



Background on City Survey Regarding Events on Private Property

During a work session on Jan. 3, 2018, staff presented recommendations to the City Council addressing potential regulation of events on private property to minimize offsite impacts, such as noise and parking. Before taking action, the Council asked staff to obtain feedback from event stakeholders, including businesses and nearby residents. As such, the City has posted a survey ([click here](#)) on its web site; responses will be collected through Feb. 9, 2018.

Prior to the work session, a subcommittee of Councilors that had worked on this issue asked River West Neighborhood Association, Bend Neighborhood Coalition, and Albany Neighbors to provide their ideas on how to address conflicts that have arisen where events are held adjacent to residential areas. The three groups submitted a document titled: "Joint Proposal Regarding Events on Private Property" ([click here](#)). Unfortunately, none of the points in the document were discussed by the Council.

BNC finds the staff recommendations to be temporary fixes to the use of temporary permits that skirt normal land use processes, but the recommendations don't go far enough to fix underlying problems and gaps in City code and its interpretation. The following suggestions are offered to help citizens better understand the complexity of the issues and respond to the survey. The Council is scheduled to vote on the matter on February 21, 2018.

Noise Variance Permits: The staff recommended no changes and continued use of the current administrative policy (AP 03-18: [click here](#)) to review applications for noise variances.

- a) Some events have been located too close to homes to achieve compliance with the City's decibel limits, even with a variance. We requested that variances be limited or denied within 250' of homes. Even without a variance, the decibel limit in City code allows levels that sound twice as loud as in other cities. Events that need to be louder than that should be located far enough from homes so there is enough distance for sound levels to drop below the limits in the code.
- b) The administrative policy used to review noise variance applications was not submitted for public review. The criteria in the policy have not been applied consistently or rigorously; for example, no variances are supposed to be allowed for a year if a citation has been issued at a location. This has been interpreted to mean no permits for the same business, rather than the same location, and variances have been approved for other businesses at the same location. Also, proximity to noise sensitive residences has not been disqualifying, though it is a criterion.
- c) BNC has asked that decibel readings be taken at the nearest residence, as called for in the code. The City Manager's direction to the police is to measure at the residence of a person complaining. This has resulted in confusion for event organizers and the police. Even event promoters have asked to have a fixed location, so they know where to take sound readings when setting up.

Temporary Change of Occupancy Permits: The staff proposed a limit of three TCOs per location per year. A new administrative policy will be drafted listing criteria for use in determining whether to approve TCO applications.

- a) BNC supports the staff-recommended limit of three TCOs per location per year. If the Council prefers a higher limit, we suggest two per business and five per property, with a requirement that the applicant be a legal occupant of the premises. TCOs are intended to be "temporary", not a routine

part of a business operation. Repeated use of TCOs creates a de-facto land-use entitlement, without proper city and community review. While most of the ten or so properties requesting TCOs do so for one indoor event in a year, one location received over 20 for outdoor events in the past two years.

- b) A new administrative policy should include as criteria, proximity to residences, along with frequency and duration of events. And, since TCOs are intended for occupied buildings, their use for parking lots should be circumscribed.
- c) The City lacks an event center code; by default, almost any property can become an event center. Temporary variances and permits should not take the place of a well-thought-out ordinance that addresses the many aspects of holding large events. Recognizing that big events have impacts, there is code for “special events” which take place on streets and other public locations, but not for events on private property. Some owners are exploiting gaps in City policy, while avoiding public review.

Parking Plans: A business intending to use its parking lot for an event would be required to submit a parking plan to the City in conjunction with the City’s review process for applications for temporary alcohol (OLCC) licenses. The plan would have to meet federal ADA/accessibility standards. The new administrative policy for TCOs would include criteria for the required parking plans.

- a) While there were over 300 applications in the last year for temporary alcohol licenses, not all events require one. A plan should be required for all events with more than a certain number of attendees.
- b) In 2016, a popular brewpub submitted a parking plan for an event on a parking lot and an adjoining street as part of an application for a special event permit (due to use of the public right-of-way). The plan included the use of shuttles from a remote lot at a high school. Midway through the event, there were more shuttle buses than parked vehicles in the lot, while the surrounding neighborhood was inundated with parked cars. Plans such as this need to require methods for actually getting people to use the alternative facilities and accountability for the results.

Ultimately, part of the solution to managing events on private property is to have more official event venues, regulated by a specific City code, and located far enough from residences so that sound levels aren’t a problem. BNC supports developing a properly-located park designed as a music venue, and making it available for a reasonable fee to private promoters for ticketed concerts.

The noise ordinance should also be amended to bring it into line with other cities and eliminate confusion. In the meantime, the City should enforce its ordinances as written, and be restrained in its use of temporary permits that allow large events in locations where compliance with the code is nearly impossible to achieve.

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