



Bend Metro Park & Recreation District

May 20, 2025

Board of Directors

Agenda and Reports

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play for life



Our Vision

To be a leader in building a community connected to nature, active lifestyles and one another.

Our Mission

To strengthen community vitality and foster healthy, enriched lifestyles through parks, trails and recreation.

Our Community Pledge

To reflect our community, welcome and serve equitably, and operate with transparency and accountability.

We Value

COMMUNITY by interacting in a responsive, considerate and efficient manner to create positive patron experiences and impact in the community.

INCLUSION by reducing physical, social and financial barriers to our programs, facilities and services, and making them more equitable for all.

SAFETY by promoting a safe and healthy environment for all who work and play in our parks, trails, facilities and programs.

STAFF by honoring the diverse contributions of each employee and volunteer, and recognizing them as essential to accomplishing our mission.

SUSTAINABILITY by fostering a balanced approach to fiscal, environmental and social assets to support the health and longevity of the district, the environment and our community.



District Office

799 SW Columbia St., Bend, Oregon 97702 | www.bendparksandrec.org | (541) 389-7275

BUSINESS SESSION

1. Public Hearing on the 2025 Park System Development Charge (SDC) Methodology and First Reading of Ordinance 13 –SDCs – *Kristin Toney and Paul Taylor, Bryant, Lovlien and Jarvis (30 min)*

EXECUTIVE DIRECTOR'S REPORT

BOARD MEETING SUMMARY – 5/6/2025

BOARD MEETINGS CALENDAR

GOOD OF THE ORDER

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Accessible Meeting/Alternate Format Notification

This meeting location is accessible. Sign and other language interpreter service, assistive listening devices, materials in alternate format or other accommodations are available upon advance request. Please contact the Executive Assistant no later than 24 hours in advance of the meeting at sheilar@bendparksandrec.org or 541-706-6151. Providing at least 2 business days' notice prior to the meeting will help ensure availability.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	May 20, 2025
SUBJECT:	Approve Amendment No. 10 to Professional Services Contract for McKay, Miller’s Landing and Columbia Parks River Access Project
STAFF RESOURCE:	Ian Isaacson, Project Manager
PREVIOUS BOARD ACTION:	<p>November 2, 2021 – Board adopted the Deschutes River Access & Habitat Restoration Plan</p> <p>January 17, 2023 - Project Update and Professional Services Contract Amendment #1 approval</p> <p>March 21, 2023 – Initial Concept Design approval</p> <p>July 18, 2023 – Professional Services Contract Amendment #2 approval</p> <p>September 5, 2023 - Approved Preferred Concepts and Implementation Prioritization</p> <p>July 2, 2024 - Professional Services Contract Amendment #5 approval</p> <p>October 15, 2024 - Professional Services Contract Amendment #8 approval</p>
ACTION PROPOSED:	Approve Amendment #10 to Professional Services Contract with ESA
STRATEGIC PLAN:	
Priority:	Service
Goal:	Maintain quality, clean and safe parks, trails and facilities
Strategy:	Take care of what we have by prioritizing investment in existing assets

BACKGROUND

Gilchrist Bridge is a city of Bend owned, wooden pedestrian bridge built before 1994 that links Riverfront Street to Columbia Park and forms a key connection between the Deschutes River Trail and the city’s Low-Stress Bicycle & Pedestrian Network. The seven-foot deck is too narrow for two-way bike traffic, its worn planks are uneven, the eastern approach exceeds ADA grades (6–12 percent), and erosion is undercutting the abutments.

To begin investigating potential future bridge upgrade or full replacement, the district and the city executed an Intergovernmental Agreement (IGA). The IGA commits the district to manage and fund—using a \$90,000 Bend Metropolitan Planning Organization (MPO) Surface Transportation Block Grant—the conceptual design phase of the bridge replacement while the city grants site access and provides technical review. The agreement aligns the bridge design work with the

district's adjacent Columbia Park bank-restoration project to streamline design and maximize public benefit.

On January 17, 2023, the Board approved Professional-Services Contract Amendment #1, adding "Task 5 – Gilchrist Bridge Replacement" to the district's design contract with Environmental Science Associates (ESA) for \$80,000. That work—survey, geotechnical exploration, and 30 percent design—is now substantially complete, leaving \$10,000 of the MPO grant unspent.

Staff propose using the remaining grant balance for a final contract amendment with ESA to produce photo-realistic renderings based on the 30 percent plans. The design scope includes drone photography, 3-D modeling, and delivery of graphics that will strengthen future grant applications and aid stakeholder outreach. The costs for the proposed amendment are covered by the remaining MPO grant funds and advances a project that will deliver a wider, ADA-compliant, and structurally sound river crossing benefiting park visitors, trail users, and the broader community.

BUDGETARY IMPACT

About 60 percent of the MMC project, which includes design of all three river access projects, was paid for through grant funding. The Gilchrist Bridge was added to the project with additional grant funding from the MPO noted above. The 2025-2029 CIP allocated \$569,470 in total funding for the projects, of which \$347,254 was grant funding, with the remaining funding from the district's general fund and SDC reimbursables. Today \$494,723 has been spent, and as noted above all, but \$10,000 of the MPO grant funds have been spent. Approval of the proposed amendment No. 10 with ESA will spend the remaining grant funds.

STAFF RECOMMENDATION

Staff recommend that the board authorize the executive director to execute contract amendment No. 10 with ESA.

MOTION

I move to authorize the executive director to execute Amendment No. 10 with Environmental Science Associates in an amount not to exceed \$10,000 in remaining MPO grant funds for the MMC Project.

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	May 20, 2025
SUBJECT:	Public Hearing on 2025 System Development Charge (SDC) Methodology and First Reading of Ordinance No. 13 –SDCs
STAFF RESOURCE:	Kristin Toney, Administrative Services Director Sara Anselment, Planner Brian Hudspeth, Planning & Development Director
GUEST PRESENTER:	Paul Taylor, Legal Counsel, BLJ
PREVIOUS BOARD ACTION:	June 4, 2019 - Adopted SDC Methodology, Ordinance No. 12, Resolution No. 421 – Adopting a Methodology for Calculating Park System Development Charges, Resolution No. 422 – Adopting an SDC Capital Projects List, and Resolution No. 425 – Adopting a Fee Schedule for System Development Charges
ACTION PROPOSED:	Conduct public hearing and first reading of Ordinance No. 13 – System Development Charges
STRATEGIC PLAN:	
Service:	Service
Goal:	Steward fiscal resources, and further environmental and social sustainability.
Strategy:	Use financial modeling and other planning tools to holistically evaluate, plan and forecast necessary expenditures for system expansion, operations, and maintenance.

BACKGROUND

Following the approval of the mid-term comprehensive plan update the district began an update to the SDC program including the methodology, project list, fees, and ordinance. The board approved the existing SDC ordinance and methodology in June 2019.

On February 19, 2025, as required by ORS 223.304, district staff provided the 90-day notice to interested parties of the May 20, 2025 public hearing for the new SDC methodology. District staff issued additional notice on March 19, 2025 that the proposed 2025 SDC Methodology Report (Attachment A) was available for review through the district's website. The district did not receive any comments on the methodology report during the 60-day review period.

The district's SDC ordinance is an administrative framework that provides for the assessment, collection, and accounting of park system development charges pursuant to ORS 223.297. Legal counsel drafted the ordinance to implement the new methodology and fees. If approved, the proposed Ordinance No. 13 – System Development Charges (Attachment B) would replace the district's current ordinance No. 12 (Attachment C is a redline with proposed changes).

On March 4, 2025, the board held a work session to discuss proposed changes to the ordinance. Key updates to the proposed Ordinance No. 13 include:

- **Interpretation of Development Types:** Added language that district staff can interpret the best category for development types not clearly defined in the ordinance. This helps as housing and overnight accommodations nomenclature continues to evolve.
- **Multi-Unit Dwellings:** Clarified that multiple dwelling units on a shared lot, regardless of whether they share a wall or not, are multi-unit dwellings.
- **Single-Unit Dwellings:** Defined rowhouses or townhomes on individual lots as single-unit dwellings regardless of whether they share a wall or not.
- **Shelters:** Defined homeless, domestic violence, and other emergency-type shelters to help administer waivers or exemptions more clearly.
- **Overnight Accommodations Developments:** Further defined developments that serve overnight accommodations.
- **Payment Deferrals:** Aligned payment deferrals for residential development with the city's deferral process for sewer, water, and transportation SDCs.

The process to adopt the new SDC ordinance requires a first and second reading (the Board may make a motion to choose that the reading be by title only) during a regular meeting of the board of directors on two different days at least six days apart. The second reading is scheduled for June 3, 2025, and if adopted, the board would also consider adoption of five related resolutions for the SDC methodology report, project list, fee schedule, deferral fees, and developer agreements.

BUDGETARY IMPACT

SDCs are the main source of funding for the development of parks, trails, and recreation facilities to serve growth. The methodology determines the fees charged and the ordinance defines the district's SDC program's application and administration.

STAFF RECOMMENDATION

Staff recommend that the board conduct a public hearing on the proposed 2025 SDC methodology and the first reading of proposed Ordinance No. 13 – SDCs. The board may choose to direct the first reading of the ordinance be done by title only.

MOTION

I move to conduct the first reading of Ordinance No. 13 – System Development Charges by title only.

ATTACHMENTS

Attachment A – SDC Methodology Report (5/15/2025)

Attachment B – Ordinance No. 13 SDCs

Attachment C – Ordinance No. 12 SDCs (Redline comparison to proposed Ordinance No. 13)

Methodology Report

Parks System Development Charges

May 15, 2025



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Acknowledgements

This report was prepared with the assistance of the following key individuals.

Bend Park and Recreation Staff

Michelle Healy, Executive Director
Kristin Toney, Administrative Services Director
Brian Hudspeth, Director of Planning & Development
Henry Stroud, Principal Planner
Sara Anselment, Park Planner

Consultant

Deb Galardi, Galardi Rothstein Group

Abbreviations and Acronyms

ACS	American Community Survey
ADU	Accessory Dwelling Unit
BPRD	Bend Park and Recreation District
ENR	Engineering News Record
LOS	Level of Service
OHAS	Oregon Household Activity Survey
ORS	Oregon Revised Statute
PUMS	Public Use Microdata Sample
RLIS	Regional Land Information System
SDC	System Development Charge
SE	Southeast
SQ FT	Square Feet

SECTION 1

1 Introduction

1.1 Authorization

In August 2024, the Bend Park & Recreation District (District or BPRD) contracted with Galardi Rothstein Group to update its System Development Charge (SDC) methodology. This report presents the updated methodology that was developed in conformance with Oregon legal requirements, standard industry practice, and the District's policy objectives and comprehensive plan.

1.2 Report Organization

This section presents information on the District's SDC project objectives, and the policy and legal framework for the methodology. Subsequent sections of this report present the SDC methodology, including:

- **Section 2 – SDC Cost Basis** – Presents the current and future levels of service used to determine growth capacity needs, and the growth-related costs in aggregate based on the updated SDC project list.
- **Section 3 – SDC Assessment** – Provides information on system-wide unit costs per person, assumptions of number of persons per dwelling unit, and the process for determining future inflationary adjustments.

Separate from the methodology, the District will adopt by resolution the following items which are included in the appendix of this report:

- **Appendix A – SDC Project List** – Provides the list of projects needed to increase park, trails, and recreation system capacity for future growth, which are to be funded with SDC revenue. The list includes the project description, and the estimated cost, timing, and portion of cost eligible for SDC funding.
- **Appendix B – SDC Schedule** – Provides the results of the regression analysis used to estimate persons per dwelling for different sizes of single-unit residential homes, which forms the basis for a tiered SDC fee structure. Also lists SDCs by development type, based on the methodology and project list presented in this report. Consistent with Oregon law and the District's SDC ordinance, the fees presented in Appendix B may be adjusted periodically for changes in costs or changes in the project list.

Note: The calculations contained in this report were produced by computer spreadsheets where numbers extend beyond the decimal places shown in the tables presented, so slight variations exist due to rounding. However, these variations are not material.

1.3 Background

System development charges are an important funding source for parks, trails, and recreation facility capital improvement projects. The District last updated its SDC methodology in 2019. In November 2024, the District adopted the *Bend Park & Recreation District Comprehensive Plan: 2024 Midterm Update* (comprehensive plan) and subsequently embarked on an effort to update the parks SDC methodology. The primary objective of the SDC update is to revise the project list and SDC calculations to reflect the new comprehensive plan project priorities and levels of service.

1.4 Policy Framework

Oregon legislation (Oregon Revised Statutes 223.297-314) establishes guidelines for the calculation and administration of SDCs. Within these guidelines, local governments have latitude in selecting approaches that best align with local policy objectives.

The updated methodology presented in this report reflects prior feedback from stakeholders (obtained during the 2019 SDC update) through a combination of facilitated stakeholder group meetings, written comments, and discussions with individual stakeholders and the District Board of Directors. Key elements of the 2025 methodology are summarized in Table 1-1 below and generally align with the 2019 SDC methodology.¹ The 2025 SDC methodology does reflect some modification to the way residential SDCs are assessed, to align with recent changes made by the City of Bend (City) for its water, sewer, and transportation SDCs. The City assesses the parks SDC on behalf of the District for new development within the City limits. Greater consistency between the City and District methodologies streamlines administration and improves customer understanding.

Table 1-1. Key Elements of the Methodology

Methodology Element	Recommendations	Considerations
Growth Cost Allocation	Allocate costs to residents plus overnight visitors.	A 2019 stakeholder process showed a lack of support for assessment of SDCs on commercial development due to concerns related to administrative complexity and other factors.
Residential SDC Assessment	Scale SDCs based on dwelling size for single-unit residential based on six (6) living area size tiers. Charge multi-unit and other housing and overnight accommodation units based on a flat rate per unit.	Statistical analysis of local data shows average occupancy increases with size of single-unit homes. The six-tier structure is consistent with the City of Bend's SDC structures. Implementation issues differ between single-unit and other units; The City of Bend uses a uniform rate per unit for multi-unit housing.

¹ The 2019 SDC Methodology is documented in the "Methodology Report Parks System Development Charges", Adopted June 4, 2019 (Galardi Rothstein Group, Clifton-Currans, LLC, and Kearns & West).

1.5 Legal Framework

Oregon Revised Statutes (ORS) 223.297 through 223.316 authorize local governments to assess SDCs for the following types of capital improvements:

- Drainage and flood control (i.e., storm water)
- Water supply, treatment, and distribution
- Wastewater collection, transmission, treatment, and disposal
- Transportation
- Parks and recreation

In addition to specifying the infrastructure systems for which SDCs may be assessed, the SDC legislation provides guidelines on the calculation and modification of SDCs, accounting requirements to track SDC revenues, and adoption of administrative review procedures. Key elements of provisions that pertain to the methodology and project list are summarized below.

1.5.1 SDC Structure

An SDC may include a reimbursement fee, an improvement fee, or a combination of the two.

1.5.1.1 Reimbursement Fee

The reimbursement fee is based on the value of available capacity associated with capital improvements already constructed or under construction. The methodology used to calculate the reimbursement fee must consider the cost of existing facilities, prior contributions by existing users, the value of unused capacity, grants, and other relevant factors. The objective of the reimbursement fee methodology is to require new users to contribute an equitable share of the capital costs of existing facilities.

1.5.1.2 Improvement Fee

The improvement fee is designed to recover the costs of planned capital improvements that add system capacity to serve future users. An increase in system capacity may be established if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to the need for increased capacity to provide service for future users.

1.5.2 Project List

Local governments are required to prepare a capital improvement program or comparable plan, prior to establishment of an SDC, that includes a list of the improvements that the jurisdiction intends to fund with improvement fee revenues and the estimated timing, cost, and eligible portion of each improvement. The project list may be updated at any time. If an SDC is to be increased by a proposed modification to the list, then required action includes: (1) written notice provided to interested parties at least 30 days prior to adoption of the proposed modification and (2) hold a public hearing on the proposed modification if a request is received in writing up to seven days before the date of the planned adoption.

1.5.3 Credits

A credit must be provided against the improvement fee for the construction of “qualified public improvements.” Qualified public improvements are improvements required as a condition of development approval, identified in the system’s capital improvement program, and either (1) not located on or contiguous to the property being developed or (2) located in whole or in part,

on or contiguous to, property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

1.5.4 Methodology Review and Notification Requirements

The methodology for establishing or modifying improvement or reimbursement fees must be available for public review prior to adoption. The local government must maintain a list of people who have made a written request for notification prior to the adoption or amendment of such fees that are resultant of a methodology amendment. The requirements for any changes to the fees that represent a modification to the methodology are: (1) 90-day written notice prior to the first public hearing, and (2) SDC methodology made available for review 60 days prior to the public hearing.

Application of one or more cost indices periodically is allowable and is not considered a change in the methodology and is therefore not subject to the above review and notification procedures, provided that the index is published by a recognized agency, independent from the methodology, and incorporated into the methodology or adopted separately by ordinance or resolution. Furthermore, “a change in the costs of materials, labor, or real property as applied to projects or project capacity”² in the adopted project list is not considered a modification to the SDC methodology. As such, the local government is not required to adhere to the methodology notification provisions.

1.5.5 Other Provisions

Other provisions of the legislation include:

- Deposit of SDC revenues into dedicated accounts and annual accounting of revenues and expenditures, including a list of the amount spent on each project funded, in whole or in part, by SDC revenues.
- Expenditure of SDCs may include costs of complying with the provisions of the law, including costs of developing SDC methodologies and providing an annual accounting of SDC expenditures.
- Creation of an administrative appeals procedure, in accordance with the legislation, whereby a citizen or other interested party may challenge an expenditure of SDC revenues. Furthermore, in the event a written objection to the calculation of an SDC is received, the local government must provide information on the right to petition for review pursuant to ORS 34.010, and about any locally adopted administrative review procedures.

² 2017 Oregon Revised Statutes 223.304 (8)(b)(A)

SECTION 2

2 SDC Cost Basis

2.1 Introduction

The methodology used to calculate parks SDCs begins with the determination of growth costs (the costs in aggregate associated with meeting the capacity needs of future growth).

This section presents the projected future growth needs and the basis for determining the costs that will be recovered from growth through the SDCs (growth share).

2.2 Level of Service

The District – through adoption of the comprehensive plan – is planning for acquisition and development of the park system consistent with the community’s desired level of service (LOS). As identified in the comprehensive plan, LOS targets include both access goals (neighborhood/community parks within ½ mile walking distance of all residences) and park quantity goals (e.g., acres per thousand population). Both goals are considered in the development of the specific projects included on the SDC project list. However, for purposes of determining growth’s share of project list costs, the SDC methodology focuses on the planned LOS for a particular park or facility as defined by the equation below:

$$\frac{\text{Existing}Q + \text{Planned}Q}{\text{FuturePopulationServed}} = \text{PlannedLOS}$$

Where:

Q = quantity (acres of parks, miles of trails, or area of facilities) and
Future Population Served = projected 2034 resident population + overnight visitors

2.2.1 Population

Park capacity is measured in terms of people served; in the case of the SDC methodology this includes service area resident population and nonresident overnight visitors.

Table 2-1 provides resident and overnight visitor population data derived from recent planning documents and other data sources.

Table 2-1. Service Area Population Estimates

Item	2024	2034	Growth
Population ¹	106,395	139,440	33,045
Overnight Visitors ²	6,827	8,948	2,120
Total Population	113,222	148,388	35,165

¹ From BPRD

² Current accommodations from Visit Bend; visitors based on 2.63 average people per unit and 71.2% 6 mos. Average occupancy (Dean Runyan Associates)

For purposes of the SDC analysis, the overnight visitor population is calculated as the number of overnight accommodation units multiplied by an average of 1.87 occupants per room (2.63 people per room adjusted for an average occupancy rate of 71.2 percent).³ Consistent with the current methodology and other Oregon communities, overnight visitors, while visiting the District, are assumed to equal residents in terms of potential for park use.

2.2.2 Current and Future LOS

The comprehensive plan identifies the following park classifications that are included in the SDC analysis:

- Neighborhood & Community Parks
- Regional Parks
- Trails
- Indoor Recreation Facilities

Table 2-2 summarizes existing and planned future park quantities for each classification in order to calculate the existing and future LOS and SDCs.

The comprehensive plan identifies planned projects designed to generally maintain the future LOS for all existing and future park users. Table 2-2 shows the planned additional quantities resulting from the projects included on the SDC project list shown in Appendix A.

Table 2-2. Summary of Existing and Planned Parks, Trails, and Facilities¹

Type	Unit Type	Existing Developed Units	Planned Development Units		Total Future Developed Units
			Acquired Units ¹	Existing Undeveloped Units ²	
Parks					
Neighborhood & Community	Acres	809.8	128.0	13.8	951.6
Regional	Acres	1,148.3	0.0	226.5	1,374.8
Trails	Miles	88.3	22.4	0.0	110.7
Indoor Recreation Facilities	SQ FT	190,544	54,800	0.0	245,344

¹ Based on new parks from SDC project list (Table A-1)

² Owned by the District and planned for development within the planning period. Regional park based on 50 percent of the total existing undeveloped acreage for SE Bend Regional Park.

Table 2-3 shows the existing and future LOS (developed units per 1,000) by park type. The future LOS is marginally lower than the existing LOS due to the significant population growth projected through 2034. The District may acquire and develop additional parks and trails beyond those included in the SDC project list with other non-SDC funding sources, to maintain the LOS targets established in the comprehensive plan.

³ Average people per unit represents an average of hotel/motel accommodations and other overnight accommodation types (including camping), weighted based on traveler days by unit type. The average occupancy rate is based on a 6-month average (April-September).

Table 2-3. Existing and Planned Levels of Service (Units per 1,000)

Type	Unit Type	Developed Units/1,000 Population ¹	
		Existing	Future ²
Parks			
Neighborhood & Community	Acres	7.15	6.41
Regional	Acres	10.14	9.26
Trails	Miles	0.78	0.75
Indoor Recreation Facilities	SQ FT	1,683	1,653

¹ Existing and total future park quantities (Table 2-2) divided by 2024 and 2034 total population per 1,000 (from Table 2-1)

²Based on improvements from SDC project list only (Table A-1)

2.2.3 Implications for SDC Cost Basis

The LOS analysis provides a basis for determining the capacity needs of growth by park type in order to determine an equitable share of project list costs (for purposes of development of the improvement fee cost basis) and capacity available in the existing system to meet growth's needs (for purposes of the reimbursement fee cost basis).

Table 2-4 provides a summary of the capacity analysis. It begins with determination of park units needed by 2034 based on the planned LOS (Table 2-3) and the 2034 population (Table 2-1). Then, the source of the units – existing system inventory and planned improvements from the project list – is identified for each park classification. In the current planning period, existing development needs are fully met by the existing inventory of parks and facilities since the planned LOS is lower than the existing LOS.

Table 2-4. Capacity Needs – Developed Acreage, Trails and Recreation Facilities

Type	Unit Type	Total Units Needed ¹	Units From Existing Inventory ²	Units From Project List ³	Project List Allocation (%) ⁴
Parks			Future Growth Units		
Neighborhood & Community	Acres	225.5	83.7	141.8	100.0%
Regional	Acres	325.8	99.3	226.5	100.0%
Trails	Miles	26.2	3.8	22.4	100.0%
Indoor Recreation Facilities	SQ FT	58,143	3,343	54,800	100.0%
Parks			Existing Development Units		
Neighborhood & Community	Acres	726.1	726.1	0.0	0.0%
Regional	Acres	1,049.0	1,049.0	0.0	0.0%
Trails	Miles	84.5	84.5	0.0	0.0%
Indoor Recreation Facilities	SQ FT	187,201	187,201	0.0	0.0%
Parks			Total Units		
Neighborhood & Community	Acres	951.6	809.8	141.8	100%
Regional	Acres	1,374.8	1,148.3	226.5	100%
Trails	Miles	110.7	88.3	22.4	100%
Indoor Recreation Facilities	SQ FT	245,344	190,544	54,800	100%

¹ Future LOS (Table 2-3) x Population/1,000 (Table 2-1)

² Existing inventory (from Table 2-2 Existing Developed Units) first meets needs of existing development; any excess capacity available to meet growth needs

³ Total need, less units from existing inventory

⁴Equal to number of units needed from project list divided by total project list additional units (Table 2-2)

Growth's needs will be met by a combination of future planned improvements, and the available capacity in existing developed park acreage and facilities.

2.3 Improvement Fee Cost Basis

The project list allocation percentages by park type shown in Table 2-4 are applied to the planned project improvement costs from the project list (shown in Table A-1) to determine the total costs to be recovered from growth through the improvement SDC.

The improvement fee cost basis is limited to the costs of new parks, trails and facilities that are needed to meet the needs of future development (Table A-1). Existing available SDC funds (collected from what is now existing development) will be used to fund capacity improvements at existing parks; these improvements are shown in Appendix A, Table A-2, and are excluded from improvement fee costs shown in Table 2-5. The improvement fee cost basis is reduced by existing remaining SDC fund balance committed to projects on the A-1 project list.

Table 2-5 shows the development of the improvement fee cost basis for new parks and facilities based on the total costs by park type from the project list (Table A-1). The SDC share by park type is based on the project cost allocations shown in Table 2-4. The total improvement fee cost basis for the new SDCs is about \$101.3 million.

Table 2-5. Improvement Fee Cost Basis

Project Types	Total Project Costs ¹	New SDC %	New SDC \$	Existing SDC \$
New Park/Facilities				
Community Parks	\$252,512	100%	\$252,512	\$0
Neighborhood Park	\$46,533,064	100%	\$46,533,064	\$0
Regional Park ²	\$10,716,756	100%	\$10,716,756	\$0
Recreation Facilities ³	\$46,388,032	100%	\$46,388,032	\$0
Trails	\$9,837,478	100%	\$9,837,478	\$0
Less Existing SDC Fund Balance			-\$12,416,585	\$12,416,585
Subtotal	\$113,727,843		\$101,311,258	\$12,416,585
Capacity Imp - Existing Parks				
New or expanded amenities & access	\$1,352,457			\$1,352,457
Improved level of performance/development	\$9,030,959			\$9,030,959
Subtotal	\$10,383,415		\$0	\$10,383,415
Total	\$124,111,258		\$101,311,258	\$22,800,000

¹ Costs from SDC project list (Appendix A, Table A-1).

² Includes 50% of Rose Property Development (other 50% serves future growth beyond 2034)

³ Includes Westside Recreation Center and Arts Center.

2.4 Reimbursement Fee Cost Basis

As shown in Table 2-4, growth's capacity needs will be met in part by existing parks and facilities, including: 1) prior acquisition of parkland that will be developed by the District during the 10-year planning period, and (2) prior development of parks and facilities that will meet capacity need for growth through existing available capacity. The reimbursement fee cost basis is summarized in Table 2-6 and totals \$67.3 million.

Table 2-6. Reimbursement Fee Cost Basis

Park Type	Growth Units from Existing Inventory		Unit Costs (\$/Unit)		Growth Costs		
	Exist Acres ¹	Dev. Acres	Aquis. (\$/acre) ²	Devel. (\$/unit) ²	Acquis. \$ ³	Devel. \$	Total \$
Neigh & Com - Land	97		\$221,902		\$19,520,607	--	\$19,520,607
Neigh & Com - Dev		84		\$459,938		\$38,492,856	\$38,492,856
Regional - Land	326		\$8,638		\$1,012,039	--	\$1,012,039
Regional - Dev		99		\$45,495		\$4,517,328	\$4,517,328
Trail Development		4		\$231,892		\$886,131	\$886,131
Indoor Rec Facilities		3,343		\$846		\$2,829,430	\$2,829,430
Total					\$20,532,647	\$46,725,745	\$67,258,392

¹ Includes existing undeveloped acreage (N&C =Manzanita Ridge, Hansen, Coulter; Regional = Rose Property)

² Based on recent purchases & development \$/acre for Rose (Regional) and Alpenglow, Little Fawn, Northpoint, and Fieldstone and Goodrich (N&C); trail \$/mile and recreation facilities (\$/SQ FT) based on project list.

³ Excludes outstanding bond principle associated with 2012 purchases of community and regional park land.

2.5 SDC Compliance Costs

Local governments may spend SDCs on the costs of complying with the SDC statutes. Compliance costs include costs related to developing the SDC methodology and project list, as well as annual accounting, budgeting, and legal costs.

Table 2-7 shows the calculation of the estimated compliance costs based on a 10-year planning period. As shown in Table 2-7, the estimated compliance costs include 50 percent of the comprehensive plan costs (associated with development of the project list and other information needed for the SDC methodology).

Table 2-7. SDC Compliance Costs

Component	Total Costs ¹	Growth	
		%	\$
Comprehensive Plan	\$195,000	50%	\$97,500
Accounting, Budgeting, Legal	92,891	100%	\$92,891
SDC Methodology Update	159,500	100%	\$159,500
Total	\$447,391		\$349,891

¹10-year planning period

Other compliance costs include District administration costs associated with accounting, budgeting, legal, external costs for SDC consulting, and auditing. Total compliance costs over the 10-year planning period are estimated to be approximately \$350,000.

SECTION 3

3 SDC Assessment

3.1 Introduction

Once the aggregate growth costs have been determined, the next step in the methodology is to determine how the SDCs will be assessed to individual developments.

The SDC for an individual development is based on the system-wide unit cost per person and the number of people attributable to a particular development. This section presents the system-wide unit costs, and the assumptions related to estimated people per dwelling unit for different residential development types.

3.2 System-wide Unit Costs (\$/Person)

The growth in total population (35,165) is divided into the growth costs described in Section 2 to determine the costs per unit, as shown in Table 3-1.

Table 3-1. System-wide Unit Costs/Person

Component	Cost Basis ¹	\$/Person	% of Total
Improvement SDC Cost Basis	\$101,311,258	\$2,881	60%
Reimbursement SDC Cost Basis	67,258,392	1,913	40%
SDC Compliance Costs	349,891	10	<1%
Bond Credit ²		-40	-1%
Total	\$168,919,541	\$4,763	100%

¹From Tables 2-5, 2-6, and 2-7

²Present value of future annual debt payments per person associated with recreation facilities

3.2.1 Bond Credit

The District issued a general obligation bond in 2012 to pay for a limited number of park improvements. The portion of outstanding bond funds associated with community and regional parks was deducted directly from the reimbursement fee cost basis.

The District also funded a portion of existing indoor recreation facilities (The Pavilion) with bond funds. Since the SDC project list includes indoor facility costs associated with future growth, a credit is provided against the total SDCs for the portion of outstanding bond principal associated with existing indoor recreation facility investments⁴. The credit is calculated as the present value of future bond principal costs per person and equals \$40, as shown in Table 3-1.

⁴ As of the end of fiscal year 2025, the District will have paid \$12.9 million (42%) of the total \$30.6 million in bond principal owed. Recreation facility costs represent about 38% (\$11.6 million) of total bond costs; therefore, the credit is based on a present value of 38% of future bond principal payments (about \$6.0 million to be paid over 8 years).

3.2.2 Total Costs per Person

The total growth cost to be recovered through SDCs is about \$169.0 million as shown in Table 3-1. Each component of the growth cost is divided by the total growth in population during the planning period (35,165 as shown in Table 2-1) to determine the SDC cost per person. The combined cost per person, net of the bond credit, is \$4,763, shown in Table 3-1.

3.2.3 Administrative Costs

Separate from the compliance and infrastructure costs discussed in Section 2, the District incurs other costs associated with administration of the SDC program. These costs include both internal administration as well as payments to the City of Bend and Deschutes County for assessment and collection of the SDCs. The administrative costs are established by each entity and are in addition to the costs per person shown in Table 3-1. Administrative costs are reviewed periodically by each entity separate from the SDC methodology update process, and as such are adopted and modified by resolution.

3.3 Development Occupancy Assumptions

SDCs are assessed to different development types based on average dwelling and overnight accommodation unit occupancy. Local, regional, and national data were analyzed, and the results show that the typical household size (i.e., people per dwelling unit) varies by the size of the housing unit (as measured by quantity of living space) and the type of unit (single-unit, multi-unit, and manufactured dwellings).

For this analysis, “local” data refers to information for the City of Bend, Oregon, and/or Deschutes County, depending on the data set. The “single-unit” analysis was conducted specifically on data for single detached units, while multi-unit reflects analysis for structures with two or more units.

3.3.1 Single-Unit Dwelling

For the 2019 SDC Methodology, U.S. Census data, specifically, from the American Community Survey (ACS) Public Use Microdata Sample (PUMS) for Deschutes County were used to estimate occupancy for all single-unit residential dwelling units, which as shown in Table 3-2, averages 2.5 persons per dwelling unit.

Table 3-2. Single-Unity Dwelling Unit Occupancy

Category	Avg. People per Dwelling Unit ¹
<i>Single-Unit (Avg.)</i>	2.50
<=600 SQ FT	1.75
601 - 1,200 SQ FT	2.01
1,201 - 1,600 SQ FT	2.22
1,601 - 2,200 SQ FT	2.37
2,201 - 3,000 SQ FT	2.51
>3,000 SQ FT	2.74

¹From 2019 SDC Methodology regression analysis

In addition, Oregon Household Activity Survey (OHAS) data collected within the BPRD Tax District in 2011, the most recent survey available, were used to develop a tiered SDC structure, based on dwelling unit size, as measured by square footage. The OHAS data were spatially

linked to tax lot and improvement information for a similar year (2012) from the Regional Land Information System (RLIS), allowing for locally derived estimates of people per dwelling unit to be calculated for different square footage categories⁵.

Initially, a four-tier structure was adopted by the District based on feedback from stakeholders. More recently, the City of Bend adopted SDC methodologies based on the six-tier structure shown in Table 3-2. The development of the six-tier structure reflects more recent stakeholder feedback and changes to the City's development code and housing types. The occupancy assumptions shown in Table 3-2 are based on the linear-logarithmic regression analysis⁶ developed as part of the 2019 SDC Methodology and shown in Table B-1 in Appendix B. The averages within each tier were used to develop the occupancy estimates by tier shown in Table 3-2.

3.3.2 Multi-Unit Dwelling

As with single-unit residential, U.S. Census data were used to estimate occupancy for all multi-unit dwelling units, which as shown in Table 3-3, averages 1.78 persons per dwelling unit.

Table 3-3. Multi-Unit Dwelling Unit Occupancy

Category	Avg. People per Dwelling Unit
All Multi-Unit Dwelling Sizes ¹	1.78

¹ 2020 ACS PUMS for Deschutes County, weighted average for all multi-unit households

3.3.3 Other Housing

Table 3-4 presents occupancy assumptions for other types of housing. Occupancy for manufactured dwellings is based on 2017 ACS data for Deschutes County. Accessory Dwelling Units (ADUs) will be assessed based on the same occupancy as a 0 bedroom multi-unit dwelling (based on ACS data).

Table 3-4. Occupancy Assumptions - Other Housing

Category	Avg. People per Unit
Manufactured Dwellings (per dwelling) ¹	2.26
Accessory Dwelling Units (per unit) ¹²	1.08

¹ 2017 ACS for Deschutes County

² Based on Multi-Unit 0 bedrooms (2019 SDC Methodology)

Residential occupancy for dormitories will be estimated on the per person cost basis for each individual development at the time of permitting. Developments that provide housing for

⁵ Based on square footage of the home (excluding garages or structures outside the living area of the home). As defined by the Deschutes County Assessor's Office, household living area also includes basement and attic area.

⁶ A linear-logarithmic relationship assumes that the rate of change (or number of people) increases initially but then levels off once the dwelling reaches a certain size.

those wholly dependent upon care by others, such as memory care facilities, will be exempt from paying an SDC.

3.3.4 Overnight Accommodations

Occupancy assumptions for overnight accommodations are based on estimated persons per unit of 2.63⁷, adjusted for an average April-September lodging occupancy rate of 71.2 percent, based on a 2-year historical average (2023-2024) from Visit Bend Lodging Occupancy Report. The resulting persons per overnight accommodation unit is 1.87.

3.4 SDC Schedule

The SDC for each development type is determined by multiplying the net cost per person from Table 3-1 by the average number of people per unit for each development type.

Table B-2 in Appendix B includes the updated SDCs and occupancy assumptions for each residential category. As discussed previously, administration charges adopted by Board resolution are added to the SDCs; Table B-2 also shows the SDCs inclusive of the District and other agency (City of Bend and Deschutes County) administration costs of about 1.3 percent, combined.

3.4.1 Inflationary Adjustments

As allowed by Oregon law, the District will annually update the SDCs by resolution based on application of cost indices. The SDC project list includes a combination of land acquisition and development costs; therefore, the District will use information published by the Deschutes County Assessor's Office and the Engineering News Record (ENR) U.S. 20-City Average Construction Cost index to determine the annual inflationary adjustment.

The inflationary adjustment will be based on the following formula:

Annual percent change in ENR Construction Cost index x percent of project list costs for development +
Annual percent change in land value within the District x percent of project list costs for land acquisition

The specific percentages attributable to land and development will change as the SDC project list changes; therefore, the District may implement modifications to the inflationary adjustment formula through adoption of separate future resolution(s). The cost components of the current project list are development (85%) and land acquisition (15%).

The District intends to base the adjustment on the ENR index published for December of each year. Land costs will be based on the market value of all real property, adjusted for the estimated value of improvements added, as reported by the Assessor's Office annually in the fall.

The District may make future changes to the inflationary adjustment process, assumptions and cost indices through adoption of a separate Board resolution.

⁷ Average people per guest unit represents an average of hotel/motel accommodations and other overnight accommodation types (including all types of camping), weighted based on traveler days by unit type. Source: *The Economic Impact of Travel in Bend*, prepared by Dean Runyan Associates (2022 and 2023).

APPENDIX A

Appendix A - SDC Project List

Table A-1. SDC Project List - New Parks, Facilities and Trails (2024-2034)¹

Project Name	Project Description	Timeline	Quantity	Unit	Improvement SDC	
		(Years)			Cost (\$)	%
NEIGHBORHOOD PARKS						
Manzanita Ridge	New park development	1-5	4	acres	\$1,287,076	100%
Coulter	New park development	1-5	4	acres	\$1,803,300	100%
Talline	New park land acquisition & development	1-5	4	acres	\$1,563,719	100%
Parkside Place	New park land acquisition & development	1-5	4	acres	\$2,242,687	100%
Easton	New park land acquisition & development	1-5	4	acres	\$2,193,599	100%
Stevens Ranch	New park land acquisition & development	1-5	4	acres	\$1,735,474	100%
Discovery West	New park land acquisition & development	1-5	4	acres	\$2,872,967	100%
Fields Farm	New park land acquisition & development	1-5	4	acres	\$2,473,098	100%
Pinebrook	New park land acquisition & development	1-5	3	acres	\$1,545,686	100%
Murphy Crossing	New park land acquisition & development	1-5	4	acres	\$1,777,539	100%
Constellation Crest	New park land acquisition & development	1-5	4	acres	\$2,975,961	100%
Caraway	New park land acquisition & development	1-5	4	acres	\$103,046	100%
Park Search Area 21 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$1,030,457	100%

Table A-1. SDC Project List - New Parks, Facilities and Trails (2024-2034)¹

Project Name	Project Description	Timeline	Quantity	Unit	Improvement SDC	
		(Years)			Cost (\$)	%
Park Search Area 6 - Neighborhood Park	New park land acquisition & development	1-5	4	acres	\$3,091,372	100%
Park Search Area 29 - Neighborhood Park	New park land acquisition & development	1-5	4	acres	\$2,721,242	100%
Park Search Area 13 - Neighborhood Park	New park land acquisition & development	1-5	4	acres	\$2,721,242	100%
Park Search Area 16 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 17 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 19 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 31 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 33 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 34 - Neighborhood Park	New park land acquisition & development	1-5	4	acres	\$2,721,242	100%
Park Search Area 36 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 37 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 38 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Park Search Area 41 - Neighborhood Park	New park land acquisition & development	1-5	4	acres	\$2,721,242	100%
Park Search Area 8 - Neighborhood Park	New park land acquisition & development	6-10	4	acres	\$2,721,242	100%
Subtotal			107.0		\$46,533,064	
COMMUNITY PARKS						

Table A-1. SDC Project List - New Parks, Facilities and Trails (2024-2034)¹

Project Name	Project Description	Timeline	Quantity	Unit	Improvement SDC	
		(Years)			Cost (\$)	%
Park Search Area 35 - Community Park (Future UGB)	New park development	6-10	29	acres	\$252,512	100%
Subtotal			29		\$252,512	
RECREATION FACILITIES						
Westside Recreation Center Planning and Infrastructure	Infrastructure contribution & preliminary planning	1-5	NA		\$749,076	100.0%
Westside Recreation Center	New Recreation Center (Construction)	6-10	50,000	SQ FT	\$41,218,294	100.0%
Art Station	Construction (expanding capacity of Art program on larkspur site)	1-5	4,800	SQ FT	\$4,420,662	100.0%
Subtotal			54,800		\$46,388,032	
REGIONAL PARKS						
Rose Property Concept Planning	Concept planning for park development	2-3			\$412,183	100%
Rose Property Development	50% of park development	6-10	226.6	Acres	\$10,304,574	100%
Subtotal			226.6		\$10,716,756	
TRAILS						
2- Bend Lava Trail (Formerly Arnold Canal Trail)	New trail development	6-10	2.30	miles	\$496,845	100.0%
1- 12th Street Crossing	Road Crossing	6-10	-	miles	\$77,284	100.0%
11- Discovery Trail	New trail development	6-10	0.82	miles	\$401,532	100.0%
13- High Desert Trail	New trail development	1-5	1.30	miles	\$636,575	100.0%
15- High Desert Trail Undercrossing at Knott Rd/27th Street	Under crossing	1-5	-	miles	\$1,545,686	100.0%
17- North Unit Canal Trail	New trail development	1-5	3.10	miles	\$252,998	100.0%

Table A-1. SDC Project List - New Parks, Facilities and Trails (2024-2034)¹

Project Name	Project Description	Timeline	Quantity	Unit	Improvement SDC	
		(Years)			Cost (\$)	%
20- Pilot Butte Canal Trail	New trail development	1-5	1.00	miles	\$81,612	100.0%
23- Riley Ranch Nature Reserve Bike/Pedestrian Bridge	Bridge	1-5	-	miles	\$1,030,457	100.0%
24- Shevlin Park North - Tumalo Creek Bike/Pedestrian Bridge	Bridge	1-5	-	miles	\$128,807	100.0%
25- Simpson Avenue Crossing	Road Crossing	1-5	-	miles	\$77,284	100.0%
26- Skyliners Road at NW Crossing Drive	Road Crossing	1-5	-	miles	\$77,284	100.0%
27- TransCanada Trail	New trail development	1-5	0.92	miles	\$300,333	100.0%
4- Big Sky Trail	New trail development	1-5	0.20	miles	\$175,219	100.0%
5- Big Sky Trail Undercrossing at Hwy 20	Under Crossing	1-5	-	miles	\$1,545,686	100.0%
6B-Central Oregon Historic Canal Trail - Reed Market Rd to Hansen Park	New trail development	1-5	1.32	miles	\$107,728	100.0%
6C- Central Oregon Historic Canal Trail - Hansen Park to Eastgate Park	New trail development	6-10	3.61	miles	\$371,904	100.0%
9A- DRT Connector to Shevlin Park	New trail development	6-10	0.85	miles	\$27,748	100.0%
9B- DRT Kirkaldy Court to Putnam Road	New trail development	1-5	0.14	miles	\$4,570	100.0%
9C- Deschutes River Trail (DRT) Putnam to Riley Ranch Nature Reserve	New trail development	1-5	1.34	miles	\$43,744	100.0%
9D- DRT Galveston to Miller's Landing	New trail development	1-5	0.31	miles	\$725,030	100.0%
9E- DRT from COHCT to River Canyon Natural Area	New trail development	1-5	1.20	miles	\$123,696	100.0%
Deschutes River Trail Alternatives	Analysis & Prelim Feasibility	1-5	-	miles	\$254,781	100.0%
Trail Acquisition, Safety and Crossings	New trail development	1-5	4.00	Miles	\$1,350,672	100.0%
Subtotal			18.4		\$9,837,478	
GRAND TOTAL					\$113,727,843	

Deschutes River Trail (DRT)

¹ Total costs reflect park development costs = 85% and land acquisition costs = 15%.

Table A-2. SDC Project List - Capacity Improvements to Existing Parks; New Recreation Facilities and Trails (2024-2034)

Project Name	Project Description	Timeline (Years)	SDC Eligible ¹ \$
IMPROVED LEVEL OF PERFORMANCE / DEVELOPMENT			
Big Sky Park Expansion Phase 2	Bike park and amenities	1-5	\$864,396
Hansen Park Trailhead	New trailhead development	6-10	82,505
Park Search Area 3 - DRT North Trailhead	New trailhead development	1-5	342,435
Pine Nursery Park Phase 4 (Pending Partnership)	New fields	1-5	51,523
Pine Nursery Park Phase 5	Development of existing acreage	1-5	7,963,954
NEW OR EXPANDED AMENITIES OR ACCESS			
Hollinshead Park Master Plan and Renovation	Renovation	1-5	267,527
Park Search Area--Neff and Hamby Rd. Crossings	New pedestrian street crossing	6-10	10,701
Ponderosa Master Plan and Renovation	Park redevelopment	1-5	374,538
River Access at Riverbend Park	Refine and Improve access for river users	1-5	249,371
Farewell Bend Park - North Beach Enhancements	Refine and Improve access for river users	6-10	145,294
Farewell Bend Park (North)	Improve access and boat launch at the north end of park	6-10	31,171
GRAND TOTAL			\$10,383,415

¹ From existing SDC fund balance.

APPENDIX B

Appendix B - SDC Schedule

Table B-1. Estimated People Per Household – Single-Unit Dwellings

Square Feet	Est. People per Household LIN-LOG Regression	6-Tier Structure
500	1.71	1.75
600	1.79	
700	1.87	
800	1.93	2.01
900	1.99	
1000	2.04	
1100	2.09	
1200	2.13	
1300	2.17	2.22
1400	2.21	
1500	2.24	
1600	2.27	
1700	2.30	2.37
1800	2.33	
1900	2.35	
2000	2.38	
2100	2.40	
2200	2.43	
2300	2.45	2.51
2400	2.47	
2500	2.49	
2600	2.51	
2700	2.52	
2800	2.54	
2900	2.56	
3000	2.58	
3100	2.59	2.74
3200	2.61	
3300	2.62	
3400	2.64	
3500	2.65	
3600	2.66	
3700	2.68	
3800	2.69	
3900	2.70	
4000	2.72	
4100	2.73	
4200	2.74	
4300	2.75	
4400	2.76	
4500	2.77	
4600	2.78	
4700	2.79	
4800	2.80	
4900	2.81	
5000	2.82	
5100	2.83	
5200	2.84	
5300	2.85	
5400	2.86	
5500	2.87	

Table B-2. SDC Schedule

Development Type	Avg. People per Unit	SDC ¹	SDC w/Admin Charges ²
Single-Unit ³ Avg. (\$/dwelling unit)	2.50	\$11,908	\$12,063
SQ FT Tiers (\$/dwelling unit)			
<=600 SQ FT	1.75	\$8,335	\$8,444
601-1,200 SQ FT	2.01	\$9,574	\$9,699
1,201 - 1,600 SQ FT	2.22	\$10,574	\$10,712
1,601 - 2,200 SQ FT	2.37	\$11,288	\$11,436
2,201 - 3,000 SQ FT	2.51	\$11,955	\$12,111
>3,000 SQ T	2.74	\$13,051	\$13,221
Multi-Unit ⁴ Avg. (\$/dwelling unit)	1.78	\$8,478	\$8,589
Other Housing			
Manufactured Dwelling (\$/dwelling)	2.26	\$10,764	\$10,905
Accessory Dwelling Units (\$/unit)	1.08	\$5,144	\$5,211
Dormitories (\$/person)	1.00	\$4,763	\$4,825
Overnight Accommodation Unit (\$/unit)	1.87	\$8,907	\$9,023

¹ Cost per person (\$4,763) X people per unit

²Includes Deschutes County and City of Bend Administration Charges (1.3% combined)

³Single-unit includes tiny homes

⁴Multi-Unity includes housing with 2 or more units, including senior housing (independent living) and assisted living.

BEND PARK & RECREATION DISTRICT ORDINANCE NO. 13

AN ORDINANCE ESTABLISHING SYSTEM DEVELOPMENT CHARGES APPLICABLE TO CERTAIN TYPES OF DEVELOPMENT WITHIN BEND PARK & RECREATION DISTRICT BOUNDARIES; AND REPEALING ORDINANCE NO. 12

WHEREAS, ORS 223.297 - 223.316 authorize local governments, including special districts, to impose System Development Charges for parks and recreation; and

WHEREAS, on June 4, 2019, the Board of Directors (the “**Board**”) for Bend Park & Recreation District (the “**District**”) adopted Ordinance No. 12 – System Development Charges (“**Ordinance No. 12**”), which authorizes District to assess and collect System Development Charges (“**SDCs**”), and Resolution No. 421 – *Methodology Report: Parks System Development Charges*; and

WHEREAS, District finds it necessary and appropriate to modify Ordinance No. 12 to update definitions, align Ordinance No. 12 with City of Bend procedures for imposing, collecting and issuing SDC deferrals, and make certain other modifications to Ordinance No. 12, subject to and in accordance with this Ordinance No. 13 (this “**Ordinance**”).

NOW, THEREFORE, Bend Park & Recreation District ordains as follows:

1. PURPOSE AND SCOPE

- A. Future growth within the District should contribute an equitable share of the cost of capacity-increasing acquisitions and improvements to parks, trails, and recreation facilities needed to accommodate such growth.
- B. System Development Charges will provide a source of revenue to finance the acquisition, construction, improvement, or expansion of District parks, trails, and recreation facilities to accommodate growth.
- C. ORS 223.297 – 223.316 authorize local governments, including special districts, to impose System Development Charges for parks and recreation.

2. DEFINITIONS

- A. “**Accessory Dwelling Unit**” or “**ADU**” means a small Dwelling Unit on a Lot of Record with a Single-Unit Dwelling (including a townhome) as the primary use. An ADU may be created at the same time as, or subsequent to, construction of the Single-Unit Dwelling. An Accessory Dwelling Unit may be attached to or detached from the Single-Unit Dwelling as long as the ADU meets the applicable City or County standards for ADUs at the time the ADU was created.
- B. “**Affordable Housing**” means Deed Restricted Residential Development that is:

1. Rental housing affordable to households with income at or below 60% of the area median income (“AMI”);
 2. Owner-occupied or lease-to-own housing affordable to households with income at or below 80% of the AMI; or
 3. Homeless Shelter developments.
- C. **“Applicant”** means the Owner or other Person who applies for a Building Permit from the City or County for Residential Development or Overnight Accommodations within the boundaries of the District.
- D. **“Board”** means the District’s duly elected Board of Directors.
- E. **“Building Permit”** means permission or authorization from the City or County to perform work on a property; which may be a permit for construction, electrical, mechanical, plumbing, grading or other work, or a permit authorizing the siting of a Manufactured Dwelling.
- F. **“Capital Improvements”** means public parks, trails, recreation facilities or other amenities used for parks and recreation purposes.
- G. **“Capital Projects List”** means the list of the Capital Improvements, based on the comprehensive plan or capital improvements plan adopted by the Board, that the District intends to fund, in whole or in part, with revenues from an Improvement Fee and the estimated cost, timing and percentage of costs for each Capital Improvement eligible to be funded with Improvement Fee revenues.
- H. **“Citizen or Other Interested Person”** means any person whose legal residence is within the boundaries of the District, as evidenced by registration as a voter within the District or by other proof of residency; or a person who owns, occupies, or otherwise has an interest in real property which is located within District boundaries or is otherwise subject to the imposition of SDCs, as provided in Section 3 of this Ordinance.
- I. **“City”** means the City of Bend, Oregon.
- J. **“County”** means Deschutes County, Oregon.
- K. **“Deed Restricted”** means a Site subject to a covenant, contained in a deed or other instrument recorded in the Deschutes County Official Records, that the Site will be maintained or operated as Affordable Housing for a period of not less than 30 years.
- L. **“District”** means the Bend Park & Recreation District, an Oregon special district.
- M. **“Dormitory”** means a college or university residential housing facility intended or used for occupancy of higher education students.

- N. **“DPD”** means the District’s Director of Planning & Development.
- O. **“Dwelling Unit”** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- P. **“Executive Director”** means the District’s executive director or the executive director’s designee, unless expressly provided otherwise.
- Q. **“Final Occupancy”** means when the City or County, as applicable, has issued a certificate of occupancy, or for projects in which no certificate of occupancy will be issued, final inspection has been conducted and approved.
- R. **“Homeless Shelter”** means a location for overnight accommodation of people who lack housing. A shelter may be either a group shelter, outdoor shelter, or multi-room shelter, as defined by the City.
- S. **“Improvement”** means any manmade change to improved or unimproved real estate, including buildings, placement or replacement of manufactured or other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Improvements include improved open areas such as plazas and walkways, but do not include natural geologic forms or landscapes.
- T. **“Improvement Fee”** means a fee for costs associated with capacity-increasing Capital Improvements to be constructed after the effective date of this Ordinance.
- U. **“Living Space”** means those portions of a Dwelling Unit which permanently provide for living, sleeping, eating, cooking, and sanitation. Living Space does not include spaces such as garages, decks, patios, or detached storage sheds.
- V. **“Lot”** means a unit of land that is created by a subdivision of land.
- W. **“Lot of Record”** means a unit of land held in separate ownership as shown on the records of the Deschutes County Clerk, and which conforms to all applicable zoning and subdivision or partition requirements in effect on the date the unit of land was created.
- X. **“Manufactured Dwelling”** means a Dwelling Unit that is constructed primarily at one location and is then transported to another location for either permanent or temporary siting, including residential trailers, mobile homes, manufactured homes or prefabricated structures. A Manufactured Dwelling shall be assessed the Single-Unit Dwelling SDC rate if sited on its own Lot of Record. If placed in a Manufactured Dwelling Park, a Manufactured Dwelling shall be assessed the Manufactured Dwelling SDC rate.

- Y. **“Manufactured Dwelling Park”** means a place where four or more manufactured dwellings are located, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee.
- Z. **“Methodology”** means the District’s System Development Charge methodology required by ORS 223.304(1) and (2).
- AA. **“Multi-Unit Dwelling”** means a Dwelling Unit located on a single Lot of Record with at least one other Dwelling Unit (that is not an Accessory Dwelling Unit). The Dwelling Units may be attached or detached and include duplexes, triplexes, apartments, condominiums, senior independent living, and assisted living residences. Townhomes and rowhouses which share a wall, but are located on separate Lots of Record, are not considered Multi-Unit Dwellings.
- BB. **“Overnight Accommodations”** means all or any portion of the Improvements on a Site which are designed or used for occupancy of transient individuals. Overnight Accommodations includes hotels, motels, hostels, inns, bed and breakfasts, guest lodges or ranches, RV parks, cabins, campgrounds or camping spaces, and such other Improvements as may be designated as Overnight Accommodations by separate resolution of the Board.
- CC. **“Overnight Accommodations Unit”** means those individually occupiable units within an Overnight Accommodations development, and include hotel rooms, motel rooms, camping sites, RV pads or spaces, yurts, cabins, bed and breakfast rooms and hostel sleeping quarters.
- DD. **“Owner”** means the owner or owners of record of real property, as shown in the official records of the County, or a person purchasing a piece of property under a contract of sale. For the purposes of violations of this Ordinance and binding agreements between the District and the Owner, “Owner” shall also mean the leaseholder, tenant or other person in possession or control of all or any portion of the property at the time of such violation.
- EE. **“Parcel”** means a unit of land that is created by a partition of land.
- FF. **“Person”** means an individual, corporation, partnership, limited liability company, trustee, or any other legal entity of any type.
- GG. **“Qualified Public Improvement”** means a Capital Improvement that is:
1. Required as a condition of development approval; and
 2. Identified in the Capital Projects List adopted pursuant to Section 5 of this Ordinance; and either is:
 - a. Not located on or contiguous to a Site that is the subject of the development approval; or

- b. Located in whole or in part on or contiguous to a Site that is the subject of development approval and required to be built larger or with greater capacity (over-capacity) than is necessary for the particular development project to which the Improvement Fee is related; and

3. Approved/accepted by the District.

For purposes of this definition, contiguous means property within a public way that abuts the Site.

HH. **“Redevelopment”** means alteration, addition, replacement, or change in use of a Site that has an existing or previously existing use, including conversions of existing Improvements, into new or expanded Residential Development or Overnight Accommodations, or conversions of a portion of existing improvements into additional Living Space.

II. **“Reimbursement Fee”** means a fee for costs associated with Capital Improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.

JJ. **“Residential Development”** means all improvements on a Site, including buildings and other structures, which create Dwelling Units or other residential Living Space. Residential Development includes Single-Unit Dwellings, Multi-Unit Dwellings, Dormitories, Manufactured Dwellings, Accessory Dwelling Units, and such other Improvements as may be designated as Residential Development by separate resolution of the Board.

KK. **“Single-Unit Dwelling”** means a single Dwelling Unit located on a single Lot of Record. Single-Unit Dwellings include attached or detached Improvements (e.g., townhomes or rowhouses), regardless of the designation used by the City, County, or Applicant; provided, however, Single-Unit Dwellings do not include accessory dwelling units. The Single-Unit Dwelling rate applies to the primary Dwelling Unit on a Lot of Record, regardless of the presence of one or more ADUs on such Lot of Record.

LL. **“Site”** means a lot, parcel, block or other tract of land that (or group of adjacent lots, parcels, blocks or other tracts of land, whether or not under the same ownership) that is or may be occupied by Residential Development or Overnight Accommodations.

MM. **“System Development Charge”** or **“SDC”** means a Reimbursement Fee or an Improvement Fee assessed or collected at the time of the issuance of a Building Permit, or at such other time as may be designated by resolution of the Board.

3. **SYSTEM DEVELOPMENT CHARGE FRAMEWORK**

A. SDCs are imposed upon all new Residential Development and Overnight Accommodations within District boundaries. SDCs are also imposed on all Redevelopment, if such Redevelopment results in: (i) in the case of Residential Development, an increase in the number (or a change in the type) of Dwelling Units, compared to the Dwelling Units

existing on the Site prior to such Redevelopment, or additions or conversions resulting in additional Living Space in a Dwelling Unit; (ii) in the case of Overnight Accommodations, an increase in the number (or a change in the type) of Overnight Accommodations Units, compared to the Overnight Accommodations Units existing on the Site prior to such Redevelopment; or (iii) any Redevelopment of property which converts the existing use into new Residential Development or Overnight Accommodations.

- B. For an increase in the number of Dwelling Units, or the addition of Living Space within an existing Dwelling Unit, or a change in the type of Dwelling Unit, the amount of SDCs to be paid shall be the difference between the rate that would be imposed for the existing development and the new development. For an increase in the number of Overnight Accommodations Units or Redevelopment of a Site into Overnight Accommodations, the amount of SDCs to be paid shall be the difference between the rate that would be imposed for the existing development and the new development.
- C. System Development Charge amounts, as well as the Capital Projects List, administrative review procedures, and other implementing measures related to this Ordinance shall be established, and may be revised from time to time, by separate resolutions of the Board. A change in implementing measures, administrative fees, qualified projects, and similar changes shall not require amendment of this Ordinance or the Methodology.
- D. A resolution may include definitions of categories for determining the amount of SDCs due for certain types of development. If a particular development or type of use is not clearly Residential Development or Overnight Accommodations, the Executive Director may make a case-by-case determination of appropriate category and the amount of SDCs payable for the development using any methodology reasonably calculated to determine impacts on parks and recreation system resulting from the development or use.
- E. The SDCs imposed by this Ordinance are separate from, and in addition to, any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.

4. METHODOLOGY

- A. The Methodology used to establish or modify the Reimbursement Fee shall be based upon, when applicable, the cost of existing facilities (including without limitation design, financing and construction costs), prior contributions by then-existing property Owners, gifts or grants from federal, state, municipal or quasi-municipal government or private persons, the value of unused capacity available to future system users, rate-making principles employed to finance publicly-owned capital improvements, and other relevant factors identified by the District Board. The Methodology shall promote the objective that future Residential Development and Overnight Accommodations developed within the District shall contribute no more than an equitable share of the cost of then-existing facilities.

- B. The Methodology used to establish or modify the Improvement Fee shall consider the projected cost of Capital Improvements identified on the Capital Projects list that are needed to increase the capacity of the systems to which the fee is related, and the need for increased system capacity that will be required to serve the demands placed on the system by future users. The Methodology shall be calculated to obtain the cost of Capital Improvements for the projected need for available system capacity for future system users.
- C. The Methodology used to establish or modify the Improvement Fee or the Reimbursement Fee, or both, shall be adopted by separate resolution of the District Board.

5. EXPENDITURES

- A. The District shall establish separate accounts for each type of SDC, i.e., Reimbursement Fees and Improvement Fees, which shall be segregated from all other District accounts. All SDC revenues shall be deposited in the appropriate account immediately upon receipt.
- B. Reimbursement Fees shall be spent only on Capital Improvements, including replacements and major repairs, or expenditures relating to repayment of indebtedness.
- C. Improvement Fees shall be spent only on capacity-increasing Capital Improvements, including expenditures relating to repayment of future debt for such improvements. An increase in system capacity occurs if a Capital Improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the Capital Improvements funded by Improvement Fees shall be related to the need for increased capacity to provide service for future users.
- D. Notwithstanding subsections B and C of this section, SDC revenues may also be expended on the direct costs of complying with the provisions of this Ordinance and related state statutes, including, but not limited to, the costs of developing SDC Methodologies and providing an annual accounting system for SDC expenditures.
- E. The monies deposited in the separate SDC accounts shall be used solely for Capital Improvements allowed by ORS Chapter 223 including, but not limited to:
 - 1. design and construction plan preparation;
 - 2. permitting and fees;
 - 3. land and material acquisition costs, including any costs related to costs of condemnation;
 - 4. construction of Capital Improvements;

5. site preparation and grading and the design and construction of new drainage facilities or off-site improvements required as a condition for the construction of Capital Improvements;
 6. relocating utilities required by the construction of Capital Improvements;
 7. landscaping;
 8. construction management and inspection;
 9. surveying, soils and material testing;
 10. acquisition of capital fixtures and equipment;
 11. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the District to fund adopted Capital Improvements; and
 12. direct costs of complying with the provisions of ORS Chapter 223 including the consulting, legal, and administrative costs required for developing and updating the SDC Methodology report, resolution/ordinance, and Capital Projects List; and the costs of collecting and accounting for SDC expenditures.
- F. Funds on deposit in the separate SDC accounts shall not be used for:
1. any expenditure that would be classified as a maintenance or repair expense; or
 2. costs associated with the construction of administrative office facilities that are more than an incidental part of other Capital Improvements.
- G. Capital Improvements being funded wholly or in part with SDC revenues shall be included in the District's Capital Projects List. The Capital Projects List shall be adopted by resolution of the District Board, and may be modified at any time by separate resolution adopted by the District Board. If the District's SDCs will be increased by a proposed modification of the Capital Projects List, the District shall provide notice, including the proposed adoption date, to persons who have requested notice. If the District receives a written request for a hearing on the proposed modification not less than seven (7) days prior to the proposed adoption date of the modification, the District shall hold a public hearing. If the District does not receive such a request, no hearing is required. The District's decision to increase the SDCs by modification of the Capital Projects List may be judicially reviewed only as provided in ORS 34.010 to 34.100.
- H. Any SDC funds on deposit in the separate SDC accounts that are not immediately necessary for expenditure shall be invested or deposited in an interest-bearing account by the District. All income or interest derived from such investments shall be deposited in the SDC funds accounts and used as provided in this Ordinance.

- I. The District shall prepare an annual accounting report for its SDCs, including the total amount of SDC revenue deposited in the separate SDC accounts, and Capital Improvement projects that were funded with SDC revenues.

6. CALCULATION; COLLECTION

- A. The Methodology establishes the SDC rate applicable to each category of Residential Development and Overnight Accommodations. The SDCs payable for a particular project are calculated by multiplying the applicable rate (as may be adjusted from time to time by Board resolution, as provided in this Ordinance) by the number of Dwelling Units or Overnight Accommodations Units, as applicable, in the Applicant's project.
- B. District SDCs are payable upon the earlier of (1) notification by the City or County that a Building Permit is ready for issuance, or (2) commencement of any development activity for which a Building Permit is required but not obtained. If SDCs are due and payable at the time of issuance of a Building Permit, and if development work commences without an appropriate permit, the SDCs shall be immediately payable, together with interest at an annual rate of 12%, from the earliest date that a Building Permit was required.
- C. Payment of SDCs for Residential Development may be deferred from the time payment is otherwise due until Final Occupancy, subject to the provisions of this section. (Payment of SDCs for Overnight Accommodations may not be deferred.) Deferrals not in compliance with this Ordinance are not permitted.
 1. A deferral application must be submitted by the Applicant, and the deferral approved by the District, before the SDCs become payable under Section 6.B. or before the Building Permit is accepted by the Applicant. A deferral application under this section must be accompanied by the applicable fee amount, if any, established by separate Board resolution to cover all District costs associated with the deferral. District may charge interest on deferred SDCs, to be collected at the time Final Occupancy is certified, at a rate established by separate Board resolution. No additional agreement is necessary to receive a deferral under this section. The District may delegate the approval of deferral applications to the City or County, as applicable, by appropriate intergovernmental agreement.
 2. All deferred SDCs must be paid before the City or County, as applicable, will certify Final Occupancy. Occupancy of the development before payment of the applicable SDCs is prohibited.
 3. Beginning on the effective date of this Ordinance, the amount of SDCs due shall be the total amount calculated by applying the SDC rate in effect on the date the application was submitted to the City or County, as applicable, for the permit or other action for which the SDCs first became payable for the project, regardless of whether the SDC rates have increased by the time payment is due under a deferral under this

Section 6.C. For deferral agreements in place prior to July 1, 2025, the calculation of the amount due shall be as provided in the deferral agreement.

4. The deferral under this Section 6.C. is available for all Residential Development applied for after July 1, 2025.
- D. District may delegate responsibility for calculating and collecting SDCs to the City or County by intergovernmental agreement. In the event of such delegation, the Board shall have the authority to implement, by resolution, an alternative collection time for District SDCs; provided, however, any such alternative time of collection shall be consistent with the time of collection used by the City or County, as applicable.

7. EXEMPTIONS

Notwithstanding Section 3A, the following development is exempt from payment of District SDCs:

- A. Non-residential development, other than Overnight Accommodations.
- B. Through June 30, 2025, alteration, expansion, or replacement of an existing Single-Unit Dwelling where no additional Dwelling Unit is created. Beginning July 1, 2025, alteration, expansion, or replacement of an existing Single-Unit Dwelling that does not increase the square footage of the Dwelling Unit to the next tier of SDCs, as shown in the SDC fee schedule.
- C. The construction of accessory buildings or structures which will not create additional Dwelling Units, and which do not create additional demand on District Capital Improvements.
- D. Hospice care facilities, Alzheimer's care facilities, and end of life residential care facilities, and such other uses as the Executive Director may determine have little or no impact on District Capital Improvements.
- E. Temporary shelters for homeless persons and other uses, such as emergency/rapid response temporary units or camping type shelters (excluding those designated as Overnight Accommodations).

The District may delegate exemption processing to the City or County, as applicable, by appropriate intergovernmental agreement. Exemptions expire upon conversion of the property from the exempted use to another use.

8. CREDITS FOR QUALIFIED PUBLIC IMPROVEMENTS

- A. The District may grant a credit against the Improvement Fee portion of the SDCs imposed pursuant to Section 3 for the contribution of land for, or for the construction of, any Qualified Public Improvements.

- B. Prior to issuance of a Building Permit, the Applicant shall submit to the Executive Director a proposed plan and estimate of the cost for contributions of a Qualified Public Improvement for which a credit may be allowed. The proposed plan and estimate shall include:
1. a designation of the development for which the proposed plan is being submitted;
 2. a legal description of any land proposed to be contributed and a written appraisal prepared in accordance with Section 8.E.1.;
 3. a list of the contemplated Qualified Public Improvements contained within the plan;
 4. an estimate of proposed construction costs certified by a professional architect or engineer; and
 5. a proposed time schedule for completion of the proposed plan.
- C. The Applicant shall have the burden of demonstrating that a particular Qualified Public Improvement qualifies for a credit. The amount of the credit to be applied shall be determined according to the following conditions:
1. When new Residential Development occurs, the SDCs for the existing use, if applicable, shall be calculated and, if less than the SDCs for the proposed use, the difference between the SDCs applicable to the existing use and the SDCs applicable to the proposed use shall be the SDCs payable for the project. If the change in the use results in the SDCs for the proposed use being less than the SDCs for the existing use, then no SDCs shall be charged. No refund or credit shall be given unless provided for elsewhere in this Section 8.
 2. If a Qualified Public Improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit may be given only for the cost of that portion of the improvement that exceeds the District's minimum standard facility size or capacity needed to serve the particular development project or property. The Applicant shall have the burden of demonstrating that a particular improvement qualifies for a credit under this subsection.
- D. If the contribution of land or construction of a Qualified Public Improvement gives rise to a credit amount greater than the amount of the SDCs that would otherwise be levied against the project receiving development approval, the excess credit may be applied against SDCs that accrue in subsequent phases of the original development project. Any excess credit must be used not later than 10 years from the approval date for the credit.
- E. Calculation of credits will be subject to the following standards:

1. The value of contributed lands shall be based upon a written appraisal of fair market value by a qualified professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction; and
 2. The anticipated construction cost of the Qualified Public Improvements shall be based upon cost estimates certified by a professional architect or engineer.
- F. Upon approval of the District, the decision of the Executive Director, as to whether to accept the proposed contribution plan and the value of such contribution, shall be in writing and issued to the Applicant within 30 days of the date that all data is received for review.
- G. Any Applicant who submits a proposed plan pursuant to this Section 8, and who desires the immediate issuance of a Building Permit, shall pay the applicable SDCs at the time of issuance of such Building Permit. Such payment shall not be construed as a waiver of any credit. Any difference between the amount paid and the amount due, as determined by the Executive Director, shall be refunded to the Applicant. In no event shall refund by the District under this subsection exceed the amount originally paid by the Applicant.
- H. The District may, in its sole discretion, grant a credit for land transferred to the District for park and recreational use, but which does not otherwise meet the requirements of this Section 8.
- I. Credits shall not be transferable from one development to another.
- J. Credits shall be transferable within the same development if all or part of the development is sold, prior to completion of the development, but after completion and dedication of the Qualified Public Improvements.
- K. Credits shall not be transferable from the District's SDCs to any other governmental agency's system development charges.
- L. Credits shall be used within 10 years from the date the credit is given.

9. DEVELOPER REIMBURSEMENT PROCEDURES AND PAYMENTS

- A. Upon approval of the District Board, the District may enter into agreements with developers who propose to expand the park system by dedicating or constructing Capital Improvements. These agreements would allow the District to reimburse the developer for such improvements using a portion of the SDCs collected within a designated recovery area.
- B. The Capital Improvements may serve only the proposed development (a "sole recovery area") or the proposed development and areas beyond it (a "shared recovery area").

- C. The District Board shall adopt, by separate resolution, procedures for entering into such agreements. The resolution shall address:
1. Procedures for entering into such agreements.
 2. Applicable District, City, and County policies, standards, rules and regulations.
 3. Responsibilities for paying the cost of such Capital Improvements.
 4. Eligibility for SDC reimbursement payments.
 5. Procedures for determining the extent of the area served by proposed Capital Improvements.
 6. Procedures for remitting SDC s collected in the sole recovery area or shared recovery area to eligible developers.
 7. Payment schedules and conditions for SDC reimbursement payments.
 8. Procedures for calculating the amount of the reimbursement payments.
 9. Procedures for determining the value of qualified Capital Improvements.

10. REFUNDS AND WAIVERS

A. Refunds.

1. Refunds may be given upon the District's finding that there was a clerical error in the calculation of SDCs.
2. Refunds shall not be allowed for failure to timely claim a credit or for failure to seek an alternative SDC rate calculation in a timely manner, prior to submission of an application for a Building Permit. The District will not issue refunds if the Applicant fails to claim a credit or fails to seek an alternative SDC rate calculation prior to paying an SDC, except for clerical errors, as stated above, or as a result of an objection or review as provided in Section 13.
3. An Applicant or Owner shall be eligible to apply for a refund if:
 - a. The Building Permit has expired, and the development authorized by such permit was not commenced; or
 - b. The District has not expended the SDC revenues prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such SDCs were paid. For the purposes of this Section 10.A.3., the first funds received shall be deemed to be the first funds expended. If approved, the amount of the refund

shall not exceed the unexpended portion of SDCs collected in connection with the applicable Building Permit.

4. An application for refund shall be filed with the District and contain the following:
 - a. The name and address of the Applicant;
 - b. The location of the property which was the subject of the SDCs;
 - c. A notarized sworn statement that the petitioner is the then-current Owner of the property on behalf of which the SDCs were paid; including proof of ownership, such as a certified copy of the latest recorded deed;
 - d. The date the SDCs were paid;
 - e. A copy of the receipt of payment for the SDCs; and, if appropriate,
 - f. The date the Building Permit was issued, and its expiration date.
5. The application for a refund shall be filed within 90 days of the expiration of the Building Permit, Placement Permit, or within 90 days of the end of the fiscal year following the tenth anniversary of the date upon which the SDCs were paid. Failure to timely apply for a refund of the SDCs shall waive any right to a refund.
6. Within 30 days from the date of receipt of a petition for refund, the District will advise the petitioner of the status of the request for refund, and if such request is valid, the SDCs (or eligible portion of the SDCs) shall be returned to the petitioner.
7. A subsequent Applicant for a Building Permit on property for which a refund was previously issued, shall pay the SDCs required by Section 3.

B. Waivers

1. The Executive Director may grant a waiver of District SDCs upon finding that the subject development places no demand on the District park and recreation system.
2. The District Board may, by separate resolution, designate other types of Residential Development, including, but not limited to, Affordable Housing, for which SDC waivers may be applied.
3. If the property use under which a waiver was granted is modified or discontinued, the waiver will expire and the District's then-current SDCs will be due and payable by the Owner unless otherwise determined by the Executive Director.

11. ADOPTION OR AMENDMENT OF METHODOLOGY

- A. The District Board shall hold a public hearing prior to adopting or amending the methodology on which any SDCs are based. Notice of the public hearing shall be given as provided in Section 12. If changes in the Methodology are undertaken by the District, the District shall coordinate such changes with the City and County prior to adoption pursuant to any intergovernmental agreements between the District and County or the City, as applicable.
- B. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the SDC methodology if the change is based on: (1) a change in project costs, including cost of materials, labor and real property applied to projects or project capacity as shown on the Capital Projects List; or (2) periodic application of one or more specific cost indexes included in the methodology or adopted by separate ordinance or resolution, as provided in ORS 223.304.

12. NOTICE

- A. The District shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a Methodology for any SDCs. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify any SDCs. The Methodology supporting the SDCs shall be available at least 60 days prior to the first hearing to adopt or amend SDCs. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the District. Legal action intended to contest the Methodology may not be filed after 60 days following the District's adoption or modification of the SDC ordinance or resolution.
- B. The District may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the District must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

13. CHALLENGES, OBJECTIONS, REVIEWS AND APPEALS

- A. Challenge of Expenditures.
 - 1. Any Citizen or Other Interested Person may challenge an expenditure of SDC revenues.
 - a. Such challenge shall be submitted, in writing, to the Executive Director for review within two years following the subject expenditure, and shall include the following information:
 - i. The name and address of the Citizen or Other Interested Person challenging the expenditures;

- ii. The amount of the expenditure; the project, payee, or purpose; and the approximate date on which it was made; and
 - iii. The reason why the expenditure is being challenged.
 - b. If the Executive Director determines that the expenditure was not made in accordance with the provisions of this Ordinance and other applicable laws a reimbursement of SDC revenues shall be made from other revenue sources within one year following the determination that the expenditure was not appropriate.
 - c. The Executive Director shall make written notification of the results of the expenditure review to the person who requested the review within 10 days of completion of the review. The Executive Director's decision may be judicially reviewed only as provided in ORS 34.010 to 34.100.
- B. Review of Methodology.
- 1. Legal action contesting the methodology used for calculating a system development charge must be filed within 60 days following the District's adoption or modification of the SDC ordinance or resolution. A Citizen or Other Interested Person shall request judicial review of the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100.
- C. Objection to SDCs Imposed.
- 1. An Applicant who is required to pay SDCs may object to the following:
 - a. The SDC calculation or estimate, or the application of the SDC Methodology to the Applicant's project; provided, however, the SDC Methodology itself may not be reviewed, except as provided in Section 13.B.
 - b. The amount or denial of a proposed credit for contribution of a Qualified Public Improvement pursuant to Section 8.
 - 2. At any time prior to filing a request for formal review of its objection under this Section 13, an Applicant may have informal discussions with District staff designated by the DPD to try to resolve the Applicant's objection. District staff have the authority to work with City or County staff, as applicable, to resolve objections in a manner consistent with this Ordinance.
 - 3. Any Applicant desiring a formal review of its objection shall file a written request with the DPD, accompanied by the applicable objection fee, if any, established by separate Board resolution. The written request shall contain the following information:
 - a. The name and address of the Applicant;

- b. The legal description of the property in question;
 - c. If issued, the date the Building Permit was issued;
 - d. A brief description of the development being undertaken pursuant to the Building Permit;
 - e. If paid, the date the SDCs were paid; and
 - f. An explanation of the Applicant's objection, including the amount in dispute, the reasons why the Applicant believes the amount is incorrect, the amount the Applicant believes is appropriate with an explanation of that amount, and a request for a meeting, if desired.
4. The Applicant's request for review must be filed within 30 days of the date of first receipt of the denial, calculation or estimate. Failure to request a formal review of any objection within the time provided shall be deemed a waiver of such right. It is the Applicant's responsibility to understand the development application system used by the City or County, as applicable, including any online portal or other electronic system. If an online portal or other electronic system is used, an Applicant shall be deemed to have received notice, of the SDC amount estimate or calculation, for the purpose of any protest, appeal or other time period specified in this Ordinance as commencing on receipt of such notice, on the date such notice was uploaded to the online portal or other electronic system. It is the Applicant's responsibility to regularly check any online portal or other electronic system used by the City or County, as applicable. Recalculation of SDC amounts following (i) amendment of a development application by the Applicant, or (ii) an increase in the SDC rates applicable to the Applicant's project, shall not give rise to a new opportunity to object to the calculation or estimate; provided, however, that the Applicant may submit an explanation of any errors in the District's arithmetic used for the calculation or estimate.
5. Following payment by the Applicant of any objection fee required by board resolution, the DPD shall respond to the objection in writing within 10 days unless the Applicant requests a meeting. If a meeting is requested, the DPD shall meet with the Applicant within a reasonable period of time. In the event a meeting is held, the DPD will issue, on behalf of the District, a written response to the objection no later than 10 days after the meeting. The District's response may (i) affirm the original amount, (ii) reduce the original amount, or (iii) request additional information. Notwithstanding the foregoing, a request for additional information is not the District's response. If other information is requested and provided pursuant to parameters established by the District, the District shall provide its response to the objection within 15 days of receiving the additional information.
6. The Applicant may appeal the District's response to the objection by submitting a written appeal to the Executive Director, accompanied by the applicable appeal fee,

if any, established by separate Board resolution. The written appeal, and any required appeal fee, must be received by the Executive Director within 10 days of Applicant's receipt of the District's response to the objection. The appeal must include the Applicant's explanation of why the District's response to the objection was incorrect, and may also include evidence and written argument, and a request for a meeting with the Executive Director. The Applicant may submit additional evidence and written argument within 10 days of the day the appeal is submitted to the Executive Director. The appeal will be determined by the Executive Director. The District shall provide a written decision on the appeal within 30 days of filing the appeal, or within 10 days of any meeting, whichever is later. The District's appeal decision shall be subject to review only in accordance with ORS 34.010 to 34.100.

7. Any Applicant who requests a review or appeal pursuant to this Section 13, and who desires the immediate issuance of a Building Permit, shall pay the SDC amount calculated by the District no later than the time the review or appeal request is filed. Such payment shall not be construed as a waiver of the Applicant's review rights.
8. An Applicant may request review or appeal under this Section 13, without paying the applicable SDCs, if no Building Permit has been issued.

14. INTERPRETATION; SEVERABILITY; CORRECTIONS

All pronouns contained in this Ordinance and any variations of such pronouns will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the applicable 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. Any reference to a particular law, statute, rule, regulation, code or resolution includes the law, statute, rule, regulation, code or resolution now in force or as later amended. The provisions of this Ordinance are declared to be severable. If any section, subsection, sentence, clause or portion of this Ordinance 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 Ordinance. This Ordinance may be corrected at any time by resolution of the Board to cure editorial or clerical errors, or to comply with applicable law.

15. EFFECTIVE DATE

The SDCs authorized by this Ordinance shall be imposed on development applications submitted on or after July 1, 2025.

16. REPEAL

This Ordinance supersedes, replaces and restates Ordinance No.12, in its entirety, and supersedes all ordinances, resolutions or policies in conflict with this Ordinance. Ordinance No. 12 is repealed.

BEND PARK ~~AND~~ RECREATION DISTRICT ORDINANCE NO. 13
~~Ordinance No. 12 – System Development Charges~~

AN ORDINANCE ESTABLISHING ~~DISTRICT~~ SYSTEM DEVELOPMENT CHARGES APPLICABLE TO CERTAIN TYPES OF DEVELOPMENT WITHIN BEND PARK & RECREATION DISTRICT BOUNDARIES; AND REPEALING ~~AND SUPERSEDING~~ ORDINANCE NO. ~~8 AND ORDINANCE NO. 1012~~

~~THE BEND PARK AND RECREATION DISTRICT ORDAINS AS FOLLOWS:~~

WHEREAS, ORS 223.297 - 223.316 authorize local governments, including special districts, to impose System Development Charges for parks and recreation; and

WHEREAS, on June 4, 2019, the Board of Directors (the “Board”) for Bend Park & Recreation District (the “District”) adopted Ordinance No. 12 – System Development Charges (“Ordinance No. 12”), which authorizes District to assess and collect System Development Charges (“SDCs”), and Resolution No. 421 – Methodology Report: Parks System Development Charges; and

WHEREAS, District finds it necessary and appropriate to modify Ordinance No. 12 to update definitions, align Ordinance No. 12 with City of Bend procedures for imposing, collecting and issuing SDC deferrals, and make certain other modifications to Ordinance No. 12, subject to and in accordance with this Ordinance No. 13 (this “Ordinance”).

NOW, THEREFORE, Bend Park & Recreation District ordains as follows:

1. ~~SECTION 1~~ PURPOSE AND SCOPE

- A. Future growth within the ~~Bend Park and Recreation~~ District (“District”) should contribute ~~its fair~~ an equitable share ~~to of~~ the cost of capacity-increasing acquisitions and improvements to parks, trails, and recreation facilities needed to accommodate such growth.
- B. System Development Charges will provide a source of revenue to finance the acquisition, construction, improvement, or expansion of District parks, trails, and recreation facilities to accommodate growth.
- C. ORS 223.297 – ~~223.314~~ 223.316 authorize local governments, including special districts, to impose System Development Charges for parks and recreation.

~~D. This Ordinance replaces Ordinance No. 8 – System Development Charges, and its modifying Ordinance No. 10.~~

2. ~~SECTION 2.~~ DEFINITIONS

- A. **“Accessory Dwelling Unit” or “ADU”** means a small Dwelling Unit on a ~~Parcel of Land that contains a Single-family~~Lot of Record with a Single-Unit Dwelling ~~Unit~~(including a townhome) as the primary use, ~~whether~~. An ADU may be created at the same time as, or subsequent to, construction of the ~~Single-family~~Single-Unit Dwelling. An Accessory Dwelling Unit may be attached to or detached from the ~~Single-family~~Single-Unit Dwelling ~~Unit~~as long as the ADU meets the applicable City or County standards for ADUs at the time the ADU was created.
- B. **“Affordable Housing”** means Deed Restricted Residential Development that is:
1. Rental housing affordable to households with income at or below 60% of the area median income (“AMI”) ~~as defined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development;~~
 2. Owner-occupied or lease-to-own housing affordable to households with income at or below 80% of the AMI ~~as defined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development;~~ or
 3. Homeless Shelter ~~Developments~~developments.
- C. **“Applicant”** means the Owner or other ~~person, including any business or entity,~~Person who applies for a ~~residential-Building Permit or Placement-Permit~~ from the City or County for Residential Development or ~~Hotel/Motel development~~Overnight Accommodations within the boundaries of the District.
- D. ~~“Building” means any residential or Hotel/Motel structure built and maintained for the support, shelter or enclosure of persons. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained only during the term of a Building Permit.~~ **“Board”** means the District’s duly elected Board of Directors.
- E. **“Building Permit”** means ~~an official permit or certificate issued by~~permission or authorization from the City or County ~~authorizing the construction of any Building to perform work on a property; which may be a permit for construction, electrical, mechanical, plumbing, grading or other work, or a permit authorizing the siting of a Manufactured Dwelling.~~
- F. **“Capital Improvements”** means public parks, trails, recreation facilities, ~~—~~ or other amenities used for parks and recreation purposes.
- G. **“Capital Projects List”** means the list of the Capital Improvements, based on the comprehensive plan or capital improvements plan adopted by the ~~District~~ Board, that

the District intends to fund, in whole or in part, with revenues from an Improvement Fee and the estimated cost, timing and percentage of costs for each Capital Improvement eligible to be funded with Improvement Fee revenues.

- H. **“Citizen or Other Interested Person”** means any person whose legal residence is within the boundaries of the District, as evidenced by registration as a voter within the District or by other proof of residency; or a person who owns, occupies, or otherwise has an interest in real property which is located within District boundaries or is otherwise subject to the imposition of SDCs, as provided in Section 3 of this Ordinance.
- I. **“City”** means the City of Bend, Oregon.
- J. **“County”** means Deschutes County, Oregon.
- K. **“Deed Restricted”** means a ~~Parcel of Land~~Site subject to a covenant, contained in a deed or other instrument recorded in the Deschutes County Official Records, that the ~~Parcel of Land~~Site will be maintained or operated as Affordable Housing for a period of not less than 30 years.
- L. **“District”** means the Bend Park ~~and~~& Recreation District, an Oregon special district.
- ~~M. “District Board” means the duly elected Board of Directors of the District.~~
- M. ~~N.~~ “Dormitory” means a college or university residential housing facility intended or used for occupancy of higher education students.
- N. “DPD” means the District’s Director of Planning & Development.
- O. **“Dwelling Unit”** means a single unit ~~within a Building, or any portion thereof, intended for use as a residence, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~
- P. **“Executive Director”** means the ~~chief~~District’s executive ~~officer of the District~~director or the executive director’s designee, unless expressly provided otherwise.
- ~~Q. “Hotel/Motel” means a Building, group of Buildings, or portion thereof, designed or used for temporary occupancy by individuals who are lodged, with or without meals. The definition shall include but not be limited to Buildings or groups of Buildings designed, intended, or used primarily for the accommodation of transient travelers, including hotels, motels, hostels, or similar designations.~~
- Q. “Final Occupancy” means when the City or County, as applicable, has issued a certificate of occupancy, or for projects in which no certificate of occupancy will be issued, final inspection has been conducted and approved.

- R. **“Homeless Shelter”** means a location for overnight accommodation of people who lack housing. A shelter may be either a group shelter, outdoor shelter, or multi-room shelter, as defined by the City.
- S. **“Improvement”** means any manmade change to improved or unimproved real estate, including buildings, placement or replacement of manufactured or other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Improvements include improved open areas such as plazas and walkways, but do not include natural geologic forms or landscapes.
- T. ~~R.~~ **“Improvement Fee”** means a fee for costs associated with capacity-increasing Capital Improvements to be constructed after the effective date of this Ordinance.
- U. **“Living Space”** means those portions of a Dwelling Unit which permanently provide for living, sleeping, eating, cooking, and sanitation. Living Space does not include spaces such as garages, decks, patios, or detached storage sheds.
- V. **“Lot”** means a unit of land that is created by a subdivision of land.
- W. **“Lot of Record”** means a unit of land held in separate ownership as shown on the records of the Deschutes County Clerk, and which conforms to all applicable zoning and subdivision or partition requirements in effect on the date the unit of land was created.
- X. ~~S.~~ **“Manufactured Home” or “Mobile Home Dwelling”** means a ~~Single-family~~ Dwelling Unit that is constructed primarily at one location and is then transported to another location for either permanent or temporary siting. ~~A Mobile Home, including residential trailers, mobile homes, manufactured homes or prefabricated structures. A~~ Manufactured Dwelling shall be assessed the ~~Single-Family~~ Single-Unit Dwelling SDC rate if sited on its own ~~Parcel~~ Lot of ~~Land~~ Record. If placed in a ~~mobile home park, a Mobile Home~~ Manufactured Dwelling Park, a Manufactured Dwelling shall be assessed the ~~Mobile Home~~ Manufactured Dwelling SDC rate.
- Y. **“Manufactured Dwelling Park”** means a place where four or more manufactured dwellings are located, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee.
- Z. ~~T.~~ **“Methodology”** means the District’s System Development Charge methodology required by ORS 223.304(1) and (2).
- AA. ~~U.~~ **“Multi-family Dwelling”** means a ~~Building, or portion thereof, on a single Parcel of Land, designed or used as a residence by two or more households and containing two or more Dwelling Units with shared walls. Examples of Multi-family Dwellings~~ Dwelling Unit located on a single Lot of Record with at least one other Dwelling Unit (that is not an Accessory Dwelling Unit). The Dwelling Units may be

attached or detached and include duplexes, triplexes, apartments, ~~townhomes,~~ condominiums, senior independent living, and assisted living residences. Townhomes and rowhouses which share a wall, but are located on separate Lots of Record, are not considered Multi-Unit Dwellings.

BB. “Overnight Accommodations” means all or any portion of the Improvements on a Site which are designed or used for occupancy of transient individuals. Overnight Accommodations includes hotels, motels, hostels, inns, bed and breakfasts, guest lodges or ranches, RV parks, cabins, campgrounds or camping spaces, and such other Improvements as may be designated as Overnight Accommodations by separate resolution of the Board.

CC. “Overnight Accommodations Unit” means those individually occupiable units within an Overnight Accommodations development, and include hotel rooms, motel rooms, camping sites, RV pads or spaces, yurts, cabins, bed and breakfast rooms and hostel sleeping quarters.

DD. ~~V.~~ “Owner” means the owner or owners of record of real property, as shown in the official records of the County, or a person purchasing a piece of property under a contract of sale. For the purposes of violations of this Ordinance and binding agreements between the District and the Owner, “Owner” shall also mean the leaseholder, tenant or other person in possession or control of ~~the premises or all or any portion of the~~ property at the time of ~~the binding agreement or such~~ violation ~~of such agreement or the provisions of this Ordinance.~~

EE. ~~W.~~ “Parcel of Land” means a ~~lot, parcel, block or other tract~~unit of land that, ~~in accordance with city or county regulations, is occupied or may be occupied by one or more Dwelling Units, a Hotel/Motel, or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.~~ is created by a partition of land.

~~X. “Placement Permit” means an official permit or certificate issued by the City or County authorizing the siting of a Manufactured Home.~~

FF. “Person” means an individual, corporation, partnership, limited liability company, trustee, or any other legal entity of any type.

GG. ~~V.~~ “Qualified Public Improvement” means a Capital Improvement that is:

1. Required as a condition of development approval; and
2. Identified in the Capital Projects List adopted pursuant to Section 5 of this Ordinance; and either is:

- a. ~~a)~~ Not located on or contiguous to a ~~Parcel of Land~~Site that is the subject of the development approval; or
 - b. ~~b)~~ Located in whole or in part on or contiguous to a ~~Parcel of Land~~Site that is the subject of development approval and required to be built larger or with greater capacity (over-capacity) than is necessary for the particular development project to which the Improvement Fee is related; and
3. Approved/accepted by the District.

For purposes of this definition, contiguous means property within a public way that abuts the ~~Parcel of Land~~Site.

HH. **“Redevelopment”** means alteration, addition, replacement, or change in use of a Site that has an existing or previously existing use, including conversions of existing Improvements, into new or expanded Residential Development or Overnight Accommodations, or conversions of a portion of existing improvements into additional Living Space.

II. ~~Z.~~ **“Reimbursement Fee”** means a fee for costs associated with Capital Improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.

JJ. ~~AA.~~ **“Residential Development”** means all improvements on a ~~Parcel of Land~~Site, including ~~Buildings~~buildings and other structures, which create Dwelling Units or other residential ~~living—space~~Living Space. Residential Development includes ~~Single-family~~Single-Unit Dwellings, ~~Multi-family~~Multi-Unit Dwellings, Dormitories, ~~duplexes, Condominiums,~~ Manufactured ~~Homes~~Dwellings, Accessory Dwelling Units, and such other ~~Buildings~~Improvements as may be designated as Residential Development by separate resolution of the ~~District~~ Board.

KK. ~~BB.~~ **“Single-familySingle-Unit Dwelling”** means a ~~Building designed or used for residential purposes and containing only one Dwelling Unit.~~single Dwelling Unit located on a single Lot of Record. Single-Unit Dwellings include attached or detached Improvements (e.g., townhomes or rowhouses), regardless of the designation used by the City, County, or Applicant; provided, however, Single-Unit Dwellings do not include accessory dwelling units. The Single-Unit Dwelling rate applies to the primary Dwelling Unit on a Lot of Record, regardless of the presence of one or more ADUs on such Lot of Record.

LL. **“Site”** means a lot, parcel, block or other tract of land that (or group of adjacent lots, parcels, blocks or other tracts of land, whether or not under the same ownership) that is or may be occupied by Residential Development or Overnight Accommodations.

MM. ~~CC.~~ “**System Development Charge**” or “**SDC**” means a Reimbursement Fee or an Improvement Fee assessed or collected at the time of the issuance of a ~~Placement Permit or~~ Building Permit, or at such other time as may be designated by resolution of the ~~District~~ Board.

3. ~~SECTION 3.~~ **SYSTEM DEVELOPMENT CHARGE FRAMEWORK**

~~A. The District’s SDC is hereby imposed upon all new Residential Development and Hotel/Motels within the District boundaries for which a Building Permit or Placement Permit is required. This shall include new construction or alteration of Dwelling Units, and expansion or replacement of Dwelling Units, if such alteration, expansion, or replacement results in an increase in the number of Dwelling Units compared to the number of Dwelling Units, or a change in the type of Dwelling Unit, existing on the Parcel of Land prior to such alteration, expansion, or replacement.~~

A. SDCs are imposed upon all new Residential Development and Overnight Accommodations within District boundaries. SDCs are also imposed on all Redevelopment, if such Redevelopment results in: (i) in the case of Residential Development, an increase in the number (or a change in the type) of Dwelling Units, compared to the Dwelling Units existing on the Site prior to such Redevelopment, or additions or conversions resulting in additional Living Space in a Dwelling Unit; (ii) in the case of Overnight Accommodations, an increase in the number (or a change in the type) of Overnight Accommodations Units, compared to the Overnight Accommodations Units existing on the Site prior to such Redevelopment; or (iii) any Redevelopment of property which converts the existing use into new Residential Development or Overnight Accommodations.

B. For an increase in the number of Dwelling Units, or the addition of Living Space within an existing Dwelling Unit, or a change in the type of Dwelling Unit, the amount of SDCs to be paid shall be the difference between the rate that would be imposed for the existing development and the new development. For an increase in the number of Overnight Accommodations Units or Redevelopment of a Site into Overnight Accommodations, the amount of SDCs to be paid shall be the difference between the rate that would be imposed for the existing development and the new development.

C. System Development Charge amounts, as well as ~~related~~the Capital ~~Improvement projects,~~Projects List, administrative review procedures, and other implementing measures related to this Ordinance shall be established, and may be revised from time to time, by separate ~~resolution(s)~~resolutions of the ~~District~~ Board. A change in implementing ~~procedures,~~measures, administrative fees, qualified projects, and ~~the like~~similar changes shall not require ~~an~~ amendment of this Ordinance or the ~~SDC~~ Methodology.

D. A resolution may include definitions of categories for determining the amount of SDCs due for certain types of development. If a particular development or type of use is not

clearly Residential Development or Overnight Accommodations, the Executive Director may make a case-by-case determination of appropriate category and the amount of SDCs payable for the development using any methodology reasonably calculated to determine impacts on parks and recreation system resulting from the development or use.

- E. ~~D.~~ The SDCs imposed by this Ordinance are separate from, and in addition to, any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.

4. ~~SECTION 4.~~ METHODOLOGY

- A. The Methodology used to establish or modify the Reimbursement Fee shall ~~consider~~be based upon, when applicable, the cost of ~~then-existing~~existing facilities (including without limitation design, financing and construction costs), prior contributions by then-existing property Owners, gifts or grants from federal, state, municipal or quasi-municipal government or private persons, the value of unused capacity available to future system users, rate-making principles employed to finance publicly-owned ~~Capital Improvements~~capital improvements, and other relevant factors identified by the District Board. The Methodology shall promote the objective that future Residential Development and Overnight Accommodations developed within the District shall contribute no more than an equitable share of the cost of then-existing facilities.
- B. The Methodology used to establish or modify the Improvement Fee ~~also~~ shall consider the ~~estimated~~projected cost of ~~projected~~ Capital Improvements identified on the Capital Projects list that are needed to increase the capacity of the systems to which the fee is related, and the need for increased system capacity that will be required to serve the demands placed on the system by future users. The Methodology shall be calculated to obtain the cost of Capital Improvements for the projected need for available system capacity for future system users.
- C. The Methodology used to establish or modify the Improvement Fee or the Reimbursement Fee, or both, shall be adopted by separate resolution of the District Board.

5. ~~SECTION 5.~~ EXPENDITURES

- A. The District shall establish separate accounts for each type of SDC, i.e., Reimbursement Fees and Improvement Fees, which shall be ~~maintained apart~~segregated from all other District accounts ~~of the District~~. All SDC ~~payments~~revenues shall be deposited in the appropriate account immediately upon receipt.

- B. Reimbursement Fees shall be spent only on Capital Improvements, including replacements and major repairs, or expenditures relating to repayment of indebtedness.
- C. Improvement Fees shall be spent only on capacity-increasing Capital Improvements, including expenditures relating to repayment of future debt for such improvements. An increase in system capacity occurs if a Capital Improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the Capital Improvements funded by Improvement Fees shall be related to the need for increased capacity to provide service for future users. ~~A Capital Improvement being funded wholly or in part from revenues derived from the Improvement Fee shall be included in the District's Capital Projects List.~~
- D. Notwithstanding subsections B and C of this section, SDC revenues may also be expended on the direct costs of complying with the provisions of this Ordinance and related state statutes, including, but not limited to, the costs of developing SDC Methodologies and providing an annual accounting system for SDC expenditures.
- E. The monies deposited in the ~~above~~separate SDC accounts shall be used solely for Capital Improvements allowed by ORS Chapter 223 including, but not limited to:
1. design and construction plan preparation;
 2. permitting and fees;
 3. land and material acquisition costs, including any costs related to costs of condemnation;
 4. construction of Capital Improvements;
 5. site preparation and grading and the design and construction of new drainage facilities or off-site improvements required as a condition for the construction of Capital Improvements;
 6. relocating utilities required by the construction of ~~improvements~~Capital Improvements;
 7. landscaping;
 8. construction management and inspection;
 9. surveying, soils and material testing;
 10. acquisition of capital fixtures and equipment;

11. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the District to fund adopted Capital Improvements; and
12. direct costs of complying with the provisions of ORS Chapter 223 including the consulting, legal, and administrative costs required for developing and updating the SDC Methodology report, resolution/ordinance, and Capital Projects List; and the costs of collecting and accounting for SDC expenditures.

F. Funds on deposit in the separate SDC accounts shall not be used for:

1. any expenditure that would be classified as a maintenance or repair expense; or
2. costs associated with the construction of administrative office facilities that are more than an incidental part of other Capital Improvements.

G. Capital Improvements being funded wholly or in part with SDC revenues shall be included in the District's Capital Projects List. The Capital Projects List shall be adopted by resolution of the District Board, and may be modified at any time by separate resolution adopted by the District Board. If the District's ~~SDC~~SDCs will ~~increase~~be increased by a proposed modification of the Capital Projects List, the District shall provide notice, including the proposed adoption date, to persons who have requested notice. If the District receives a written request for a hearing on the proposed modification not less than seven (7) days prior to the proposed adoption date of the modification, the District shall hold a public hearing. If the District does not receive such a request, no hearing is required. The District's decision to increase the ~~SDC~~SDCs by modification of the Capital Projects List may be judicially reviewed only as provided in ORS 34.010 to 34.100.

H. Any SDC funds on deposit in the separate SDC accounts that are not immediately necessary for expenditure shall be invested or deposited in an interest-bearing account by the District. All income or interest derived from such investments shall be deposited in the SDC funds accounts and used as provided ~~herein~~in this Ordinance.

I. The District shall prepare an annual accounting report for its SDCs, including the total amount of SDC revenue ~~collected~~deposited in the separate SDC accounts, and Capital Improvement projects that were funded with SDC revenues.

~~J. Any Citizen or Other Interested Person may challenge an expenditure of SDC revenues.~~

~~1. Such challenge shall be submitted, in writing, to the Executive Director for review within two years following the subject expenditure, and shall include the following information:~~

- ~~a. The name and address of the Citizen or Other Interested Person challenging the expenditures;~~
 - ~~b. The amount of the expenditure; the project, payee, or purpose; and the approximate date on which it was made; and~~
 - ~~c. The reason why the expenditure is being challenged.~~
- ~~2. If the Executive Director determines that the expenditure was not made in accordance with the provisions of this Ordinance and other applicable laws a reimbursement of SDC revenues shall be made from other revenue sources within one year following the determination that the expenditures were not appropriate.~~
- ~~3. The Executive Director shall make written notification of the results of the expenditure review to the person who requested the review within ten (10) days of completion of the review.~~
- ~~4. The person who makes a written objection to the calculation of a SDC has the right to petition for judicial review of the District's determination pursuant to ORS 34.010 to 34.100.~~

6. CALCULATION; COLLECTION

- A. The Methodology establishes the SDC rate applicable to each category of Residential Development and Overnight Accommodations. The SDCs payable for a particular project are calculated by multiplying the applicable rate (as may be adjusted from time to time by Board resolution, as provided in this Ordinance) by the number of Dwelling Units or Overnight Accommodations Units, as applicable, in the Applicant's project.

~~SECTION 6. COLLECTIONS~~

- ~~A. For any Residential Development, except Multi-family Dwellings, or Hotel/Motel, the District's SDC shall be due and payable at the time of issuance of a Building Permit or Placement Permit. For Multi-family Dwellings, the District's SDC shall be assessed and due no later than the date that a certificate of occupancy is issued. The District Board shall have the authority to implement, by resolution, a new or alternative time of collection for SDCs; provided, however, any such new/alternative time of collection shall be consistent with the time of collection used by the City or County, as applicable. SDC fee(s) will be based on the rates in effect on the date that the Building Permit application is submitted, or, for Multi-family Dwellings, on the date that a certificate of occupancy is issued (or at such earlier date as the SDCs are actually paid), or as otherwise agreed to in writing by the Applicant, the District, and the City or County, as applicable. The SDC Methodology referenced in this Ordinance establishes fees for each type of Residential Development or Hotel/Motel. Responsibility for collecting charges may be delegated to the City or County by intergovernmental agreement.~~

- B. District SDCs are payable upon the earlier of (1) notification by the City or County that a Building Permit is ready for issuance, or (2) commencement of any development activity for which a Building Permit is required but not obtained. If SDCs are due and payable at the time of issuance of a Building Permit ~~or Placement Permit~~, and if development ~~is commenced~~ work commences without an appropriate permit, the ~~SDC~~ SDCs shall be immediately payable, together with interest at an annual rate of 12%, from the earliest date that a ~~permit~~ Building Permit was required.
- C. Payment of SDCs for Residential Development may be deferred from the time payment is otherwise due until Final Occupancy, subject to the provisions of this section. (Payment of SDCs for Overnight Accommodations may not be deferred.) Deferrals not in compliance with this Ordinance are not permitted.
1. A deferral application must be submitted by the Applicant, and the deferral approved by the District, before the SDCs become payable under Section 6.B. or before the Building Permit is accepted by the Applicant. A deferral application under this section must be accompanied by the applicable fee amount, if any, established by separate Board resolution to cover all District costs associated with the deferral. District may charge interest on deferred SDCs, to be collected at the time Final Occupancy is certified, at a rate established by separate Board resolution. No additional agreement is necessary to receive a deferral under this section. The District may delegate the approval of deferral applications to the City or County, as applicable, by appropriate intergovernmental agreement.
 2. All deferred SDCs must be paid before the City or County, as applicable, will certify Final Occupancy. Occupancy of the development before payment of the applicable SDCs is prohibited.
 3. Beginning on the effective date of this Ordinance, the amount of SDCs due shall be the total amount calculated by applying the SDC rate in effect on the date the application was submitted to the City or County, as applicable, for the permit or other action for which the SDCs first became payable for the project, regardless of whether the SDC rates have increased by the time payment is due under a deferral under this Section 6.C. For deferral agreements in place prior to July 1, 2025, the calculation of the amount due shall be as provided in the deferral agreement.
 4. The deferral under this Section 6.C. is available for all Residential Development applied for after July 1, 2025.
- D. District may delegate responsibility for calculating and collecting SDCs to the City or County by intergovernmental agreement. In the event of such delegation, the Board shall have the authority to implement, by resolution, an alternative collection time for District SDCs; provided, however, any such alternative time of collection shall be consistent with the time of collection used by the City or County, as applicable.

7. ~~SECTION 7.~~ EXEMPTIONS

Notwithstanding Section 3A, the following development ~~shall be~~is exempt from payment of ~~the~~ District SDCs:

- A. ~~1.~~ Non-residential development ~~with the exception of Hotel/Motels, other than Overnight Accommodations.~~
- ~~2. Alteration, expansion, or replacement of an existing Dwelling Unit where no additional Dwelling Unit is created, except as may be determined by separate resolution of the District Board.~~
- B. Through June 30, 2025, alteration, expansion, or replacement of an existing Single-Unit Dwelling where no additional Dwelling Unit is created. Beginning July 1, 2025, alteration, expansion, or replacement of an existing Single-Unit Dwelling that does not increase the square footage of the Dwelling Unit to the next tier of SDCs, as shown in the SDC fee schedule.
- C. ~~3.~~ The construction of accessory ~~Buildings~~buildings or structures which will not create additional Dwelling Units, and which do not create additional ~~demands on the District's capital facilities~~demand on District Capital Improvements.
- D. ~~4.~~ Hospice care facilities, Alzheimer's care facilities, and end of life residential care facilities, and such other uses as the Executive Director may determine have little or no impact on District Capital Improvements.

~~Exemptions expire upon conversion of the original use to another use.~~

~~SECTION 8.~~ CREDITS

- E. Temporary shelters for homeless persons and other uses, such as emergency/rapid response temporary units or camping type shelters (excluding those designated as Overnight Accommodations).

The District may delegate exemption processing to the City or County, as applicable, by appropriate intergovernmental agreement. Exemptions expire upon conversion of the property from the exempted use to another use.

8. CREDITS FOR QUALIFIED PUBLIC IMPROVEMENTS

- A. The District may grant a credit against the Improvement Fee portion of the SDCs imposed pursuant to Section 3 for the contribution of land for, or for the construction of, any Qualified Public Improvements.
- B. Prior to issuance of a Building Permit ~~or Placement Permit~~, the Applicant shall submit to the Executive Director a proposed plan and estimate of the cost for contributions of a

Qualified Public Improvement for which a credit may be allowed. The proposed plan and estimate shall include:

1. a designation of the development for which the proposed plan is being submitted;
 2. a legal description of any land proposed to be contributed and a written appraisal prepared in ~~conformity~~accordance with Section 8.E.1.;
 3. a list of the contemplated Qualified Public Improvements contained within the plan;
 4. an estimate of proposed construction costs certified by a professional architect or engineer; and
 5. a proposed time schedule for completion of the proposed plan.
- C. The Applicant shall have the burden of demonstrating that a particular Qualified Public Improvement qualifies for a credit. The amount of the credit to be applied shall be determined according to the following conditions:
1. When new Residential Development occurs ~~that is subject to SDCs~~, the ~~SDC~~SDCs for the existing use, if applicable, shall be calculated and, if ~~it is~~ less than the ~~SDC for the use that will result from the new development~~SDCs for the proposed use, the difference between the SDCs applicable to the existing use and the SDCs applicable to the proposed use shall be the SDCs payable for the project. If the change in the use results in the SDCs for the proposed use being less than the SDCs for the existing use, then no SDCs shall be charged. No refund or credit shall be given unless provided for elsewhere in this Section 8.
 2. If a Qualified Public Improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit may be given only for the cost of ~~the~~that portion of the improvement that exceeds the District's minimum standard facility size or capacity needed to serve the particular development project or property. The Applicant shall have the burden of demonstrating that a particular improvement qualifies for a credit under this subsection.
- D. If the contribution of land or construction of a Qualified Public Improvement gives rise to a credit amount greater than the amount of the SDCs that would otherwise be levied against the project receiving development approval, the excess credit may be applied against SDCs that accrue in subsequent phases of the original development project. Any excess credit must be used not later than ~~ten (10)~~ years from the approval date ~~it is given~~for the credit.
- E. Calculation of credits will be subject to the following standards:

1. The value of contributed lands shall be based upon a written appraisal of fair market value by a qualified ~~and~~ professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction; and
 2. The anticipated construction cost of the Qualified Public Improvements shall be based upon cost estimates certified by a professional architect or engineer.
- F. Upon approval of the District ~~Board~~, the decision of the Executive Director, as to whether to accept the proposed contribution plan ~~of contribution~~ and the value of such contribution, shall be in writing and issued to the Applicant within ~~thirty (30) working~~ days of the date that all data is received for review.
- G. Any Applicant ~~—~~ who submits a proposed plan pursuant to this Section 8, and who desires the immediate issuance of a Building Permit ~~or Placement Permit~~, shall pay the applicable SDCs. ~~Said~~ at the time of issuance of such Building Permit. Such payment shall not be construed as a waiver of any credit. Any difference between the amount paid and the amount due, as determined by the Executive Director, shall be refunded to the Applicant. In no event shall refund by the District under this subsection exceed the amount originally paid by the Applicant.
- H. The District may, in its sole discretion, grant a credit for land transferred to the District for park and recreational use, but which does not otherwise meet the requirements of this ~~section~~ Section 8.
- I. Credits shall not be transferable from one development to another.
- J. Credits shall be transferable within the same development if all or part of the development ~~or portion of it~~ is sold, prior to completion of the development, but after completion and dedication of the Qualified Public Improvements.
- K. Credits shall not be transferable from the District's ~~SDC~~ SDCs to any other governmental agency's system development ~~charge~~ charges.
- L. Credits shall be used within 10 years from the date the credit is given.

9. ~~SECTION 9~~ DEVELOPER REIMBURSEMENT PROCEDURES AND PAYMENTS

- A. Upon approval of the District Board, the District may enter into agreements with developers who propose to expand the park system by dedicating or constructing ~~park and recreation facilities~~ Capital Improvements. These agreements would allow the District to reimburse the developer for such improvements using a portion of the SDCs collected within a designated recovery area.

- B. ~~Such facilities~~The Capital Improvements may serve only the proposed development ~~only~~ (a “sole recovery area”) or the proposed development and areas beyond it (a “shared recovery area”).
- C. The District Board shall adopt, by separate resolution, procedures for entering into such agreements. The resolution shall address:
 1. Procedures for entering into such agreements.
 2. Applicable District, City, and County policies, standards, rules and regulations.
 3. Responsibilities for paying the cost of such ~~improvements~~Capital Improvements.
 4. Eligibility for SDC ~~recovery~~reimbursement payments.
 5. Procedures for determining the extent of the area served by proposed ~~improvements~~Capital Improvements.
 6. Procedures for remitting ~~SDCs~~SDC s collected in the sole recovery area or shared recovery area to eligible developers.
 7. Payment schedules and conditions for SDC ~~recovery fees~~reimbursement payments.
 8. Procedures for calculating the amount of the ~~recovery fees~~reimbursement payments.
 9. Procedures for determining the value of qualified ~~improvements~~Capital Improvements.

10. ~~SECTION 10. REFUNDS, AND WAIVERS, AND DEFERRALS~~

- A. Refunds.
 1. Refunds may be given ~~by the Executive Director~~ upon the District’s finding that there was a clerical error in the calculation of SDCs.
 2. Refunds shall not be allowed for failure to timely claim a credit or for failure to seek an alternative SDC rate calculation in a timely manner, prior to submission of an application for a Building Permit. The District will not issue refunds if the Applicant fails to claim a credit or fails to seek an alternative SDC rate calculation prior to paying an SDC, except for clerical errors, as stated above, or as a result of an objection or review as provided in Section 13.
 3. An Applicant or Owner shall be eligible to apply for a refund if:

- a. The Building Permit ~~or Placement Permit~~ has expired, and the development authorized by such permit was not commenced; or
 - b. The ~~SDCs have~~District has not ~~been~~ expended the SDC revenues prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such ~~charges~~SDCs were paid. For the purposes of this Section, 10.A.3., the first funds received shall be deemed to be the first funds expended. If approved, the amount of the refund shall not exceed the unexpended portion of SDCs collected in connection with the applicable Building Permit.
4. An application for refund shall be filed with the District and contain the following:
 - a. The name and address of the Applicant;
 - b. The location of the property which was the subject of the SDCs;
 - c. A notarized sworn statement that the petitioner is the then-current Owner of the property on behalf of which the SDCs were paid; including proof of ownership, such as a certified copy of the latest recorded deed;
 - d. The date the SDCs were paid;
 - e. A copy of the receipt of payment for the SDCs; and, if appropriate,
 - f. The date the Building Permit ~~or Placement Permit~~ was issued, and ~~the its~~expiration date ~~of expiration~~.
 5. The application for a refund shall be filed within ~~ninety (90)~~ days of the expiration of the Building Permit, Placement Permit, or within ~~ninety (90)~~ days of the end of the fiscal year following the tenth anniversary of the date upon which the SDCs were paid. Failure to timely apply for a refund of the SDCs shall waive any right to a refund.
 6. Within ~~thirty (30)~~ days from the date of receipt of a petition for refund, the District will advise the petitioner of the status of the request for refund, and if such request is valid, the SDCs (or eligible portion of the SDCs) shall be returned to the petitioner.
 7. A subsequent Applicant for a Building Permit ~~or Placement Permit which is subsequently issued for a development on the same~~on property for which ~~was the subject of a refund~~ was previously issued, shall pay the ~~systems development charges~~SDCs required by Section 3.

B. Waivers

1. The Executive Director may grant a waiver of District ~~SDC fees~~SDCs upon finding that the subject development places no demand on the District park and recreation system.
2. The District Board may, by separate resolution, designate other types of Residential Development, including, but not limited to, Affordable Housing, for which SDC waivers may be applied.
3. If the property use under which a waiver was granted is modified or discontinued, the waiver will expire and the District's then-current SDCs will be due and payable by the Owner unless otherwise determined by the Executive Director.

~~C. Deferrals~~

- ~~1. A deferral of SDC fees may be granted by the Executive Director upon a finding that the subject development meets a category of special need in the district for which District and other service providers have agreed to grant special financial treatment in order to advance a specific public benefit.~~
- ~~2. Deferrals do not constitute a waiver of SDCs but rather a delay in the normal schedule for collection of the fee. Example development for which deferrals may be granted include but are not limited to the following:~~
 - ~~a. Assisted living residences as may be further defined by resolution; and~~
 - ~~b. Multi-family Dwellings may defer assessment and payment of SDCs to time of Certificate of Occupancy.~~

11. ~~SECTION 11.~~ ADOPTION OR AMENDMENT OF METHODOLOGY

- A. The District Board shall hold a public hearing prior to adopting or amending the methodology on which any ~~SDC is~~SDCs are based. Notice of the public hearing shall be given as provided in Section 12. If changes in the Methodology are undertaken by the District, the District shall coordinate such changes with the City and County prior to adoption pursuant to any intergovernmental agreements between the District and County or the City, as applicable.
- B. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the SDC methodology if the change is based on: (1) a change in project costs, including cost of materials, labor and real property applied to projects or project capacity as shown on the Capital Projects List; or (2) periodic application of one or more specific cost indexes included in the methodology or adopted by separate ordinance or resolution, as provided in ORS 223.304.

12. ~~SECTION 12.~~ NOTICE

- A. The District shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a Methodology for any ~~SDC~~SDCs. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify ~~a SDC~~any SDCs. The Methodology supporting the ~~SDC~~SDCs shall be available at least 60 days prior to the first hearing to adopt or amend SDCs. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the District. ~~No legal~~Legal action intended to contest the Methodology ~~shall~~may not be filed after 60 days following the District's adoption or modification of the SDC ordinance or resolution.
- B. The District may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the District must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

~~SECTION 13. APPEALS AND REVIEW HEARINGS~~

13. CHALLENGES, OBJECTIONS, REVIEWS AND APPEALS

A. Challenge of Expenditures.

- 1. Any Citizen or Other Interested Person may challenge an expenditure of SDC revenues.
 - a. Such challenge shall be submitted, in writing, to the Executive Director for review within two years following the subject expenditure, and shall include the following information:
 - i. The name and address of the Citizen or Other Interested Person challenging the expenditures;
 - ii. The amount of the expenditure; the project, payee, or purpose; and the approximate date on which it was made; and
 - iii. The reason why the expenditure is being challenged.
 - b. If the Executive Director determines that the expenditure was not made in accordance with the provisions of this Ordinance and other applicable laws a reimbursement of SDC revenues shall be made from other revenue sources within one year following the determination that the expenditure was not appropriate.
 - c. The Executive Director shall make written notification of the results of the expenditure review to the person who requested the review within 10 days of

completion of the review. The Executive Director's decision may be judicially reviewed only as provided in ORS 34.010 to 34.100.

B. Review of Methodology.

1. Legal action contesting the methodology used for calculating a system development charge must be filed within 60 days following the District's adoption or modification of the SDC ordinance or resolution. A Citizen or Other Interested Person shall request judicial review of the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100.

C. Objection to SDCs Imposed.

1. ~~A. An Applicant who is required to pay SDCs shall have the right to request a hearing before the District Board to review any of~~ may object to the following:

~~1. The denial of a proposed credit for contribution of Qualified Public Improvements pursuant to Section 9.~~

- a. ~~2. The calculation of a SDC fee Methodology or adjustments of the SDC rate, to the Applicant's project; provided, however, the SDC fee Methodology itself may not be appealed~~ calculation or estimate, or the application of the SDC fee Methodology reviewed, except as provided in Section 13.B.

- b. The amount or denial of a proposed credit for contribution of a Qualified Public Improvement pursuant to Section 8.

2. At any time prior to filing a request for formal review of its objection under this Section 13, an Applicant may have informal discussions with District staff designated by the DPD to try to resolve the Applicant's objection. District staff have the authority to work with City or County staff, as applicable, to resolve objections in a manner consistent with this Ordinance.

3. Any Applicant desiring a formal review of its objection shall file a written request with the DPD, accompanied by the applicable objection fee, if any, established by separate Board resolution. The written request shall contain the following information:

~~3. The Executive Director's decisions regarding requests for an SDC refund, credit, waiver, or deferral.~~

~~B. Such hearing shall be requested by the Applicant within thirty (30) days of the date of first receipt of the denial, calculation, or Executive Director's decision. Failure to request a hearing within the time provided shall be deemed a waiver of such right.~~

~~C. The request for hearing shall be filed with the Executive Director and shall contain the following:~~

- a. ~~1.~~ The name and address of the Applicant;
- b. ~~2.~~ The legal description of the property in question;
- c. ~~3.~~ If issued, the date the Building Permit ~~or development permit~~ was issued;
- d. ~~4.~~ A brief description ~~of the nature~~ of the development being undertaken pursuant to the Building Permit ~~or development permit~~;
- e. ~~5.~~ If paid, the date the SDCs were paid; and

~~6. A statement of the reasons why the Applicant is requesting review.~~

~~D. Upon receipt of such request, the District shall schedule a hearing before the District Board at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the Applicant written notice of the time and place of the hearing. Such hearing shall be held within forty five (45) days of the date the request for hearing was filed.~~

~~E. Such hearing shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.~~

- f. An explanation of the Applicant's objection, including the amount in dispute, the reasons why the Applicant believes the amount is incorrect, the amount the Applicant believes is appropriate with an explanation of that amount, and a request for a meeting, if desired.

4. The Applicant's request for review must be filed within 30 days of the date of first receipt of the denial, calculation or estimate. Failure to request a formal review of any objection within the time provided shall be deemed a waiver of such right. It is the Applicant's responsibility to understand the development application system used by the City or County, as applicable, including any online portal or other electronic system. If an online portal or other electronic system is used, an Applicant shall be deemed to have received notice, of the SDC amount estimate or calculation, for the purpose of any protest, appeal or other time period specified in this Ordinance as commencing on receipt of such notice, on the date such notice was uploaded to the online portal or other electronic system. It is the Applicant's responsibility to regularly check any online portal or other electronic system used by the City or County, as applicable. Recalculation of SDC amounts following (i) amendment of a development application by the Applicant, or (ii) an increase in the

SDC rates applicable to the Applicant's project, shall not give rise to a new opportunity to object to the calculation or estimate; provided, however, that the Applicant may submit an explanation of any errors in the District's arithmetic used for the calculation or estimate.

5. Following payment by the Applicant of any objection fee required by board resolution, the DPD shall respond to the objection in writing within 10 days unless the Applicant requests a meeting. If a meeting is requested, the DPD shall meet with the Applicant within a reasonable period of time. In the event a meeting is held, the DPD will issue, on behalf of the District, a written response to the objection no later than 10 days after the meeting. The District's response may (i) affirm the original amount, (ii) reduce the original amount, or (iii) request additional information. Notwithstanding the foregoing, a request for additional information is not the District's response. If other information is requested and provided pursuant to parameters established by the District, the District shall provide its response to the objection within 15 days of receiving the additional information.
6. The Applicant may appeal the District's response to the objection by submitting a written appeal to the Executive Director, accompanied by the applicable appeal fee, if any, established by separate Board resolution. The written appeal, and any required appeal fee, must be received by the Executive Director within 10 days of Applicant's receipt of the District's response to the objection. The appeal must include the Applicant's explanation of why the District's response to the objection was incorrect, and may also include evidence and written argument, and a request for a meeting with the Executive Director. The Applicant may submit additional evidence and written argument within 10 days of the day the appeal is submitted to the Executive Director. The appeal will be determined by the Executive Director. The District shall provide a written decision on the appeal within 30 days of filing the appeal, or within 10 days of any meeting, whichever is later. The District's appeal decision shall be subject to review only in accordance with ORS 34.010 to 34.100.
7. ~~F.~~ Any Applicant who requests a ~~hearing~~ review or appeal pursuant to this Section 13, and who desires the immediate issuance of a Building Permit ~~or Placement Permit~~, shall pay ~~prior to or at the~~ SDC amount calculated by the District no later than the time the review or appeal request ~~for hearing~~ is filed ~~the applicable SDCs pursuant to Section 3B. Said.~~ Such payment shall not be construed as a waiver of ~~any~~ the Applicant's review rights.
8. ~~G.~~ An Applicant may request review or appeal under this Section 13, without paying the applicable SDCs ~~as long as, if~~ no Building Permit ~~or Placement Permit~~ has been issued.

~~H. The District shall advise any person who makes written objection to the calculation of a SDC of the right to petition for review pursuant to ORS 34.010 to 34.100.~~

14. ~~SECTION 14.~~ INTERPRETATION; SEVERABILITY; CORRECTIONS

All pronouns contained in this Ordinance and any variations ~~thereof~~ of such pronouns will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the applicable 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. Any reference to a particular law, statute, rule, regulation, code, ~~or~~ resolution includes the law, statute, rule, regulation, code, ~~or~~ resolution ~~as now in force~~ and hereafter or as later amended. The provisions of this Ordinance are ~~hereby~~ declared to be severable. If any section, subsection, sentence, clause, ~~or~~ portion of this Ordinance 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 Ordinance. This Ordinance may be corrected at any time by resolution of the ~~District~~ Board to cure editorial or clerical errors, or to comply with applicable law.

15. ~~SECTION 15.~~ EFFECTIVE DATE

The SDCs authorized by this Ordinance shall be imposed on ~~Building Permit or Placement Permit~~ development applications submitted on or after July 1, ~~2019 provided, however, that an application presented before that date, for which all necessary prior approvals have not been granted or other required predicates not met shall not be considered submitted for purposes of this section.~~ 2025.

16. ~~SECTION 16.~~ REPEAL

This Ordinance supersedes, replaces, ~~and~~ restates Ordinance No. ~~8, as modified by Ordinance No. 10~~ 12, in its entirety, and supersedes all ordinances, resolutions, ~~or~~ policies in conflict with this Ordinance. Ordinance No. ~~8 and Ordinance No. 10 are hereby~~ 12 is repealed.



Board of Directors Meeting Summary

May 6, 2025

District Office Building | 799 SW Columbia | Bend, Oregon

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BOARD PRESENT

Donna Owens
Jodie Barram
Cary Schneider
Deb Schoen
Nathan Hovekamp

The BPRD board of directors met on May 6 to approve the purchase for a natural area and extended the lease for the Bend Elks use of the Vince Genna Stadium. A [video recording](#) is available.

Purchase of natural area

In 2017, the district secured a parking and trail easement off NW Putnam Road to help facilitate the eventual construction of the northern extension of the Deschutes River Trail (DRT). The DRT is planned to extend to Riley Ranch Nature Reserve, once the Riley Ranch bike/pedestrian bridge is completed, and beyond to Tumalo State Park. This extension has been identified in the district's Comprehensive Plan for decades.

Recently, the district received the opportunity to purchase approximately 47.43 acres of undeveloped land around the easement. The intent of purchasing the property is to create a natural area park with trails, benches and signage, as well as a trailhead and trailhead parking for the DRT.

District staff negotiated a draft Purchase and Sale Agreement (PSA) for the property owned by Western Rivers Conservancy. The purchase price for this property is \$1.7 million, which is heavily discounted from the 2024 appraised value of \$7.59 million. In addition, the district has agreed to pay WRC's closing, legal and third-party due diligence costs. Staff are currently pursuing grant opportunities for funding.

Director Hovekamp moved to authorize the executive director to negotiate and execute a Purchase and Sale Agreement with Western Rivers Conservancy for the acquisition of 47.43 acres of land for parks and trails for an amount not to exceed \$1.7 million, plus all related closing, legal and due diligence costs. Director Owens seconded. The motion passed unanimously 5-0. (Hovekamp, Owens, Schneider, Schoen and Schiffman)

Bend Elks lease

Vince Genna Stadium has served as a community baseball venue for decades and has been operated by several organizations over the years. Since 2014, it has been home to the Bend Elks, who have invested in tenant improvements regularly and initiated a lease extension discussion related to their intended investment of \$700,000 for lighting improvements.

Beyond enhancing player and spectator safety, the new lighting system also significantly advances environmental goals. The LED fixtures are designed to reduce light pollution by more than 50%, directly supporting the community's Dark Skies initiatives to preserve night sky visibility and minimize ecological impacts. Additionally, the more energy-efficient LED system will help reduce the stadium's overall carbon footprint, lowering long-term operational costs and contributing to broader sustainability efforts.

The board of directors authorized the executive director to negotiate and sign the leases with the Bend Elks Baseball Club that extends the leases term through September 1, 2055.

Director Schoen made a motion to authorize the executive director to negotiate and sign the leases with the Bend Elks Baseball Club that extends the leases term through September 1, 2055, revising use provisions and acknowledging the planned capital improvements related to new stadium lighting. Director Hovekamp seconded. The motion passed unanimously 5-0. (Hovekamp, Owens, Schneider, Schoen and Schiffman)

In work session, the board of directors was updated about City of Bend housing incentive programs. They also received a report about the structural condition of the Old Bend Gym.

City of Bend TIF program

In recent months, City of Bend staff developed an implementation framework for a Tax Increment Assistance for Housing Affordability program (also known as the Site Specific TIF program) and solicited applications in early 2025. Three Site Specific TIF areas have been reviewed by city staff and Bend Urban Renewal Agency (BURA) and are now in the official consult and confer period where affected taxing districts have 45 days to review and provide comments on the applications.

Unlike the multiple unit property tax exemption (MUPTTE) program, BPRD has no formal approval authority for the proposed Site Specific TIF areas. The purpose of the work session was provide information about the projects to inform if BPRD wishes to submit comment by the May 14 deadline. The board asked staff to prepare a letter draft.

This cumulative projected impact of a reduction in tax revenue by \$8,163,476 to the district would occur over the next approximately 30 years, with an assumption of \$2.07 to \$1 in returns after the program ends.

Old Bend Gym Repair and Building Report

The Old Bend Gym (also known as Bend Amateur Athletic Club/Old Bend High School Gymnasium) is a brick masonry building located in downtown Bend. It was built in 1917-1918 and is historically significant for its architecture and association with the development of the community. The building was individually listed on the National Register of Historic Places in November 1983. The building has been owned by Bend Park and Recreation District since 1997. Currently, the building is operated by The Boys & Girls Club on land owned by the Bend-La Pine School District.

The structural wall supporting the exterior entry staircase is failing due to water intrusion and needs to be replaced. The scope of work includes removal of the failing portions of the masonry stair system, installation of a new wall including foundation and drainage, a new stairwell, new ramp and refurbishment and reinstallation of existing railings.

A consultant team also evaluated the condition of the building and systems to identify any other major repairs that may be needed in the future. Their findings combined with staff knowledge of other building systems were discussed to provide a holistic picture of the timing and type of repairs anticipated in the future. Additional details about the wall repair and overall building condition were also shared during the presentation to the board.

Other actions

By consent, the board of directors approved a fuel card contract and adopted Resolution No. 2025-03 Budget Appropriation Transfer from Contingency to Administration and Recreation in the Equipment Reserve Fund.

Director Hovekamp made a motion to approve the consent agenda. Director Schneider seconded. The motion passed unanimously 5-0. (Hovekamp, Owens, Schneider, Schoen and Schiffman)

The next meeting is May 13 for consideration of the proposed budget for fiscal year 2025-26.

Board Calendar 2025

**This working calendar of goals/projects is intended as a guide for the board and subject to change.*

JUNE 3

3:30 pm EXECUTIVE SESSION:

WORK SESSION

- Employee Engagement Survey – *Sheila Reed and Janelle Callahan CPS HR Consulting (30 min)*
- Draft Recreation Programming Plan Review – *Matt Mercer (20 min)*

BUSINESS SESSION

- Adopt Resolution No. 2025-04 Adopting the CIP – *Brian Hudspeth (5 min)*
- Hold Public Hearing and Adopt Resolution No. 2025-05 – Adopting the Budget and Making Appropriations for Fiscal Year 2025-26, and Adopt Resolution No. 2025-06 - Imposing and Categorizing Taxes for Fiscal Year 2025-26 – *Kristin Toney (10 min)*
- Second reading and adopting of Ordinance 14– Authorizing the BPRD Park SDC Program – *Kristin Toney/Paul Taylor (10 min)*
- Approve SDC Program Resolution – *Kristin Toney and Deb Galardi (30 min)*
 - Resolution No. 2025-07 – Adopting an Updated Methodology for Calculating System Development Charges
 - Resolution No. 2025-08 - Adopting Updated SDC Capital Projects List
 - Resolution No. 2025-09 - Adopting a Fee Schedule for System Development Charges
 - Resolution No. 2025-10– SDC adopting deferrals fees and interest
 - Resolution No 2025-11 Adopting Procedures for Entering into Developer Agreements
- Award Progressive Design-Build for JSFC Pool Cover Contract – *Brian Hudspeth (10 min)*
- Approve Amendment #1 of the Transportation Fee Collection IGA with the city of Bend – *Kristin Toney (10 min)*

JUNE 17

EXECUTIVE SESSION

EMPLOYEE RECOGNITION

Alli Jorgensen, Fitness Supervisor

- Char Schulz

STAFF INTRODUCTIONS

Michelle Healy, Executive Director

- Jase Newton, Recreation Services Director

WORK SESSION

- CAPRA Update – *Michael Egging (20 min)*
- Bend Whitewater Park Maintenance Project Update – *Ian Isaacson and Mason Lacy (60 min)*

CONSENT

- Approve Recreation Programming Plan

BUSINESS SESSION

- First Reading Park Rules and Regulation Ordinance No. 13 – *Julie Brown (20 min)*
- Approve Athletic Field and Sports Program Guidelines – *Becky Rexford (20 min)*

Future Topics

Website Update/Data Sharing – *Julie Brown*

IGA with NUID for canal trail – *Henry Stroud*

Approve SE Neighborhood Park Purchase and Sale Agreement – *Henry Stroud (20 min)*

DEI Update – *Bronwen Mastro*

Park Services Report: Hard surface Program – *Andy Sommerville and Jason Monaghan (15 min)*

Second Reading Park Rules and Regulation Ordinance 13 – *Julie Brown (10 min)*