm" Any audible sound produced to signal activation of the alarm.

“Hold up Alarm” Any alarm designed to alert the Police Department to a robbery attempt.

5.615 False Alarm Violation

~~There shall be a violation of this ordinance if more than one false alarm occurs at the same location within a 12 month period.~~

5.620 False Alarm Procedure

(1) When a determination has been made by either the Police Chief or Fire Chief that a false alarm has happened, and has caused an unnecessary response by the City, the following procedure shall be followed:

(a) First False Alarm within a 12 month calendar period: A written ~~notice~~ warning shall be issued to the alarm user informing user of the false alarm, and the procedures in this ordinance for dealing with false alarms.

(b) Second False Alarm within a 12 month calendar period: ~~A citation shall be issued and a letter warning the alarm user that if there is another false alarm the City Police will not respond to future alarms unless the alarm system is changed to prevent false alarms.~~ A written notice shall be issued to the alarm user informing user of the false alarm, and notifying user that any subsequent false alarm will result in a fine. The City of Bend may, in its discretion, offer training to the alarm user and may make suggestions for preventing further false alarms.

(c) Third False Alarm within a 12 month calendar period: ~~A citation shall be issued, and a letter warning the alarm user that if there is another false alarm the City Police will not respond to future alarms unless the alarm system is changed to prevent false alarms.~~ A response fee shall be charged to the alarm user and billed to the alarm user in the amount established by the City of Bend Fees Resolution for a third false alarm within a 12 month calendar period. In the case of a false hold up alarm, the alarm user must make all employees who are responsible for operation of the alarm system available for training by the Bend Police Department

(d) Fourth False Alarm within a 12 month calendar period: ~~A citation shall be issued. In addition, the alarm user will receive notice that City Police will not respond to any future alarms until the alarm user has demonstrated to the satisfaction of the Police Chief that the alarm system has been changed to prevent future false alarms.~~ A response fee shall be charged to the alarm user and billed to the alarm user in the amount established by the City of Bend Fees Resolution for a fourth false alarm within a 12 month calendar period.

(e) Fifth False Alarm within a 12 month calendar period: A response fee shall be charged to the alarm user and billed to the alarm user in the amount established by the City of Bend Fees Resolution for a fifth false alarm within a 12 month calendar period.

(f) Sixth False Alarm within a 12 month calendar period: A response fee shall be charged to the alarm user and billed to the alarm user in the amount established by the City of Bend Fees Resolution for a sixth false alarm within a 12 month calendar period. In addition, the alarm user, with the exception of Fire Alarm Users, must demonstrate to the Chief of Police that the alarm is in proper working order and that all employees responsible for operation of the alarm have received appropriate training for operation and maintenance of the alarm system. If the alarm user is unable to demonstrate that the alarm system is in proper working order, or that the employees responsible for the operation of the alarm have not received appropriate training for the operation and maintenance of the alarm system, then the City of Bend, in its discretion, may notify the alarm user that the City will not respond to subsequent alarms from that alarm user.

(g) In the event that a seventh or subsequent false alarms are received by the City of Bend within the same 12 month calendar period, the City of Bend may, in its

discretion, stop responding to alarms from that alarm user. If the City does respond to the false alarm, a response fee shall be charged to the alarm user and billed to the alarm user in the amount established by the City of Bend Fees Resolution for seventh and higher numbers of false alarms within a 12 month calendar period.

~~5.625 Penalty~~

~~A violation of this ordinance is a class C infraction.~~

5.630 Silencing Audible Alarms

The audible feature of any alarm must automatically silence within five minutes of continuous sound from the alarm. If the audible portion is not silent after five minutes then City personnel responding to the alarm may take whatever measures are required by the situation including but not limited to dismantling or disconnecting the alarm.

This section shall not apply to Fire Alarms.

~~5.635 Response to False Alarms~~

~~Response to false alarms by City police and fire fighting forces has become a major problem which significantly interferes with the effective use of the City police and fire fighting forces. It is urgent that the provisions of this ordinance dealing with false alarms be put in place. Therefore an emergency is declared to exist, and this ordinance shall take effect immediately upon its passage.~~

5.640 Nothing in this Code shall be interpreted to require any department of the City of Bend to respond to any alarm when other priorities are more pressing.

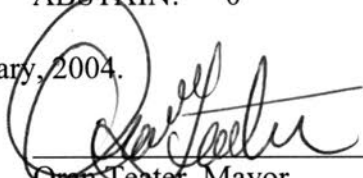
Read for the first time the 4th day of February, 2004.

Read for the second time the 18th day of February, 2004.

Placed upon its passage the 18th day of February, 2004.

YES: 6 NO: 0 ABSTAIN: 0

Authenticated by the Mayor the 18th day of February, 2004.


Grant Teater, Mayor

Attest:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1912

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN AND ORDINANCE NO. NS-1756, AN ORDINANCE ADOPTING THE BEND URBAN AREA TRANSPORTATION SYSTEM PLAN TO ALLOW THE CONSTRUCTION OF RIGHT-TURN LANES AT THE INTERSECTION OF AN ARTERIAL WITH ANOTHER ARTERIAL OR THE INTERSECTION OF AN ARTERIAL WITH AN EXPRESSWAY

WHEREAS, the City of Bend has adopted and obtained acknowledgment of the Bend Area General Plan, the City's comprehensive plan from the Land Conservation and Development Commission; and

WHEREAS, the Bend City Council adopted Ordinance No. NS-1756 on October 11, 2000 to amend the Bend Area General Plan (BAGP) to include the Bend Urban Area Transportation System Plan (TSP) dated June, 2000; and

WHEREAS, the City of Bend has met the requirements of Statewide Planning Goal 12 – Transportation, by amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060; and

WHEREAS, the City of Bend has demonstrated a public need and benefit for the change; and

WHEREAS, the City of Bend has conducted a public hearing regarding allowing the construction of right-turn lanes at the intersection of an arterial with another arterial or the intersection of an arterial with an expressway.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Amend Section 6.5.1.1, Transportation System Plan, Street System, Roadway Classifications, Expressways, Bend TSP, Ordinance No. 1756, as shown in Exhibit A.

SECTION 2. Amend Section 6.5.1.2, Transportation System Plan, Street System, Roadway Classifications, Principal Arterials, Bend TSP, Ordinance No. 1756, as shown in Exhibit B.

SECTION 3. Amend Section 6.5.1.3, Transportation System Plan, Street System, Roadway Classifications, Major Arterials, Bend TSP, Ordinance No. 1756, as shown in Exhibit C.

SECTION 4. Amend Section 6.5.1.4, Transportation System Plan, Street System, Roadway Classifications, Minor Arterials, Bend TSP, Ordinance No. 1756, as shown in Exhibit D.

SECTION 5. Amend Section 6.5.1.5, Transportation System Plan, Street System, Roadway Classifications, Arterial – Frontage Roads, Bend TSP, Ordinance No. 1756, as shown in Exhibit E.

SECTION 6. Amend Section 6.9.6, Transportation System Plan, Transportation System Plan Objectives Policies Benchmarks and Implementation, Street System, Bend TSP, Ordinance No. 1756, as shown in Exhibit F.

SECTION 7. The amendments in this ordinance are supported by findings of fact and an analysis of the requirements of the relevant Statewide Land Use Planning Goal, Goal 12 and the applicable provisions of the Goal 12 rules.

SECTION 8. The City's Planning staff is hereby directed and authorized to revise the official text, maps, tables and provisions of the Bend TSP and the Bend Area General Plan to reflect the amendments made by this ordinance. Staff is also directed and authorized to update the copies of the TSP that are distributed to the public to include copies of the amended maps, tables and text.

Read for the first time the 18th day of February, 2004.

Read for the second time the 3rd day of March, 2004.

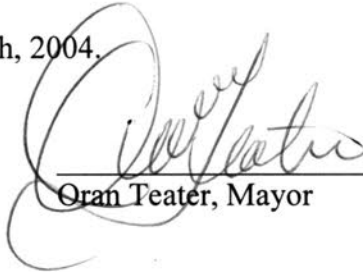
Placed upon its passage the 3rd day of March, 2004.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 3rd day of March, 2004.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City Recorder

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EXHIBIT A

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.1.1 Expressways

Expressways are roadways designed to carry large volumes of traffic with limited traffic flow interruption. Direct property access is very limited. In the situation of the sections of Highway 20 and 97 that are designated as expressways, established driveway access points are permitted on a case by case basis until alternative access becomes available. The new Parkway facility is being designed with limited roadway access to preserve capacity and provide improved safety, and to accommodate the travel needs of the Bend community. Grade separations, interchanges (at major intersections) and raised medians (along much of its length) are being included in the project to ensure that the capacity and safety of the route is maintained well into the future. Expressways will provide for both through trips and trips within the urban area.

When a final land use or limited land use decision determines that a right-turn lane will improve, maintain or prevent further degradation of an applicable performance standard for the intersection of an arterial with another arterial or the intersection of an arterial with an expressway, the right-turn lane shall be considered allowed by the TSP at the appropriate location, provided that if the need for the right-turn lane is caused by a specific application, the applicant shall be responsible for full payment of the costs associated with construction of the right-turn lane.

Expressways in the Bend urban area include U.S. Highway 20 north of the intersection with U.S. Highway 97 (the "wy" on the north end of town), east of 12th Street and all of U.S. Highway 97 (including the Parkway). [The "old" portions of Highway 97, (pre-Parkway era) are principal arterials (this includes Highway 20, between the north "wy" and Greenwood, and Third Street, between Greenwood and the south Parkway intersection.)]

EXHIBIT B

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.1.2 Principal Arterials

The principal arterials in the Bend urban area include all the non-expressway portions of the state highway system, except Century Drive (a minor arterial). The principal arterial roadways include 3rd Street and Highway 20 south of the Highway 97 and 20 intersection "wy" to 12th Street. These are primary highways, in addition to the expressways, that provide important roadway transportation linkages to (and through) the Bend area. The principal arterial system also carries high levels of truck traffic. Most of the trips (motorist and trucks from outside of the area) on the principal arterial system are destined to, or have stopovers in Bend. However, a small portion of the trips traveling these corridors has a regional or statewide destination and may pass through the community on these arterials without stopping.

The principal arterial system serves a statewide role and there are specific design, access management, and level of service requirements established by the Oregon Department of Transportation. These requirements are articulated in the *Oregon Highway Plan*. The Plan emphasizes the need to meet the functional criteria of the state system and the principal arterial system will also need to fulfill the city's need to maintain a functional street grid network for the urban area.

When a final land use or limited land use decision determines that a right-turn lane will improve, maintain or prevent further degradation of an applicable performance standard for the intersection of an arterial with another arterial or the intersection of an arterial with an expressway, the right-turn lane shall be considered allowed by the TSP at the appropriate location, provided that if the need for the right-turn lane is caused by a specific application, the applicant shall be responsible for full payment of the costs associated with construction of the right-turn lane.

EXHIBIT C

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.1.3 Major Arterials

Major arterials are intended to serve as routes for travel between areas of major traffic generation and major activity centers, and residential and commercial areas. Trip lengths are commonly longer in nature along the major arterial street system. To fulfill this function, major arterial streets are normally spaced at 1-2 mile intervals. A greater emphasis on access control, than along minor arterials, will be sought on these facilities. Effort will be made to limit left turn movements on these roadways to controlled locations through the construction of raised medians.

Some segments of the major arterial street system may be constructed to four- or five-lane street widths, particularly at intersections to provide dedicated turn lanes, and sufficient right-of-way corridors (i.e., 100 feet wide) should be acquired to ensure that this type of future street design is feasible. Major arterials in the Bend urban area system include the following: Reed Market Road (east of Blakely Road), Empire Avenue (east of Highway 20/97) and East 27th Street (north of Reed Market Road).

When a final land use or limited land use decision determines that a right-turn lane will improve, maintain or prevent further degradation of an applicable performance standard for the intersection of an arterial with another arterial or the intersection of an arterial with an expressway, the right-turn lane shall be considered allowed by the TSP at the appropriate location, provided that if the need for the right-turn lane is caused by a specific application, the applicant shall be responsible for full payment of the costs associated with construction of the right-turn lane.

EXHIBIT D

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.1.4 Minor Arterials

The minor arterial street linkages planned for the urban area are illustrated on the Roadway System Plan Map (and are also listed in Table 11). As the community grows beyond the planning period or there are other changes in land use, additional arterial streets may be determined necessary. The alignments of new arterial streets on the Plan map are general in nature and refinements may occur through the land development process, or as otherwise determined by the City.

The minor arterial street network interconnects and augments the principal and major arterial street system. Trip lengths are normally of moderate distances. Minor arterials often border and establish the edge of neighborhoods. Minor arterials often support local or neighborhood commercial areas. Pedestrian and bicycle traffic is frequent on these streets. Minor arterials are generally spaced at about one-mile intervals, although in the more dense areas of the community minor arterials are commonly located at a greater frequency. Under ideal circumstances, access to the minor arterial street should be limited to prescribed spacing intervals and direct driveway access points should be limited as much as practical.

The minor arterial street system will need to be improved to address a wide range of transportation system demands, including pedestrians, bikes, transit vehicles and motor vehicles. Minor arterial streets range in width from two to four-travel lane roadways. New or reconstructed minor arterial street widths will be based on the determination of the improvement needs of all modes of travel.

Because minor arterial streets usually serve neighborhoods and support high levels of pedestrian and bicycle traffic, the addition of lanes to serve motor vehicles must be carefully balanced against the impacts to other forms of travel and the environment that they pass through. In the event that alternatives to street widening have been exhausted and additional lanes are necessary, all appropriate measures should be taken to consider design alternatives and solutions to mitigate the impacts created on the adjoining neighborhood or the abutting businesses. Landscaped center medians, access management, pedestrian refuges, and the provision of street trees, among others, are examples of measures that can be taken to mitigate the impacts of road widening.

When a final land use or limited land use decision determines that a right-turn lane will improve, maintain or prevent further degradation of an applicable performance standard for the intersection of an arterial with another arterial or the intersection of an arterial with an expressway, the right-turn lane shall be considered allowed by the TSP at the appropriate location, provided that if the need for the right-turn lane is caused by a specific application,

the applicant shall be responsible for full payment of the costs associated with construction of the right-turn lane.

EXHIBIT E

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.1.5. Arterial – Frontage Roads

In some areas along the arterial street system, it will be desirable to construct frontage roads. A number of frontage roads have been predetermined and are illustrated on the Roadway System Plan (Map Exhibit B.). Frontage roads may be located, as determined necessary, by the State and City, as properties develop along other arterial corridors. The intent of a frontage road is to collect traffic from properties that abut the arterial roadway and channel this traffic to an intersecting street or controlled intersection with the arterial. The objective of this design is to control the random turning movements that would otherwise compromise the safety or diminish the capacity of the arterial street. In many cases, the frontage road may parallel the arterial for some distance before it makes a connection. The design of frontage roads shall be treated like any other public street, in terms of the location of sidewalks, planter strips and the structural section of the pavement. The width of the frontage road should be based on the forecast traffic expected to use the facility. For example, frontage roads anticipated to handle truck traffic should be built to the minimum Industrial Street Standard.

When a final land use or limited land use decision determines that a right-turn lane will improve, maintain or prevent further degradation of an applicable performance standard for the intersection of an arterial with another arterial or the intersection of an arterial with an expressway, the right-turn lane shall be considered allowed by the TSP at the appropriate location, provided that if the need for the right-turn lane is caused by a specific application, the applicant shall be responsible for full payment of the costs associated with construction of the right-turn lane.

EXHIBIT F

6.0 TRANSPORTATION SYSTEM PLAN

6.9 TRANSPORTATION SYSTEM PLAN OBJECTIVES, POLICIES, BENCHMARKS AND IMPLEMENTATION

6.9.6 STREET SYSTEM

Objectives:

- To provide a practical and convenient means of moving people and goods within the urban area that accommodates various transportation modes
- To provide a safe and efficient means to access all parts of the community
- To provide an attractive, tree-lined, pedestrian friendly streetscape sensitive to protecting the livability of the community

Policies:

General:

1. Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.
2. Where a subdivision or partition is adjacent to land likely to be divided in the future, streets, bicycle paths, and accessways shall continue through to the boundary line of the subdivision or partition in order to achieve connectivity within the grid system.
3. Streets shall be classified and generally located according to the Bend Urban Area - Roadway System Plan (Map Exhibit B), the Street Functional Classification (Table 12), and the Street Grid System (Figure 29). Street right-of-ways and improvements standards shall be developed to meet the needs of the Transportation Plan and Functional Classification System.
4. In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements.
5. The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.
6. Access control shall be part of the design standards for major collectors, arterials, principal arterials and expressways to ensure that adequate public safety and future traffic carrying capacity are maintained while at the same time preserving appropriate access to existing development and providing for appropriate access for future development. The City of Bend *Arterial Access Policy* (Street Policy No. 2) and the *Access Management Policy*

(Street Policy No. 4) shall be reviewed and revised, and new street policies shall be adopted if necessary, to:

- a) Conform street designations and other terminology to that which is used in this TSP;
 - b) Adopt written policies and procedures for access control on new and reconstructed major collectors, minor arterials and major arterials;
 - c) Provide that raised medians that eliminate left turn movements to existing streets or improved properties will only be installed after notice to affected property owners and an opportunity to be heard;
 - d) Require that in the case of new access control measures that will restrict existing turn movements into or out of existing homes, businesses or streets, the least restrictive measure (such as shared driveways, elimination of curb-cuts or "no left turn" signs) that is effective to achieve the purposes of the policy will be evaluated prior to installation of raised medians;
 - e) Require that the cost of installation and maintenance of raised medians, and in particular those with landscaping, be evaluated and alternatives be considered before raised medians are approved or required;
 - f) Replace any mandatory requirements for raised medians on streets other than new principal arterials and expressways with an analysis of the factors set forth above, and any other factors that are identified in the policy;
 - g) Provide that where commercial or industrial land uses abut residential areas, access shall not be directed to local residential streets.
7. City and state transportation system improvements shall comply with the Americans with Disabilities Act requirements.
8. Traffic signals or roundabouts shall be constructed in accordance with the design, spacing and standards adopted by the City and State.
9. The City Council shall involve the public, where appropriate, in the development and redevelopment of street designs prior to their construction.
10. The City shall consider the impact of improvements to or completion of existing facilities when considering the need for constructing new facilities.
11. The City shall place a high priority on providing adequate funding for street maintenance.
12. Traffic calming devices may be considered anywhere traffic impacts are adverse to residential livability.
- Residential Streets:**
13. Residential block lengths shall not exceed 600 feet without a connecting cross street. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.
14. A grid-like pattern of residential local streets shall be developed whenever practical in order to increase street connectivity within a neighborhood

15. The City may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed and volume vehicular traffic on local residential streets.

16. Street widths on public residential local streets may vary depending on topography, anticipated traffic volume, natural features that warrant protection, and existing street patterns in the neighborhood. Right of way shall be a minimum of sixty (60) feet except in special circumstances. Narrower streets may have limited on-street parking to ensure emergency vehicle access.

17. New alleys should be developed to City standards and shall be maintained by the property owners.

18. Cul-de-sac or "hammer-head" residential streets may be allowed only where existing development, steep slopes, open space, or natural features prevent through street connections, or when the objectives of connectivity are met within the neighborhood.

Arterial Streets:

19. Due to the sensitive nature of the Deschutes River corridor, the extension of Reed Market Road, between Blakely Road and Century Drive, shall be limited to a two-travel lane roadway.

20. Appropriate facilities for bike, pedestrian and transit use shall be included in any road-widening project.

21. The City shall implement transportation demand management (TDM) and transportation system management (TSM) measures prior to major and minor arterial street widening beyond three lanes. If TDM and TSM techniques are determined insufficient in solving the transportation corridor problems, then an evaluation of the consequences that additional roadway widening may have on adjoining neighborhoods versus the benefits gained by additional street construction should be conducted as a part of the determination of need for a road widening project.

- a) *Consequences* may include: reduced crossing comfort and safety for pedestrians and bicyclists, increased traffic noise impacts, residential or business displacements, increased storm water run-off and water quality impacts, the potential for "generated" traffic and the disruption to neighborhood cohesiveness.
- b) *Benefits* may include: improved traffic flow, bicycle and pedestrian improvements, reduced crash potential, reduced traffic diversion to adjacent neighborhood streets and improved air or noise quality (caused by congestion).

22. The City shall involve the public, the Park District and other governmental agencies in developing a roadway design for the southern river crossing that complements the natural features of the river area.

23. The City and State shall develop and implement a plan to improve the appearance, safety and function of East 3rd Street, portions of Highway 20 and old Highway 97 when the Parkway is completed.

24. The City shall work with the State to line the entrance to the City of Bend along Highways 97, Highway 20, Century Drive and the Parkway, with large stature trees.

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

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

27. The state highway system (i.e., Highways 97 and 20, Century Drive and the Parkway) shall be designated as the through truck route system. Trucks shall be permitted on the City and County arterial street system for local trip activity, unless otherwise restricted.

28. When a final land use or limited land use decision determines that a right-turn lane will improve, maintain or prevent further degradation of an applicable performance standard for the intersection of an arterial with an other arterial or the intersection of an arterial with an expressway, the right-turn lane shall be considered allowed by the TSP at the appropriate location, provided that if the need for the right-turn lane is caused by a specific application, the applicant shall be responsible for full payment of the costs associated with construction of the right-turn lane.

Parkway:

~~2829.~~ The Bend Parkway will be planned, constructed, and managed to limit direct access to the facility to meet the objectives of the Access Oregon Highway (AOH) system, to protect the integrity of the route's through capacity, and to promote public safety.

~~2930.~~ To maintain the viability of the existing East 3rd Street and downtown business districts, the Bend Parkway will provide convenient access to these areas in so far as this does not compromise the function of the Parkway.

~~3031.~~ The Bend Parkway shall, to the greatest extent possible, include landscaping, medians, separated sidewalks, and bike lanes.

Safety:

~~31-32.~~ The City and State shall improve transportation safety for all modes through approved design practice, sound engineering principles and regulation of vehicle speeds.

~~32-33.~~ The City shall explore with the State and implement appropriate "Intelligent Transportation System Devices".

~~3334.~~ The City shall take measures to ensure that traffic speeds are appropriately designated throughout the City.

3435. As a part of the development process, right-of-way shall be acquired as necessary for the correction of street intersections, excessively sharp curves, or as otherwise necessary to improve the safety of a road alignment.

3536. The City and State shall support efforts to educate the public regarding safe travel on the transportation system.

3637. The City and State shall monitor transportation crash and safety issue locations, and develop and implement corrective improvement projects.

Implementation:

1. Update, expand background justification, priorities, categories and weightings in the Transportation CIP, and monitor it on a regular basis.

2. Study alternatives to improve the street grid system and east/west street connectivity in order to address future transportation needs:

- a) Evaluate the need for more through routes and grid connections in the northeast section of Bend in order to preserve capacity on the 27th Street corridor - this will require the City to coordinate street extensions with the County.
- b) Study the completion of the Purcell corridor and determine placement in the CIP.
- c) Study the American Lane/9th Street offset intersection reconstruction.
- d) Study options for the future extension of Cooley Road in the northwest quadrant of the City.
- e) Study the Blakely/Brookwood connection and determine the priority in light of the Southern Bridge Crossing project.
- f) Regarding the study of road connection alternatives between Arizona and Industrial Way (i.e., Bond and Lava streets):

i) Before finalizing any alternative to the Bond Street connection to the Old Mill District that uses an extension of Lava Road, the City shall conduct a study, with public involvement from the affected neighborhood and other interested parties, of the relative performance of the Bond Street alternatives. This study shall include evaluating the adequacy of the street system to handle anticipated traffic loads, impacts on the affected neighborhood (located between downtown and the Old Mill District) and how those impacts could be mitigated.

ii) If the study shows that using the Lava Road extension alternative will operate at a more acceptable level of service, minimize neighborhood cut-through traffic and that neighborhood access will be adequately accommodated, the City shall proceed with the completion of the roadway improvements and traffic mitigation measures. It is important that the study demonstrate that adverse traffic impacts on the neighborhood can be mitigated without unduly compromising the residents' ability to enter and leave the neighborhood. Consequently, the study shall include the following elements:

- (1) A mitigation plan that combines traffic control and traffic calming measures that will minimize cut-through traffic through the adjacent neighborhoods

while allowing neighborhood residents reasonable ingress and egress to streets adjoining the neighborhood;

- (2) Analyzing the level of service at nearby intersections and making any changes that may be necessary to attain at least an acceptable level of service so long as those improvements can be accomplished within the existing pavement.
3. Install interim signals where warranted for traffic safety and enhancement of traffic flow. Complete a list of interim signalization projects and monitor on an annual basis.
4. Monitor completion of Bend Parkway impacts on local intersections and determine if additional improvements are needed.
5. Complete the current study to evaluate and produce appropriate roundabout construction and performance standards. Give special consideration to the needs of the disabled community.
6. Produce preliminary topographical and engineering alignments for future road extensions prior to acquiring right-of-way.

5/3

ORDINANCE NO. NS-1913

AN ORDINANCE CORRECTING ERRONEOUS LEGAL DESCRIPTION CONTAINED IN ORDINANCE NO. NS-1875 WHICH VACATED A PORTION OF KINGSTON AVENUE THAT LIES WITHIN NE ¼ OF SW ¼ OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

WHEREAS, City Council on August 6, 2003, adopted Ordinance No. NS-1875;

WHEREAS, the adopted ordinance contained an erroneous legal description "Exhibit A";

WHEREAS, the map available to the public at the time of the public hearing was accurate;

AND WHEREAS, an amendment is necessary to correct an erroneous legal description "Exhibit A".

THE CITY OF BEND THEREFORE ORDAINS AS FOLLOWS:

Section 1. The Bend City Council amends Ordinance No. 1875 to correctly state the legal description. The correct legal description is found in Exhibit "A" to this ordinance.

Section 2. The remaining provisions of Ordinance NS-1875 are not affected by this Ordinance as the only purpose of this Ordinance is to correct an erroneous legal description "Exhibit A".

Read for the first time the 18th day of February, 2004.

Read for the second time the 3rd day of March, 2004.

Placed upon its passage the 3rd day of March, 2004

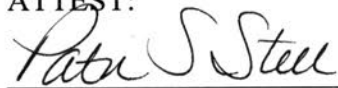
YES: 7

NO: 0

Authenticated by the Mayor the 3rd day of March, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

Please record pages 1 through 5 of Ord NS-1913.

After recording, return to Deputy Recorder, City of Bend, PO Box 431, Bend, OR 97709

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2004-22935



\$51.00

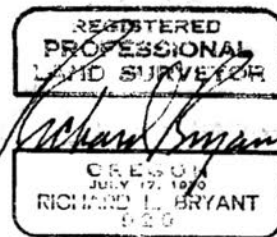
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\$25.00 \$11.00 \$10.00 \$5.00

DESCRIPTION OF A PROPOSED VACATION OF A
NORTHWESTERLY PORTION OF KINGSTON AVENUE
(PARCEL ONE)

A 10 foot wide strip of land containing 4184 square feet, being a portion of Kingston Avenue as platted in the Bonne Home Addition to Bend, Oregon lying in the Northeast One Quarter of the Southwest One Quarter, Section 31, Township 17 South, Range 12 East, W.M., Deschutes County, Oregon and more particularly described as follows:
Beginning at the most southerly corner of Lot 6, Block 18 of said Bonne Home Addition, said point also lying on the northwesterly right of way of Kingston Avenue.
Thence N 55°00'00"E along the line common to the southeasterly line of Block 18 and the northwesterly right of way of Kingston Avenue as shown on the plat of said Bonne Home Addition, 366.23 feet to the most easterly corner of Lot 1, Block 8, of the Bonne Home Addition;
Thence continuing N 55°00'00"E along the northwesterly right of way of Kingston Avenue and the southeasterly line of that portion of Ithaca Avenue as vacated by Order NS-1533, 52.24 feet to the south line of Lot 1 of the plat of Rockwood Estates Phase 1;
Thence S 35°00'00"E 10.00 feet;
Thence S 55°00'00"W 418.47 feet;
Thence N 35°00'00"W 10.00 feet to the point of beginning of this description.



REVISED DESCRIPTION OF A VACATION OF A
SOUTHEASTERLY PORTION OF KINGSTON AVENUE
(PARCEL TWO)

A 10 foot wide strip of land being a portion of Kingston Avenue as platted in the Bonne Home Addition to Bend, Oregon lying in the Northeast One Quarter of the Southwest One Quarter, Section 31, Township 17 South, Range 12 East, W.M., Deschutes County, Oregon and more particularly described as follows:

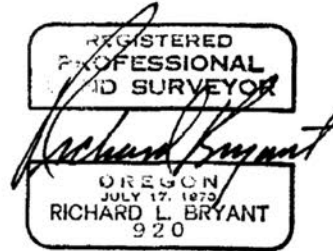
Beginning at the southwesterly corner of Block 19 of said Bonne Home Addition, said point also lying on the right of way of Kingston Avenue;

Thence N 55°00'00"E along the southeasterly right of way of said Kingston Avenue and the northwesterly boundary of said Block 19, 193.79 feet to the south line of a 15 foot alley;

Thence West 17.43 feet;

Thence S 55°00'00"W 193.79 feet;

Thence East 17.43 feet to the point of beginning of this description.



Revised 1/8/04

REVISED DESCRIPTION OF A VACATION OF A
SOUTHEASTERLY PORTION OF KINGSTON AVENUE
(PARCEL THREE)

A 10 foot wide strip of land being a portion of Kingston Avenue as platted in the Bonne Home Addition to Bend, Oregon lying in the Northeast One Quarter of the Southwest One Quarter, Section 31, Township 17 South, Range 12 East, W.M., Deschutes County, Oregon and more particularly described as follows:

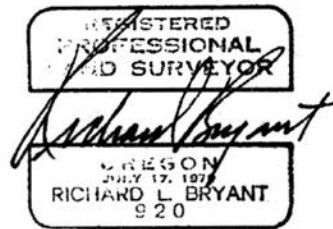
Beginning at the northwesterly corner of Block 19 of said Bonne Home Addition, said point also lying on the right of way of Kingston Avenue;

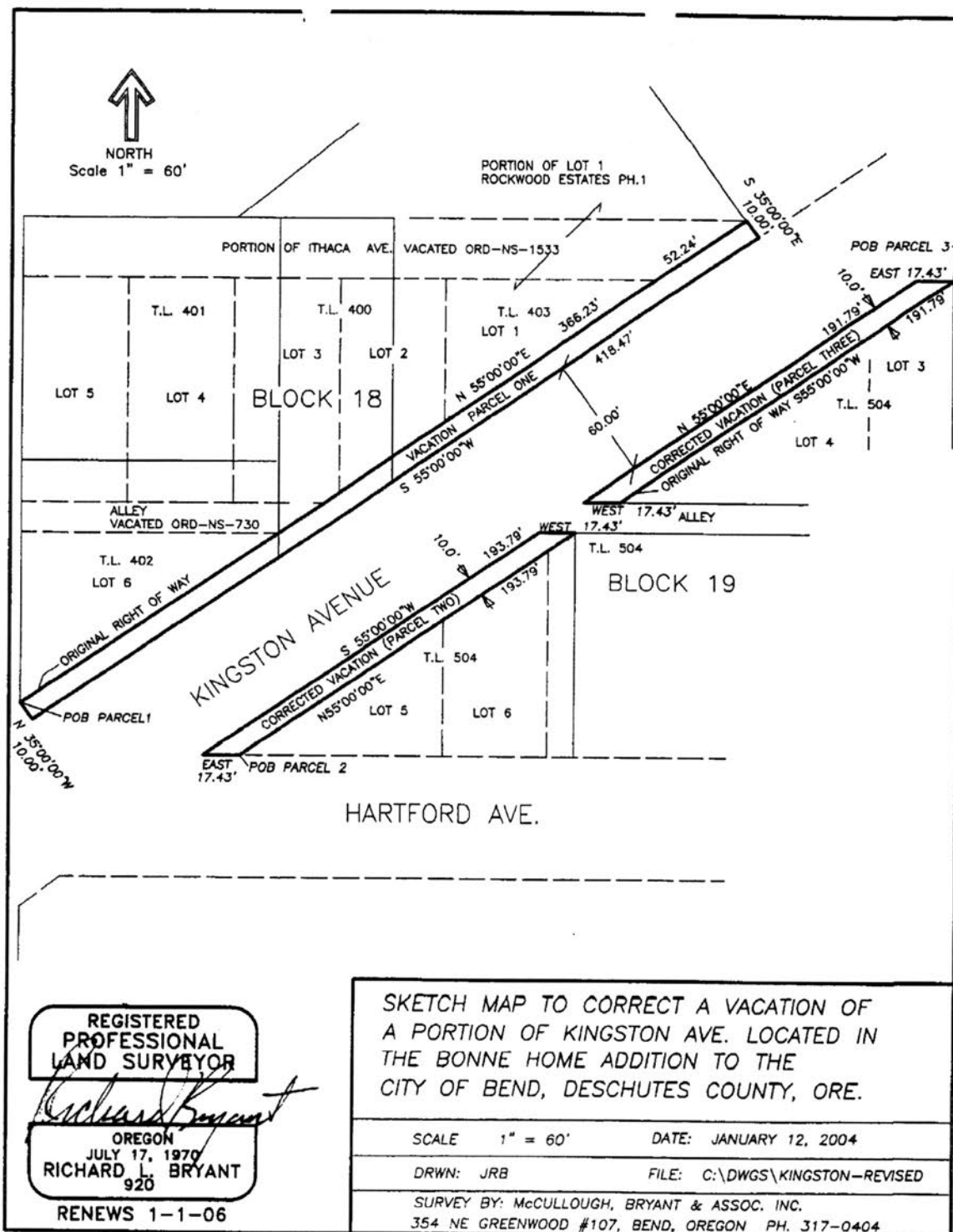
Thence S 55°00'00"W along the southeasterly right of way of said Kingston Avenue and the northwesterly boundary of said Block 19, 191.79 feet to the north line of a 15 foot alley;

Thence West 17.43 feet;

Thence N 55°00'00"E 191.79 feet;

Thence East 17.43 feet to the point of beginning of this description.





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ORDINANCE NO. NS-1914

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178, CITY OF BEND ZONING ORDINANCE, AS AMENDED, TO ADOPT A NEW OVERLAY ZONE TO CREATE A MEDICAL DISTRICT.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's findings and recommendation, and has found that the proposal meets the criterion for approval. The Bend City Council adopts the Findings and Recommendation dated November 3, 2003, regarding City of Bend file # PZ 03-228.

Section 2. The City of Bend Zoning Ordinance NS-1178 is hereby amended by adding subsection 22G, Medical District Overlay Zone as described in Exhibit "A".

Section 3. The City of Bend Zoning Ordinance NS-1178 is hereby amended by adding a map for the Medical District Overlay Zone boundary as part of Section 22G as shown in Exhibit "A".

Section 4. The City of Bend Zoning Ordinance NS-1178 is hereby amended by adding definitions to Section 10.10-4 of The City of Bend Zoning Ordinance NS-1178 as described in Exhibit "A".

Read for the first time the 18th day of February, 2004.

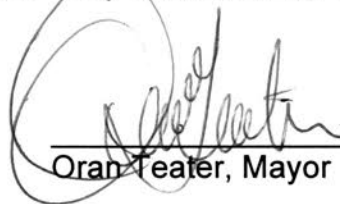
Read for the second time the 3rd day of March, 2004.

Placed upon its passage the 3rd day of March, 2004.

YES: 7

NO: 0

Authenticated by the Mayor the 3rd day of March, 2004.


Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder



Implementing Ordinance:
Medical District Overlay Zone

Section 10-10.22G Medical District Overlay Zone

- (1) Purpose: The purpose of the Medical District Overlay Zone is to allow for the continuation and flexible expansion of the hospital, medical clinics and associated uses in a planned and coordinated manner. Flexibility is essential to allow existing and future uses to respond and adapt to changes in technology, the medical profession, and society as a whole. The primary uses in the medical district overlay zone are hospitals and other medical clinics and uses. Related uses may be located within the hospital or clinic buildings or as independent uses within the overlay zone area. The overlay zone is intended to enhance the underlying zones of the Urban Medium Density Residential (RM) Zone, Urban High Density Residential (RH) Zone, and the Convenience Commercial (CC) Zone. The overlay zone standards will:
 - (A) Strengthen the role currently played by the medical district area around 27th Street and Neff Road as a regional center for healthcare and related services.
 - (B) Provide flexibility within the underlying zones to allow medical uses.
 - (C) Allow small scale supportive commercial/retail uses to supplement the medical district.
 - (D) Balance the need for residential development within the overlay zone to provide options for medical services development.
- (2) Applicability: Provisions of this section apply to all property within the boundaries of the Medical District Overlay Zone as shown on the attached boundary map and on the Bend Urban Area Zoning Map. These provisions modify existing standards of the City of Bend Zoning Ordinance, by applying requirements, limiting allowable uses, or allowing exceptions to general regulations. Where there is a conflict between the provisions of the Medical District Overlay Zone and those of other portions of the Zoning Ordinance, the provisions of this overlay district shall control.
- (3) Zoning Districts.
 - (A) Urban Medium Density Residential (RM) Zone
 1. Permitted Uses.
 - a. All uses permitted in the Urban Medium Density Residential (RM) Zone.
 - b. All uses permitted in the Urban High Density Residential (RH) Zone, are permitted except for the following uses which are not permitted:
 - i. Photographic studios
 - c. In buildings built after [the effective date of this ordinance], the following uses shall be allowed to occupy no more than 33% of the floor area:
 - i. General Office uses.
 2. Conditional Uses.
 - a. All uses conditionally permitted in the RM zone subject to a Conditional Use Permit and the provisions of Section 29, except for the following uses which are not allowed:
 - i. Timeshare Unit or the creation thereof.
 - b. All uses conditionally permitted in the RH zone subject to a Conditional Use Permit and the provisions of Section 29, except for the following uses which are not allowed:

- i. Dancing and music schools
 - ii. Club, lodge and fraternal organization
 - iii. Mortuaries
 - iv. Timeshare unit or the creation thereof
- c. In buildings built after [the effective date of this ordinance], the following uses may be allowed to occupy more than 33% of the floor area if approved through the Conditional Use Permit process:
- i. General Office uses.
- d. Service commercial uses up to 4000 square feet, gross floor area, excluding drive-thru and auto-related & auto dependent uses. Subject to subsection 7(D) below.
- e. Eating and drinking establishments up to 4000 square feet, gross floor area, in size. Subject to subsection 7(D) below.

(B) Urban High Density Residential (RH) Zone

1. Permitted Uses.

- a. All uses permitted in the Urban High Density Residential (RH) Zone, are permitted except for the following uses which are not permitted:
- i. Photographic studios
- b. In buildings built after [the effective date of this ordinance], the following uses shall be allowed to occupy no more than 33% of the floor area:
- i. General Office uses.
- c. Hospitals

2. Conditional Uses.

- a. All uses conditionally permitted in the RH zone subject to a Conditional Use Permit and the provisions of Section 29, except for the following uses which are not permitted:
- i. Dancing and music schools
 - ii. Club, lodge and fraternal organization
 - iii. Mortuaries
 - iv. Timeshare unit or the creation thereof
- b. In buildings built after [the effective date of this ordinance], the following uses may be allowed to occupy more than 33% of the floor area if approved through the Conditional Use Permit process:
- i. General Office uses.
- c. Service commercial uses up to 4000 square feet, gross floor area, excluding drive-thru and auto-related & auto dependent uses. Subject to subsection 7(D) below.
- d. Eating and drinking establishments up to 4000 square feet, gross floor area, in size. Subject to subsection 7(D) below.

(C) Commercial Convenience (CC) Zone

1. Permitted Uses.

- a. All uses permitted in the CC Zone, except for the following uses which are not permitted:

- i. Auto parts sales (new)

2. Conditional Uses.

- a. All uses conditionally permitted in the CC zone, except for the following uses which are not permitted:

- i. Automobile service station and minor auto repair

- (4) Height Regulations. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 45 feet without approval of a Conditional Use Permit.

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

- (A) Lot area:

For all dwelling units including single family dwellings, two and three family housing, and multiple-family housing in the underlying RM zone, the lot shall be a minimum area of 2,500 square feet for the first unit plus 2,000 square feet for each additional dwelling unit.

For all dwelling units including single family dwellings, two and three family housing, and multiple-family housing in the underlying RH zone, the lot shall be a minimum area of 2,500 square feet for the first unit plus 1,000 square feet for each additional dwelling unit.

For any other use there shall be no minimum lot area.

- (B) Lot width: For Single family dwellings, Two and three family housing, and Multiple-family housing the lot shall be a minimum width of 30 feet. This lot width may be reduced to 20 feet for lots in an approved zero lot line subdivision.

For any other use there shall be no minimum lot width.

- (C) Front yard: The minimum front yard setback shall be 10 feet except on corner lots where the clear vision clearance area requirements shall apply and except when adjacent to a lot out side of the Medical District Overlay Zone, the front yard setback shall be same as the front yard setback required in the adjacent zone.

- (D) Side yard: The minimum side yard setback shall be 5 feet. The side yards shall be increased by ½ foot for each foot by which the building exceeds 15 feet in height.

For existing or development of new single family detached housing the side yard setback shall be a minimum of 5 feet on each side.

The side yard setback distance for one or both sides may be waived for an approved zero lot line subdivision or partition.

- (E) Rear yard: The minimum rear yard setback shall be 5 feet except when adjacent to a lot outside of the Medical District Overlay Zone and then the rear yard setback shall be a minimum of 20 feet. The required rear yard setback shall be increased by ½ foot for each foot by which the building exceeds 15 feet in height.

- (F) Side and rear yard setbacks for duplexes and triplexes are subject to standards in Section 23(11)(d) and (e).
- (G) Lot coverage: For Single family dwellings, Two and three family housing, and Multiple-family housing the lot coverage shall be a maximum of 50%.

For any other use there shall be no maximum lot coverage.

- (6) Off-Street Parking. Off-street parking shall be provided as required in Section 24.
- (7) Design Standards. The design standards are intended to provide detailed human scale design to preserve the character of the area and surrounding neighborhoods while allowing flexibility to develop a variety of building types.
 - (A) Detailed Design Elements. The following standards shall be met for all new development. A design feature used to comply with one standard may be used to comply with another standard.
 - 1 Design of small scale buildings. All buildings under 20,000 square feet in size shall provide detailed design along all elevations (front, sides, and rear). A minimum of 5 architectural features shall be provided on the front elevation and a minimum of 3 architectural features shall be provided on the side and rear elevations selected from the following list of features:
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered Porches
 - e. Cupolas or towers
 - f. Pillars or Posts
 - g. Eaves with a minimum 12 inch projection
 - h. Window trim with a minimum 4-inch width
 - i. Offsets in building face or roof by a minimum of 16-inches
 - j. Bay windows
 - k. Balconies
 - l. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, board and batt, masonry)
 - 2 Design of Large-Scale Buildings and Developments. The standards in subsection "c", below, shall apply to "Large-Scale Buildings and Developments", as defined in a-b:
 - a. Individual buildings with more than 20,000 square feet of enclosed ground-floor space (i.e., "large-scale"). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - b. Multiple-building developments with a combined enclosed ground-floor space more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).
 - c. All large-scale buildings and developments, as defined in a-b, shall provide human-scale design by conforming to all of the following criteria:
 - i. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown in Figures 4 and 5. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting); and similar features.

- ii. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way.

The illustrations provided are intended to show how to comply, not restrict building types. Other building types and design can be used to comply so long as they are consistent with the design standards.

Figure 2
Examples of Architectural Details (Typical)

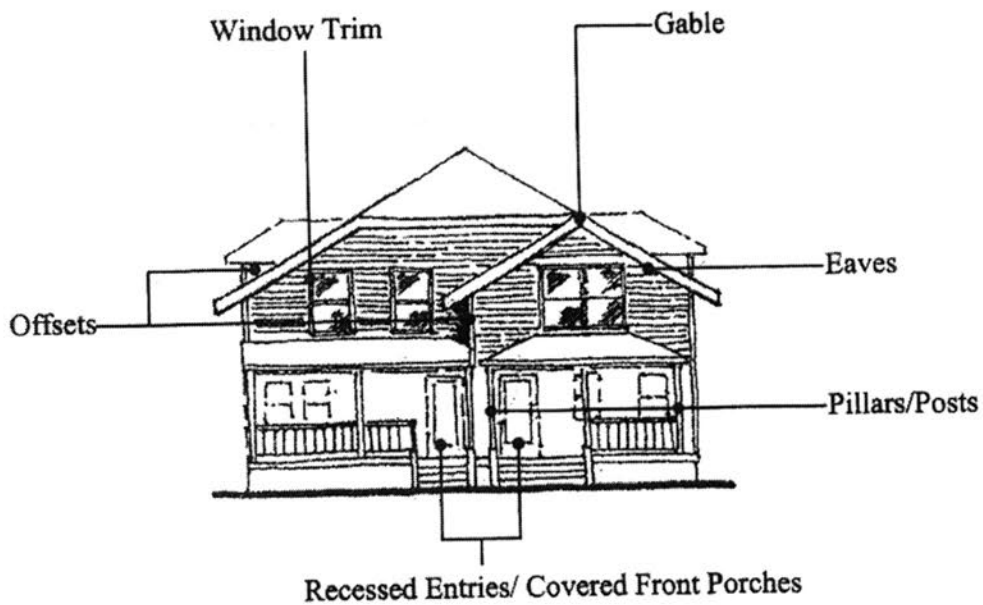


Figure 3
Examples of Architectural Details: Townhomes and Multi-Family (Typical)

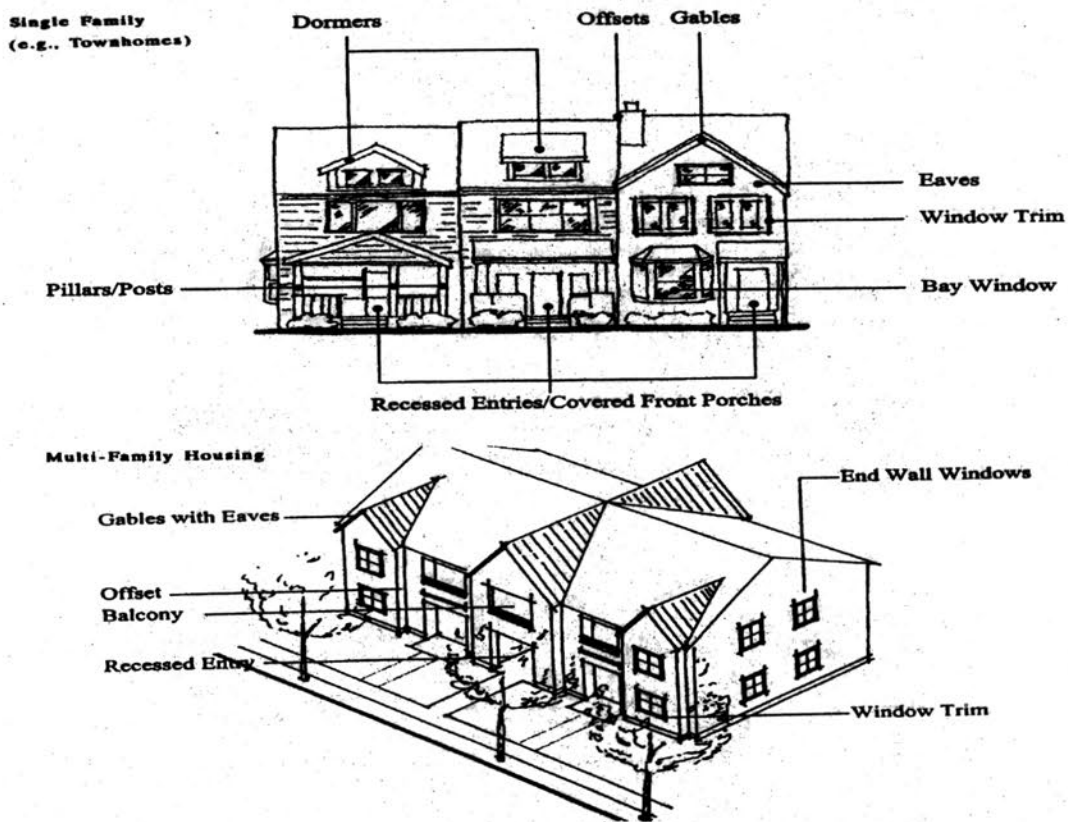


Figure 4
Design of Large-Scale Buildings and Developments (Typical)

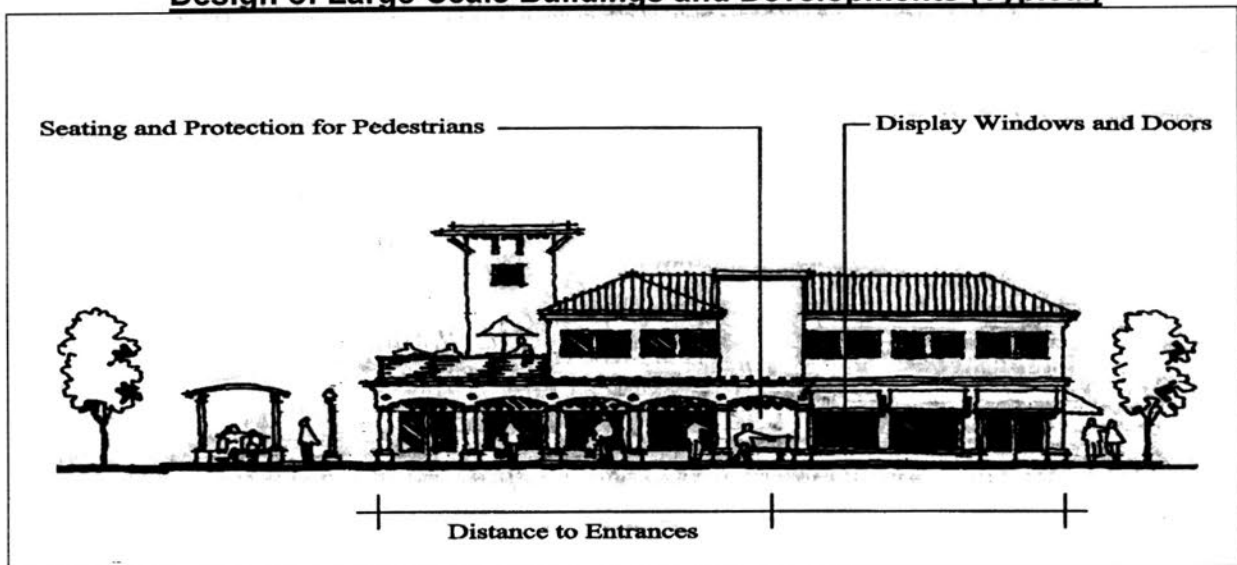
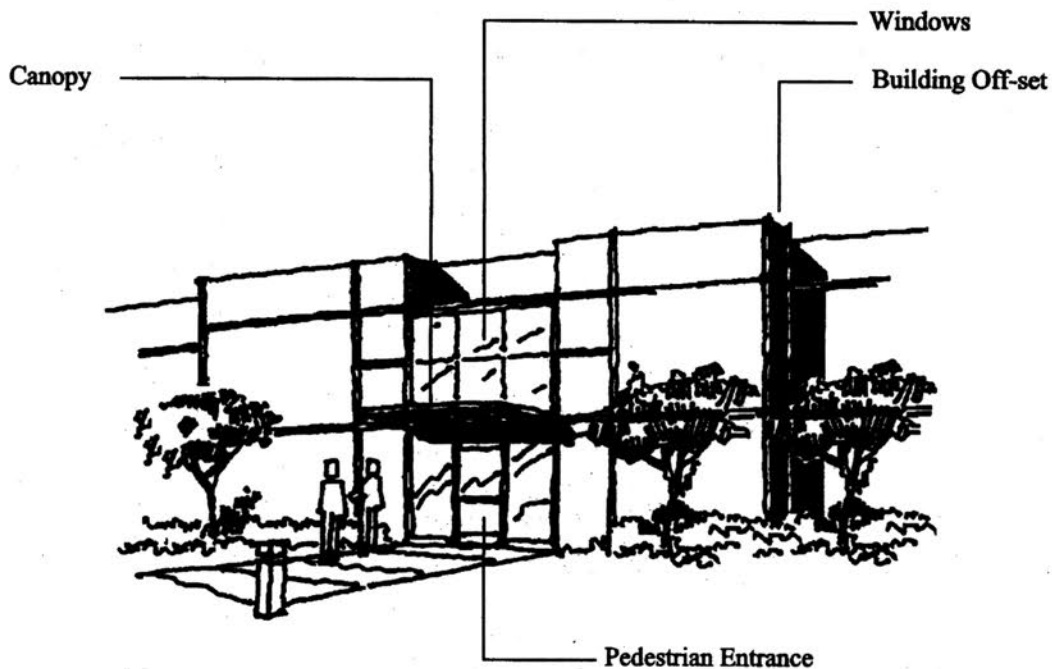


Figure 5
Design of Large-Scale Buildings and Developments (Typical)

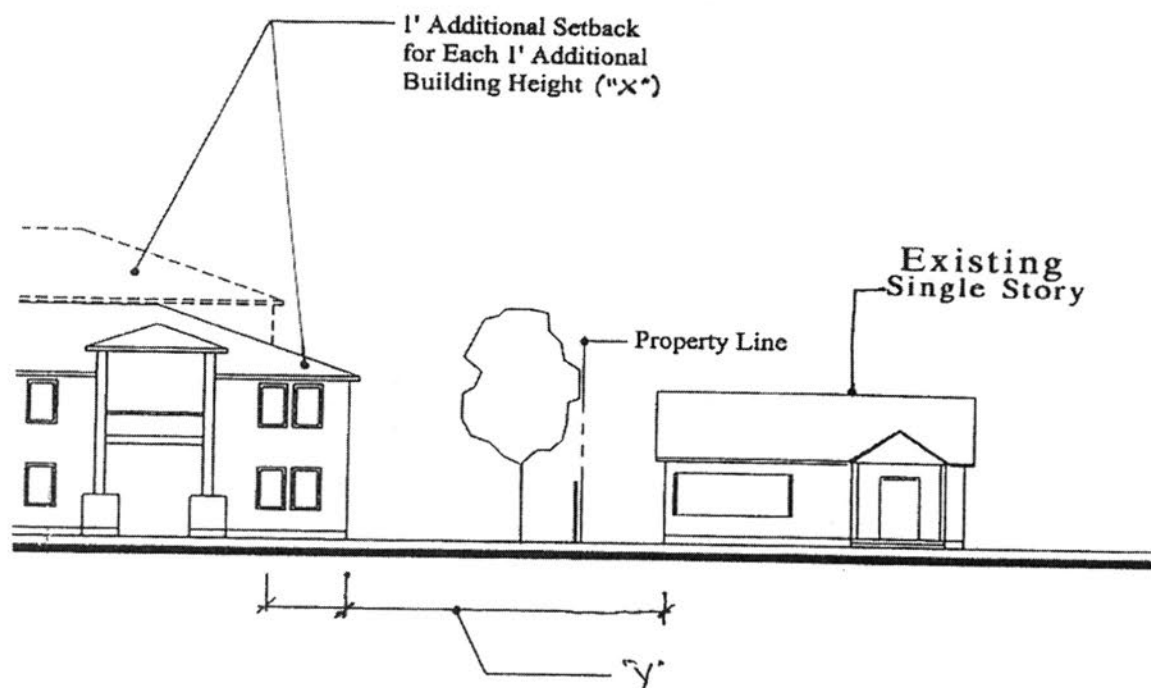


Note: the examples shown above are meant to illustrate examples of these building design elements, and should not be interpreted as a required design style.

(B) Building Height Transition

1. This standard applies to new and vertically expanded buildings on property located in the Medical District Overlay Zone within 100 feet of the boundary of the overlay zone and new or vertically expanded buildings adjacent to properties developed with single story residential uses within the Medical District Overlay Zone. Except that this standard shall not apply to new or vertically expanded single family detached houses.
2. Any new or vertically expanded building, meeting the applicability criterion above, within 20 feet (as measured horizontally) of an existing single-story building with a height of 25 feet or less, as shown in Figure 6, shall meet the building height transition requirements.
3. To provide compatible building scale and privacy between developments, buildings taller than 25 feet shall “step-down” to create a building height transition to adjacent single-story building(s).
4. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown in Figure 6.

Figure 6
Building Height Transition



(C) Landscaping requirements. The following standards shall apply to all new development.

1. Street trees. Street trees shall be planted along the frontage of all properties. Only street trees from a list maintained by the City Planning Department shall be planted. Street trees shall be planted a maximum of 30 feet on center. Trees shall be a minimum of 2-inch caliper measured 4 feet from ground level.
2. Buffering. The City may require additional landscaping within setback areas to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent residential properties from new development.

(D) Standards for commercial/retail uses and Eating and drinking establishments.

1. Drive-up windows and/or drive-through services shall not be permitted.
2. Notwithstanding Section 10-10.14(7)(a) for the Commercial Convenience zone, which requires uses to be conducted wholly within an enclosed building, a restaurant, delicatessen, cafeteria, or coffee shop may include an outdoor seating/eating area, provided the outdoor area consists of an all-weather surface not greater than 900 square feet in gross floor area and screened from public rights-of-way and residentially zoned properties by a completely sight-obscuring hedge and/or fence as determined through the Site Plan Review process.
3. For service commercial/retail uses and eating and drinking establishments as allowed under section 3 above:
 - (a) There shall be no more than a total of eight (8) acres of site area developed for free standing Service commercial/retail uses and/or Eating and drinking establishments within the Medical District Overlay Zone.

- (b) Four (4) of the allowable eight (8) acres shall be the existing Commercial Convenience zoned property along 27th Street and Cushing Drive (Watt Way) and Medical Center Drive, South of Neff Road.
- (c) The other four (4) acres of allowable area shall be located north of Neff Road.

[Figure 7 – See attached map]

The following definitions shall be added to the Zoning Ordinance Section 10.10.4

Auto-related/Auto-dependent use – The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash or auto and truck sales.

Floor Area Ratio. The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of .5 means one square foot of floor area for every two square feet of site area.

Medical District Overlay Zone



Proposed District Boundaries



October 13, 2003

EXHIBIT A

ORDINANCE NO. NS-1915

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN AND ORDINANCE NO. NS-1756, AN ORDINANCE ADOPTING THE BEND URBAN AREA TRANSPORTATION SYSTEM PLAN TO ADD A GRADE-SEPARATED INTERCHANGE AS A NEW STREET SYSTEM PROJECT AT THE INTERSECTION OF COOLEY ROAD AND US HIGHWAY 97

WHEREAS, the City of Bend has adopted and obtained acknowledgment of the Bend Area General Plan, the City's comprehensive plan from the Land Conservation and Development Commission; and

WHEREAS, the Bend City Council adopted Ordinance No. NS-1756 on October 11, 2000 to amend the Bend Area General Plan (BAGP) to include the Bend Urban Area Transportation System Plan (TSP) dated June, 2000; and

WHEREAS, the City of Bend has met the requirements of Statewide Planning Goal 12 – Transportation, by amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060; and

WHEREAS, the City of Bend has demonstrated a public need and benefit for the change; and

WHEREAS, the construction of a grade-separated interchange will facilitate pedestrian and bicycle traffic across US Highway 97, which is currently dangerous to such modes of transportation and will improve traffic safety in the area; and

WHEREAS, the construction of a grade-separated interchange will enable currently zoned commercial property to be developed as provided for in the Comprehensive Plan and implementing Zoning Ordinance; and

WHEREAS, the construction of a grade-separated interchange at this location was anticipated by the TSP in the year 2000 to be needed in the years 2005 to 2010 and the need for this improvement has been somewhat accelerated as a result of the greater than anticipated population growth and commercial expansion of Bend; and

WHEREAS, the City of Bend has conducted a public hearing on February 4, 2004 regarding replacing the traffic signal at the intersection of Cooley Road and US Highway 97 with a grade-separated interchange and legal notice of the public hearing was published in the Bend Bulletin on January 28, 2004; and

WHEREAS, the staff report, referenced studies, and staff correspondence are adopted by the City Council.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Amend Section 6.5.5.1, Transportation System Plan, Street System, Roadway Classifications, Expressways, Bend TSP, Ordinance No. 1756, as shown in Exhibit B.

SECTION 2. Amend Section 6.5.1.4, Transportation System Plan, Street System, Roadway Classifications, Minor Arterials, Bend TSP, Ordinance No. 1756, as shown in Exhibit C.

SECTION 3. Amend Section 6.5.2.9, Transportation System Plan, Street System, Other Roadway Elements, Railroad Grade Crossings, Bend TSP, Ordinance No. 1756, as shown in Exhibit D.

SECTION 4. Amend Section 6.9.6, Transportation System Plan, Transportation System Plan Objectives, Policies, Benchmarks and Implementation, Street System, Bend TSP, Ordinance No. 1756, as shown in Exhibit E.

SECTION 5. Amend Section 7.2.2, Transportation System Implementation, Transportation Funding Sources, Possible Additional Funding Sources, Bend TSP, Ordinance No. 1756, as shown in Exhibit F.

SECTION 6. Amend Section 7.5, Transportation System Implementation, Transportation Funding and Prioritization Policies, Bend TSP, Ordinance No. 1756, as shown in Exhibit G.

SECTION 7. Amend Appendix A.3, Intersection Improvement Priorities, Bend TSP, Ordinance No. 1756, as shown in Exhibit H.

SECTION 8. The amendments in this ordinance are supported by findings of fact in the staff report and an analysis of the requirements of the relevant Statewide Land Use Planning Goal, Goal 12 and the applicable provisions of the Goal 12 rules.

SECTION 9. The City's Planning staff is hereby directed and authorized to revise the official maps, tables and provisions of the Bend TSP and the Bend Area General Plan to reflect the amendments made by this ordinance. Staff is also directed and authorized to update the copies of the TSP that are distributed to the public to include copies of the amended maps, tables and text.

Read for the first time the 4th day of February, 2004.

Read for the second time the 3rd day of March, 2004.

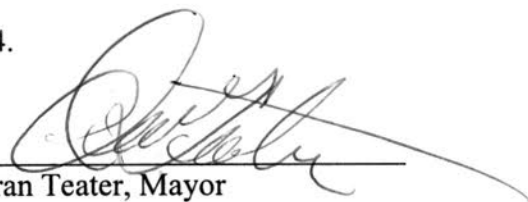
Placed upon its passage the 3rd day of March, 2004.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 3rd day of March, 2004.


Oran Teater, Mayor

ATTEST:

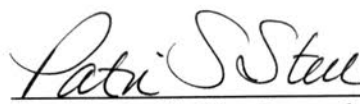
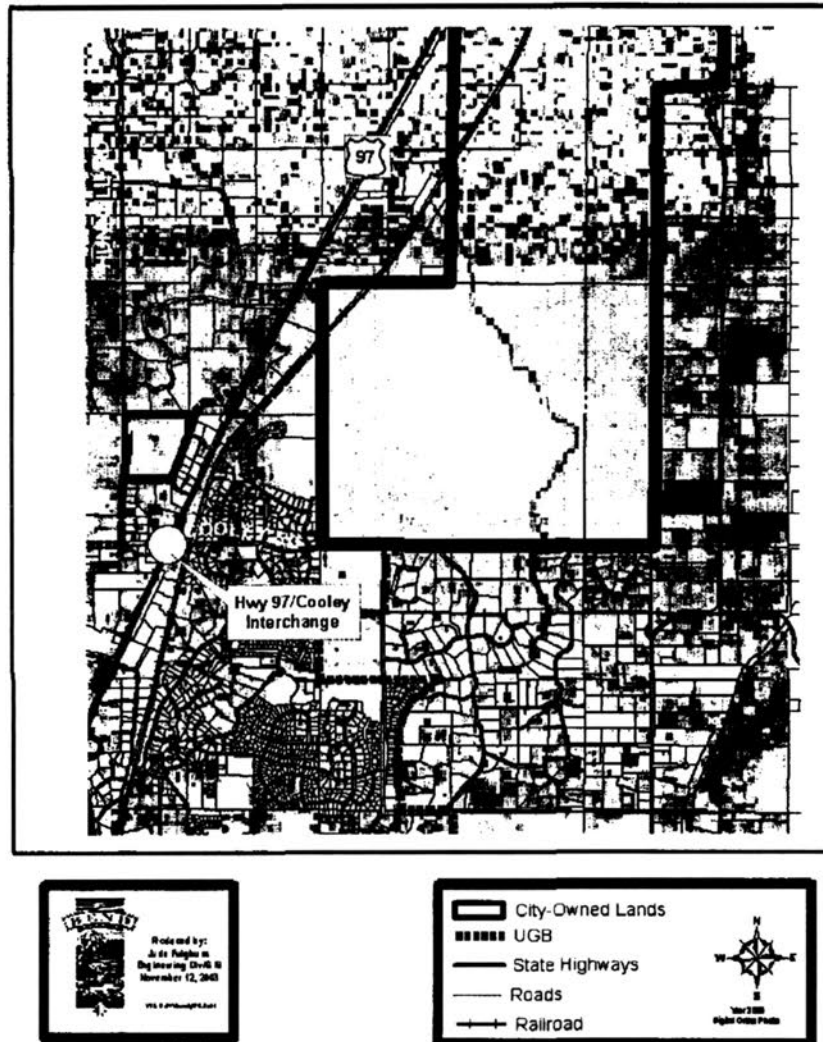

Patricia Stell, City Recorder

EXHIBIT A VICINITY MAP



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page 1 of 1

EXHIBIT B

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.5.1 Expressways

Highway 97 - north of the Sisters interchange The section of the highway, north of the Sisters interchange to the UGB, is five lanes with bike lanes. This portion of highway will continue to experience high traffic demands and TSM measures such as the construction of raised medians will be necessary to assure the carrying capacity and safe operation of the highway.

The Cooley Road intersection ~~may~~ will need to be developed as an grade-separated interchange in the future. The City of Bend will work with ODOT to prepare an Interchange Area Management Plan (IAMP) prior to construction of the interchange.

A frontage road is planned along the eastern side of the highway between Cooley Road and Robal Road. This frontage road will connect with Cooley and Robal roads at intersecting points to be located a sufficient distance east of Highway 97 adequate to minimize impacts to highway intersection operation. Currently, ODOT is evaluating a variety of frontage road designs, including an alternative "backage road" (with no direct connection to Cooley Road) and possibly completion of this road as a part of the (state funded) Highway 97 median project. A frontage road is also planned to serve the area on the western side of the highway, within the UGB, to be located north of Cooley Road. This frontage road is planned to connect to the Hunnel Road collector and not tie directly to Cooley Road (see: Bend Urban Area Transportation Map Exhibit B). In order to maintain capacity and safety for this highway segment, a raised median is planned between the Parkway and the north UGB. The construction of a raised median will likely take place concurrent with the final phase of the northern Parkway improvements.

EXHIBIT C

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.1 ROADWAY CLASSIFICATIONS

6.5.1.4 Minor Arterials

Cooley Road will provide east-west circulation from Highway 20 east to Deschutes Market Road. The Cooley Road/Highway 97 intersection ~~may will~~ need to be developed as a grade separated interchange in the near future to accommodate on-going development in the vicinity, as well as future industrial uses on UGB expansion sites. It will eventually become a major access route to the City's industrial park reserve area. The existing road now terminates at the southern boundary of the industrial reserve property (City owned) and will need to be extended to the east as future development occurs. Sidewalk and bike lane facilities are missing along most portions of Cooley Road and will be needed as other roadway improvements are made. Development along this part of Cooley Road should be carefully managed to ensure that the function of the Cooley/Highway 97 intersection is not compromised.

EXHIBIT D

6.0 TRANSPORTATION SYSTEM PLAN

6.5 STREET SYSTEM

6.5.2 OTHER ROADWAY ELEMENTS

6.5.2.9 Railroad Grade Crossings

Historically, train delays at road/railroad crossings have not been a major traffic problem in Bend. However since the merger of the Burlington Northern and Santa Fe railroads, it is anticipated that train crossing caused traffic interruptions may increase over time. If this does materialize in the future, the City of Bend should contact the appropriate railroad authorities and discuss possible solutions. A first choice should be making possible changes in train schedules to limit crossings during peak driving periods. If train schedule changes prove impractical or impossible, then the City should evaluate other solutions including grade separation.

There are ten, existing at-grade road/railroad crossings in Bend. Major Collector crossings are located at China Hat, Country Club and Brosterhouse roads, Scott/2nd Street and Wilson Avenue. Arterial street intersections with the railroad are located at Cooley, Butler Market and Reed Market roads, and Revere and Olney avenues. The at-grade crossing at Cooley Road will be eliminated when the grade-separated interchange is constructed at the intersection of Cooley Road and US Highway 97. One future crossing, proposed in the plan, is an eastward extension of Murphy Road (a collector) to 15th Street. This new road/railroad crossing should be grade separated. Another proposed railroad "under crossing" is shown on the Plan at Hawthorne Avenue. A detailed analysis (for the future need of the Hawthorne connection) should be evaluated when it is necessary to improve east-west capacity in the downtown to Third St. transportation corridors. The decision to construct this connection should be made as a part of a study of Franklin/RR/Parkway under crossing (widening) alternatives (see: section 6.5.1.4 text under "Franklin Boulevard").

EXHIBIT E

6.0 TRANSPORTATION SYSTEM PLAN

6.9 TRANSPORTATION SYSTEM PLAN OBJECTIVES, POLICIES, BENCHMARKS AND IMPLEMENTATION

6.9.6 STREET SYSTEM

Objectives:

- To provide a practical and convenient means of moving people and goods within the urban area that accommodates various transportation modes
- To provide a safe and efficient means to access all parts of the community
- To provide an attractive, tree-lined, pedestrian friendly streetscape sensitive to protecting the livability of the community

Policies:

General:

1. Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.
2. Where a subdivision or partition is adjacent to land likely to be divided in the future, streets, bicycle paths, and accessways shall continue through to the boundary line of the subdivision or partition in order to achieve connectivity within the grid system.
3. Streets shall be classified and generally located according to the Bend Urban Area - Roadway System Plan (Map Exhibit B), the Street Functional Classification (Table 12), and the Street Grid System (Figure 29). Street right-of-ways and improvements standards shall be developed to meet the needs of the Transportation Plan and Functional Classification System.
4. In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements.
5. The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.

6. Access control shall be part of the design standards for major collectors, arterials, principal arterials and expressways to ensure that adequate public safety and future traffic carrying capacity are maintained while at the same time preserving appropriate access to existing development and providing for appropriate access for future development. The City of Bend *Arterial Access Policy* (Street Policy No. 2) and the *Access Management Policy* (Street Policy No. 4) shall be reviewed and revised, and new street policies shall be adopted if necessary, to:
 - a) Conform street designations and other terminology to that which is used in this TSP;
 - b) Adopt written policies and procedures for access control on new and reconstructed major collectors, minor arterials and major arterials;
 - c) Provide that raised medians that eliminate left turn movements to existing streets or improved properties will only be installed after notice to affected property owners and an opportunity to be heard;
 - d) Require that in the case of new access control measures that will restrict existing turn movements into or out of existing homes, businesses or streets, the least restrictive measure (such as shared driveways, elimination of curb-cuts or "no left turn" signs) that is effective to achieve the purposes of the policy will be evaluated prior to installation of raised medians;
 - e) Require that the cost of installation and maintenance of raised medians, and in particular those with landscaping, be evaluated and alternatives be considered before raised medians are approved or required;
 - f) Replace any mandatory requirements for raised medians on streets other than new principal arterials and expressways with an analysis of the factors set forth above, and any other factors that are identified in the policy;
 - g) Provide that where commercial or industrial land uses abut residential areas, access shall not be directed to local residential streets.
7. City and state transportation system improvements shall comply with the Americans with Disabilities Act requirements.
8. Traffic signals or roundabouts shall be constructed in accordance with the design, spacing and standards adopted by the City and State.
9. The City Council shall involve the public, where appropriate, in the development and redevelopment of street designs prior to their construction.
10. The City shall consider the impact of improvements to or completion of existing facilities when considering the need for constructing new facilities.
11. The City shall place a high priority on providing adequate funding for street maintenance.
12. Traffic calming devices may be considered anywhere traffic impacts are adverse to residential livability.

Residential Streets:

13. Residential block lengths shall not exceed 600 feet without a connecting cross street. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.
14. A grid-like pattern of residential local streets shall be developed whenever practical in order to increase street connectivity within a neighborhood.
15. The City may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed and volume vehicular traffic on local residential streets.
16. Street widths on public residential local streets may vary depending on topography, anticipated traffic volume, natural features that warrant protection, and existing street patterns in the neighborhood. Right of way shall be a minimum of sixty (60) feet except in special circumstances. Narrower streets may have limited on-street parking to ensure emergency vehicle access.
17. New alleys should be developed to City standards and shall be maintained by the property owners.
18. Cul-de-sac or "hammer-head" residential streets may be allowed only where existing development, steep slopes, open space, or natural features prevent through street connections, or when the objectives of connectivity are met within the neighborhood.

Arterial Streets:

19. Due to the sensitive nature of the Deschutes River corridor, the extension of Reed Market Road, between Blakely Road and Century Drive, shall be limited to a two-travel lane roadway.
20. Appropriate facilities for bike, pedestrian and transit use shall be included in any road-widening project.
21. The City shall implement transportation demand management (TDM) and transportation system management (TSM) measures prior to major and minor arterial street widening beyond three lanes. If TDM and TSM techniques are determined insufficient in solving the transportation corridor problems, then an evaluation of the consequences that additional roadway widening may have on adjoining neighborhoods versus the benefits gained by additional street construction should be conducted as a part of the determination of need for a road widening project.

- a) *Consequences* may include: reduced crossing comfort and safety for pedestrians and bicyclists, increased traffic noise impacts, residential or business displacements, increased storm water run-off and water quality impacts, the potential for "generated" traffic and the disruption to neighborhood cohesiveness.
 - b) *Benefits* may include: improved traffic flow, bicycle and pedestrian improvements, reduced crash potential, reduced traffic diversion to adjacent neighborhood streets and improved air or noise quality (caused by congestion).
22. The City shall involve the public, the Park District and other governmental agencies in developing a roadway design for the southern river crossing that complements the natural features of the river area.
23. The City and State shall develop and implement a plan to improve the appearance, safety and function of East 3rd Street, portions of Highway 20 and old Highway 97 when the Parkway is completed.
24. The City shall work with the State to line the entrance to the City of Bend along Highways 97, Highway 20, Century Drive and the Parkway, with large stature trees.
25. Landscaped medians should be included on all arterial streets, except where right-of-way acquisition is not possible, that incorporate left-turn refuge lanes at controlled intervals to improve community appearance, maintain system mobility and to reduce the adverse affects of wide street widths to all types of travel (Figure 28). On streets with multiple vehicle lanes and wide curb radii, pedestrian refuge islands shall be constructed to minimize street crossing distances.
26. Frontage roads shall be provided parallel to arterial streets, as illustrated on the Bend Urban Area Roadway System Plan Map, or as determined necessary by the City or State, to maintain an acceptable level of safety and carrying capacity on the arterial street system.
27. The state highway system (i.e., Highways 97 and 20, Century Drive and the Parkway) shall be designated as the through truck route system. Trucks shall be permitted on the City and County arterial street system for local trip activity, unless otherwise restricted.
28. The City of Bend shall work with ODOT to prepare an Interchange Area Management Plan (IAMP) prior to construction of a grade-separated interchange at the intersection of Cooley Road and US Highway 97.

Parkway:

- ~~28~~29. The Bend Parkway will be planned, constructed, and managed to limit direct access to the facility to meet the objectives of the Access Oregon Highway (AOH) system, to protect the integrity of the route's through capacity, and to promote public safety.
- ~~29~~30. To maintain the viability of the existing East 3rd Street and downtown business districts, the Bend Parkway will provide convenient access to these areas in so far as this does not compromise the function of the Parkway.
- ~~30~~31. The Bend Parkway shall, to the greatest extent possible, include landscaping, medians, separated sidewalks, and bike lanes.

Safety:

- ~~31~~32. The City and State shall improve transportation safety for all modes through approved design practice, sound engineering principles and regulation of vehicle speeds.
- ~~32~~33. The City shall explore with the State and implement appropriate "Intelligent Transportation System Devices".
- ~~33~~34. The City shall take measures to ensure that traffic speeds are appropriately designated throughout the City.
- ~~34~~35. As a part of the development process, right-of-way shall be acquired as necessary for the correction of street intersections, excessively sharp curves, or as otherwise necessary to improve the safety of a road alignment.
- ~~35~~36. The City and State shall support efforts to educate the public regarding safe travel on the transportation system.
- ~~36~~37. The City and State shall monitor transportation crash and safety issue locations, and develop and implement corrective improvement projects.

Implementation:

1. Update, expand background justification, priorities, categories and weightings in the Transportation CIP, and monitor it on a regular basis.
2. Study alternatives to improve the street grid system and east/west street connectivity in order to address future transportation needs:
 - a) Evaluate the need for more through routes and grid connections in the northeast section of Bend in order to preserve capacity on the 27th Street corridor - this will require the City to coordinate street extensions with the County.

- b) Study the completion of the Purcell corridor and determine placement in the CIP.
- c) Study the American Lane/9th Street offset intersection reconstruction.
- d) Study options for the future extension of Cooley Road in the northwest quadrant of the City.
- e) Study the Blakely/Brookwood connection and determine the priority in light of the Southern Bridge Crossing project.
- f) Regarding the study of road connection alternatives between Arizona and Industrial Way (i.e., Bond and Lava streets):

i) Before finalizing any alternative to the Bond Street connection to the Old Mill District that uses an extension of Lava Road, the City shall conduct a study, with public involvement from the affected neighborhood and other interested parties, of the relative performance of the Bond Street alternatives. This study shall include evaluating the adequacy of the street system to handle anticipated traffic loads, impacts on the affected neighborhood (located between downtown and the Old Mill District) and how those impacts could be mitigated.

ii) If the study shows that using the Lava Road extension alternative will operate at a more acceptable level of service, minimize neighborhood cut-through traffic and that neighborhood access will be adequately accommodated, the City shall proceed with the completion of the roadway improvements and traffic mitigation measures. It is important that the study demonstrate that adverse traffic impacts on the neighborhood can be mitigated without unduly compromising the residents' ability to enter and leave the neighborhood. Consequently, the study shall include the following elements:

- (1) A mitigation plan that combines traffic control and traffic calming measures that will minimize cut-through traffic through the adjacent neighborhoods while allowing neighborhood residents reasonable ingress and egress to streets adjoining the neighborhood;
- (2) Analyzing the level of service at nearby intersections and making any changes that may be necessary to attain at least an acceptable level of service so long as those improvements can be accomplished within the existing pavement.

- 3. Install interim signals where warranted for traffic safety and enhancement of traffic flow. Complete a list of interim signalization projects and monitor on an annual basis.
- 4. Monitor completion of Bend Parkway impacts on local intersections and determine if additional improvements are needed.

5. Complete the current study to evaluate and produce appropriate roundabout construction and performance standards. Give special consideration to the needs of the disabled community.
6. Produce preliminary topographical and engineering alignments for future road extensions prior to acquiring right-of-way.

EXHIBIT F

7.0 TRANSPORTATION SYSTEM IMPLEMENTATION

7.2 TRANSPORTATION FUNDING SOURCES

7.2.2 Possible Additional Funding Sources

Local Gas Tax: The BTAC considered a local gas tax as a method of raising additional funding for transportation however decided against recommending this option at this time. City of Bend voters soundly defeated a local measure in 1992 by a 2-1 margin.

Local Vehicle Registration Fees: A local vehicle registration fee, if enacted, is expected to generate approximately \$50,650 annually per each \$1 increment in the fee (year 2000 estimate). This funding mechanism requires a majority of local voter support at a general election or a double majority at a non-general or primary election. The BTAC considered local vehicle registration fees as a method of raising additional funding for transportation however decided against recommending this option at this time.

Additional County Funding: Currently, a City-County staff task force has been assigned to examine County funding of specific roadway projects in the City and formulate a proposal for City Council and County Board review.

Local Improvement Districts: The City has used Local Improvement Districts (LIDs) to finance projects within a defined area. The cost of a construction project (such as converting a series of unimproved local streets to an urban street standard) is spread to properties that are benefited (via a methodology that uniformly assigns the cost burden proportionately). For LIDs, the City utilizes its "Bancroft Bonding" ability to finance projects at a lower interest rate. Part of the *Consortium* proposal includes several LIDs to fund west side transportation improvements (see also the previous section on *TSDCs* and the following section on *Public/Private Partnerships*).

Transient Room Tax (TRT): The City currently levies a seven-percent tax on gross room receipts on Hotel/Motel rooms in the City. For each one percent of the tax, \$264,200 is generated annually. Effective with fiscal year 2000, one-half of one percent of the tax (estimate of \$132,100) is received into the transportation operations fund for transportation related use. The BTAC considered an increase to the TRT as a method of raising additional funding for transportation however decided against recommending this option at this time.

State/Federal Grants: Also, the City has successfully secured numerous (state and federal) grants to assist in the funding of transportation related projects. Most notably, for a variety of bicycle and pedestrian facility improvement grants. Although these grants can reduce the City's share of a particular improvement cost, they are not likely to be a reliable and sustainable long-term source of transportation

funding. The City will prepare "ready-to-go" projects to submit for grant funding when grant opportunities do materialize. The City anticipates utilizing grants from the State's special bridge program, that is designed to assist local governments in meeting costly funding needs such as those required to make bridge repairs/improvements, to address these issues as they materialize.

Transportation System Modernization or Operation Tax Measures: Voter approved local option taxes or bond measures could generate approximately \$400,000 annually per \$.10 tax rate per thousand of taxable assessed value. The City Council, in concurrence with the BTAC recommendation, has referred a local funding measure to the November 2000 ballot seeking \$.35 per \$1,000 TAV for a five year period to fund various transportation system needs.

The projected revenue over the five-year period, if this measure is successful, is a total of \$7 million. These monies would be allocated as follows: \$2.5 million for expansion of the Dial-A-Ride system to include all citizens, \$2 million for in-fill sidewalk construction, \$1.5 million for trail development and maintenance, and \$1 million for system maintenance.

At the end of the five-year period it is anticipated that the improvement needs for trail and sidewalk systems for in-fill projects will be substantially complete and that future expansions to the respective systems will be accomplished through TSDCs or exactions from developers. Prior to the end of the five-year period it is anticipated that transit funding will be further analyzed and addressed through voter approval. On-going maintenance monies will be addressed in a holistic approach that will consider tax support as well as other funding sources including but limited to those identified in the TSP.

Public/Private Partnerships: The City and an alliance of local developers and property owners (*The West Side Traffic Consortium*) are currently negotiating a proposal for consideration by the City Council that would provide for the construction of several significant transportation improvements. These would be funded through a combination of developer provided improvements and those provided through local improvement district financing. Proposals such as this may serve as a model for future similar such agreements when the cost and timing of various needed improvements exceed the financial ability of any one entity including the City.

Local/State Partnerships: The City of Bend will work with ODOT to develop funding sources for projects on the state highway system that include the City and the State as major funding partners.

Other Funding Sources:

Street utility/road user fees: This fee is similar to other utility fees. Such a fee could generate an expected \$253,000 annually for each \$1 per month charged to residential properties. The BTAC funding subcommittee expressed support for continued evaluation of this funding source.

Mileage fees:
Toll/congestion pricing:
Payroll taxes:

These sources were discussed and reviewed by the funding subcommittee of BTAC and were not supported at this time.

EXHIBIT G

7.0 TRANSPORTATION SYSTEM IMPLEMENTATION

7.5 TRANSPORTATION FUNDING AND PRIORITIZATION POLICIES

Funding Policies:

1. The City, County and State shall work together to develop new sources of transportation funding for all transportation modes.
2. The selection of transportation improvements, within the City's yearly Capital Improvement Program plan, shall be subject to public review and comment through a City Council public hearing process.
3. The City shall annually prepare a 5-year capital improvement program for a balanced transportation system.
4. The City should explore ways in which to better inform and involve citizens in the development of transportation system budgets.
5. The City should consider taking steps to utilize transportation system development charges (SDCs) for the full range of road capacity improvements, including: transportation demand management, trails, transit, sidewalks and bike lanes.
6. Encourage the County to adopt Transportation SDCs and share funding for the cities' projects serving all County residents. This would help reduce sprawl by equalizing development costs between City and County properties. By having SDC money available for transportation improvements, the County could share gas tax revenues with the cities for maintenance of major transportation elements used by all county residents.
- 7 The City of Bend shall work with ODOT to develop funding sources for projects on the state highway system that include the City and the State as major funding partners.

Benchmark Policy

The City shall establish transportation benchmarks to monitor progress toward fulfilling a balanced transportation system.

EXHIBIT H

Appendix A.3

Intersection Improvement Priorities

				Estimated Intersection Improvement Costs		
				1-5 yrs.	6-10 yrs.	11-20+ yrs.
3rd Street	Brosterhaus	h		\$465,000		
3rd Street	Wilson	E				\$150,000
9th Street	Wilson	4		\$350,000		
14th Street	Simpson*	2		\$300,000		
15th Street	Knott	2				\$300,000
15th Street	Wilson	1				\$300,000
27th Street	Bear Ck. Rd.	2		\$400,000		
27th Street	Butler Rd.	1		\$550,000		
27th Street	Forum Drive	1		\$350,000		
27th Street	Reed Market Rd.	2		\$525,000		
27th Street	Wells Acres Rd.	2				\$150,000
3rd Street	Olney	2		\$150,000		
Arizona	Bond	3		\$150,000		
Bear Creek Road	15th Street	3				\$300,000
Bear Creek Road	Purcell/Pettigrew	1		\$725,000		
Bond	Arizona	0		\$150,000		
Boyd Acres Road	Binnion Blvd	1		\$362,000		
Brosterhaus	American Ln.	1				\$300,000
Butler Market Rd.	4th Street	3				\$225,000
Butler Market Rd.	Wells Acres Rd.	1				\$300,000
Butler Market Rd.	Yeoman N/S	2		\$547,500		
Butler Road	Trinson Blvd	2		\$265,000		
Century Drive	Mt. Washington*	2		\$740,000		
Colorado	Bond	2		\$150,000		
Colorado	Simpson	4		\$150,000		
Colorado	Wall	2		\$150,000		
Empire	Boyd Acres Rd.	2		\$550,000		
Empire Avenue	18th Street	1		\$300,000		
Franklin	4th Street	2				\$225,000
Franklin	8th Street	4		\$600,000		
Galveston	14th Street*	4		\$150,000		
Greenwood	4th Street	2			\$220,000	
Greenwood	8th Street	E		\$750,000		
Greenwood	Hill Street	2			\$450,000	
Highway 20	15th Street	0		\$150,000		
Highway 20	Cooley Rd.	2				\$300,000
Highway 97	China Hat	2				\$100,000
Highway 97	Cooley	E		\$15,110,000		
Mt. Washington	Shevlin Park Rd *	1		\$350,000		
Mt. Washington	Styliness Rd *	0		\$150,000		
Mt. Washington	Summit (east)	1				\$300,000
Neff	Purcell	2			\$650,000	
Newport	14th Street*	1		\$150,000		
Newport	12/13th Street*	2			\$110,000	
Newport	9th Street*	2		\$235,000		
Newport	College Way*	1		\$550,000		
Newport	New N/S Collector St.	0			\$225,000	
Olney Avenue	4th Street	2				\$300,000
Penn/Neff	8th Street	4		\$269,500		
Portland	9th Street	2			\$220,000	
Portland	Awbrey Road	2				\$150,000
Portland	Hill	4		\$170,000		
Reed Market	15th Street	4			\$550,000	
Reed Market Ext.	Blakely Road	0				\$300,000
Reed Market Road	9th Street	4		\$300,000		
Revere	4th Street	4				\$150,000
Revere	8th Street	4			\$450,000	
Studio Rd. (Butler)	Butler Rd. (8th St.)	3			\$300,000	

E = Existing Signal Improvement

* West Side Transportation Consortium Project

* Intersection Geometry Improvement Only

ORDINANCE NO. NS-1916

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM URBAN LOW DENSITY (RL) TO URBAN STANDARD RESIDENTIAL (RS).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Decision and Recommendation of the Hearings Officer dated June 19, 2003, File Number PZ-03-45 and PZ03-46.

Section 2. The Zoning Map of the City of Bend is amended by changing the designation of the property described on Exhibit "A" and depicted in Exhibit "B" from Urban Low Density (RL) to RS, Urban Standard Density Residential.

Read for the first time the 3rd day of March, 2003.

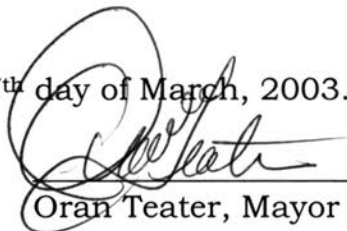
Read for the second time the 17th day of March, 2003.

Placed upon its passage the 17th day of March, 2003.

YES: 6

NO: 0

Authenticated by the Mayor the 17th day of March, 2003.


Oran Teater, Mayor

ATTEST:

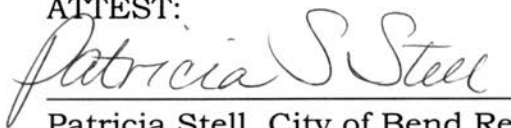
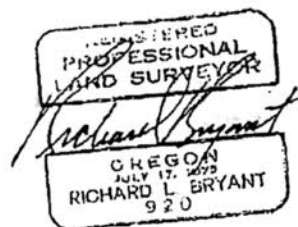

Patricia Stell, City of Bend Recorder

EXHIBIT A

EXHIBIT A
File P2 03-45 and
City of Bend 7203-46

PROPERTY DESCRIPTION

A tract of land containing 8.63 acres lying in the SW1/4 of the NW1/4 of Section 21, T.18 S., R.12 E., W.M., Deschutes County, Oregon, more particularly described as follows:
Beginning at the intersection of the southeasterly right of way of Knott Road and the west boundary of Block 6, Brightenwood Estates II, said point marked by a 5/8" iron rod;
Thence S 00°30'25"W along the west line of Block 6, Brightenwood Estates 750.16 feet to the north line of Woodside Ranch Phase VI, said point marked by a 5/8" iron rod, and also being the Center West 1/16th corner of said Section 21;
Thence S 89°34'22"W along the north line of Woodside Ranch Phase VI 777.81 feet to the northeasterly right of way of Woodside North Road, said point marked by a 1/2" iron rod;
Thence N 36°54'00"W along said right of way 130.24 feet to a 5/8" iron rod with a plastic cap marked "DEA INC";
Thence around a 25.00 foot radius curve right 39.19 feet to the southeasterly right of way of Knott Road marked by a 5/8" iron rod with a plastic cap marked "DEA INC", (long chord bears N 08°00'36"E 35.30 feet);
Thence N 54°16'40"E along the southeasterly right of way of Knott Road 1056.47 feet to the point of beginning of this description.



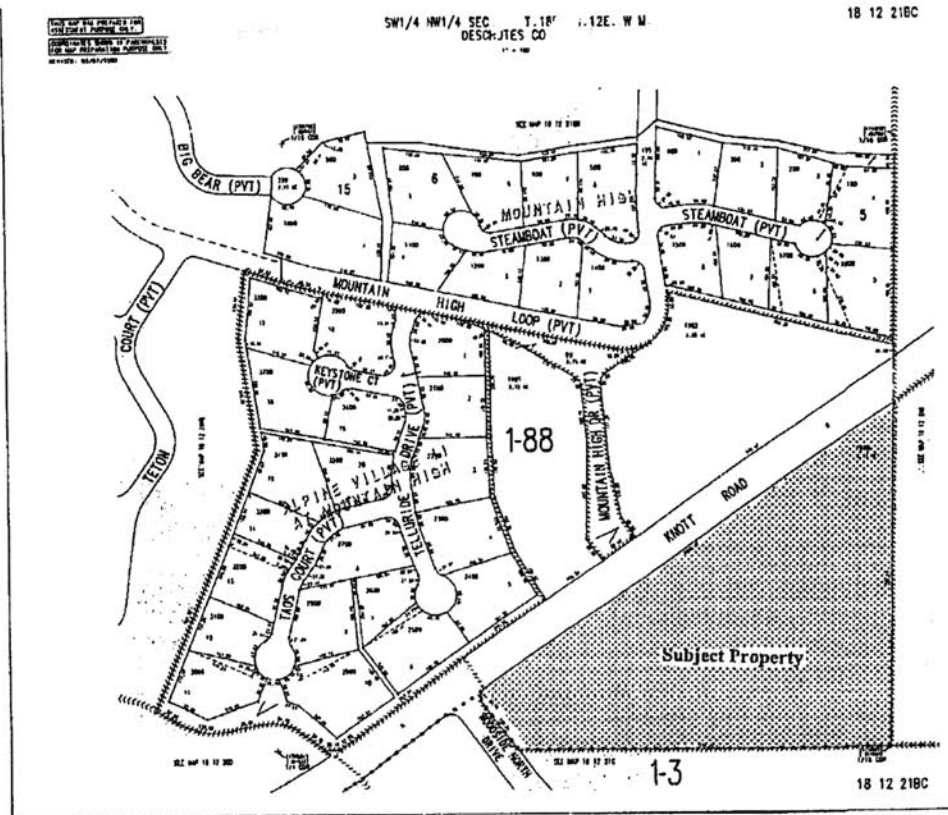


EXHIBIT B

File PZ-03-45 and PZ-03-46
City of Bend

ORDINANCE NO. NS-1917

AN ORDINANCE AMENDING THE BEND CODE TO UPDATE PROCEDURES AND CLARIFY JURISDICTIONAL MATTERS RELATING TO MUNICIPAL COURT

WHEREAS, The Bend Municipal Court occasionally handles misdemeanor cases, which often require jury trials and court appointed counsel; and

WHEREAS, The Bend Code needs periodic updating to remain consistent with state and constitutional law as it relates to criminal trial procedures; and

WHEREAS, The Bend Code needs to be updated with regard to civil infraction procedures, and

WHEREAS, The Bend Code needs to be updated to allow greater flexibility in the way fines are collected, and

WHEREAS, The Bend Code relating to the schedule of fees needs to be updated to recognize the court's jurisdiction over both violations of the Bend Code and Oregon Law, now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Bend Code Sections 1.600 through 1.616, relating to conduct of jury trials, are amended as follows:

1.600 Right of Jury Trial. Every person charged with an offense defined and made punishable by a code or ordinance provision of the City which carries the possibility of a sentence of imprisonment shall have the right to a trial by a jury of six persons, upon filing written demand with the Municipal Court at least **six** ~~thirty~~ days, ~~excluding Sundays and legal holidays~~, prior to the trial date set by the Municipal Court. **However, any person who desires a jury trial and who fails to make a written demand in a timely manner shall not be denied their right to a jury trial. The effect of an untimely demand for a jury trial will be that a new trial date will be set and the person making the untimely demand will be charged a reasonable fee for the cost incurred by the City of Bend in re-scheduling the trial.**

1.602 Jury Selection. Juries shall be selected **in accordance with Oregon Law**. ~~from the latest tax roll and registration books used at the last City election in the same manner in which juries are selected for circuit courts. In January of each year, the recorder shall prepare a preliminary list, by lot, of not less than 50 nor more than 250 names from the tax roll and registration book. The recorder shall place on the list only those names of persons who are known or believed to be possessed of the qualifications prescribed in ORS 10.030.~~

~~1.604 Court Terms. The Municipal Court sessions of the Municipal Court of the City are divided into terms of three months with the terms beginning on January 1, April 1, July 1 and October 1 of each year.~~

~~1.606 Jury Panel. The jury panel for each term of court shall be selected on the first day of each term of court and the recorder shall select 25 names of persons by lot from the preliminary jury list to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any calendar year. The jury panel shall be selected in the presence of the Municipal Judge. No challenge shall be made or allowed to the panel and substantial compliance with those provisions or selecting the panels shall be sufficient.~~

1.608 Trial Jury Selection. Selection of a trial jury shall be made on the day of the trial. **Prior to trial**, a panel of ten jurors shall be called and six names drawn from it at random. **The Court may use any manner of selecting the panel of 10 jurors provided by state law.** The jurors may then be questioned, first by the defense and then by the prosecution. Each side may exercise two peremptory challenges. One may first be exercised by the defense, then one by the

City, then another by the defense, and a final by the City. Jurors may also be excluded for cause. Additional names shall be selected by lot to replace those jurors challenged.

1.610 Payment of Jurors. Those jurors notified and who appear at trial shall receive compensation from the City in ~~the amount of \$5.00 for each day of attendance upon the Municipal Court.~~ **accordance with the rates established by Oregon law.**

~~1.614 Justice Court Rules. In addition to the procedures outlined for the providing of a jury trial, any of the parties or their attorneys, on giving notice thereof to the Municipal Judge in writing at least six days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court, may choose to be tried by a jury selected in accordance with the procedures as set forth in the Oregon Revised Statutes for a trial by jury in justice courts in the State of Oregon, in which case justice court rules shall apply.~~

1.616 Request for Jury Trial; Fee. In order to have the right of trial by jury under the rules as provided by this Code, a person must give notice of the request to the Municipal Judge in writing at least ~~six~~ **thirty** days, ~~excluding Sundays and legal holidays,~~ prior to the trial date set by the Municipal Court. If the defendant is found guilty by the jury, there shall be assessed, in addition to court costs, a jury fee ~~in the sum of \$30.00.~~ **in accordance with rates established by Oregon law.**

Section 3. Bend Code Sections 1.620, 1.624 and 1.632, relating to court costs, are amended to read as follows:

1.620 Amount. Court costs in an amount set by resolution pursuant to Bend Code 1.800 - 1.806 shall be assessed against each defendant being cited into the Municipal Court of the City for any violation of a municipal ordinance, **Oregon Law** or code provision whether the defendant appears, fails to appear, or is convicted after a trial in the court, except for violations of municipal provisions pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to enforce defendant's appearance. The Municipal Court shall also retain a percentage of bail money posted with the Court when and to the extent authorized by the laws of the State of Oregon.

1.624 Reimbursement. All defendants posting bail shall be required, prior to their release, to post the additional sum of court costs provided by Section ~~1.624~~ **1.620**. If a trial on the merits of the case results in an acquittal or a dismissal of the case for any cause, then the court costs shall be reimbursed to the defendant.

1.632 Effect of Non-Payment.

(1) When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the Municipal Court, on motion of the City Attorney or upon its own motion, may require the defendant to show cause why the default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for the defendant's appearance.

(2) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure to make a good faith effort to make the payment, the Municipal Court may find that the default constitutes contempt and may order the defendant committed until the fine, or a specified part thereof, is paid.

(3) The term of imprisonment for contempt for nonpayment of fines shall be set forth in the commitment order, and shall not exceed one day for each \$25 of the fine. A person committed for nonpayment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(4) If it appears to the satisfaction of the Municipal Court that the default in the payment of a fine is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or the unpaid portion thereof in whole or in part.

(5) **In addition to other procedures, the Municipal Court may pursue collections of fines by any means as allowed under Oregon law.**

Section 4. Bend Code Sections 1.642, relating to reimbursement of attorneys fees for indigent defendants is amended to read as follows:

1.642 Fees. When an attorney appointed by the Municipal Judge has completed his or her services, the Municipal Judge may issue an order for the payment of the attorney's expenses and fees from City funds as follows:

(1) Expenses and fees may only be ordered paid after the attorney has submitted to the Municipal Judge an affidavit containing an accurate statement of all reasonable expenses paid or incurred in connection with the attorney's services and a statement of the services performed by the attorney.

(2) Appointed attorney's fees may not exceed the following schedule:

(a) When a plea of guilty is entered or if for any reason the matter is concluded prior to trial, ~~\$50.00.~~ **\$100.00.**

(b) When a plea of not guilty is entered and trial is held, ~~\$100.00 for each day of trial but not exceeding two days in any one case.~~ **\$40 an hour but not to exceed \$400.00 in any one case.**

(3) Payments ordered by the Municipal Judge pursuant to this section, shall not exceed the amounts budgeted by the City Council for this purpose.

Section 5. Bend Code Sections 1.702, 1.710, 1.716 and 1.724 relating to code enforcement and civil infraction procedures, are amended to read as follows:

1.702 Definitions. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code and Oregon Criminal Procedure Statutes, as they now exist, are applicable to Sections 1.700 to 1.736. The following definitions shall also apply:

(1) City Infraction. An offense against the City in the form of a violation of a section of this code or a City ordinance for which the violation is classified as a civil infraction shall be handled in accordance with the procedures established by Sections 1.700 to 1.736. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist. A separate citation may be filed for each such infraction **and a fine may be imposed for each such infraction regardless of whether a separate citation is filed for each day of violation.**

(2) Fine; Fine Schedule. The penalty to be imposed for an infraction is a fine or other civil penalty. The appropriate fine shall be determined by reference to the fine schedule in Section 1.732. The procedure established herein shall be the exclusive procedure for imposing a fine. However, this section shall not be read to prohibit in any way alternative remedies, including abatement, nor shall the City be prohibited from recovering any expense incurred in an abatement procedure.

(3) Person. A person, firm, partnership, corporation or association of persons.

1.716 Delivery of Summons to Person Cited; Delivery of Other Parts of Citation. An officer issuing ~~the a citation shall cause;~~ **shall serve the summons upon the defendant in accordance with Oregon law and:**

(1) The defendant shall either appear in court at the time indicated in the summons or prior to such time shall deliver to the court the summons together with cash, check or money order in the amount of the bail set forth in the summons and enclosing:

(a) A request for a hearing; or

(b) A statement of matters in explanation or mitigation of the offense charged; or

(c) The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be enclosed with the guilty plea.

(2) If the defendant personally appears in court at the time indicated in the summons, pleads guilty and the judge accepts the plea, the judge shall hear any statement in explanation or mitigation that the defendant desires to make.

1.724 Hearing Discretionary with the Court. In any case, the court may direct a hearing be held. Otherwise, the court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine. ~~No fine may be imposed in excess of the bail deposited by the defendant unless a hearing is held.~~

Section 6. Bend Code Sections 1.730, relating to Enforcement of Fines, is amended to read as follows.

1.730 Enforcement.

(1) Delinquent fines and those brought to default judgment which were assessed for infractions occurring on real property may be held as City liens against the real property and collected in the same manner as other such debts owing to the City if the owner of property is notified of the infraction before entry of judgment on the lien docket.

(2) Nothing in this section shall prevent the City from revoking or denying any City license or permit held or desired by a person owing a fine to the City.

(3) If any person neglects or refuses to pay a fine imposed within the time allowed by the court, the court shall have the authority to **pursue collections by any means as allowed under Oregon law or to** issue a warrant requiring the defendant to appear and show cause why the defendant should not be found in contempt of court. In determining whether or not the person is in contempt, the court shall follow the procedures set forth in ORS Chapter 33. A person found in contempt may be ordered confined in the City jail for each \$25.00 of the fine. However, the court shall not order any person confined pursuant to the provisions of this section to more than five days in the City jail.

Section 7. Bend Code Sections 1.732 through 1.736, relating to Schedules of Fines, is amended to read as follows:

1.732 Schedule of Fines.

(1) Infractions **for violations of the Bend City Code** are classified for the purpose of determining fines into the following categories:

- (a) Class A infractions.
- (b) Class B infractions.
- (c) Class C infractions.

(2) An assessment of a fine for ~~an~~ **such** infraction shall be an amount not exceeding:

- (a) \$500 for a Class A infraction.
- (b) \$250 for a Class B infraction.
- (c) \$100 for a Class C infraction.

1.734 Bail Schedule. The court is hereby authorized to establish a bail schedule for each class of civil infractions **and violations of Oregon Law**. A copy of this schedule is to be kept at the office of the Municipal Court Clerk.

1.736 Appeal. An appeal from a judgment involving a civil infraction may be taken by either party in the manner provided for ~~in the City Charter~~ **by law**.

Section 8. Except as specifically provided herein, nothing in this ordinance changes existing provisions of the Bend Code.

Read for the first time the 3rd day of March, 2004.

Read for the second time the 17th day of March, 2004.

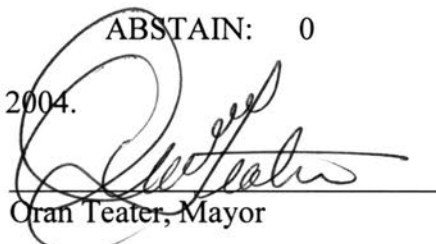
Placed upon its passage the 17th day of March, 2004.

YES: 6

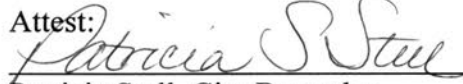
NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 17th day of March, 2004.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder

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04/27/2004 10:27:30 AM

D-IPPS Cnt=1 Stn=1 BECKEY
\$30.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

ORDINANCE NO. NS-1918

AN ORDINANCE VACATING PORTION OF REED LANE THAT LIES WITHIN NE ¼ OF SECTION 8, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M., IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Council on January 21, 2004 requesting that the following described area be vacated:

SEE EXHIBIT "A"

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 17th day of March, 2004, at 7:00 p.m. local time in the City Council 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 Council 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 street right of ways located 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 17th day of March, 2004.

Read for the second time the 7th day of April, 2004.

Placed upon its passage the 7th day of April, 2004.

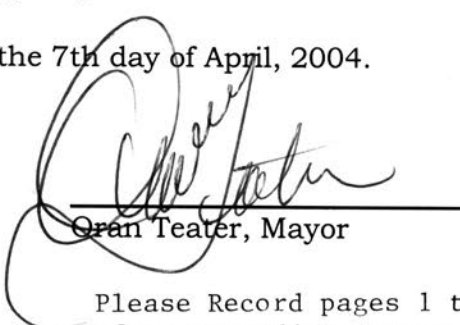
Yes: 7

No: 0

Authenticated by the Mayor the 7th day of April, 2004.

ATTEST:


Patricia Stell, City Recorder


Grant Teater, Mayor

Please Record pages 1 through 6 of Ord NS-1918.
After Recording return to:
Deputy Recorder, City of Bend, PO Box 431,
Bend, OR 97709

**REED LANE VACATION
TO TRACT 16**

PROPERTY DESCRIPTION

A parcel of land, being in a portion of Reed Lane, Reed Highway Acreage, Section 2 in a portion of the Northeast One-Quarter (NE1/4) of Section 8, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Southeast corner of said Tract 11; thence along the Southerly tract boundary, North 89° 58' 52" West a distance of 519.89 feet to a point on the Easterly right-of-way line of US Highway 97 (The Dalles-California Highway); thence leaving said Southerly tract boundary and along said Easterly right-of-way line, North 35° 57' 19" East a distance of 278.18 feet to the westerly most point of a Dedication Warranty Deed for Reed Lane per volume 366, page 2392; thence along the westerly and northerly boundary lines of said Dedication Deed the following two courses and four curves:

North 35° 57' 19" East a distance of 56.49 feet;
around a 1675.60 foot radius curve left 44.06 feet (chord bears North 80° 37' 49" East, 44.06 feet);
around a 1615.60 foot radius curve right 3.19 feet (chord bears North 79° 56' 01" East, 3.19 feet);
around a 24.00 foot radius curve left 0.36 feet (chord bears South 76° 59' 06" East, 0.36 feet);
around a 120.00 foot left curve right 88.18 feet (chord bears North 81° 32' 23" East, 86.21 feet);
North 60° 29' 17" East a distance of 0.40 feet;

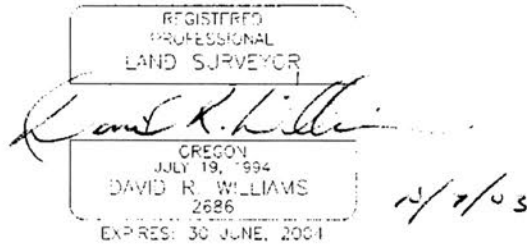
thence leaving said northerly Dedication Deed line, North 60° 29' 17" East a distance of 74.29 feet to the centerline of Reed Lane per said plat of Reed Highway Acreage, Section 2 and the True Point of Beginning of this Description; thence along said centerline, around a 1645.60 foot radius curve left 160.44 feet (chord bears South 82° 39' 32" West, 160.37 feet); thence around a 1645.60 foot radius reverse curve right 3.89 feet (chord bears South 79° 56' 01" West, 3.89 feet); thence leaving said centerline, around a 24.00 foot radius non-tangent curve right 9.07 feet (chord bears North 25° 07' 45" East, 9.02 feet); thence North 35° 57' 19" East a distance of 25.26 feet to the north right-of-way line of said Reed Lane; thence along said north right-of-way around a 1670.60 foot radius non-tangent curve right 219.14 feet (chord bears North 84° 17' 35" East, 218.98 feet); thence leaving said north right-of-way line, around a 250.00 foot radius non-tangent curve left 73.98 feet (chord bears South 68° 57' 56" West, 73.71 feet); thence South 60° 29' 17" West a

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distance of 5.60 feet to the "True Point of Beginning", the terminus of this description, containing 4673 square feet, more or less.

Subject to: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

See drawing attached and hereby made a part of this description.



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**REED LANE VACATION
TO TRACT 11**

PROPERTY DESCRIPTION

A parcel of land, being in a portion of Reed Lane, Reed Highway Acreage, Section 2 in a portion of the Northeast One-Quarter (NE1/4) of Section 8, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Southeast corner of said Tract 11; thence along the Southerly tract boundary, North 89° 58' 52" West a distance of 519.89 feet to a point on the Easterly right-of-way line of US Highway 97 (The Dalles-California Highway); thence leaving said Southerly tract boundary and along said Easterly right-of-way line, North 35° 57' 19" East a distance of 278.18 feet to the westerly most point of a Dedication Warranty Deed for Reed Lane per volume 366, page 2392; thence along the westerly and northerly boundary lines of said Dedication Deed the following two courses and four curves:

North 35° 57' 19" East a distance of 56.49 feet;
around a 1675.60 foot radius curve left 44.06 feet (chord bears North 80° 37' 49" East, 44.06 feet);
around a 1615.60 foot radius curve right 3.19 feet (chord bears North 79° 56' 01" East, 3.19 feet);
around a 24.00 foot radius curve left 0.36 feet (chord bears South 76° 59' 06" East, 0.36 feet);
around a 120.00 foot radius curve left 88.18 feet (chord bears North 81° 32' 23" East, 86.21 feet);
North 60° 29' 17" East a distance of 0.40 feet;

thence leaving said northerly Dedication Deed line, North 60° 29' 17" East a distance of 12.78 feet to the southerly right-of-way line of Reed Lane per said plat of Reed Highway Acreage, Section 2 and the True Point of Beginning of this Description; thence along said southerly right-of-way line, around a 1620.60 foot radius curve left 102.23 feet (chord bears South 81° 40' 23" West, 102.21 feet); thence around a 1670.60 foot radius reverse curve right 0.71 feet (chord bears South 79° 52' 41" West, 0.71 feet); thence leaving said southerly right-of-way line, around a 24.00 foot radius non-tangent curve right 26.54 feet (chord bears North 17° 22' 21" West, 25.21 feet) to the centerline of said Reed Lane; thence along said centerline the following two curves:

around a 1645.60 foot radius non-tangent curve left 3.89 feet (chord bears North 79° 56' 01" East, 3.89 feet);

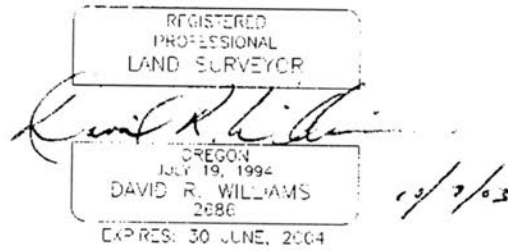
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around a 1645.60 foot radius reverse curve right 160.44 feet (chord bears North 82° 39' 32" East, 160.37 feet);

thence South 60° 29' 17" West a distance of 61.51 feet to the "True Point of Beginning", the terminus of this description, containing 3411 square feet, more or less.

Subject to: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

See drawing attached and hereby made a part of this description.

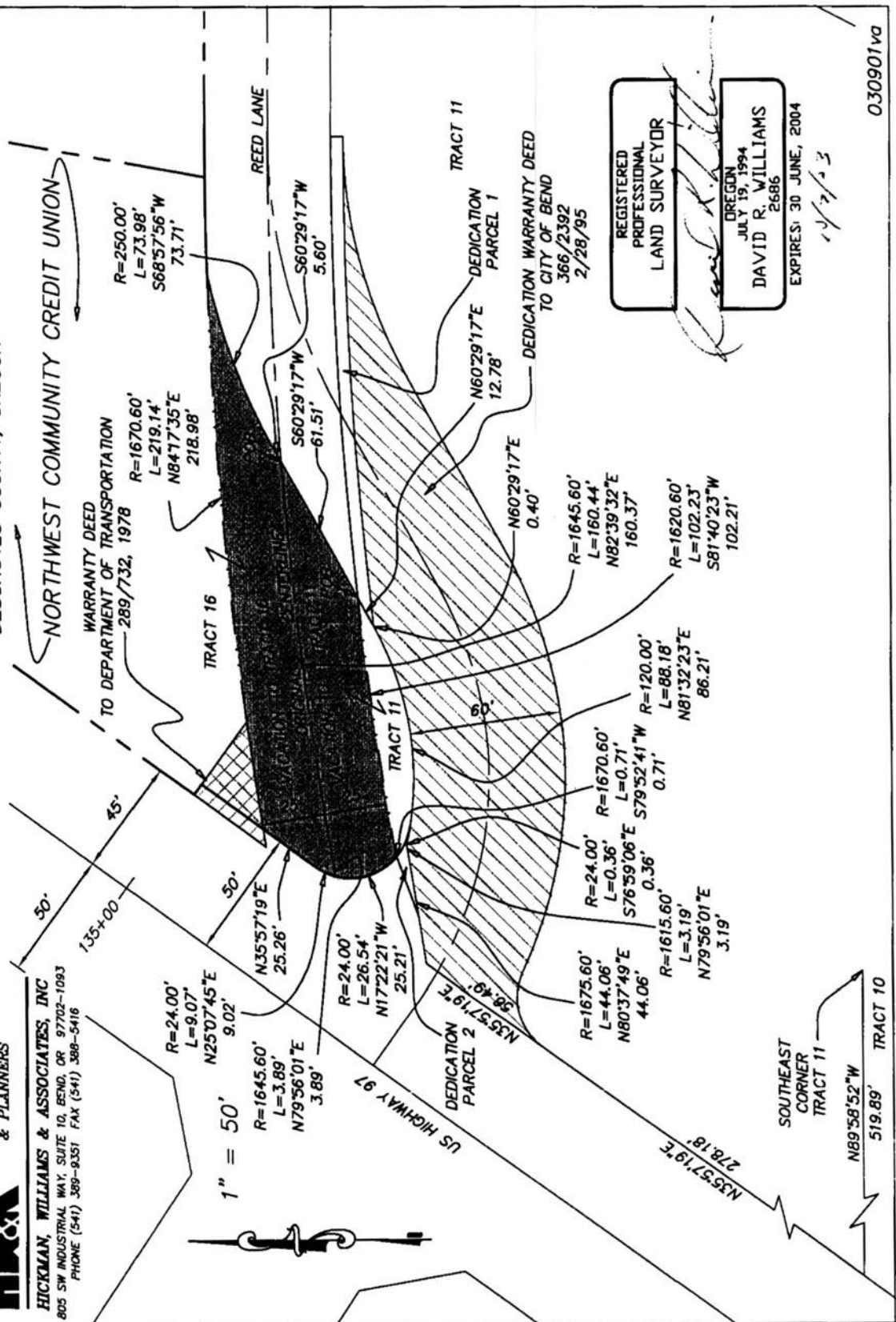


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REED LANE VACATION PARCELS
 LOCATED IN: A PORTION OF TRACT 11, REED HIGHWAY ACRES, SECTION 2
 IN THE NE1/4 OF SECTION 8, T18S, R12E, W.M., CITY OF BEND,
 DESCHUTES COUNTY, OREGON



HICKMAN, WILLIAMS & ASSOCIATES, INC
805 SW INDUSTRIAL WAY, SUITE 10, BEND, OR 97702-1093
PHONE (541) 389-9351 FAX (541) 388-5416



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686
EXPIRES: 30 JUNE, 2004

030901va

ORDINANCE NO. NS-1919

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NS-1178 BY ADDING DEVELOPMENT AND DESIGN STANDARDS IN THE CENTRAL BUSINESS (CB) ZONE.

WHEREAS, the Bend City Council adopted Ordinance No. NS-1178, establishing zoning regulations, providing penalties for the violation thereof and repealing Ordinance NS-796 and all amendments thereto; and

WHEREAS, the City of Bend has met the requirements of the Statewide Planning Goals; and

WHEREAS, the City of Bend has demonstrated a public need and benefit for the change; and

WHEREAS, the purpose of adopting Development and Design Standards is to protect and enhance the Downtown core area of Bend; and

WHEREAS, the adoption of Development and Design Standards will strengthen the Downtown area as the heart of the community and as the place for people and business; and

WHEREAS, the adoption of Development and Design Standards will enhance the physical appearance of Downtown through high quality design; and

WHEREAS, the adoption of Development and Design Standards will garner consensus for a shared vision among various interests in deciding how Downtown will be preserved and enhanced through refined design standards; and

WHEREAS, the City of Bend has conducted a public hearing on April 7, 2004 regarding adoption of Development and Design Standards for the CB Zone, and legal notice of the public hearing was published in the Bend Bulletin on March 28, 2004; and

WHEREAS, the staff report, referenced studies, and staff correspondence are adopted by the City Council.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Amend Section 18 of the Bend Code as shown in Exhibit A.

Section 2. Add Section 23C of the Bend Code as shown in Exhibit B.

Read for the first time the 7th day of April, 2004.

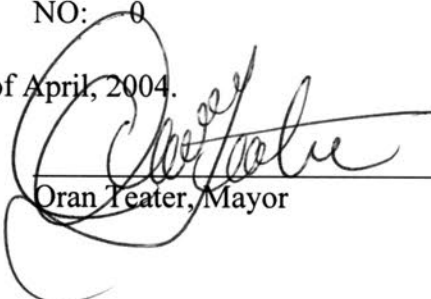
Read for the second time the 21st day of April, 2004.

Placed upon its passage the 21st day of April, 2004.

YES: 7

NO: 0

Authenticated by the Mayor the 21st day of April, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT A

10-10.18

BEND CODE

10-10.18

Section 18. Central Business Zone, or CB Zone.

- (1) Purpose. This zone is intended to serve as the central trading area for the City and surrounding urbanized areas.
- (2) Permitted Uses. The following uses are permitted in the CB Central Business Zone.
 - (a) Bank or other financial institution.
 - (b) Beauty or barber shop or other personal service establishment.
 - (c) Business or professional office.
 - (d) Eating or drinking establishment.
 - (e) Hotel or motel.
 - (f) Retail store.
 - (g) Theater.
 - (h) Technical and business schools.
 - (i) Bus terminal.
 - (j) Dwelling units that are above the ground floor of a permitted commercial use ~~and secondary to that commercial use.~~
- (3) Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit and the provisions of Section 29.
 - (a) Food store.
 - (b) Off-street parking lot.
 - (c) Residential uses ~~not~~ on the ground floor of a building.
 - (d) Building over 45 feet in height.
 - (e) Department store.
 - (f) Small animal veterinary clinic.
- (4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet without a Conditional Use Permit.
- (5) Lot Requirements. No requirements, except that ~~for multiple dwellings~~ the requirements of ~~the RH Zone~~ Section 23C shall apply.
- (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 Council.

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.

EXHIBIT A

10-10.18

BEND CODE

10-10.18

(7) Other Required Conditions.

- (a) In any CB Zone directly across a street from an "R" Zone parking and loading area shall be set back at least 10 feet from the right of way and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.
- (b) Site Plan approval required for the area described as requiring parking in Subsection (6) of Section 18.
- (c) Existing off-street parking shall be maintained unless alternative parking is provided with a redevelopment plan.
- (d) Additional development and design standards that pertain to redevelopment and development in the CB Zone are contained in Section 23C.

[Section 18(3)(f) added by ORD. No. NS-1221 passed June 6, 1979]

[Section 18(2)(i) added by ORD. No. NS-1372 passed March 2, 1983]

[Section 18(4) and (6) amended by ORD. No. NS-1372 passed March 2, 1983]

[Section 18(6) amended by ORD. No. NS-1560 passed April 15, 1992]

[Section 18(7)(c) amended by ORD. No. NS-1372 passed March 2, 1983]

[Section 18(2)(j) added by ORD. No. NS-1614 passed May 18, 1994]

[Section 18(2)(j) amended by ORD. No. NS-_____, passed _____]

[Section 18(3)(c) amended by ORD. No. NS-_____, passed _____]

[Section 18(7)(d) added by ORD. No. NS-_____, passed _____]

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- (2) Exempt Development. No land use permit pursuant to this code is required for exempt development. Exempt Developments include:
- (a) Landscaping or landscape alterations.
 - (b) Repair or maintenance of public or private buildings, structures, landscaping, roads and/or utilities that present a risk to public safety. Maintenance of the exterior of an existing structure such as re-painting, re-roofing, or re-siding where similar materials and colors are used are also exempt.
 - (c) Construction of a structure that does not require a building permit.
 - (d) Interior remodeling.
 - (e) Temporary structures and uses which are for relief of victims of disaster or an emergency.
- (3) Non-exempt Development. Any development in the CB Zone that does not qualify as exempt development shall meet the development standards in Section 18 of the City of Bend Code and the development and design standards in Section 23C of the City of Bend Code.
- (4) Application Process. Planning Staff or the Planning Commission (as described below) shall approve, approve with conditions, or deny an application based upon compliance with the development and design standards. Approval shall be obtained from the review authority prior to the issuance of a building permit for all non-exempt development. Non-exempt development in the CB Zone has two tracks for obtaining development permits. In both permitting tracks, the development standards must be met before proceeding to the design standards. Applicants shall use the City of Bend's Design and Development Handbook for the CB Zone to determine which of the two tracks they will pursue.
- (a) Track 1 – Administrative Review of Compliance with Design Standards. Track 1 requires applicants to meet objective development and design standards. Design standards are quantifiable and measurable, and can be administered as part of the plan-review process. These applications are reviewed administratively by City of Bend Planning Staff, which reduces the amount of time that it takes to get the project reviewed. Track 1 provides an efficient time saving alternative to Track 2.
 - (b) Track 2 – CB Zone Design Review of Compliance with Design Guidelines. Track 2 similarly requires applicants to meet objective development standards, but deviates from requiring some or all of the design standards. In this case, applicants are subject to the design review process, which will be conducted by the City of Bend Planning Commission. During design review, the Planning Commission will determine whether an application meets the design guidelines. Unlike design standards, design guidelines are discretionary. In Track 2, the Intent Statements serve as the criteria for determining if the "intent" of the design standard is being met. In Track 2, applicants are required to identify how their proposed site/building plan meets the intent statements of the design standards, and why specific objective standards can not be met.
- (5) Application Requirements. The applicant shall attend the City of Bend pre-application meeting to determine if the proposed development is "exempt" or "non-exempt" from the development and design standards. If the development is "non-exempt," the applicant shall file an application for CB Zone Design Review with the City. This application may be filed in conjunction with other permits when the property is subject to other land use action. The application shall be accompanied by pertinent materials containing information as specified by the City. The application form lists the required submittal information.
- (6) Approval Process. As to Track 1 applications, the City of Bend Planning Staff shall use the standards in this section to ensure compliance with the development and design standards. As to Track 2 applications, the City of Bend Planning Commission shall use

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the intent statements in this section to ensure compliance with the development and design guidelines.

- (7) Development Standards. The development standards for the CB Zone help ensure that new projects in the CB Zone will be compatible with the desired scale and character of Downtown Bend. The development standards shall be met before proceeding to the design standards.
- (a) Minimum Floor Area Ratio (FAR). The minimum FAR shall be 2-to-1.
 - (b) Maximum Building Height. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet without a Conditional Use Permit as described in Subsection (3) of Section 18. Screened mechanical equipment is exempt from the maximum building height standard.
 - (c) Minimum Building Setback. There is no minimum building setback from the property line facing the street.
 - (d) Maximum Building Setback. The maximum building setback from the property line facing the street is 10 feet. At least 50 percent of the length of the ground level, street-facing façade of buildings must be on the property line. If the site has two or more street frontages, this standard applies to both frontages. Buildings that set back from the property line and face a Residential Zone can choose to develop the setback with low shrubs and/or ground cover. Buildings that set back from the property line and face a Commercial Zone must incorporate a hardscape and be ADA Accessible. Plantings in the commercial-fronting setback must be in planters. All plantings must be drought tolerant and not be classified as a nuisance plant.
 - (e) Ground Floor Windows. Ground floor windows must be at least 50 percent of the building length and 60 percent of the street-facing ground floor wall area. Ground floor wall area includes all wall areas up to 10 feet above finished grade. If the site has two or more frontages, the Ground Floor Window Standard is only required on the primary façade – the façade that fronts the street with the higher City of Bend Street Classification. The other façade has a minimum requirement of 50 percent of the length and 25 percent of the ground floor wall area. Windows are required to be transparent to foster both a physical and visual connection between activities in the building and pedestrian activities on the street.
 - (f) Main Entrance. The main entrance to a building shall face the street or be on the corner.
 - (g) ADA Accessibility Guidelines (ADAAG). All public areas must comply with all ADAAG Standards and be ADA accessible (ADAAG Standards 4.4.1, 4.4.2, 4.5, 4.7, and 4.8). Creation of an attractive street life and sense of place for all Bend's residents and visitors includes:
 - Making accessible sidewalks and pathways.
 - Ensuring sidewalks and pathways are clear of objects.
 - Eliminating projecting elements.
 - Ensuring that spaces in the public realm are covered and protected from inclement weather.
- (8) Design Standards. The design standards for the CB Zone help guide the development and redevelopment of properties within the CB Zone. They are intended to implement the community goals and objectives in the Bend Area General Plan by providing a framework for how Downtown Bend should ultimately look function, and feel.
- (a) Existing Edge Conditions.

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Intent: Encourage the development of a cohesive, exciting and vibrant street life.

Approach: All street-facing elevations must have front doors that face the street and meet at least one of the following options:

- Courtyard/Plaza Option. Embellish the pedestrian zone by creating ADA accessible courtyards/plazas as extension of the sidewalk (the public realm). Incorporate pedestrian amenities such as street trees, outdoor seating, display areas, public art, human-scaled lighting and decorative pavers.
- Street Edge Option. Orient the primary entrance to the building along the street-facing property line, fostering a continuous and cohesive edge and defining inside from outside.
- Recessed Entry Option. Create/enhance semi-public transition areas between the sidewalk (public realm) and the recessed entry door (private realm). Define this area with lighting that draws attention to ground floor window displays, signage and the building's architectural details. Supplement the lighting with special paving treatments that emphasize the entry (tile, etched concrete and/or brick). Asphalt is prohibited.
- Arcade Option. Design an arcade that meets the following requirements:
 - The columns and piers (that support the building above) are 6 to 10 feet deep between the front property line and the parallel building wall.
 - The columns and piers consist of openings that are a minimum of 6 feet wide.
 - The columns and piers are a minimum of 18 inches from the property line (measured to the center of the column or pier).
 - The columns and piers are equally spaced and extend the entire length of the opening.
 - The building façade directly behind the arcade meets the ground floor window development standard.
 - The arcade elevation facing the street is a minimum of 10 feet in height and covered by the building.

Note: Spacing between columns and/or posts along building elevations less than 30 feet in length shall not exceed 10 feet. Spacing between columns and/or posts along building elevations greater than 50 feet in length shall not exceed spacing of 20 feet.

Note: The arcade option meets the ground floor window standard provided that the ground floor building façade behind the arcade meets the 50 percent length and 60 percent wall glazing requirement.

Note: Buildings with two or more frontages are only required to meet the arcade option along one street façade. However, if the arcade is proposed on both street frontages, the minimum spacing for openings is required along the entire opening.

(b) Human Scale.

Intent: Building façades must be designed in a manner that is aesthetically appealing, comfortable to pedestrians, and compatible with the character of the surrounding built environment as a way of emphasizing human scale.

Approach: Provide visual interest for pedestrians by incorporating building details at the ground floor that relate to the surrounding built environment, and are at a human scale. This is to be accomplished by meeting two or more of the following options:

- Incorporating building lighting between 10 and 15 feet from the sidewalk to the bottom of the light fixture.

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- Incorporating suspended signs (blade signs) between 8 and 12 feet from the sidewalk to the bottom of the suspended sign.
- Incorporating horizontal and vertical elements at the ground floor/the base of the building that are familiar to pedestrians and are at human scale: sign frieze, storefront cornice, window mullions, piers that frame storefronts, engaged columns, arcades, brick coursings, awnings, and well-lit transoms.
- Incorporating a rhythm of awnings and/or canopies between 10 and 15 feet from the sidewalk to the bottom of the awning/canopy.

Note: Pedestrian-oriented lighting is required between structural bays; lighting must follow a consistent spacing pattern.

(c) Physical, Visual and Experiential Connections.

Intent: Create delight and wonder by incorporating interesting features into a building/site. Emphasize the role that physical, visual and experiential connections give to creating meaningful places.

Approach: Embellish the buildings with two or more of the following elements:

- A variety of building materials (stone, brick, concrete, wood, metal, and glass).

Note: Use of colors that are contextual to Bend and the larger Pacific Northwest landscape serve to embellish the building and the public realm.

Note: Traditional, Central Business zones, like Bend's CB Zone, often consist of tri-part buildings where the base, middle and top of the building are defined by color, texture and materials.

- Architectural elements such as cornices, arcades, porticos, and transom windows.
- Tri-part buildings facades that emphasize a clear base, middle and top.

Note: Traditional style storefront buildings typically include an uninterrupted band commonly referred to as a bulkhead, kickplate (doors), window base or a base panel, around the base of the building. This band is approximately 16 inches above the sidewalk and serves to "anchor" the building to the site. This band is most often constructed of wood, concrete, brick, stone or metal. Using tape or paint for the bulkhead is prohibited.

Note: Display windows in traditional storefront buildings are typically terminated in the base band or bulkhead. The bulkhead, window frame and windowsill hold the window and help to further accentuate relief in the building façade. The top of the storefront is architecturally capped by horizontal elements, including sign bands, storefront cornices and transoms. These features serve as a transition device from the base of the building to the middle of the building.

(d) Cohesive Elements.

Intent: Incorporate cohesive and repetitive elements into the building as a means of enhancing the pedestrian realm and giving meaning to the building.

Approach: Incorporate three or more of the following repetitive building elements:

- Building lighting
- Columns, engaged columns/pilasters and arcades
- Suspended signs (blade signs)
- Canopies and/or awnings

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- Transoms
- Balconies

Note: Architects and designers are encouraged to think creatively above and beyond the ground floor window requirements specified in the design standards. Besides implementing cohesive elements, architects and designers should consider the interplay of shadows and light, and vertical and horizontal “architectural features” on neighboring buildings.

(e) Integrate Building Parapets and Rooftops.

Intent: Treat the top of the building, the point where the edifice meets the sky, as part of the larger façade composition and, where possible, accentuate the ornamentation found on existing traditional CB Zone buildings. Fully screen all roof top mechanical equipment from the adjacent sidewalk.

Approach: Create visual interest at the top of the building by incorporating one of the following options:

- Integrating elements at the roofline such as detailed eaves, projected cornices and articulated parapets.
- Incorporating rooftop forms, other than flat roofs, that add visual interest to the façade.

Note: Sloped roof heights from eave to peak should not exceed the height from grade to the eave (the roof should not be taller than the building wall supporting the roof).

- Designing roof top gardens for the purpose of managing stormwater run-off into Bend’s rivers and streams and/or as a place for people to gather.

Note: Screening for roof top mechanical equipment is to be opaque and a minimum of 1 foot higher than the highest point on the equipment. Roof top equipment is required to be set back from the parapet or building edge a minimum of 10 feet. Screened mechanical equipment is exempt from the height requirement.

(f) Weather Protection Projections.

Intent: Weather protection shall be provided along buildings adjacent to pedestrian walkways.

Approach: Provide weather protection for pedestrians along 50 percent of the ground floor façade that is required to be on the property line and at all street-facing entrances.

Note: Awnings, marquees, balconies, overhangs, umbrellas, fabric tensile structures, building appendages, or other weather protection projections are required to extend 5 feet over the sidewalk.

(g) Reinforce the Corner.

Intent: Create dynamic public gathering spaces where streets intersect by embellishing the corner of the building.

Approach: Incorporate one or more of the following elements:

- Place the highest and/or the most visible part of the building within 25 feet of the corner. Use architectural features such as cupolas, turrets, and hipped or pitched roofs to add prominence to the corner location.

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- Locate the main/primary entry to the building within 25 feet of the corner or at the corner itself.
- Emphasize the corners of the building as a gathering place by extending paving materials that front the building to the property line.

Note: The following elements typically define the corner entry: round or chamfered corners with double doors, doors with large amounts of glass, awnings/canopies and more defined vertical elements (columns).

(h) Pedestrian-oriented Ground Floor.

Intent: Ensure that the ground floor of the primary street façade is distinguished from the upper floors and that there is the sense of interaction between activities in the building and activities on the sidewalk. Create storefronts and entries that are visible (transparent) and easily accessible from the street.

Approach: Emphasize the importance of the ground floor, especially the primary street-facing entry, by incorporating three or more of the following elements:

- Extra-height entry lobby space
- Continuous well-lit transom windows
- Enhanced distinctive doorway treatments
- Decorative lighting
- Projecting or recessing the entry bays
- Incorporating artwork into the façade that is visible to pedestrians on the sidewalk
- Incorporating unified paving materials, textures, and color

Note: Paving material in recessed entries vestibules should help emphasize the transition from the sidewalk to the building.

(i) Alley Façade Treatment.

Intent: Design alley facades that share a corner with street-facing façades to be inviting and safe for pedestrians.

Approach: Incorporate the following façade elements:

- Wrap the required street facing fenestration into the alley a minimum of 10 feet.
- Add exterior lighting along the entire length of the alley-facing façade to enhance visibility and safety.

Note: Windows facing the alley must be transparent to ensure that the alley is monitored by people inside the building (“eyes on the street”).

(j) Urban Materials.

Intent: Ensure that building materials are compatible with well-designed surrounding buildings and where possible, embrace the natural features (geology) of the region.

Approach: Incorporate one or more of the following elements:

- At the ground floor, use materials that give the base of the building a sense of permanence with the use of: brick, metal, terra cotta, stone, concrete, block, or stucco.
- Clearly distinguish the ground floor from the upper floors by implementing strong horizontal elements such as a frieze or a cornice, and/or changing

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materials and/or arranging the upper windows, which are different in size than the storefront windows, in a consistent and rhythmic pattern.

- Ensure that the design of the upper floors is cohesive with that of the ground floor through the extension of actual guidelines (brick, expansion joints, and downspouts) and implied guidelines (cornices, transoms, balconies, and window mullions).
- Do not use materials that appear synthetic and are not compatible with materials (materials that are indigenous to the region) found on many of Bend's existing buildings. Undesirable materials and treatments include: mirrored glass, vinyl siding, cementitious siding, false-brick veneer and synthetic stucco.

(9) Purpose Statements.

- (a) Floor Area Ratios. Floor Area Ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development. FARs are calculated by dividing the building floor area by the lot size.

- (b) Ground Floor Windows. In the CB Zone, ground floor street-facing windows are intended to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas.
- Encourage continuity of retail and service uses.
- Create an exciting pedestrian environment.
- Create a visual dialogue between activities in the building and activities on the sidewalk.

Note: Windows must be at least 50 percent of the length and 60 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 10 feet above the finished grade.

- (c) Height. Height limits are intended to control the overall scale of buildings. The maximum building height within the CB Zone emphasizes pedestrians and a mix of uses. Exceptions to maximum height:

- Projection allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
- Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

- (d) Landscaped Areas. Landscaping is not required in the CB Zone, except for the 5 foot buffer next to Residential Zones. Landscaping is intended to soften the effects of built and paved areas. It also helps reduce stormwater runoff by providing a surface into which stormwater can percolate.

- (e) Main Entrance. Fronting the main entrance of a building to the street enhances pedestrian access between the use inside the building and activities on the sidewalk. This orientation also enables building occupants to see what is happening in the street, such as arriving transit service.

- (f) Pedestrian Standards. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. A sidewalk circulation

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system must be hard-surfaced, and be at least 6 feet wide. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar methods. The on-site pedestrian circulation system must be illuminated to a level where employees, residents, and customers can use the system at night. Land between a building and the street lot line must be landscaped and/or hard-surfaced for use by pedestrians.

- (g) Setbacks. Setbacks promote streetscapes that are consistent with the desired character of the zones. The CB Zone promotes buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and privacy in residential zones. Exceptions:

- Canopies, marquees, and awnings.
- Uncovered stairways and wheelchair ramps that lead to the street-facing façade.
- Uncovered decks and stairways that are no more than 2 ½ feet above ground.
- Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, and emergency generators.

(10) Definitions.

- (a) Arcade. 1. A range of arches carried on piers or columns, either free-standing or blind, i.e. attached to a wall. 2. A covered passage with shops on one or both sides. 3. An exterior covered passageway along a building façade open to the street frontage.
- (b) Architrave. The lintel extending from one column or pier to another. Also, the lowest of the three main parts of an entablature.
- (c) Awning. A roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.
- (d) Cementitious Siding. Combination of Portland cement, ground sand, cellulose (wood) fiber that when mixed with water allows for the creation of planks, panels, and shingles (exterior cladding) that is resistant to burning and rotting.
- (e) Clerestory or Clearstory Window. The upper stage of the main walls of a church above the aisle roofs, pierced by windows; the same term is applicable in domestic buildings.
- (f) Cornice. In classical architecture, the top, projecting section of an architrave; also any projecting ornamental moulding along the top of a building, wall, arch, etc., finishing or crowning it.
- (g) Cupola. A dome, especially a small one on a circular or polygonal base crowning a roof or turret.
- (h) Curtain Wall. A non-load-bearing wall which can be applied in front of a framed structure to keep out the weather. A continuous curtain wall of steel and glass separating 'structure' from 'cladding'.
- (i) Design Standards. Design standards consist of objective design-oriented elements that help to ensure that the proposed development conserves and enhances the recognized value of the site or building. The design standards provide additional guidance to items such as pedestrian connections, building materials, ground floor and upper level treatments, and the like.

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- (j) Development Standards. Development standards are land use regulations that guide how sites and buildings can be developed. In commercial zones, these standards deal with allowed uses, building heights, densities, parking, building setbacks, etc.
- (k) Entablature. The upper part of an order, consisting of architrave, frieze and cornice.
- (l) Façade. The principal face, front elevation, or vertical surface of a building which is set along a frontage. (Primary Façade, as it is used in this ordinance, is the façade that faces the higher City of Bend street classification.)
- (m) Floor Area Ratio (F.A.R.). The amount of a building floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area to every one square foot of site area.
- (n) Frieze. The middle division of an architrave, between the architrave and cornice; usually decorated but may be plain.
- (o) Frontage. The portion of a parcel of property which abuts a dedicated public street or highway or an approved public street.
- (p) Lights. Openings between the mullions of a window.
- (q) Main Entrance. That entrance of the building, which is most architecturally prominent and contains operable doors.
- (r) Mullion. A vertical post or other upright dividing a window or other opening into two or more lights.
- (s) Parapet. A low, solid, protective screening or decorative wall; often used around a balcony or balconet, or along the edge of a roof.
- (t) Pergola. A covered walk in a garden usually formed by a double row of posts or pillars with beams above and covered with climbing plants.
- (u) Pilaster. A rectangular or round column or shallow pier attached to a wall constructed to coordinate with the style of the building.
- (v) Rhythm. Regularly recurring façade elements, features, or building masses.
- (w) Transom. A horizontal glass plane, typically encased in a wood or metal frame, that separates the storefront from the upper façade.
- (x) Trim. The framing or edging of openings and other features on a façade or indoors. It is usually of a color and material (wood, stucco, or stone) different from that of the adjacent wall surface.
- (y) Turret. A very small and slender tower.

[Section 23C added by ORD. NS-_____, passed _____]

ORDINANCE NO. NS-1920

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONING MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM URBAN LOW DENSITY (RL) ZONE TO URBAN STANDARD DENSITY (RS) ZONE.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed changes. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated March 5, 2004, File Number PZ-03-651.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in Exhibit "A" and depicted on Exhibit "B" from RL, Urban Low Density Residential to RS, Urban Standard Density Residential.

Read for the first time the 7th day of April, 2004.

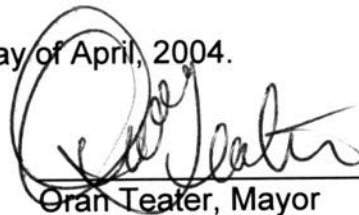
Read for the second time the 21st day of April, 2004.

Placed upon its passage the 21st day of April, 2004.

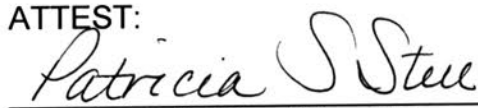
YES: 7

NO: 0

Authenticated by the Mayor the 21st day of April, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

Order No. 10-0430703

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EXHIBIT "A"**PARCEL I:**

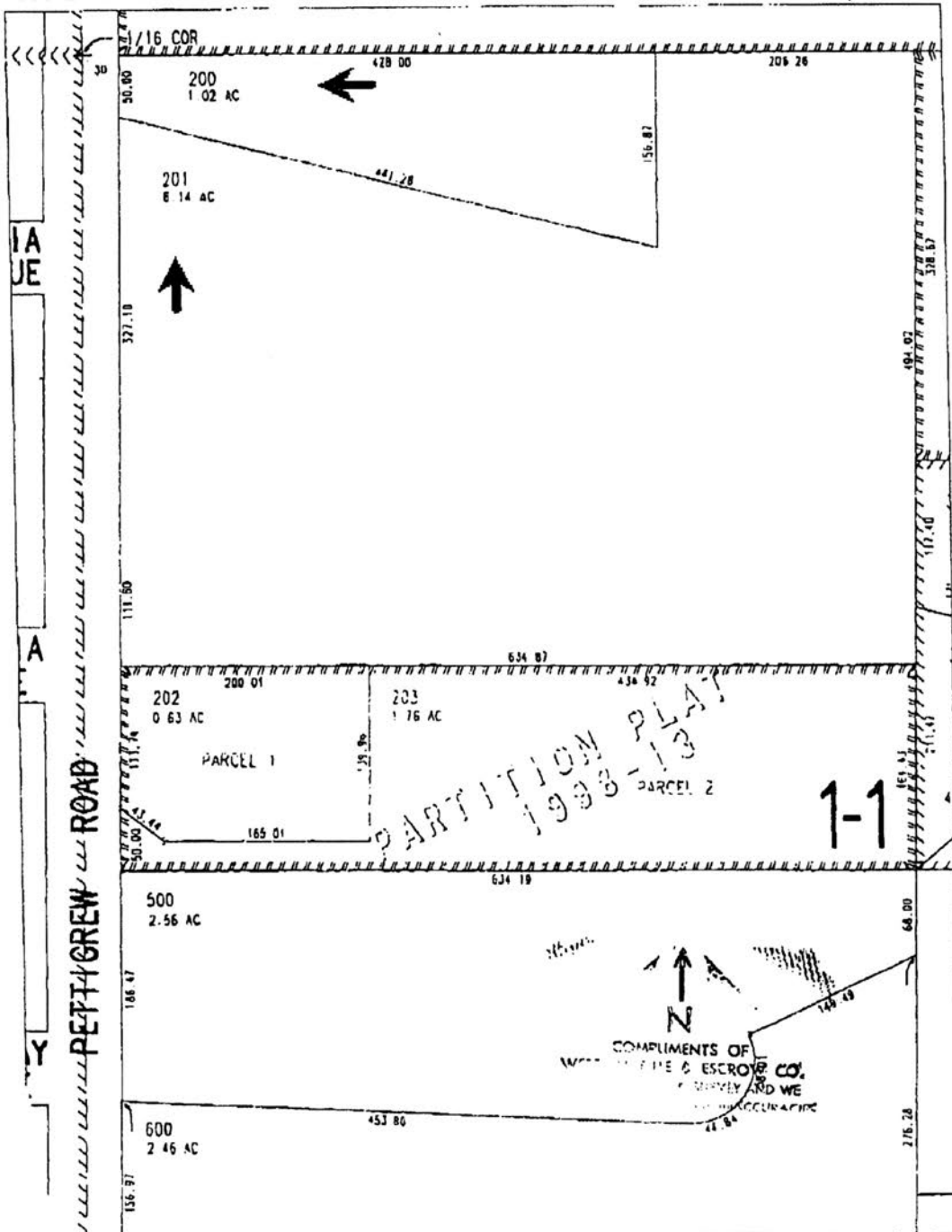
A parcel of land located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 18 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, being further described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), a $\frac{1}{4}$ " iron pipe; thence along the North line of said Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), South $89^{\circ}41'48''$ West, 206.26 feet to a $\frac{5}{8}$ " iron rod, the true point of beginning; thence continuing along said line, South $89^{\circ}41'48''$ West, 428.00 feet to a $\frac{5}{8}$ " iron rod on the Easterly right-of-way line of Pettigrew Road; thence along said right-of-way, South $00^{\circ}22'22''$ West, 50.00 feet to a $\frac{5}{8}$ " iron rod; thence leaving said right-of-way, South $76^{\circ}17'13''$ East, 441.26 feet to a $\frac{5}{8}$ " iron rod; thence North $00^{\circ}08'01''$ West, 156.87 feet to the point of beginning and terminus thereof.

PARCEL II:

A parcel of land located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, being further described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), a $\frac{1}{4}$ " iron pipe; thence along the East line of said Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) South $00^{\circ}25'28''$ West, 494.02 feet to the Southeast corner of the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 3; thence along the South line of said North Half of the South Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), North $89^{\circ}50'24''$ West, 634.87 feet to a $\frac{5}{8}$ " iron rod on the Easterly right-of-way of Pettigrew Road; thence along said right-of-way, North $00^{\circ}56'06''$ East, 111.80 feet to a $\frac{1}{4}$ " iron rod; thence continuing along said right-of-way, North $00^{\circ}22'22''$ East, 327.10 feet to a $\frac{5}{8}$ " iron rod; thence leaving said right-of-way, South $76^{\circ}17'13''$ East, 441.26 feet to a $\frac{5}{8}$ " iron rod; thence North $00^{\circ}08'01''$ East, 156.87 feet to a $\frac{5}{8}$ " iron rod on the North line of said Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 3; thence along said line North $89^{\circ}41'48''$ East, 206.26 feet to the point of beginning and terminus thereof.

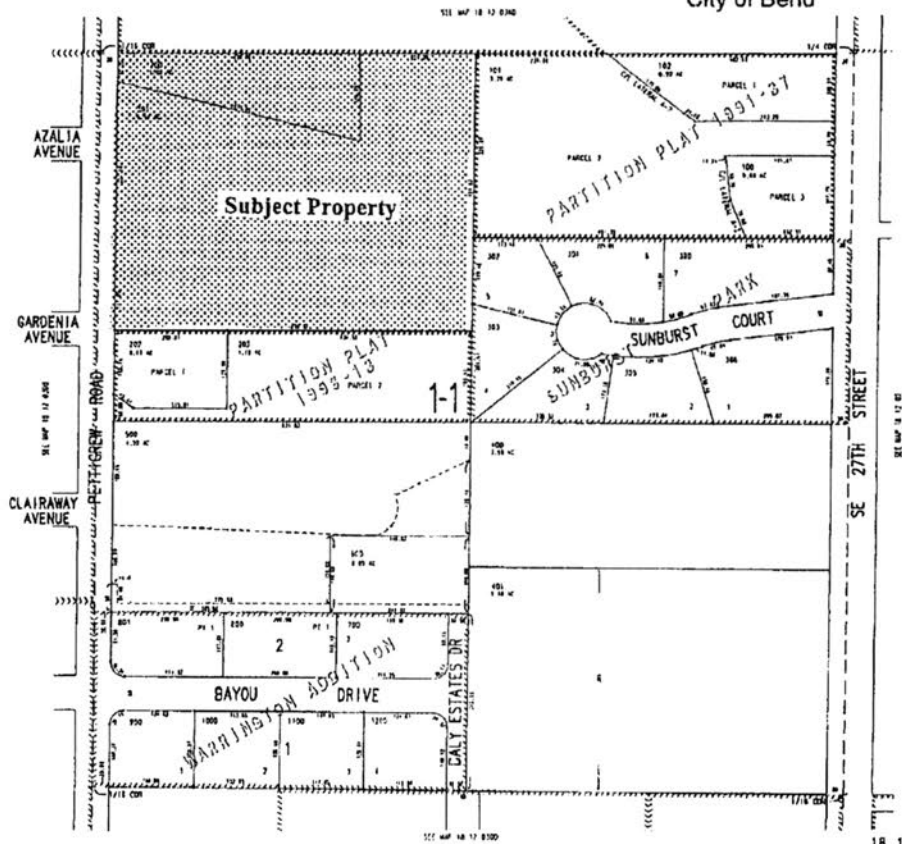


DATE MAP WAS PREPARED FOR
SUBJECT: PART 1, QM 1,
REVISION: 07/14/2003

NE1/4 SE1/4 SEC. 03 T.18S. R.12E M
DESCHUTES COUNTY
1" = 100'

18 12 03DA

EXHIBIT B
File FILE PZ03-651
City of Bend



18 12 03DA

ORDINANCE NO. NS-1921

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCELS OF LAND AS SHOWN IN EXHIBIT "A" FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated March 13, 2004 file number PZ-03-674/03-675.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Assessor's Map 18-12-08D, Tax Lots 1404, 1500, 1900, 1902 and shown in Exhibit "A". The change will be from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 7th day of April, 2004.

Read for the second time the 21st day of April, 2004.

Placed upon its passage the 21st day of April, 2004.

YES: 7 NO: 0

Authenticated by the Mayor the 21st day of April, 2004.



Oran Teater, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

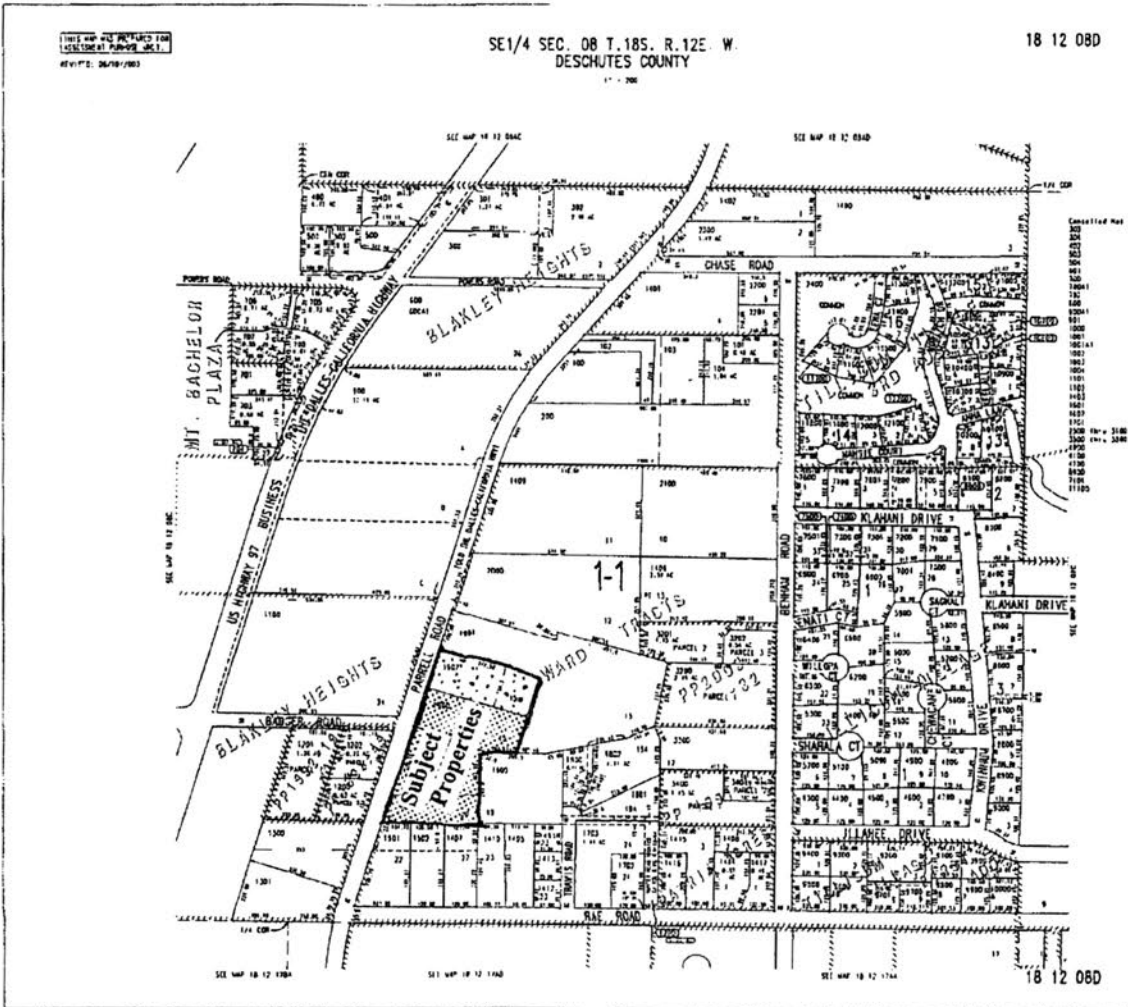


EXHIBIT A

Do not record this side
afternoon

ORDINANCE NO. NS-1922

AN ORDINANCE RENAMING PROMISE LANE TO WELLS ACRES ROAD
WITHIN THE CITY OF BEND, OREGON.

THE COMMUNITY DEVELOPMENT DEPARTMENT WILL ADVISE THE LOCAL
UTILITY COMPANIES, THE U.S. POST OFFICE, THE COUNTY TAX
ASSESSOR'S OFFICE, 9-1-1 AND OTHER EMERGENCY SERVICES AGENCIES
OF THIS STREET NAME CHANGE.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. That Promise Lane is renamed to Wells Acres Road.

Section 2. The effective date for renaming this street shall be 30 days
following the adoption of this ordinance.

Read for the first time the 7th day of April 2004.

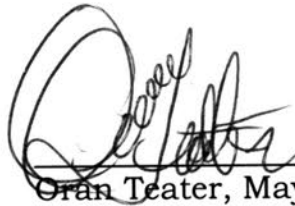
Read for the second time the 21st day of April 2004.

Placed upon its passage the 21st day of April 2004.

YES: 7

NO: 0

Authenticated by the Mayor the 21st day of April 2004


Grant Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

Record this side only
After Recording return to:
Deputy Recorder
City of Bend
710 NW Wall
Bend OR 97701



00344165200500118910020024

\$31.00

02/28/2005 04:53:09 PM

D-IPPS Cnt=1 Stn=25 PAT
\$5.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.

ORDINANCE NO. NS-1923

AN ORDINANCE AMENDING THE CITY OF BEND ORDINANCE NS-1178 AND THE ZONING MAP, BY CHANGING THE ZONE OF AN AREA OF LAND FROM RL, RESIDENTIAL URBAN LOW DENSITY TO RS, RESIDENTIAL URBAN STANDARD DENSITY.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Planning Commission and Staff recommendation (File # 03-681), and has found that there is a public need and benefit for the proposed change.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the identified properties from RL, Residential Urban Low Density to RS, Residential Urban Standard Density as listed on Exhibit "A" and shown on the attached map described as Exhibit "B".

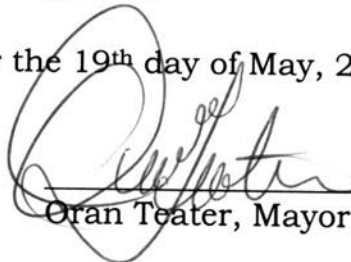
Read for the first time the 5th day of May, 2004.

Read for the second time the 19th day of May, 2004.

Placed upon its passage the 19th day of May, 2004.

YES: 5 NO: 0

Authenticated by the Mayor the 19th day of May, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT A

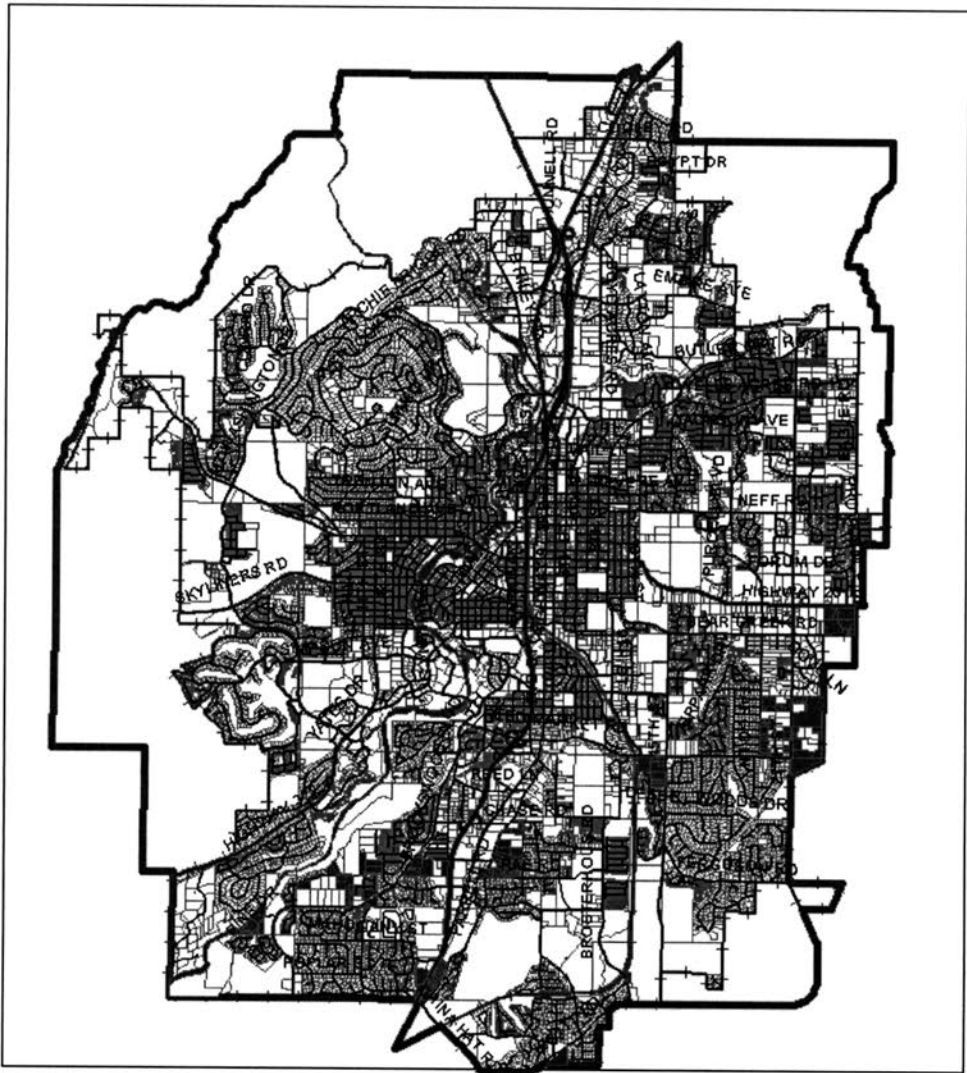
Property Owner List RL/RS Legislative Zone Changes # 03-681

171235 CD 00100
171235 CD 00200 Site Address: 21395 HWY 20 BEND 97701
171235 CD 00300 Site Address: 21317 HWY 20 BEND 97701
171235 CD 00400 Site Address: 21300 BEAR CREEK RD, BEND 97701
171235 CD 00500 Site Address: 21296 BEAR CREEK RD BEND 97701
171235 CD 00600 Site Address: 62030 DANTILI RD BEND 97701
171235 CD 00601 Site Address: 62040 DANTILI RD., BEND 97701
171235 CD 00800 Site Address: 21380 BEAR CREEK RD., BEND
171235 CD 00700 Site Address: 21360 BEAR CREEK RD, BEND 97701
171235 CD 00900 Site Address: 21390 BEAR CREEK RD, BEND 97701
181200 00 01800 Site Address: 21425 STEVENS RD, BEND 97702
181203 DA 00100 Site Address: 61785 SE 27TH ST, BEND 97702
181203 DA 00200 Site Address: 61772 PETTIGREW RD BEND 97702
181203 DA 00201 Site Address: 61764 PETTIGREW RD, BEND 97702
181203 DA 00202 Site Address: 61756 PETTIGREW RD, BEND 97702
181203 DA 00203 Site Address: 61750 PETTIGREW RD, BEND 97702
181203 DA 00300 Site Address: 21190 SUNBURST CT BEND 97702
181203 DA 00301 Site Address: 21170 SUNBURST CT, BEND 97702
181203 DA 00302 Site Address: 21160 SUNBURST CT, BEND 97702
181203 DA 00303 Site Address: 21161 SUNBURST CT, BEND 97702
181203 DA 00304 Site Address: 21165 SUNBURST CT BEND 97702
181203 DA 00305 Site Address: 21173 SUNBURST CT BEND 97702
181203 DA 00306 Site Address: 21189 SUNBURST CT, BEND 97702
181203 DD 00100 Site Address: 61691 SE 27TH ST BEND 97702
181203 DD 00200 Site Address: 61671 SE 27TH ST BEND 97702
181203 DD 00300 Site Address: 61659 SE 27TH ST, BEND 97702
181203 DD 00301 Site Address: 61653 SE 27TH ST BEND 97702
181203 DD 00600 Site Address: 61621 SE 27TH ST BEND 97702
181203 DD 01100 Site Address: 21154 REED MARKET RD BEND 97702
181203 DD 01600 Site Address: 61670 DALY ESTATES DR BEND
97702
181203 DD 01900 Site Address: 61695 DALY ESTATES DR, BEND
97702
181203 DD 02100 Site Address: 61671 DALY ESTATES DR, BEND
97702
181203 DD 02600 Site Address: 60813 PARRELL RD, BEND 97702
181203 DD 02800 Site Address: 21140 REED MKT RD, BEND 97702
181203 DD 02900 Site Address: 21130 REED MKT RD, BEND 97702
181203 DD 03000 Site Address: 21116 REED MARKET RD, BEND 97702
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181203 DD 03200 Site Address: 61620 PETTIGREW RD, BEND 97702
181203 DD 03300 Site Address: 61632 PETTIGREW RD, BEND 97702
181203 DD 03400 Site Address: 61646 PETTIGREW RD BEND 97702
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181203 DD 03600 Site Address: 61668 PETTIGREW RD BEND 97702
181203 DD 03700 Site Address: 61690 PETTIGREW RD BEND 97702
181207 00 00703 Site Address: 19720 HOLLYGRAPE ST BEND 97702
181207 00 00704 Site Address: 19718 HOLLYGRAPE ST BEND 97702
181207 00 00705 Site Address: 19714 HOLLYGRAPE ST BEND 97702
181207 DC 03301 Site Address: 200 PACIFIC PARK LANE, BEND
181207 DD 02400 Site Address: 19926 PORCUPINE DR BEND 97702
181207 DD 02401
181207 DD 02700 Site Address: 61270 BROOKSWOOD BLVD, BEND
97702
181207 DD 02800 Site Address: 61248 BROOKSWOOD BLVD, BEND
181207 DD 02900 Site Address: 61246 BROOKSWOOD BLVD, BEND, 02
181207 DD 03000 Site Address: 61230 BROOKSWOOD BLVD BEND 02
181207 DD 03100 Site Address: 61200 BROOKSWOOD BLVD BEND 02
181208 C0 00600 Site Address: 20021 BADGER RD BEND 97702
181208 C0 00800 Site Address: 20085 BADGER RD BEND 97702

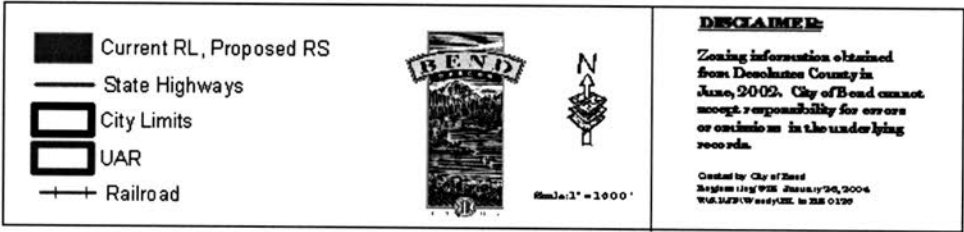
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 181208 D0 00103 Site Address: 61360 PARRELL RD BEND 97702
 181208 D0 00104 Site Address: 61343 BENHAM RD BEND 97702
 181208 D0 02200 Site Address: 61373 BENHAM RD BEND 97702
 181208 D0 02201 Site Address: 61363 BENHAM RD BEND 97702
 181208 D0 01409 Site Address: 61310 PARRELL RD BEND 97702
 181208 D0 01300 Site Address: 61215 PARRELL RD BEND 97702
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 181208 D0 01901 Site Address: 61292 PARRELL RD, BEND 97702
 181208 D0 01902 Site Address: 61266 PARRELL RD, BEND 97702
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 181208 D0 01500 Site Address: 61244 PARRELL RD, BEND 97702
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 181208 D0 01410 Site Address: 20248 RAE RD, BEND 97702
 181208 D0 01411 Site Address: 61223 TRAVIS RD, BEND 97702
 181208 D0 01412 Site Address: 61207 TRAVIS RD BEND 97702
 181208 D0 01413 Site Address: 61215 TRAVIS RD BEND 97702
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 181208 D0 01502 Site Address: 20220 RAE RD, BEND 97702
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 181208 D0 01703 Site Address: 20280 RAE RD BEND 97702
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 181208 D0 01801 Site Address: 61230 TRAVIS RD, BEND 97702
 181208 D0 01802 Site Address: 61234 TRAVIS RD, BEND 97702
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 181208 D0 03201 Site Address: 61275 BENHAM RD, BEND 97702
 181208 D0 03202 Site Address: 61269 BENHAM RD, BEND 97702
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 181208 D0 03401 Site Address: 61241 BENHAM RD, BEND 97702
 181209 AA 00100 Site Address: 61575 15TH ST, BEND 97702
 181209 AA 00102 Site Address: 20785 REED MARKET RD, BEND 97702
 181209 AA 00101 Site Address: 20761 REED MARKET RD, BEND 97702
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 181217 00 02201 Site Address: 60919 PARRELL RD, BEND 97702
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 181217 00 02210 Site Address: 60869 PARRELL RD BEND 97702
 181217 00 02211 Site Address: 60861 PARRELL RD, BEND 97702
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 181217 00 02213
 181217 00 02202 Site Address: 60837 PARRELL RD, BEND 97702
 181217 00 02203 Site Address: 60845 PARRELL RD BEND 97702
 181217 00 02204 Site Address: 60845 PARRELL RD, BEND 97702
 181217 00 02214 Site Address: 60813 PARRELL RD BEND 97702
 181217 00 02215 Site Address: 20505 MURPHY RD, BEND 97702

181217 00 02206 Site Address: 60909 PARRELL RD BEND 97702
 181217 00 02000 Site Address: 60885 HWY 97 BEND 97702
 181217 00 02003 Site Address: 20002 PONDEROSA ST BEND 97702
 181217 00 02300 Site Address: 61087 PARRELL RD BEND 97702
 181217 00 02307 Site Address: 61075 PARRELL RD BEND 97702
 181217 00 02308
 181218 AB 04300
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 181218 BA 00201 Site Address: 19795 HOLLYGRAPE ST BEND 97702
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 181218 BA 00901 Site Address: 61140 PARKWOOD CT BEND 97702
 181218 BA 00907 Site Address: 61115 PARKWOOD CT BEND 97702
 181218 BA 00902 Site Address: 61150 PARKWOOD CT BEND 97702
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 181218 BA 00904 Site Address: 61145 PARKWOOD CT BEND 97702
 181218 BA 00905 Site Address: 61135 PARKWOOD CT BEND 97702
 181218 BA 00906 Site Address: 61125 PARKWOOD CT BEND 97702
 181218 BB 00100
 181218 BB 00300 Site Address: 19627 HOLLYGRAPE ST BEND 97702
 181221 BC 01900
 181113 AC 01100
 181113 AC 01200 Site Address: 19520 PINE DR BEND 97702
 181113 AC 01300 Site Address: 19500 PINE DR BEND 97702
 181113 AC 01400 Site Address: 19498 PINE DR BEND 97702
 181113 AC 01600 Site Address: 19486 PINE DR BEND 97702
 181113 AC 01500 Site Address: 19509 PINE DR BEND 97702
 181113 AC 01700 Site Address: 19472 PINE DR BEND 97702

Exhibit "B"



Proposed RL to RS Zone Changes



ORDINANCE NO. NS-1924

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONING MAP DESIGNATION OF CERTAIN REAL PROPERTY FROM URBAN LOW DENSITY (RL) ZONE TO URBAN STANDARD DENSITY (RS) ZONE.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considering the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed changes. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated April 22, 2004, File Number PZ-04-70 and 04-71.
- Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in Exhibit "A" and depicted on Exhibit "B" from RL, Urban Low Density Residential to RS, Urban Standard Density Residential.

Read for the first time the 19th day of May, 2004.

Read for the second time the 2nd day of June, 2004.

Placed upon its passage the 2nd day of June, 2004.

YES: 4

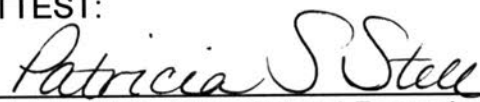
NO: 0

Abstain: 1

Authenticated by the Mayor the 2nd day of June, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder



After recording return to:
VEN PROPERTIES, L.L.C.

Until a change is requested all
tax statements shall be sent to
the following address:
VEN PROPERTIES, L.L.C.
255 SN JAMES, Bend, OR 97702

Escrow No SB0581851
Title No _____

THIS SPACE RESERVED FOR RECORDER'S USE

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-52322

\$31.00



D-D Cntel Sinec BECKEY 08/04/2003 10:41:29 AM
\$5 DD \$11.00 \$10.00 \$5.00

EXHIBIT "A"

File P204-70 and 04-71

City of Bend

WARRANTY DEED

WILLIAM KEITH KAYS,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
VEN PROPERTIES, L.L.C.
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of DESCHUTES and State of Oregon, to wit:

Lot Two (2), in Block One (1), of DALY ESTATES, Deschutes County, Oregon.
181203 DD 00200 SERIAL NO. 119532

Grantor is lawfully seized in fee simple on the above granted premises. SUBJECT
TO: all those items of record if any, as of the date of this deed and those
shown below, if any:

and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomever, except those claiming under the above described encumbrances

The true and actual consideration for this conveyance is \$ 226,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAND USE AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.830

Dated this 31 day of July, 2003

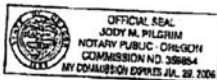
WILLIAM KEITH KAYS

State of Oregon
County of Deschutes

This instrument was acknowledged before me on July 31, 2003 by
WILLIAM KEITH KAYS

(Notary Public for Oregon)
My commission expires July 29, 2006

After recording, return to
AmeriTitle
15 OREGON AVENUE BEND



NOT FOR THE PREPARED FOR
LAW OFFICE OF JEFFREY L. HARRIS
10/1/2018 10/1/2018

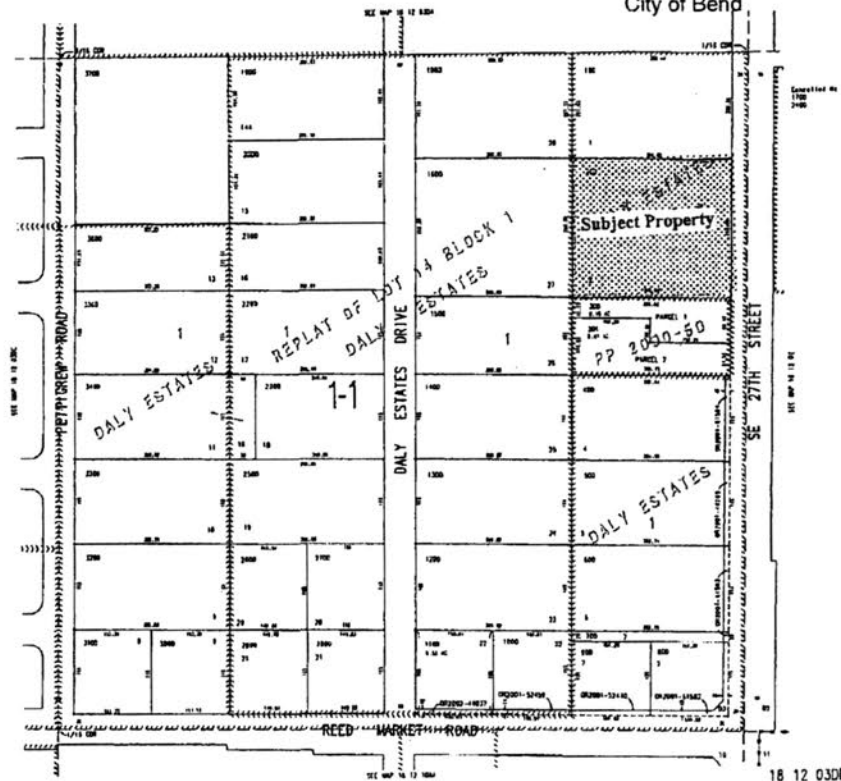
SE1/4 SE1/4 SEC. 03 T.18S. R.12 4 M.
DESCHUTES COUNTY

18 12 0300

EXHIBIT "B"

File P204-70 and 04-71

City of Bend



PROPOSED ZONE CHANGE FROM RL TO RS Tax Map 18-12-03DD Lot 200

LEGEND

- | | |
|---|---|
| ☐ (MR) Mixed Use River Front | ☐ (CC) Commercial Convenience |
| ☐ (ME) Mixed Employment | ☐ (CG) Commercial General |
| ☐ (PO) Professional Office | ☐ (CH) Commercial Highway |
| ☐ (PF) Public Facilities | ☐ (CL) Commercial Limited |
| ☐ (SR 2 1/2) Residential Suburban Low Density | ☐ (CN) Commercial Neighborhood |
| ☐ (RH) Residential Urban High Density | ☐ (IG) Industrial General |
| ROM ☒ (RL) Residential Urban Low Density | ☐ (IL) Industrial Light |
| ☐ (RM) Residential Urban Medium Density | ☐ (IP) Industrial Park |
| D ☒ (RS) Residential Urban Standard Density | ☐ (PO/RM/RS) Combination |
| ☐ (SM) Surface Mining | ☐ (UAR) Urban Area Reserve |
| ☐ (CB) Central Business District | |

ORDINANCE NO. NS-1925

AN ORDINANCE AMENDING THE BEND URBAN AREA GENERAL PLAN DESIGNATIONS WITHIN THE LAVA RIDGE REFINEMENT PLAN FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM DENSITY RESIDENTIAL, RH, URBAN HIGH DENSITY RESIDENTIAL AND CC, CONVENIENCE COMMERCIAL, AND AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONING DESIGNATIONS FOR THE SUBJECT PROPERTIES FROM RS, URBAN STANDARD DENSITY RESIDENTIAL TO RM, URBAN MEDIUM DENSITY RESIDENTIAL, RH, URBAN HIGH DENSITY RESIDENTIAL AND CC, CONVENIENCE COMMERCIAL AND LIMITING THE USES UPON THE PARCELS TO BE ZONED RH, URBAN HIGH DENSITY RESIDENTIAL AND CC, CONVENIENCE COMMERCIAL

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1.** The Bend City Council has held a public hearing, considered the Hearing Officer's recommendation and public record in this matter, and has found that there is a public need and benefit for the proposed changes in Bend Area General Plan designation and limitations of use upon the RH and CC zoned parcels. The Bend City Council adopts the Findings and Recommendation of the Hearing Officer and City of Bend Staff dated, April 28, 2004 file number PZ 03- 479.
- Section 2.** Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the parcels depicted on Exhibit "A" and described in Exhibit "B, C, and D" from RS, Urban Standard Density Residential to RM, Urban Medium Density Residential, RH, Urban High Density Residential and from RS, Urban Standard Density Residential to CC, Convenience Commercial.
- Section 3.** The limitation on allowable uses for the RH, Urban High Density Residential and CC, Convenience Commercial parcels shall be denoted on the Lava Ridge Refinement Plan Map and the Bend Area General Plan Map by referencing this ordinance, which limits the uses in the RH, Urban High Density Residential and CC, Convenience Commercial zones to those uses described in Section 4 below.
- Section 4.** Section 22C (1) of Ordinance NS-1178 - Lava Ridge Refinement Plan Development Standards shall be replaced with the following modified language.
- (1) Residential Density, development provisions and limitations on allowed uses. The permitted residential densities and allowed uses shall be the same as in the underlying zones except as specified below:
- (a) RL – In the RL zone, a parcel existing on the date of adoption of the plan may be partitioned into no more than two lots. This standard shall apply even if sewer service is provided to the RL zone.
 - (b) RS – In the area north of Morningstar Drive in sections 15CB and 15CC, all new lots next to the Morningstar subdivision lots shall have a minimum width of 100 feet along any rear or side property line that abuts the existing Morningstar subdivision lots.
 - (c) RH – In the area north of Empire Avenue, west of Boyd Acres Road and south of Sierra Drive in section 21B0, the following uses shall be prohibited:

Accountant; attorney; dentist; insurance agent or adjustor; wholesale lumber broker and real estate broker; physician or other practitioner of the healing arts (over 5 pmp trips); medical and dental clinics and laboratories and pharmacy located within a clinic; nursing and convalescent homes; mobile home park; photographic studios; dancing or music schools; hospital, laboratory, orthopedic supply house, or sanitarium; motel, apartment hotel; and, mortuaries.

- (d) CC – In the area north of Empire Avenue, west of Boyd Acres Road and south of Sierra Drive in section 21B0, the following uses shall be prohibited:

auto parts sales; bank or other financial institution; dairy products sales; hardware store; medical and dental clinic and office (over 5 pmp trips); radio and television sales and service; dancing or music schools; automobile service station and minor auto repair; and mortuary.

Read for the first time the 2nd day of June, 2004.

Read for the second time the 16th day of June, 2004.

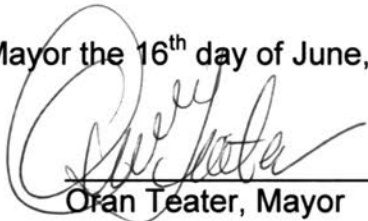
Placed upon its passage the 16th day of June, 2004.

YES: 6

NO: 0

Abstain: 1

Authenticated by the Mayor the 16th day of June, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT MAP

LOCATED IN THE NW 1/4 OF SECTION 21, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

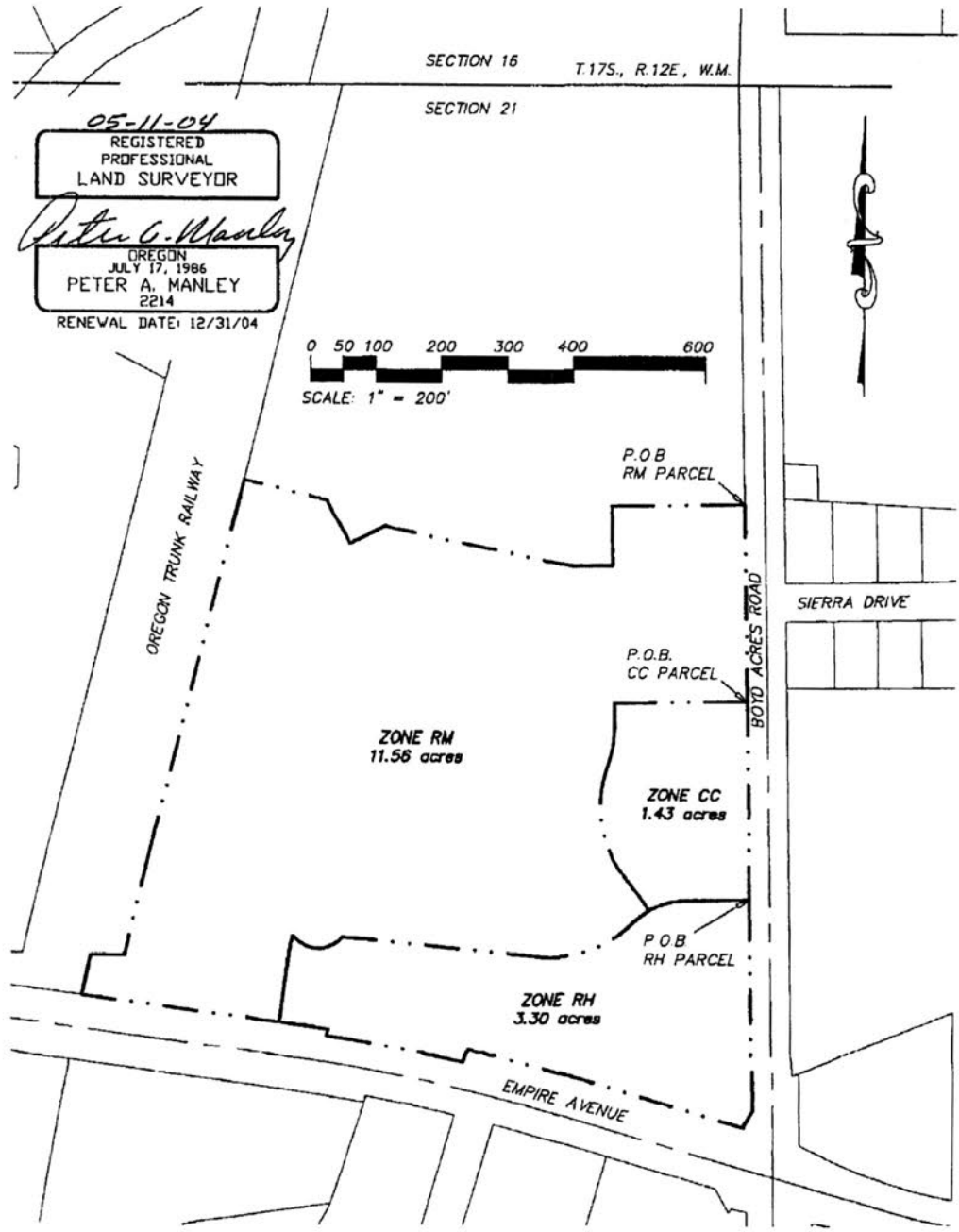


EXHIBIT A

**Boyd Acres Village – Zone CC
Legal Description**

A parcel of land containing 1.43 acres, more or less, located in the Northwest One-Quarter of Section 21, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the intersection of the north boundary of said NW1/4 and the westerly right-of-way line of Boyd Acres Road; thence along said westerly right-of-way, South 01°01'28" East a distance of 935.54 feet to the True Point of Beginning; thence continuing along said right-of-way, South 01°01'28" East a distance of 300.00 feet; thence leaving said right-of-way, South 88°58'32" West a distance of 92.02 feet; thence 62.35 feet along the arc of a tangent curve to the left with a radius of 120.00 feet, the chord of which bears South 74°05'28" West for a distance of 61.65 feet; thence 50.67 feet along a non-tangent curve to the left with a radius of 240.00 feet, the chord of which bears North 35°26'03" West a distance of 50.57 feet; thence 191.99 feet along the arc of a reverse curve to the right with a radius of 180.00 feet, the chord of which bears North 10°55'31" West for a distance of 183.02 feet; thence 64.89 feet along the arc of a reverse curve to the left with a radius of 180.00 feet, the chord of which bears North 09°18'13" East for a distance of 64.54 feet; thence North 01°01'28" West a distance of 30.32 feet; thence North 88°58'32" East a distance of 200.08 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.



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EXHIBIT B

**Boyd Acres Village – Zone RM
Legal Description**

A parcel of land containing 11.56 acres, more or less, located in the Northwest One-Quarter of Section 21, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at a point on the north boundary of said NW1/4 which bears North 89°55'55" West a distance of 556.89 feet from a 3 1/4" aluminum cap on a 5/8" iron rod marking the North One-quarter corner of said Section 16, said point of commencement also being a point on the westerly right-of-way line of Boyd Acres Road; thence along said westerly right-of-way, South 01°01'28" East a distance of 635.54 feet to the True Point of Beginning; thence continuing along said right-of-way, South 01°01'28" East a distance of 300.00 feet; thence leaving said right-of-way, South 88°58'32" West a distance of 200.08 feet; thence South 01°01'28" East a distance of 30.32 feet; thence 64.89 feet along the arc of a tangent curve to the right with a radius of 180.00 feet, the chord of which bears South 09°18'13" West for a distance of 64.54 feet; thence 191.99 feet along the arc of a reverse curve to the left with a radius of 180.00 feet, the chord of which bears South 10°55'31" East for a distance of 183.02 feet; thence 50.67 feet along the arc of a reverse curve to the right with a radius of 240.00 feet, the chord of which bears South 35°26'03" East for a distance of 50.57 feet; thence 27.65 feet along a non-tangent curve to the left with a radius of 120.00 feet, the chord of which bears South 52°36'17" West a distance of 27.59 feet; thence 154.01 feet along the arc of a reverse curve to the right with a radius of 180.00 feet, the chord of which bears South 70°30'52" West for a distance of 149.35 feet; thence North 84°58'28" West a distance of 303.49 feet; thence 86.04 feet along a non-tangent curve to the right with a radius of 50.00 feet, the chord of which bears North 88°48'21" West a distance of 75.81 feet; thence South 13°58'52" West a distance of 24.87 feet; thence South 07°21'30" West a distance of 106.82 feet to the northerly right-of-way of Empire Avenue; thence along said northerly right-of-way, North 82°19'18" West a distance of 300.31 feet to the easterly right-of-way of the Burlington Northern Railroad; thence along said railroad right-of-way the following two (2) curves and two (2) courses:

63.07 feet along a non-tangent curve to the right with a radius of 5679.58 feet, the chord of which bears North 12°01'53" East a distance of 63.07 feet;
South 89°49'43" East a distance of 51.16 feet;
132.68 feet along a non-tangent curve to the right with a radius of 5629.58 feet, the chord of which bears North 13°08'05" East a distance of 132.68 feet;
thence North 13°48'35" East a distance of 609.24 feet;

thence leaving said railroad right-of-way, South 76°11'25" East a distance of 129.30 feet; thence 39.70 feet along a non-tangent curve to the left with a radius of 210.00 feet, the chord of which bears South 27°24'24" East a distance of 39.64 feet; thence 35.38 feet along the arc of a reverse curve to the right with a radius of 270.00 feet, the chord of which bears South 29°04'08" East for a distance of 35.35 feet; thence North 64°41'06" East a distance of 60.00 feet; thence South 78°21'30" East a distance of 291.16 feet; thence North 88°58'32" East a distance of 60.00 feet;

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EXHIBIT C

thence North 01°01'28" West a distance of 89.86 feet; thence North 88°58'32" East a distance of 200.08 feet to the point of beginning, the terminus of this description

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

05-07-04
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Peter A. Manley
OREGON
JULY 17, 1986
PETER A. MANLEY
2214
RENEWAL DATE: 12/31/04

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EXHIBIT C

**Boyd Acres Village – Zone RH
Legal Description**

A parcel of land containing 3.30 acres, more or less, located in the Northwest One-Quarter of Section 21, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at a point on the north boundary of said NW1/4 which bears North 89°55'55" West a distance of 556.89 feet from a 3 1/4" aluminum cap on a 5/8" iron rod marking the North One-quarter corner of said Section 16, said point of commencement also being a point on the westerly right-of-way line of Boyd Acres Road; thence along said westerly right-of-way, South 01°01'28" East a distance of 1235.54 feet to the True Point of Beginning; thence continuing along said right-of-way, South 01°01'28" East a distance of 318.14 feet; thence South 31°00'30" West a distance of 26.08 feet; thence South 07°03'29" West a distance of 1.95 feet to the northerly right-of-way of Empire Avenue; thence along said northerly right-of-way the following four (4) courses and three (3) curves:

North 74°02'00" West a distance of 273.07 feet;
158.24 feet along the arc of a tangent curve to the left with a radius of 2924.79 feet, the chord of which bears North 75°34'59" West for a distance of 158.22 feet;
South 24°22'37" West a distance of 20.41 feet;
212.10 feet along a non-tangent curve to the left with a radius of 2904.79 feet, the chord of which bears North 79°18'19" West a distance of 212.06 feet;
North 18°15'56" East a distance of 10.14 feet;
48.74 feet along a non-tangent curve to the left with a radius of 2914.79 feet, the chord of which bears North 81°50'33" West a distance of 48.74 feet;
North 82°19'18" West a distance of 26.43 feet;

thence leaving said northerly right-of-way, North 07°21'30" East a distance of 106.82 feet; thence North 13°58'52" East a distance of 24.87 feet; thence 86.04 feet along a non-tangent curve to the left with a radius of 50.00 feet, the chord of which bears South 88°48'21" East a distance of 75.81 feet; thence South 84°58'28" East a distance of 303.49 feet; thence 154.01 feet along the arc of a tangent curve to the left with a radius of 180.00 feet, the chord of which bears North 70°30'52" East for a distance of 149.35 feet; thence 90.00 feet along the arc of a reverse curve to the right with a radius of 120.00 feet, the chord of which bears North 67°29'22" East for a distance of 87.91 feet; thence North 88°58'32" East a distance of 92.02 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.



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EXHIBIT D

ORDINANCE NO. NS-1926

AN ORDINANCE PROTECTING THE EQUAL RIGHTS OF THE CITIZENS OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

The Bend Code is amended by adding new Sections 5.700 through 5.750 to read as Follows:

5.700 Short Title.

Bend Code Sections 5.700-5.750 shall be known and may be cited as the "Equal Rights Ordinance" and may also be referred to herein as "this ordinance."

5.705 Policy and Intent.

It is the policy of the City of Bend to eliminate discrimination based on race, religion, color, sex, marital status, national origin, age (if the individual is 18 or over), disability, sexual orientation and gender identity. Such discrimination threatens not only the rights and privileges of Bend citizens, but menaces the institutions and foundation of our community.

Furthermore, the City Council finds that state law does not clearly prohibit such discrimination based on sexual orientation and gender identity. It is the intent of the City Council, in the exercise of its powers for the protection of the public health, safety, and general welfare and for the maintenance of peace and good government, that every individual shall have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodation be removed.

5.710 Definitions.

1. **Employer** –means any person who directly or through an agent, engages or uses the personal service of one or more employees, within the City of Bend, reserving the right to control the means by which such service is or will be performed.
2. **Gender Identity** - A person's actual or perceived sex, including a person's identity, appearance, expression, or behavior with respect to actual or perceived sex, whether or not that identity, appearance, expression or behavior is different from that traditionally associated with the person's sex at birth.
3. **Sexual Orientation** - Actual or perceived heterosexuality, homosexuality, or bisexuality.

Any terms used but not defined in Chapter 5.710 are to be defined as in Oregon Revised Statutes, Chapter 659A.

5.715 Discrimination in Employment Prohibited.

1. It shall be unlawful to discriminate in employment on the basis of an individual's race, religion, color, sex, national origin, marital status, age (if the individual is 18 years of age or older), or physical or mental impairment by committing any of the acts made unlawful under the provisions of ORS 659A.030 and 659A.112.
2. In addition, it shall be unlawful to discriminate in employment on the basis of an individual's sexual orientation or gender identity by committing against any such individual any of the acts already made unlawful under ORS 659A.030 when committed against the categories of persons listed therein.

5.720 Discrimination in Selling, Renting or Leasing Real Property Prohibited.

It shall be an unlawful real property transaction practice for any person to discriminate on the basis of race, religion, color, sex, marital status, familial status, domestic partnership, national origin, age, mental or physical disability, sexual orientation or gender identity by committing against any such individual any of the acts made unlawful under ORS 659A.145 or 659A.421.

5.725 Discrimination in Places of Public Accommodation Prohibited.

It shall be an unlawful public accommodation practice for a person to discriminate on the basis of an individual's race, religion, color, sex, marital status, familial status, domestic partnership, national origin, age, mental or physical disability, sexual orientation or gender identity by committing against any such individual any of the acts made unlawful under ORS 659A.142 or ORS 659A.400 to 659A.409.

5.730 Exceptions:

1. The prohibitions in this ordinance do not apply to an organization whose primary purpose and function is religious.
2. The housing prohibitions in this ordinance (contained in section 5.720) do not apply to renting space in a single housing unit or to renting of space in a building which is owner occupied and which has fewer than four units.
3. Nothing herein shall be construed to prevent an employer from enforcing an otherwise valid dress code.

5.735 Enforcement.

- (1) Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of the equal rights ordinance may file a complaint with the Commissioner of the Bureau of Labor and Industries under procedures established in ORS 659A.820. The Commissioner shall have the same power to enforce the provisions of this equal rights ordinance as the Commissioner has to enforce alleged violations within the Commissioner's statutory authority.
- (2) Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of the equal rights ordinance shall have a cause of action in any court of competent. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be handled as provided for in ORS 659A.870 through 659A.880. The court may grant such relief as is provided in ORS 659A.885.

5.740 Severability.

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

5.745 Effective Date.

This ordinance shall take effect thirty days after its passage.

Read for the first time the 2nd day of June, 2004.

Read for the second time the 16th day of June, 2004.

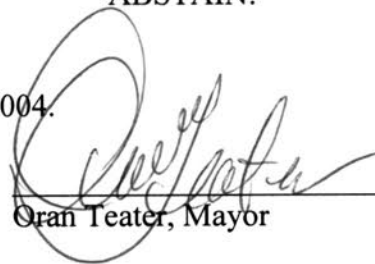
Placed upon its passage the 16th day of June, 2004.

YES: 7

NO: 0

ABSTAIN:

Authenticated by the Mayor the 16th day of June, 2004.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder

ORDINANCE NO. NS-1927

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, BY CHANGING THE ZONE OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY RESIDENTIAL TO RS, URBAN STANDARD DENSITY RESIDENTIAL.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendations of the Hearings Officer dated May 26, 2004, file number PZ 04-111.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described in "Exhibit A" from Urban Low Density Residential (RL) to Urban Standard Density Residential (RS).

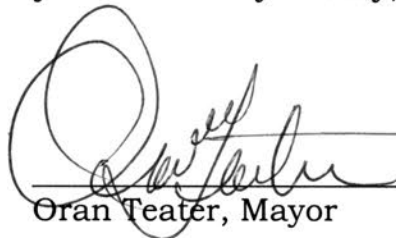
Read for the first time the 16th day of June, 2004.

Read for the second time the 7th day of July, 2004.

Placed upon its passage the 7th day of July, 2004.

YES: 7 NO: 0

Authenticated by the Mayor the 7th day of July, 2004.


Oran Teater, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

EXHIBIT "A"

The East Half of Northwest Quarter of the Southwest Quarter (E ½ NW ¼ SW ¼) and the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW ¼ NW ¼ SW ¼) of Section 2, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPT that portion of the West 500 feet of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW ¼ NW ¼ SW ¼), lying North of the C.O.I. Lateral A-2.

ORDINANCE NO. NS-1928

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178 (ZONING MAP), BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND FROM RL, URBAN LOW DENSITY, TO RS, STANDARD DENSITY RESIDENTIAL AS DESCRIBED IN EXHIBIT "A" ATTACHED.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Recommendation of the Hearings Officer dated May 18, 2004 file number PZ-04-109.

Section 2. Section 7(1) of Ordinance NS-1178 and the Zoning Map of the City of Bend are amended by changing the designation of the property described as Tax Lot 18-12-18BA, Tax Lots 200 and 201 from Urban Low Density (RL) to Urban Standard Density Residential (RS).

Read for the first time the 21st day of June, 2004.

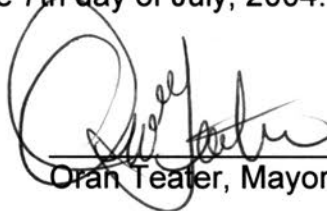
Read for the second time the 7th day of July, 2004.

Placed upon its passage the 7th day of July, 2004.

YES: 7

NO: 0

Authenticated by the Mayor the 7th day of July, 2004.


Oran Tealer, Mayor

ATTEST:


Patricia Stell, City of Bend Recorder

Order No. 10-0039904

Page No. 4

EXHIBIT "A"**PARCEL I:**

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 18, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the Northwest corner of Section 18; thence South 00°28'40" West, 627.52 feet along the West line of Section 18; thence North 89°26'33" East, 2252.37 feet to the true point of beginning; thence North 00°20'00" East, 250.00 feet; thence North 89°26'33" East, 175.00 feet; thence South 00°20'00" West, 250.00 feet; thence South 89°26'33" West, 175.00 feet to the true point of beginning.

TOGETHER WITH a 15.00-foot easement for ingress and egress over the following described property: Beginning at the Northwest corner of said Section 18; thence South 00°28'40" West, 627.52 feet along the West line of Section 18; thence North 89°26'33" East, 2427.37 feet; thence North 00°20'00" East, 250.00 feet to the true point of beginning of this easement; thence North 00°20'00" East, 338.76 feet to the Southerly right-of-way of Hollygrape Street; thence South 89°39'10" West, 15.00 feet; thence South 00°20'00" West, 338.81 feet; thence North 89°26'33" East, 15.00 feet to the true point of beginning and terminus of this easement.

PARCEL II:

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the Northwest corner to Section 18; thence South 00°28'40" West, 627.52 feet along the West line of Section 18; thence North 89°26'33" East, 2076.37 feet to the true point of beginning; thence North 00°20' East, 619.99 feet; thence North 89°39'10" East, 351.00 feet; thence South 00°20' West, 618.76 feet; thence South 89°26'33" West, 351.00 feet to the true point of beginning.

EXCEPTING THEREFROM the Northerly 30 feet for roadway purposes. ALSO EXCEPTING THEREFROM: Beginning at the Northwest corner of said Section 18; thence South 00°28'40" West, 627.52 feet along the West line of Section 18; thence North 89°26'33" East, 2252.37 feet to the true point of beginning; thence North 00°20'00" East, 250.00 feet; thence North 89°26'33" East, 175.00 feet; thence South 00°20'00" West, 250.00 feet; thence South 89°26'33" West, 175.00 feet to the true point of beginning.

Do not record this side

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ORDINANCE NO. NS-1929

AN ORDINANCE VACATING TRAIL EASEMENT PLATTED IN MOUNT BACHELOR VILLAGE IN THE SW 1/4 OF SECTION 6 AND THE NW 1/4 OF SECTION 7, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY.

A petition having been presented to the Bend City Council on April 7, 2004 requesting that the following described area be vacated:

SEE EXHIBIT "A"

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 16th day of June, 2004, at 7:00 p.m. local time in the Tower Theater at 835 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

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 16th day of June, 2004.

Read for the second time the 7th day of July, 2004.

Placed upon its passage the 7th day of July, 2004.

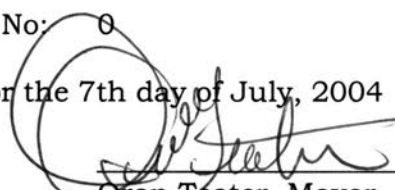
Yes: 7

No: 0

Authenticated by the Mayor the 7th day of July, 2004

ATTEST:


Patricia Stell, City Recorder


Oran Teater, Mayor

Please record Pages 1 and 2 of Ordinance NS-1929. After recording, return to Deputy Recorder, City of Bend, 710 NW Wall, Bend, OR 97701



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D-IPPS Cnt=1 Stn=23 TRACY
\$10.00 \$11.00 \$10.00 \$5.00

11/16/2004 10:24:45 AM

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



This page must be included
if document is re-recorded.
Do Not remove from original document.



Exhibit "A"

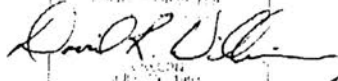
**MOUNT BACHELOR VILLAGE
TRAIL EASEMENT RELEASE**

EASEMENT DESCRIPTION

That portion of a 20.00-foot wide City of Bend Trail Easement located in Lots 8, 11, 13, 20 and 21, created by the plat of Mount Bachelor Village filed in the office of the Deschutes County Clerk, Cabinet F, Page 61.

AND

A 20.00-foot wide City of Bend Trail Easement granted January 11, 2002 per volume 2002, page 01936 over a parcel of land described in an Amendment to the Declarations of the Mt. Bachelor Village Charter in volume 110, page 1240.


DAVID H. WILLIAMS
2/27/08

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O:\engineering\ROW VAC\VAC 03\03-11 Mt Bachelor VII. Trail\PETITIC

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ORDINANCE NO. NS-1930

**AN ORDINANCE AMENDING ORDINANCES NO. NS-634, NS-819, NS-820, AND 1272
(GRANTING FRANCHISES AND PROVIDING FOR THE MANAGEMENT AND
COLLECTION OF SOLID WASTE), BY AMENDING THE FRANCHISE FEE**

WHEREAS, The City of Bend has been collecting a franchise fee from its solid waste Franchisees in the amount of \$1,000 per year, and

WHEREAS, The Bend City Council finds that the current annual fee is not sufficient to cover the wear and tear that garbage trucks cause to the City's streets, and

WHEREAS, The public's interest would be better served by adopting an amended franchise fee for solid waste Franchisees in the amount of 4% of gross receipts for rates collected by the solid waste Franchisees within the City of Bend, and

WHEREAS, The current ordinance does not allow for the City's audit of the Franchisee's books, and with the implementation of the 4% franchise fee, allowing an audit is consistent with the authorities granted in other utility franchise agreements,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1.

The rate determination provisions in Section 11.3 of Ordinance No. 1272 (as subsequently amended) is further amended as follows:

Section 11.3. Rate Determination. 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~~ Council or any committee thereof with all information deemed necessary by the ~~Commission~~ Council 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 on Exhibit "C". Franchisees shall keep accurate accounting records throughout the term of the franchise. The City may require an audit of the Franchisee's books, to determine the accuracy of the Franchisee's statement of gross receipts. The cost of any such audit shall be borne by City, unless the results of any such audit reveal an underpayment of more than 8% of the franchise fee for the period audited. In the case of such underpayment, the full cost of such audit shall be paid by Franchisee. Franchisee shall immediately pay the amount of the underpayment as determined by such audit to City together with 12% per annum interest from the date such payment should have been made to the date the payment is actually made. The ~~Commission~~ Council may approve, disapprove or modify an application for rate adjustment. Rates shall be changed by resolution of the ~~Commission~~ Council.

Section 2.

The franchise fee provisions in Section 18 of Ordinance No. 1272 (as subsequently amended) is further amended as follows:

Section 18. Franchise Fee. Each Franchisee shall pay the City of Bend ~~an annual~~ franchise fee in the amount of one thousand dollars (\$1,000.00) 4% of the gross receipts of each Franchisee from all customers served by this franchise. Gross receipts shall be all amounts collected by each Franchisee for franchise services from City franchise customers. The franchise fee which for

each month shall be due and payable on or before January 1 the 15th day of each year the following month. Said franchise fee will be used by the City ~~to encourage City residents to recycle garbage~~ for street maintenance or for such other purposes as may be approved by the City of Bend ~~Budget Committee~~ City Council.

Section 3.

The franchise fee provided for in Section 1 of this Ordinance shall be effective retroactively to July 1, 2004.

Read for the first time the 16th day of June, 2004.

Read for the second time the 7th day of July, 2004.

Placed upon its passage the 7th day of July, 2004.

YES: 6

NO: 1

ABSTAIN: 0

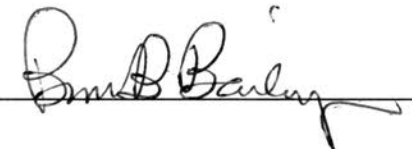
Authenticated by the Mayor the 7th day of July, 2004.


Oran Teater, Mayor

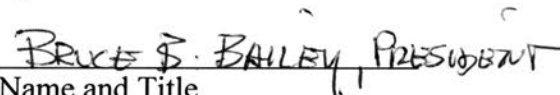
Attest:

Patricia Stell, City Recorder

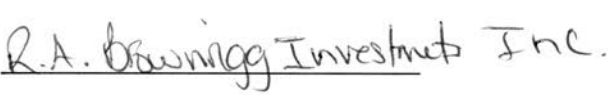
Bend Garbage Co., Inc.



By:


Name and Title

R.A. Brownrigg Investments, Inc.



By:


Name and Title

ORDINANCE NO. NS-1931

AN ORDINANCE TO AMEND THE CITY OF BEND ZONING ORDINANCE NS-1178 REGARDING NONCONFORMING USES IN THE WATERWAY OVERLAY ZONE PURSUANT TO THE LCDC ORDER ACKNOWLEDGING THE CITY'S PERIODIC REVIEW WORK TASK REGARDING THE WATERWAY OVERLAY ZONE

WHEREAS, City Council adopted by Ordinance the Waterway Overlay Zone on November 20, 2002, in response to Periodic Review Work Task No 7;

WHEREAS, numerous objections to the WOZ were filed by the Rivers Edge Investments LLC in an appeal to the Department of Land Conservation and Development and later to the Land Conservation and Development Commission;

WHEREAS, the City and Rivers Edge entered into mediation with DLCD regarding the Rivers Edge objections;

WHEREAS, the City and Rivers Edge reached an agreement regarding the objections and that agreement was adopted by LCDC resulting in the acknowledgement of the WOZ subject to the adoption of this amendment of the Waterway Overlay Zone regarding replacement of existing structures after a casualty loss;

WHEREAS, the adoption of this ordinance will effectively conclude all legal challenges to the Waterway Overlay Zone and complete Periodic Review Work Task No. 7;

AND WHEREAS, City Council has determined that the below amendment to the Waterway Overlay Zone does not conflict with other provisions of that Zone;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following Section is added to the Waterway Overlay Zone to read as follows:

10-10.22A(7) Replacement of Existing Structures. Notwithstanding other provisions to the contrary in the City of Bend Zoning Ordinance, in the event that an existing structure is partially or entirely damaged or destroyed by fire, natural disaster or other casualty, the subject structure may be repaired or replaced in the same location provided that additional riparian surface area is not disturbed. A property owner who has been convicted of any degree of arson (including inchoate offenses) in relation to a fire that damages or destroys ~~for setting the fire that damaged or destroyed the~~ subject structure will not be permitted to utilize this Section as a basis for rebuilding the damaged or destroyed structure.

Section 2. This ordinance shall be effective thirty days from the date of its adoption.

Read for the first time the 7th day of July, 2004.

Read for the second time the 21st day of July, 2004.

Placed upon its passage the 21st day of July, 2004.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 21st day of July, 2004.

Attest:


Patricia Stell, City Recorder


Oran Teater, Mayor

Language in ~~Struckthrough~~ typeface is deleted;
Language in **Bold** typeface is added

ORDINANCE NO. NS-1932

AN ORDINANCE AMENDING THE BEND CODE TO PROVIDE THAT EACH DAY A NUISANCE CONTINUES TO EXIST CONSTITUTES A SEPARATE VIOLATION OF THE BEND CODE AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Bend Code is amended to add a new section as follows:

5.395 Continuing Violation. Each day that a nuisance defined in Bend Code Sections 5.330 (Nuisances Affecting the Public Health), 5.335 (Attractive Nuisances), 5.340 (Snow and Ice), 5.345 (Flammable Vegetation Fuel Breaks), 5.355 (Trees), 5.365 (Surface Waters, Drainage), 5.370 (Radio and Television Interference), 5.375 (Notices and Advertisements), 5.380 (Discarded Vehicles) or 5.385 (Noise) continues to exist constitutes a separate violation, and a separate penalty may be assessed for each day the violation continues.

Section 2.

This ordinance is necessary for the immediate preservation of the public health, safety and welfare. An emergency is therefore declared to exist, and this ordinance shall take effect immediately upon its passage.

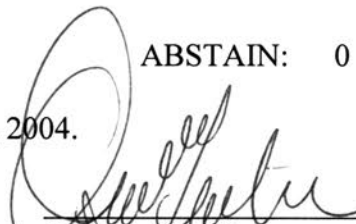
Read for the first time the 7th day of July, 2004.

Read for the second time the 21st day of July, 2004.

Placed upon its passage the 21st day of July, 2004.

YES: 7 NO: 0 ABSTAIN: 0

Authenticated by the Mayor the 21st day of July, 2004.


Oran Teater Mayor

Attest: 
Patricia Stell, City Recorder

Strikeout = text to be deleted

Bold = new text

ORDINANCE NO. NS-1933

AN ORDINANCE AMENDING ORDINANCE NO. 1178 TO PROVIDE MORE EFFECTIVE ENFORCEMENT REMEDIES IN THE CASE OF ZONING VIOLATIONS AND DECLARING AN EMERGENCY

WHEREAS, The City of Bend has experienced difficulty enforcing the Zoning Ordinance (Bend Code Section 10-10.36) due to weak and outdated enforcement procedures,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: The Bend Code Section 10-10.36 is amended as follows:

Section 36. Enforcement and Penalties.

- (1) Enforcement. It shall be the duty of the City Planning Director to enforce this ordinance. All departments, officials and public employees of the City of Bend, vested with the duty or authority to issue permits shall conform to the provisions of this ordinance and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this ordinance. Any permit, certificate or license issued in conflict with the provisions of this ordinance, intentionally or otherwise, shall be void. **Any use of land in violation of this ordinance is declared to be a nuisance.**
- (2) Penalties for Violation. A violation of the provisions of this ordinance is punishable upon conviction by:
 - (a) A fine of not more than ~~\$100~~ **\$500** for each day of violation where the offense is a continuing offense, ~~but such fine may not exceed \$1,000.~~
 - (b) A fine of not more than \$500 where the offense is not a continuing offense.
- (3) Injunctive Relief and Abatement.
 - (a) The foregoing sanctions shall not be exclusive, and where the public health, safety, morals, or general welfare will be better served thereby, the City Planning Director may institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon.
 - (b) **In the discretion of the City of Bend, a violation may be abated as a nuisance as provided in Sections 5.400 through 5.425 of the Bend Code or other applicable provisions of law.** ~~In the enforcement of provisions prohibiting nuisances caused by odor, sound, vibration and the like, the City Planning Director may seek injunction against the specific device, activity or practice causing the nuisance.~~
- (4) Evidence. In any prosecution for causing or maintaining any condition or use of, or activity on, or constructing, moving or maintaining any structure on, any premises, as owner or lessee at the time of the violation, or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity, use, condition or structure. This presumption shall be rebuttable and either the City or the defendant in such prosecution shall have the right to show that the offense was committed by some person other than, or in addition to, an owner or lessee or other persons in possession or control of the premises; but this shall not be construed as relieving a person in possession and control of property from any duty imposed upon him by this ordinance. For the purposes hereof, the person to whom the premises are taxed according to the records of the Deschutes County Assessor shall be prima facie the person in possession or control of the premises. Where premises on which the violation is

committed are commercial or industrial premises on which a sign is situated identifying the commercial or industrial activity conducted thereof, the same shall constitute prima facie evidence that the person whose name is thus displayed is in possession or control of the premises as owner or lessee, but this shall not be construed to relieve from responsibility any agent, manager, employee or other person who actually committed the violation.

- (5) ~~Abatements. Where, because of the absence of the responsible person, or persons from the City or from the State, as the case may be, the courts of the City of Bend or the State of Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause or continuation of a structure or condition erected or maintained in violation of this ordinance, or where the City Council deems it important to the public interest that the unlawful structure or condition be removed or corrected without delay, the City Council may, after notice and hearing order the removal of the unlawful structure or condition, and if such removal or correction is not effected within the time prescribed in the order, the Planning Director shall cause such abatement, going upon the premises with such men or equipment as may be necessary, and the City Council shall thereafter by ordinance assess the cost of abatement against the real property. The lien of the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if given 30 days in advance of the hearing, either by personal delivery or by mailing the same to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order but not less than 30 days, as the City Council may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner, or other person served, that the City of Bend shall not be responsible for the condition or storage of the component parts of, or personal property situated within, the structure following abatement by the City. The remedy of abatement shall be in addition to, and not in lieu of, the other remedies prescribed in this section.~~

Section 2:

This ordinance is necessary for the immediate preservation of the public health, safety and welfare. An emergency is therefore declared to exist, and this ordinance shall take effect immediately upon its passage.

Read for the first time the 7th day of ^{July} August, 2004.

Read for the second time the 21st day of ^{July} August, 2004.

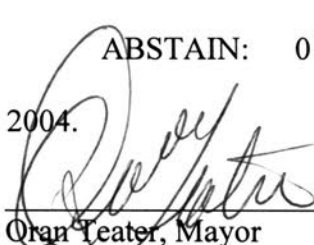
Placed upon its passage the 21st day of ^{July} August, 2004.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 21st day of ^{July} August, 2004.


Oran Teater, Mayor

Attest:


Patricia Stell, City Recorder

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DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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ORDINANCE NO. NS-1934

AN ORDINANCE VACATING THE ALLEY IN BLOCK FOUR(4), STATE HIGHWAY ADDITION IN THE CITY OF BEND, ALL LOCATED IN THE NW ¼ OF SW ¼ OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, BEND, DESCHUTES COUNTY, OREGON..

A petition having been presented to the Bend City Council on February 18, 2004 requesting that the following described area be vacated:

SEE EXHIBIT "A"

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 7th day of July, 2004, at 7:00 p.m. local time in the Tower Theater at 835 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

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.

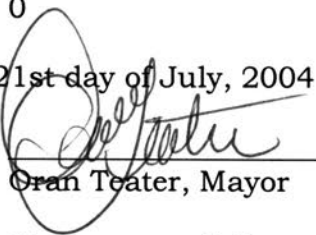
Read for the first time the 7th day of July, 2004.

Read for the second time the 21st day of July, 2004.

Placed upon its passage the 21st day of July, 2004.

Yes: 7 No: 0

Authenticated by the Mayor the 21st day of July, 2004


Gran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

Please record Pages 1 through 3 of Ordinance NS-1934. After recording return to Deputy Recorder, City of Bend, 710 NW Wall, Bend, OR 97701

**ALLEY VACATION
BLOCK 4, STATE HIGHWAY ADDITION**

PARCEL 1

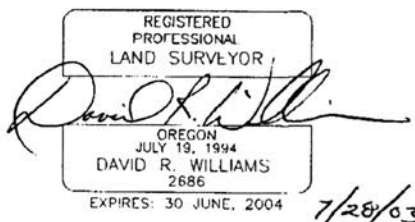
That portion of the ALLEY IN BLOCK FOUR (4), STATE HIGHWAY ADDITION in the City of Bend lying easterly of the east right-of-way line of SE 3rd Street and westerly of the vacated portion of said ALLEY per Vacation Ordinance 545 recorded in Volume 124, Page 221, February 26, 1960.

PARCEL 2

A portion of BLOCK FOUR (4), STATE HIGHWAY ADDITION in the City of Bend per a Dedication Deed, recorded in Volume 124, Page 642, May 3, 1960, being more particularly described as follows:

Beginning at a point on the North line of Lot Thirteen (13), Block Four (4), State Highway Addition, said point being 17.50 feet East of the Northwest corner of said lot; thence due South for 2.50 feet; thence on a curve to the right whose radius is 23.375 and whose central angle is 64 degrees 00 minutes 39 seconds for 26.11 feet; thence on a curve to the left whose radius is 43.375 and whose central angle is 64 degrees 00 minutes 19 seconds for 48.46 feet; thence due East for 172.50 feet to the West Line of East Fourth Street; thence due North for 20.00 feet; thence due West for 172.50 feet; thence on a curve to the right whose radius is 23.375 and whose central angle is 64 degrees 00 minutes 39 seconds for 26.11 feet; thence on a curve to the left whose radius is 43.375 and whose central angle is 64 degrees 00 minutes 39 seconds for 48.46 feet; thence due South for 17.50 feet to the point of beginning.

See drawing attached hereto and hereby incorporated by reference.



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Q:\engineering\ROW VAC and B&S Deeds\VAC 03\03-07 Alley Bend Trailer Park\PETITION.doc

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\$15.00 \$11.00 \$10.00 \$5.00

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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ORDINANCE NO. NS-1935

AN ORDINANCE VACATING A PORTION OF HILL STREET IN THE NE 1/4 OF THE NE 1/4 OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY.

A petition having been presented to the Bend City Council on April 7, 2004 requesting that the following described area be vacated:

SEE EXHIBIT "A"

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 City of Bend having caused a notice of public hearing for vacation of public property describing the above street right of ways 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 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 Council of the City of Bend having fixed the 7th day of July, 2004, at 7:00 p.m. local time in the Tower Theater at 835 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 Council 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 street right of ways located in Bend, Deschutes County, Oregon, be vacated.

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.

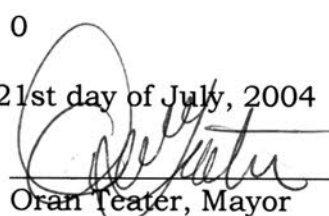
Read for the first time the 7th day of July,, 2004.

Read for the second time the 21st day of July, 2004.

Placed upon its passage the 21st day of July, 2004.

Yes: 7 No: 0

Authenticated by the Mayor the 21st day of July, 2004


Oran Teater, Mayor

ATTEST:


Patricia Stell, City Recorder

Please record pages 1 through 3 of Ordinance NS-1935. After recording return to Deputy Recorder, City of Bend, 710 NW Wall, Bend OR 97701



920 SW Emkay, Suite C100
Bend, Oregon 97702-1041
541.388.4255
Fax 541.388.4229

EXHIBIT "A"

STREET VACATION

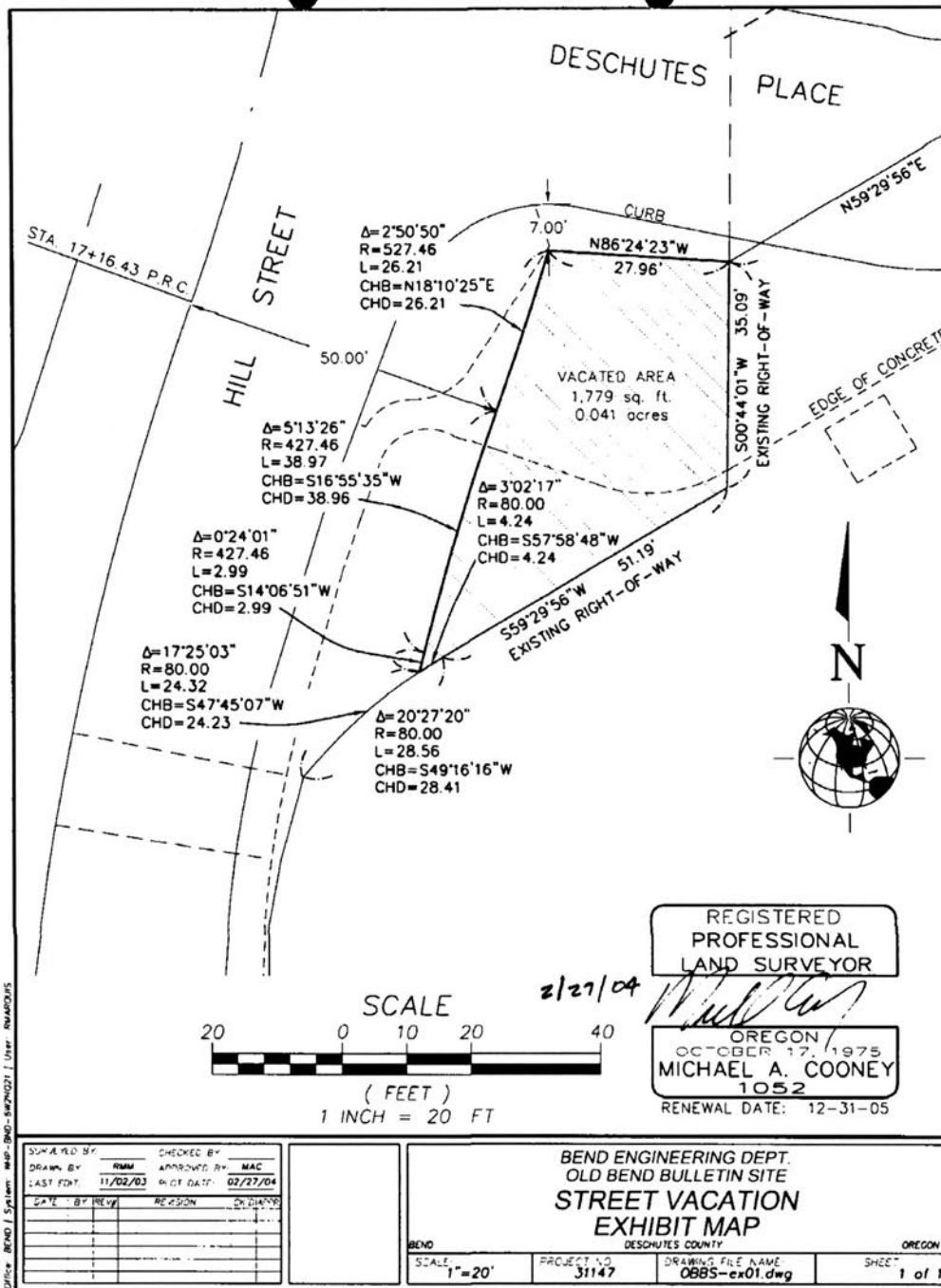
A tract of land located in the Northeast one-quarter of the Northeast one-quarter of Section 32, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a spike and washer marked "PLS 57847LS" on the existing right-of-way line of Deschutes Place, from which the East 1/16 corner common to Sections 29 and 32 bears North 55°54'21" West, 138.65 feet; thence continuing along said existing right-of-way line of Deschutes Place the following three courses, South 00°44'01" West, 35.09 feet; thence South 59°29'56" West, 51.19 feet to a point of curvature; thence along the arc of a 80.00 foot radius curve to the left, through a central angle of 03°02'17", an arc distance of 4.24 feet (the chord of which bears South 57°58'48" West, 4.24 feet) to a point of non-tangent curvature; thence along the arc of a 427.46 foot radius curve to the right, through a central angle of 00°24'01", an arc distance of 2.99 feet (the chord of which bears North 14°06'51" East, 2.99 feet) to a point of compound curvature; thence along the arc of 427.46 foot radius curve to the right, through a central angle of 05°13'26", an arc distance of 38.97 feet (the chord of which bears North 16°55'35" East, 38.96 feet) to a point of reverse curvature; thence along the arc of 527.46 radius curve to the left, through a central angle of 02°50'50", an arc distance of 26.21 feet (the chord of which bears North 18°10'25" East, 26.21 feet) to point of non-tangency; thence South 86°24'23" East, 27.96 feet to the point of beginning.



1. Project: Todd Taylor 21147 Old Bend Bulletin Office Word 122644 LIB LEGAL DESCRIPTION: VACATION.doc
whpacific.com planners surveyors engineers

landscape architects



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