

ADMINISTRATIVE ORDER NO. 58-16-20-F
of the
City Manager

**AMENDMENT OF THE RESIDENTIAL PERMIT PARKING ZONE
REGULATIONS ADMINISTRATIVE RULE R-5.040 AND REPEAL OF
ADMINISTRATIVE ORDER NO. 58-92-07.**

The City Manager of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971, (“EC”) authorizes the City Manager to adopt rules for administration of provisions of the Eugene Code. EC 5.040 authorizes the City Manager or the Manager’s designee to take administrative action establishing parking area time limitations, including the form of permissible parking and imposing conditions upon which the streets and other public property may be used for parking.

B. Administrative Order No. 58-92-07 established Residential Permit Parking Zone Regulations Administrative Rule R-5.040 effective April 15, 1992.

C. On August 9, 2016, I issued Administrative Order No. 58-16-20, proposing to amend Residential Permit Parking Zone Regulations Administrative Rule R-5.040 in order to allow for residential parking permits to be issued to eligible homeowners and long term residents for terms of up to two years, rather than only annually. Use of the two-year permit option will provide convenience for the customer because it will allow for permit applications to be submitted every two years rather than annually. Use of the two-year permit option will also result in lower City administrative costs.

D. Notice of the proposed amendments was given by making copies of the Notice that was attached as Exhibit A to Administrative Order No. 58-16-20, available to any person who had requested such notice, and by publication of the Notice in the Register Guard Newspaper on August, 17, 18, 19, 20, and 21, 2016. Copies of the Notice were also provided to the Mayor and City Councilors. In addition, Parking Services gave notification of the proposed amendment and opportunity to submit comments by sending e-mails to over 2,555 current permit customers, and sending postcards to 3,916 addresses of owners and tenants in the following Neighborhood Associations: Jefferson Westside, Fairmount Neighbors, Downtown Neighborhood, South University, West University and Amazon Neighbors

E. Thirty-five comments were received in response to the proposed Rule amendment. Twenty-five of the comments voiced support for the amendment. However, some of those who were in support also expressed some concerns and addressed parking issues not specific to the two-year permit option. Two comments submitted were in opposition to the amendment. The remainder of the comments submitted addressed general parking issues rather than the proposed two-year permit option and, therefore, those comments aren’t being considered in relation to this

Rule amendment. However, City staff will address the concerns of all individuals who submitted comments not directly related to the two-year permit option.

A summary of comments submitted opposing the two-year permit option, and other comments expressing concern with certain aspects the two-year permit option, are set out below, followed by my responses:

Comments Re: Permit Holders Retaining Permits after Move:

- The long permit period might exacerbate the existing problem of some permit holders moving but continuing to use the permits to get prime parking spaces near the University, thus limiting the availability of parking for long term residents.
- Permits should be relinquished when permit holders move out of the zoned neighborhood.

Response. To be eligible for a two-year permit, a person must be a homeowner or person who can verify that they have rented the same dwelling for more than four years. This eligibility requirement should eliminate most instances where people purchase permits for a longer period of time than they are residents in the neighborhood. Although these Rules provide for revocation of a permit when a permittee is in violation of condition(s) of the permit, enforcing permit revocation due to a permit holder's move would be a difficult task in most cases because the City isn't able to monitor relocations. If the City becomes aware that a permit holder has moved out of the zoned neighborhood, and has knowledge of the permit holder's new address, the City will provide notice of permit revocation as provided in these Rules.

Comments Re: Online and Digital Renewal:

- Online renewal option would be helpful rather than having to pick up the permits.
- A digital process that would allow persons to send digital copies of proof of residency and home ownership, etc., would be an added convenience.

Response: The City is working toward providing an online renewal system. However, at this point, the City doesn't have all of the technology necessary to do so. In the meantime, the City offers two-hour validated parking in the Overpark Garage that can be used to defray the cost of parking when picking up a permit. The City is also working on implementing paperless permits which would use a camera scanning system to detect permitted license plates, rather than stickers.

Comments Re: Shortage of Parking:

- Two year permits should not be issued for 13th Avenue because there is a shortage of parking and that would add to the problem.
- Two-year permit option likely to increase the number of "Commuter J" permits.

Response. The area on 13th Avenue in Zone C is designated as commercial parking which makes it ineligible for the two-year residential permit option. The number of commuter permit holders for Zone J wouldn't increase due to the institution of a two-year permit system because Zone J does not offer a commuter permit option. Staff anticipates the two-year permit option will be utilized predominantly in Zones A and J because those zones have the largest number of residents who qualify for "homeowner" status.

Comments Re: Having to Pay for Parking:

- It would be better not have to pay for a special permit to park on public streets in front of own home.

- Two-year parking permits should be issued at no charge to homeowners who pay property taxes.

- U of O students should have somewhere to park that is affordable.

- Property owners should be given one free parking permit per year or two year period. Parking is a problem when guests are visiting or construction work is being done at the house.

Response. The City developed the residential parking permit program in response to concerns of those who live in parking congested areas. The parking permit fees have been established by Administrative Order of the City Manager. It is necessary to charge fees for parking permits in order to defray the costs in administering the program. However, the City issues free guest passes that allow up to three packs of 10 guest permits at a time in order to facilitate guest parking in Zone A. The City also allows residents who qualify for permits to purchase reduced cost construction parking permits that can be provided to construction workers for use while on a construction project.

Comments Re: Other Permit Options:

- One-year permits should still be made available.

- There should also be a three-year permit option.

Response. Both one-year and two-year permits are available for purchase. The City is willing to consider a three-year permit option after the two-year permit system has been utilized and the City assesses feedback from residents.

Comment: The cost savings to the City in using the two-year permit system should be passed on to the customer.

Response. While the two-year permit system may lower the City's administrative costs, the reduction is expected to offset expected increases in the cost of parking management.

No changes are being made to the Rule amendment as a result of the comments.

BASED ON the above findings, the findings in Administrative Order No. 58-16-20, and pursuant to the authority of Sections 2.019 and 5.040 of the Eugene Code, 1971, Residential Permit Parking Zone Regulations Administrative Rule R-5.040 is amended as proposed. I order that:

1. The unamended provisions of Residential Permit Parking Zone Regulations Administrative Rule R-5.040 adopted by Administrative Order No. 58-92-07 remain in full force and effect and are incorporated into the Rules set forth in this Order.
2. Administrative Order No. 58-92-07 is repealed as of the effective date of this Order.
3. Residential Permit Parking Zone Regulations Administrative Rule R-5.040 is amended and adopted to provide as follows:

**RESIDENTIAL PERMIT PARKING ZONE REGULATIONS
ADMINISTRATIVE RULE R-5.040**

R-5.040-A DEFINITIONS.

In addition to applicable definitions set forth in Chapter 5 of the Eugene Code, 1971, as used herein, the following means:

Residential area. A contiguous or nearly contiguous area of several blocks containing public streets or parts thereof, primarily abutted by residential property or residential and non-business property, such as churches and parks.

R-5.040-B POLICY.

These regulations govern the establishment of or withdrawal from residential permit parking zones within the City.

R-5.040-C INITIATION.

1. **Application by owner/resident.** A request to establish a residential permit parking zone shall be submitted to the City on a form provided by or approved by the City. The application shall be accompanied by a fee established by the City Manager pursuant to Section 2.020 of the Eugene Code, 1971, and shall be signed by more than 50% of the owners and residents within the block or blocks for which designation is sought, who are eligible under these regulations to vote. The application must be for an area of at least one contiguous block. Any person signing an application hereunder shall provide proof of ownership and/or proof of residency.

2. **Order of traffic engineer.** The Traffic Engineer may establish a residential permit parking zone in an area for which no application has been received providing:

(a) Establishment of the zone is necessary in order to meet the objectives of the policies set forth herein;

(b) The proposal would meet the criteria for approval set forth in R-5.040-F had an application been submitted;

(c) Failure to establish the zone would create a hardship for residents in the area or contribute to traffic congestion in the area.

R-5.040-D ALLOCATION OF VOTES.

Two votes shall be allocated to each parcel of property with an address for the street within a block. If the parcel is renter-occupied, one vote shall be allocated to the tenant, and one vote to the owner. If the parcel has frontage on the block but does not have an address that contains the street name for that block, one vote shall be allocated to the parcel, one-half to the owner, and one-half to the tenant. If a single parcel contains multiple tenants, the tenant vote shall be determined on the basis of a majority vote of all current tenants of the parcel (i.e., 20 tenants, 11 must vote for or against the proposal).

R-5.040-E NOTICE OF APPLICATION.

Upon receipt of an application for designation of a residential permit parking zone and payment of required fees, the Traffic Engineer or designee shall cause notices describing the area for which designation is sought to be provided to the affected owners, tenants, and neighborhood organization.

R-5.040-F CRITERIA FOR APPROVAL.

Approval of an application for establishment of a residential permit parking zone shall be based on consideration of the following criteria:

(a) Whether there is consistently a significant amount of long-term spill-over parking from nearby high employment sites or traffic generators;

(b) Whether residents frequently find it difficult to park on-street within close proximity to their residences;

(c) The proximity of public transportation to the area;

(d) The desire and/or need of residents of the area for establishment of permit parking zones;

(e) The local and area-wide needs with respect to clean air, and the requirements of federal and state laws and regulations;

(f) Whether the designation may result in a reduction in total vehicle miles driven within the City;

(g) The zone is a minimum of one block and is in a residential area; and

(h) The ability of the City to recover all costs associated with the establishment of the permit parking zones through permit fees and fines for violations thereof.

R-5.040-G REVIEW OF APPLICATION.

The Traffic Engineer shall review the application for conformity with these regulations and shall issue an order denying the application, or granting the application and establishing the residential permit parking zone as applied for, or as modified by the Traffic Engineer. An order denying an application shall contain findings setting forth reasons, which may include, but are not limited to a failure to contain the required percentage of signatures, failure to establish proof that signatures are valid, or failure to meet the criteria set forth in R-5.040-F above. A finding that the application has been reviewed and found to be in conformity with the policies and regulations established herein, including the criteria set forth in R-5.040-F above, shall be a sufficient finding for approving an application and establishing a residential permit parking zone for all or a portion of the proposed designated area. An order issued hereunder shall be subject to appeal as provided in R-5.040-P.

R-5.040-H ERECTION OF SIGNS.

After approval of the administrative order establishing a residential permit parking zone, the Traffic Engineer shall cause signs to be erected within the area regulating parking and providing preferential long-term parking for permit holders.

R-5.040-I PARKING PERMITS.

1. **Application.** A person residing in or owning residential property within the designated area who desires to obtain a parking permit, shall submit an application for a parking permit on a form provided by the City. The application shall contain at a minimum:

1.1 The name, residential address, and approved picture identification of the owner or operator of the motor vehicle;

1.2 Acceptable proof of residence at a recognized address within the program area; and

1.3 A valid registration certificate for the motor vehicle for which the permit is sought.

A permit shall not be issued for a motor vehicle that is not owned by the applicant or his or her parent or legal guardian.

2. **Issuance of Permit.** Upon receipt of an application, and payment of required fees, one permit for the respective motor vehicle shall be issued to the vehicle owner or operator who resides on property within the designated area. The permit shall identify the residential permit parking zone, and shall contain the license number of the vehicle for which issued. Permits shall not be valid in any other permit parking area or for any vehicle other than as identified thereon. Except as may be provided herein, permits may not be transferred.

3. **Duration and Renewal of Permit.**

3.1 **Homeowner Permits.** Homeowners shall be issued permits for terms of up to two years from commencement of the term period. Permits may be renewed for a term of up to two years. "Homeowner" means:

(a) An owner/occupant who (1) is an owner of record of the property as shown on the most recent Lane County Assessor's tax roll, and (2) occupies a dwelling on the property for a minimum of 6 months of each calendar year; or

(b) A person who does not own the property but has resided at the address associated with the property for more than four years.

3.2 **Non-Homeowner Permits.** Those not eligible for homeowner permits shall be issued permits for terms of up to one year from commencement of the term period. Permits may be renewed for a term of up to one year.

3.3 **Prorating.** Permits issued after the commencement of the term shall be valid for the unexpired portion of the term, and the permit fee shall be prorated accordingly.

4. **Transfer.** Permits may not be transferred from one vehicle to another unless the vehicle for which the permit was issued is sold or otherwise disposed of. Upon return of the original permit to the City, provision of the information required in R-5.040-I-1, and payment of any required fee, a permit for the unexpired term of the permit being cancelled shall be issued for the new vehicle.

5. **Special Permits.**

5.1 **Absentee Owner.** An owner of property within a designated area who does

not reside on the property may purchase an annual permit or receive up to three temporary permits per year in order to inspect or maintain the property. Requests for temporary permits must be submitted to the City at least two days prior to the anticipated use, and be accompanied by any required fees. The two day period may be waived by the Traffic Engineer or designee if the applicant satisfactorily demonstrates that circumstances would not permit an earlier notification.

5.2 Guest Permits. A permittee may apply for and receive temporary parking permits for guests, which shall be valid for the time specified thereon. No more than three guest permits per parcel shall be issued at one time. The permits shall be returned to the City upon expiration of the time for which issued.

5.3 Exemption Permits. Upon application to the Traffic Engineer or designee, an exemption permit shall be issued to service or delivery vehicles which are used to provide services or make deliveries to dwellings within the residential permit parking zone.

6. Display. Permits shall be displayed on the rear portion of the vehicle on the driver's side either on the bumper, the rear window, or other location so as to be readily visible, or in the manner indicated on the permit, whenever the vehicle is parked within the designated zone.

R-5040-J AUTHORIZATION.

A permit issued for a residential permit parking zone established by the Traffic Engineer or designee in accordance with these regulations shall entitle the holder thereof to preferential long-term parking during pre-established peak parking periods within the residential permit parking zone for the vehicle identified thereon, so long as the permit is properly displayed. The issuance of a parking permit shall not guarantee to, nor reserve for the holder a parking space within the zone. The permit shall be valid only for the vehicle and zone designated thereon. Neither these regulations nor any permits issued for a residential permit parking zone shall entitle the holder thereof to park or stand a motor vehicle in violation of any parking or traffic laws.

R-5.040-K VIOLATIONS.

No person shall:

1. Falsely represent that he or she is entitled to a residential permit-parking zone permit.
2. Fail to surrender a permit to which he or she is no longer entitled.
3. Fail to properly display a permit.
4. Park a vehicle within a permit parking zone displaying a permit to which the holder is no longer entitled.

R-5.040-L REVOCATION OF PERMIT.

The Traffic Engineer or designee may revoke the permit of any permittee found to be in violation of either these regulations, an order establishing a residential permit parking zone, or any condition of the permit. Written notification of the revocation shall be given to the permittee by certified mail, return receipt requested, or by personal delivery thereof, directing that the permit be returned to the City within the time and in the manner indicated therein. Failure to surrender a revoked permit shall constitute a separate violation of these regulations.

R-5.040-M REMOVAL OF DESIGNATION.

The permit parking zone designation for an area, or any block within the area may be removed by administrative order of the Traffic Engineer or designee if the zone no longer meets with or fulfills the criteria for which it was initially established. The removal of designation may also be initiated by affected owners and/or residents by submitting an application therefore to the Traffic Engineer or designee, accompanied by the fees established by the City Manager pursuant to Section 2.020 of the Eugene Code, 1971 necessary to recover the City's costs in processing the application and removing the signs that have been erected. The application must be signed by all owners and tenants within the block or blocks seeking removal who are eligible to vote hereunder, and shall be for a minimum of one block in area. Upon approval of the application, the designation shall be removed and the signs taken down.

R-5.040-N FEES.

All fees required to be paid hereunder shall be established by order of the City Manager following the procedures set forth in Section 2.020 of the Eugene Code, 1971.

R-5.040-O ORDER DESIGNATING PERMIT PARKING ZONE.

In any administrative order of the Traffic Engineer or designee approving an application for designation of a residential permit parking zone, a finding that the application has been reviewed and found to be in conformity with the policies and regulations established herein shall be sufficient authority for granting the application.

R-5.040-P APPEALS.

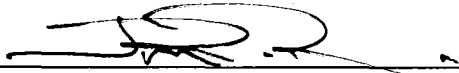
Any person aggrieved by a decision of the Traffic Engineer or designee hereunder may appeal the same within the time and in the manner set forth in Section 5.045 of the Eugene Code, 1971.

R-5.040-Q WAIVER OF FEES.

The Traffic Engineer may waiver or reduce the fees required to be paid hereunder when the residential permit parking zone has been established by order issued under R-5.040-C.2.

Dated and effective this 13th day of September, 2016.

Handwritten initials: TW, JD, (circled initials), AB



Jon R. Ruiz
City Manager