

BMPRD RESOLUTION NO. 2022-07

**A RESOLUTION OF THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS
PROVIDING FOR SDC WAIVERS FOR CERTAIN AFFORDABLE HOUSING, TEMPORARY HOUSING, AND
MIXED INCOME HOUSING**

WHEREAS, the high demand and limited supply for housing in Bend has led to an increase in the cost of housing for both owner-occupied and rental units, and most new housing being developed is affordable only for those with above-median income; and

WHEREAS, the cost to develop housing includes not only the cost of land and construction, but also the cost of associated permits and fees, including System Development Charges (“SDCs”); and

WHEREAS, BMPRD Ordinance No. 12, and the associated Methodology Report: Parks System Development Charges, includes provisions allowing the Board to designate by resolution the types of residential development for which a waiver from park SDCs may be applied; and

WHEREAS, on November 1, 2017, the City of Bend adopted City Ordinance No. NS-2298, an exemption from transportation, water, and sewer SDCs for qualified affordable housing projects; and

WHEREAS, on June 4, 2019, the District approved Resolution No. 423 adopting SDC waivers for up to 400 units of Deed Restricted Affordable Housing, available through December 31, 2022; and

WHEREAS, on January 5, 2021, the District approved Resolution No. 2021-01, which increased the number of SDC waivers for Deed Restricted Affordable Housing available through December 31, 2022, temporarily waived all SDCs for certain short-term, temporary housing projects; and temporarily created additional SDC waiver opportunities for certain mixed income housing; and

WHEREAS, Bend continues to exhibit a shortage of: (1) Deed Restricted Affordable Housing, (2) short-term, temporary housing to meet emergency or other immediate housing needs such as homeless shelters or housing for victims of domestic violence, and (3) smaller multi-family developments comprised of both market rate and affordable housing units; and

WHEREAS, the Board desires to renew and/or extend the SDC waiver opportunities provided under Resolution No. 2021-01 through December 31, 2024.

NOW, THEREFORE, the Board of Directors hereby resolves as follows:

Deed Restricted Affordable Housing Waivers

1. Subject to the limitations below, the Parks SDCs shall be waived for Deed Restricted Affordable Housing units approved for exemptions from City transportation, water, and sewer SDCs by the City of Bend Affordable Housing Advisory Committee and that meet or exceed the 30-year deed restriction requirement.
2. The SDC waivers for Deed Restricted Affordable Housing authorized by this Resolution shall not exceed 75 units in any calendar year.
3. Deed Restricted Affordable Housing projects with 54 or fewer units, in all phases, may receive SDC waivers for up to 100% of the units within a single development phase. Deed Restricted Affordable Housing projects with 55 or greater units, in all phases, may receive SDC waivers for up to 50% of the total units (rounded up to next full unit) in a single development phase.

Notwithstanding anything herein to the contrary, no project may receive waivers for more than 75 units in any one development phase.

4. If the City of Bend requests that District provide additional park SDC waivers for Affordable Housing beyond December 31, 2024, a work group of City and District representatives should be established, in advance of the sunset date, to discuss and consider extension of the program, including strategies to support Affordable Housing development that reduces the impact on District SDC revenues.

Homeless/Emergency Shelter

1. Parks SDCs shall be waived for short-term, temporary housing projects approved for exemptions from City transportation, water, and sewer SDCs by the City of Bend Affordable Housing Advisory Committee, and that meet or exceed the 30-year deed restriction requirement.
2. In addition to City of Bend exemption approval, qualifying short-term, temporary housing units must be owned and operated by a government agency or 501(c)(3) charitable organization and must be available at no cost to persons in need of short-term, temporary housing.
3. The limitation on the number of waivers that may be approved for Deed Restricted Affordable Housing units shall not apply to waivers for eligible short-term, temporary housing units.


Mixed Income Developments

1. Once the annual limitation on the number of waivers that may be approved for Deed Restricted Affordable Housing units has been reached, Parks SDCs may be waived for a maximum of 5 additional Deed Restricted Affordable Housing units in any multi-family project with at least 5 market-rate units; provided that such Deed Restricted Affordable Housing units are approved for exemptions from City transportation, water, and sewer SDCs by the City of Bend Affordable Housing Advisory Committee, and that meet or exceed the 30-year deed restriction requirement.

Miscellaneous

1. This Resolution will be effective for all purposes on January 1, 2023 and will automatically sunset, and all SDC waivers provided herein will cease to be available, after December 31, 2024.
2. Capitalized terms used, but not defined, in this Resolution shall have the meanings given such terms in Ordinance No. 12.
3. All pronouns contained in this Resolution, and any variations thereof, will be deemed to refer to the masculine, feminine, or neutral, singular, or plural, as the context may require. The singular includes the plural, and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, or portion of this Resolution is for any reason held invalid, unenforceable, or unconstitutional, such invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by resolution of the Board to cure editorial or clerical errors.

ADOPTED by the Board of Directors of the District on this 10 day of October 2022.


Deb Schoen, Board Chair

Attest:


Don P. Horton, Executive Director

