

ORDINANCE NO. NS-2498

AN ORDINANCE AMENDING BEND MUNICIPAL CODE CHAPTER 1.70, NEIGHBORHOOD DISTRICTS, TO UPDATE AND MODERNIZE THE CITY OF BEND NEIGHBORHOOD DISTRICT PROGRAM

Findings:

- A. The 2021-2023 Council Goals included a goal of Accessible & Effective City Government. The goal included a strategy to “Expand outreach and public engagement with all community members, so that everyone feels welcome and that their voice will be heard.” Part of that strategy was an action to “Assess the neighborhood association system as a conduit of information and representation and create opportunities to engage underserved communities.”
- B. Objectives for this work included understanding who is represented and engaged with neighborhood associations, and to learn what groups in the Bend community are not engaged with the City through its neighborhood program.
- C. As part of the City's overall strategy to improve and upgrade engagement methods across the city and City organization, the City recently completed a two-year assessment of the neighborhood program that included feedback from neighborhood leaders, community members, and City Council and staff. Throughout this assessment, the City explored barriers to participation in neighborhoods and local government, and identified gaps in the neighborhood program, including a need for more clarity on how neighborhood district boundaries might change as the City grows.
- D. The City Council intends the proposed amendments to Bend Municipal Code Chapter 1.70 to update and modernize the City's neighborhood district program to create a better means of representative and meaningful feedback and information-sharing between the City and the people and constituencies that comprise the City's diverse array of neighborhoods and communities.
- E. These amendments introduce a purpose statement for neighborhood districts to provide guidance for participants and neighborhood district leadership, and to better align the purpose of neighborhood districts with City efforts to continually provide quality information to people in Bend, and to engage in feedback with community members that is grounded in quality information.
- F. The amendments to Bend Municipal Code Chapter 1.70 will better position neighborhood districts and the City's neighborhood district program to adapt as the City grows and changes by clarifying and simplifying the means by which neighborhood districts may adjust their boundaries.
- G. The amendments will create certain minimum standards for establishing new neighborhood districts as new land is annexed in to the City over time.

H. The Council intends these amendments to maintain the distinction between neighborhood districts, which are not part of the City organization or City government, and to allow neighborhood districts to remain independent and self-governing.

I. The Council intends that these amendments will place discretion with the Council around recognizing new neighborhood districts, and delegate discretion to the City Manager and their designee(s) in managing other aspects of the neighborhood district program, including but not limited to proposals to add new areas to existing neighborhood districts, and proposed boundary changes between neighborhood districts. The standards in the code for recognizing new districts and for additions and changes to existing districts are intended to be minimum requirements that exist along with the discretion of the City Council and the City Manager and their designee(s) to make final decisions on all aspects of the City's neighborhood district program.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Bend Municipal Code Chapter 1.70 is amended as shown on the attached Exhibit A.

Section 2. All other provisions of Bend Municipal Code remain unchanged by this Ordinance and remain in full effect.

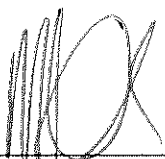
Section 3. The City Manager or their designee is authorized to take whatever steps may be necessary to effectuate the changes from this Ordinance and the attached Exhibit A.

First reading: May 15, 2024

Second reading and adoption by roll call vote: June 5, 2024

YES: Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Ariel Méndez
Councilor Anthony Broadman
Councilor Mike Riley
Councilor Megan Norris

NO: none



Melanie Kebler, Mayor

ATTEST:



Morgen Fry, City Recorder's Office

Approved as to Form:



Mary A. Winters, City Attorney

~~Ordinance No. NS-2498~~

Chapter 1.70
NEIGHBORHOOD ASSOCIATIONS DISTRICTS

Sections:

- 1.70.005 Purpose.**
- 1.70.010 Definitions.**
- 1.70.020 Existing Neighborhood Associations Districts.**
- 1.70.030 Establishment and Recognition of New Neighborhood Associations Districts and New Areas.**
- 1.70.040 Termination, Dissolution and Withdrawal from Recognized Associations Boundary Changes.**
- 1.70.050 Status of Recognized Neighborhood Association Districts.**
- 1.70.060 Grants and Other Assistance.**

1.70.005 Purpose.

A. The City of Bend's Neighborhood association District program is intended to:

1. Encourage and build community and neighborhood awareness and understanding of City issues;
2. Provide for inclusive, representative, informed, and effective communication and feedback between the City and community members on issues and concerns related to City issues, especially those related to City Council goals; and
3. Support positive and meaningful connections within neighborhoods and the city as a whole.

1.70.010 Definitions.

Neighborhood associations district means an association organization comprised of residents 18 years or older, property owners, and any legal entity that operates a place of business, professional office, government agency or nonprofit institution within an area of the City. ~~Participation is voluntary and open to all persons who comprise the association. Neighborhood associations are formally recognized organizations which offer an opportunity for those comprising the association to participate in the decision-making for their neighborhood, particularly on land use matters. [Ord. NS-2171, 2011]~~ city of Bend. Participation is voluntary and open to all.

1.70.020 Existing Neighborhood Associations Districts.

~~All~~ The following neighborhood associations districts are recognized by the City as of January 1, 2011, and shall continue to be recognized until termination of and unless recognition under BC 1.70.040. Neighborhood associations recognized as of January 1, 2011, are terminated by the City:

-
- A. Awbrey Butte
 - B. Boyd Acres
 - C. Century West
 - D. Larkspur
 - E. Mountain View
 - F. Old Bend
 - G. Old Farm District.
 - H. Orchard District.
 - I. River West
 - J. Southeast Bend
 - K. Southern Crossing
 - L. Southwest Bend
 - M. Summit West

1.70.030 Establishment and Recognition of New Neighborhood Associations Districts and New Areas.

~~The residents~~A. Any resident, property owner~~owner, or legal entities~~entity that operates a place of business or professional office, government agency or nonprofit institution of any area in the City~~city not within an existing neighborhood association~~district may seek City recognition for~~of a new neighborhood association. City will not recognize any~~district, or may seek to have the area included within an existing neighborhood association that includes territory~~district. If seeking recognition of a recognized new neighborhood association unless~~district, those seeking recognition must request recognition on a majority of the members of the neighborhood association who live in the territory to be transferred have agreed in writing that the territory will be transferred~~form acceptable to the other neighborhood association. Recognition of new neighborhood associations shall be by City and must meet the following minimum requirements and any others imposed by the City Council:~~

1. A new district must include no less than 1,000 residential units;
 2. A new district must include and follow logical and identifiable geographical boundaries;
 3. A majority of those eligible to be part of a neighborhood district under this Chapter must approve of the proposed new district;
-

4. A new district must meet all other requirements of this Chapter for neighborhood districts.

B. Recognition of a new neighborhood district is through a resolution of the City Council, which has sole discretion to determine whether to consider and recognize a new district. If the Council chooses to grant recognition to a new district, that district will be recognized on the date the resolution is effective, and the new district will be subject to all requirements of this Code and any others imposed by the City on neighborhood districts. Bend Municipal Code 1.70.020 will be amended to reflect the new district in normal course.

C. To include an area within an existing neighborhood district, proponents must make a showing that a majority of eligible participants wish to join the district. The existing neighborhood district that would accept the additional area will submit written notice to the City describing the new area proposed to be added to the district, along with a detailed map showing the area to be included and proposed new boundaries of the district. The City Manager or their designee has sole discretion whether to approve the addition of the new area to the district. The City Manager or designee's decision is final and is not appealable to the City Council.

1.70.040 Termination and Withdrawal from Recognized Associations, Dissolution, and Boundary Changes.

A. Any recognized neighborhood association may district that chooses to voluntarily dissolve itself and shall inform the City of the dissolution. The City shall terminate the recognition of any association on the date of its dissolution district that dissolves.

B. The City may terminate the recognition of any neighborhood association district if it has not held a general meeting in the previous 18 months complied with any provision of this Chapter. Written notice of the termination from the City Manager or their designee will be provided to the neighborhood district.

C. The City shall terminate the recognition of a neighborhood association as to an area if the City receives a petition signed by a majority of the registered voters in the area requesting that the neighborhood association no longer be recognized for the area. The petition must include a map showing the area to be withdrawn.

D. The City may terminate the recognition of a neighborhood association that is not in compliance with this chapter. [Ord. NS-2171, 2011]

C. Any two neighborhood districts may agree to exchange or transfer an area within either district, so long as the area(s) to be transferred will be contiguous to the new district after the exchange or transfer. A proposal for an exchange or transfer of an area, along with a detailed map, must be jointly submitted to the City after the proposal is authorized by the boards of each neighborhood district. The City Manager or their designee has sole discretion whether to approve a proposed exchange or transfer. The City Manager or designee's decision is final and is not appealable to the City Council.

Nothing in this Chapter is intended to permit neighborhood districts to merge their respective areas to consolidate into a single new neighborhood district.

1.70.050 ~~Status of Recognized Neighborhood Association~~District Status and Requirements.

- A. Neighborhood ~~associations~~districts are independent entities and not part of the City government.
- B. City recognition of a neighborhood ~~association~~district does not make the ~~association~~district part of the City or make it a governmental entity. ORS Chapter 197 gives ~~recognized associations~~districts certain rights to notice of certain land use applications. The Bend Development Code also provides ~~recognized associations~~districts the right to notice and comment on certain land use applications and the right to a waiver of appeal fees, consistent with the Bend ~~General~~Comprehensive Plan provisions on ~~citizen~~public involvement. The role of neighborhood ~~associations~~districts in the land use process does not make them decision-makers or advisory bodies to the decision-makers. Recognition of a neighborhood ~~association~~district gives the ~~recognized association~~district the rights granted by State law, the Bend Development Code, and this ~~chapter to recognized neighborhood associations~~Chapter.
- C. The City has no responsibility or liability for actions of neighborhood ~~associations~~districts.
- D. ~~Recognized neighborhood associations~~Neighborhood districts must designate an authorized representative and provide the City with contact information for the designated representative to allow notice to be provided under applicable land use regulations. ~~Recognized neighborhood associations~~Neighborhood districts must have bylaws or other binding rules that require publicly announced and open meetings, govern election of board members and/or officers and meeting procedures, and must maintain minutes of open meetings. Neighborhood districts must hold at least one general meeting every twelve (12) months and must survey their general membership at least annually to obtain representative feedback on topics of importance to the neighborhood that are connected to the City Council Goals in place at that time or to inform future City Council Goals.

1.70.060 Grants and Other Assistance.

- A. The City may provide grants to ~~recognized neighborhood associations~~districts through the City's budget process, may waive land use appeal fees for neighborhood associations by resolution, and may provide assistance, including coordination and administrative assistance, to neighborhood ~~associations~~districts. City grant proceeds and any other assistance may not be used to advocate for or against a declared candidate or ballot measure, and must be used in a manner that is consistent with this Chapter and any conditions imposed by the City Council, or the City Manager or their designee. Neighborhood ~~associations~~districts that receive grants shall provide an annual written
-

report on the expenditure of grant terms established by the City Manager or their designee to ensure and demonstrate that funds are used in a manner consistent with this Chapter and any City conditions on an annual basis as part of the application for grant funding.

B. The City may allow ~~recognized neighborhood associations~~districts or meetings of representatives of neighborhood ~~associations~~districts to use City facilities, consistent with applicable building use policies.