

## ORDINANCE NS- 2429

### AN ORDINANCE CONTINUING THE OLD BEND NEIGHBORHOOD PARKING BENEFIT DISTRICT

#### Findings:

A. The City of Bend does not presently restrict parking in residential neighborhoods, except for a citywide prohibition on parking vehicles in the right of way for more than 3 days, and as warranted by right of way width. In the Old Bend Neighborhood, pressure from external contributors like a successful nearby commercial areas, active recreational parks, and special events contribute to limited parking availability for Old Bend residents and businesses and cause traffic congestions on narrow residential streets.

B. A parking benefit district is a defined area within which parking may be restricted by signs or require parking permits for residential users, business users, and guests, clients, or service providers, fees for which will be established by Council by resolution, in which a portion of revenues from permit sales and citations is allocated for projects supportive of parking and pedestrian infrastructure within the district boundary.

C. Following outreach within the Old Bend Neighborhood and community, Council established the Old Bend Neighborhood Parking Benefit District Pilot Program by adoption of Ordinance NS-2384 on September 16, 2020, with an expiration date of December 31, 2021 (the "Pilot Program").

D. The Old Bend Neighborhood Parking Benefit District (the "OBNPBD") is intended to reduce hazardous traffic conditions resulting from the use of streets within areas zoned primarily for residential uses for the parking of vehicles by persons attending or frequenting nearby recreational or commercial facilities or events; to protect the residential and commercial users along the streets from polluted air, excessive noise, and trash and refuse caused by entry of such vehicles; to protect residents, businesses, customers, and guests of those areas from unreasonable burdens in gaining access to their residences, businesses, or accommodations; to preserve the character of those areas as primarily residential areas; to promote efficiency in the maintenance of those streets in a clean and safe conditions; to preserve the value of property in those areas; and to preserve the safety of children and other pedestrians and traffic safety. The OBNPBD is necessary to promote the health, safety, and welfare of the inhabitants of the district and the City of Bend.

E. The goals of the Pilot Program were to prioritize parking for residents of the OBNPBD and implement parking management strategies to manage parking of vehicles by persons attending or frequenting recreational or commercial facilities or events not within the OBNPBD, and to determine if a residential and business use parking permit program accomplishes those goals in an efficient and cost-effective manner.

F. Through public outreach and evaluation of the Pilot Program, the City determined the residents and businesses within the OBNPBD generally support continuation of parking management in the OBNPBD, and that parking management tools such as paid permit parking, time-limited parking, and paid special event parking have proven to be successful in prioritizing parking in the District for residents and businesses within the OBNPBD.

G. The code directs the City Manager and staff to implement the OBNPBD through administrative policies, and gives the City Manager the authority to adjust posted time-limits and permit requirements within the OBNPBD as warranted by community desires and parking management strategies, including offering income-based discounts on annual parking permits. City Council received a report from the Parking Services Division on the Pilot Program and generally discussed these changes at a work session on November 17, 2021. The City Manager and staff are directed to implement these changes through OBNPBD administrative policies.

H. Other parking districts or parking benefit districts may be brought before Council by staff for consideration to be adopted into the Bend Municipal Code, either initially as pilot programs or as permanent districts, based on neighborhood interest and coordination with the Parking Services Division.

**Based on these findings, the City of Bend ordains as follows:**

Section 1. Bend Code section 6.20.035 is amended as shown on Exhibit A, attached.

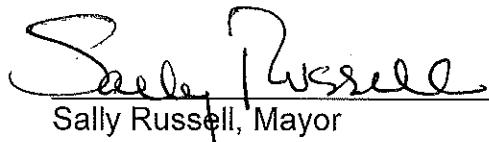
Section 2. All other provisions of the Bend Code remain unchanged and in full effect.

First Reading Date: December 1, 2021

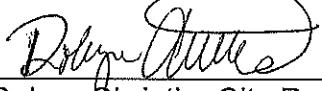
Second Reading and adoption by roll call vote on: December 15, 2021

YES: Mayor Sally Russell  
Mayor Pro Tem Gena Goodman-Campbell  
Councilor Rita Schenkelberg  
Councilor Melanie Kebler  
Councilor Anthony Broadman  
Councilor Megan Perkins

NO: Councilor Barb Campbell

  
Sally Russell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved As To Form:



Mary A. Winters, City Attorney

**6.20.035 Parking Benefit District Pilot Program.** Revised 11/20

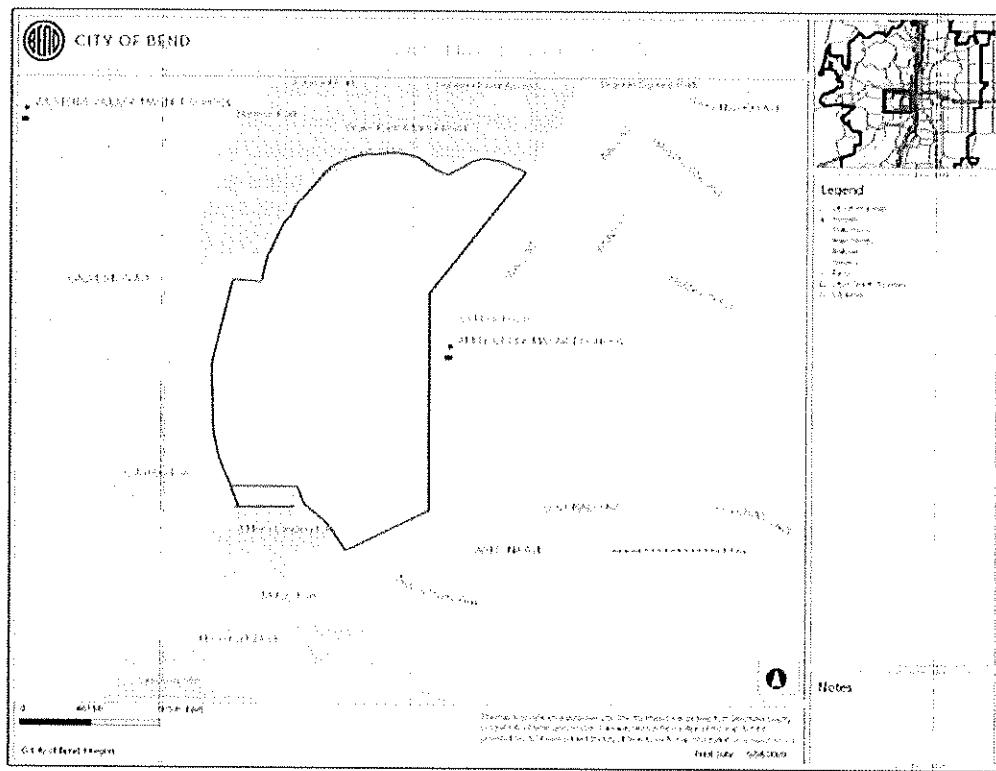
A. The Parking Benefit Districts Pilot Program is intended to reduce hazardous traffic conditions resulting from the use of streets within areas zoned primarily for residential uses for the parking of vehicles by persons attending nearby recreational or commercial facilities, events, or districts; to protect the residential and commercial users along the streets from polluted air, excessive noise, and trash and refuse caused by entry of such vehicles; to protect residents, businesses, customers, and guests of those areas from unreasonable burdens in gaining access to their residences, businesses, or accommodations; to preserve the character of those areas as primarily residential areas; to promote efficiency in the maintenance of those streets in a clean and safe condition; to preserve the value of property in those areas; and to preserve the safety of children and other pedestrians and traffic safety.

B. Definitions.

1. **Parking Benefit District** means a defined area within which parking may be restricted by signs or require parking permits, fees for which will be established by Council by resolution, in which a portion of revenues from permit sales and citations is allocated for projects supportive of parking and pedestrian infrastructure within the district boundary.

2. **Old Bend Neighborhood Parking Benefit District (OBNPBD)** encompasses all public streets, alleys, parking lots and sidewalks within the following boundary description and as shown on the map following the boundary description:

a. Beginning in the north at the corner of NW Riverside Boulevard and Broadway Street, then following the east side of NW Riverside Boulevard to the west and south until the corner of NW Riverfront Street, then going south on NW Riverfront Street to Miller's Landing Park, then turning west following NW Riverfront Street to the corner of NW Riverfront Street and NW Riverside Boulevard, then turning southeast onto NW Riverside Boulevard, then turning northeast onto NW Carlon Avenue to the corner of NW Broadway Street and NW Carlon Avenue, then turning north onto NW Broadway Street to the corner of NW Broadway Street and NW Tumalo Avenue, then following both sides of NW Broadway Street north to the point of beginning.



b. **Parking supportive projects** means projects to improve the right-of-way within the district, including but not limited to walking and biking infrastructure, street trees, benches, and lighting, or projects previously identified but not funded under the Neighborhood Street Safety Program.

C. The OBNPBD is established for a pilot period ending December 31, 2021.

1. The goals for the pilot program in the OBNPBD are to prioritize parking for residents of the OBNPBD and implement parking management strategies to manage parking of vehicles by persons attending recreational or commercial facilities, events, or districts not within the OBNPBD, and to determine if a residential and business use parking permit program accomplishes these goals in an efficient and cost-effective manner.
2. Council may continue, modify, or terminate the OBNPBD and/or implement other parking benefit districts or a procedure to create additional parking benefit districts, or any other action Council may deem necessary and appropriate for parking benefit districts, through additional ordinances.

D. The City Manager is directed to implement the OBNPBD as follows:

1. Establish regulations that:
  - a. Set the locations, days of the week, and the times of day that parking shall be restricted to parking by permit only in the parking benefit district.
    1. Establish regulations setting the days of the week and the times of day for the following parking management solutions, which may include but are not limited to:
      - ai. Time limited parking; Two-hour time limits around commercial properties;
      - ii. Four-hour parking only areas along public parks;
      - iii. Paid special event parking zones;

civ. Paid on-street parking without time limits; and

d. Permit parking.

2. Provide written notice of the existence of the OBNPBD.

a. At least 30 days prior to the start of any enforcement of the regulations, mail written notice to:

i. Each owner and the occupant of every address within the OBNPBD; and

ii. Each owner and the occupant of every address within 500 feet outside of the boundary of the OBNPBD.

b. The written notice shall contain the following information:

i. The existence and boundaries of the OBNPBD;

ii. The effective date of the parking regulations;

iii. The location of the time-restricted parking spaces;

iv. Information on applying for parking permits; and

v. The location of the parking spaces restricted to parking by permit only.

32. Erect signs indicating the required permits or limitations on parking throughout the OBNPBD.

E. Permits. One permit shall be available for each vehicle owned by a resident or registered at the residential address or owned and/or used by each owner or employee of any business within the OBNPBD (maximum of one vehicle per employee), as well as for short-term rental guests and contractors/service providers for residences and businesses within the OBNPBD. Applications and application procedures shall be provided by the City Manager or designee. Fees for such permits and renewals will be established by the City Council in the City's fee resolution. No permit shall be issued unless the applicable fee has been paid.

1. All parking permits are valid for the calendar year in which the permit is issued and expire on December 31, 2021 ~~expire the last day of the calendar year in which the permit is issued~~. Permits are not prorated and are not transferable. A permit may be renewed by filing an application pursuant to this section and paying the applicable fee, if the OBNPBD is renewed or extended by City Council. A renewal permit application shall be reviewed and approved in accordance with this section; provided, that a person who has had a permit revoked shall not be reissued a permit for a period of two years from the date of revocation.

a. If the OBNPBD is renewed or extended by Council, the renewal period for parking permits shall begin on November 1 and end on January 31 of the following year. If a permit is not renewed by January 31, the holder of the permit may apply for a new permit for the calendar year and shall pay the required application fee.

2. No parking permit shall be issued to a person who is neither a resident nor associated with a business within the OBNPBD.

3. A holder of a parking permit who is no longer a resident of or associated with business in the OBNPBD no longer qualifies for a parking permit. The holder shall surrender the permit to the parking official. Use of a permit when the holder is no longer a resident of or associated with business in the OBNPBD is a parking offense subject to citation.

4. Issuance of a parking permit does not guarantee or reserve a parking space within a parking benefit district. A parking permit issued pursuant to this chapter does not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing or parking of motor vehicles is

prohibited or set aside for specified motor vehicle types. The issuance of a permit shall not excuse the observance of any traffic regulation.

5. Whenever the holder of a parking permit is not in compliance with one or more of the applicable provisions of the policy controlling the issuance or renewal of permits, the City may direct the permit holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.

6. Until its expiration, surrender or revocation, a parking permit shall remain valid for the length of time the holder continues to reside or own and/or operate a business within the OBNPBD.

7. A parking permit issued under this section shall be valid only in the OBNPBD.

8. In addition to the penalties provided for violation of this section, the City Manager or designee shall revoke the parking permit of any individual found to have committed three or more violations of this section within any preceding 12-month period. This City Manager or designee shall provide written notification to such person by certified mail, return receipt requested, revoking the permit and ordering the surrender of such permit to the City. Failure to surrender a revoked permit when ordered to do so constitutes a separate violation of this section, and a signed return receipt shall be *prima facie* evidence of the delivery of the notice to surrender the permit.

F. Fees and revenue from the OBNPBD shall be first used for administrative costs, then the remaining funds shall be split between parking supportive projects in the OBNPBD and the Parking Services Division Fund. Additional private or public funds may be combined to fund projects under this section, but no project may be initiated until at least \$50,000 has been allocated for projects under this section.

1. In the event that the OBNPBD is terminated, any fees and revenues generated that have not been expended shall be transferred to the Parking Services Division Fund.

G. The provisions of this chapter shall be enforced through the procedures outlined in BC Chapters 6.25 and 6.30. [Ord. NS-2384, 2020]