



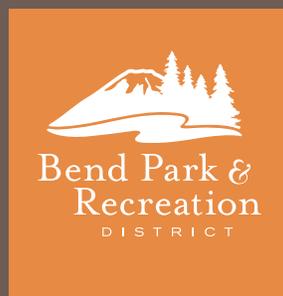
Senior Center Fitness Class

Bend Metro Park & Recreation District

April 19, 2016

Board of Directors Agenda and Reports

www.bendparksandrec.org



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 by providing exceptional park and recreation services.

We Value

Excellence by striving to set the standard for quality programs, parks and services through leadership, vision, innovation and dedication to our work.

Environmental Sustainability by helping to protect, maintain and preserve our natural and developed resources.

Fiscal Accountability by responsibly and efficiently managing the financial health of the District today and for generations to come.

Inclusiveness by reducing physical, social and financial barriers to our programs, facilities and services.

Partnerships by fostering an atmosphere of cooperation, trust and resourcefulness with our patrons, coworkers and other organizations.

Customers by interacting with people in a responsive, considerate and efficient manner.

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

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

play for life

District Office | Don Horton, Executive Director

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



Board of Directors

April 19, 2016

District Office Building | 799 SW Columbia | Bend, Oregon

AGENDA



5:30 p.m. CONVENE MEETING

WORK SESSION

1. Economic Impact Study – *Don Horton and Michelle Healy; Mark Buckley, ECONorthwest (45 min)*
2. Comp Plan Project update – *Steve Jorgensen and Quinn Keever (30 min)*

6:50 p.m. BREAK/TRANSITION

7:00 p.m. REGULAR MEETING

VISITORS

This is the time provided for individuals wishing to address the Board regarding items **not** listed in the business session. The Board may elect to ask for comment on business session items at the appropriate time. Visitors who wish to speak are asked to submit a public comment card provided at the sign-in table. The visitor’s section is not designed for a lengthy presentation. If you have a proposal for Board consideration, briefly introduce the subject, and request that the Board consider adding discussion to a future Board meeting agenda. Please state your name and address at the time you address the Board. Please limit your remarks to three minutes.

BUSINESS SESSION

1. Approve Purchase and Sale Agreement for Goodrich property– *Don Horton (10 min)*
2. Second Reading and Adoption of Ordinance No. 10 – System Development Charges, amending Ordinance No. 8 – *Lindsey Lombard (15 min)*

EXECUTIVE DIRECTOR’S REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

ADJOURN



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 vanessa@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:	April 19, 2016
SUBJECT:	Economic Impact Study
STAFF RESOURCE:	Don Horton, Executive Director Michelle Healy, Planning and Park Services Director Lindsey Lombard, Administrative Services Director
GUEST PRESENTER:	Mark Buckley, ECONorthwest
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Theme:	Customer – Community Connection
Objective:	Strength Community Awareness
Initiative:	Communicate the return on community investment and overall economic impact of parks and recreation for the community.

BACKGROUND

Communicating the return on the investment and overall economic impact of parks and recreation to the community is an initiative included in the District's 2012-17 Strategic Plan. The District's Annual Strategic Action Plan for 2015-16 (the tool that is used to prioritize tasks and track progress towards meeting the goals of the strategic plan) identifies the preparation of an Economic Impact Study as a means to meet this initiative. Things to consider when deciding what to measure in an economic study are:

- Economic Impact Study options are broad and varied.
- Staff did research to seek out studies that other organizations have undertaken, but found that agencies are all studying different factors. (For example some agencies study the value gained by hosting special events and tournaments while others study the environmental benefits of parks, i.e. impact on air and water quality.)
- The available information to make valid economic assumptions is becoming more available, but some economic areas still need work. (For example, what we study should be measurable or have a social value that it easily explained.)
- Focus on key economic elements for measurement, and determine how the results of the study will be used.
- The scope should be well defined with an understanding of how much these studies cost.

Staff has been working with Mark Buckley, PhD. economist with ECONorthwest to vet ideas and to help develop the scope of an economic study tailored to the needs of BPRD. Mark will be present at the meeting to help us refine the focus area(s) in order to best meet the desires of the Board.

BUDGETARY IMPACT

Economic impact studies completed by other organizations have had a wide range of costs, dependent upon the scope and depth of each study. Mark Buckley has provided us with some potential cost ranges, based upon a selection of potential studies that we may choose to undertake.

If the Board directs staff to move forward with an economic impact study, the projected costs of the study will be included in the General Fund's 2016-17 proposed budget.

STAFF RECOMMENDATION

None, for informational purposes only.

MOTION

None, for discussion only.

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 19, 2016
SUBJECT:	Preparation of a new <i>Bend Park and Recreation District Comprehensive Plan</i>
STAFF RESOURCE:	Steve Jorgensen, Planning Manager Quinn Keever, Park Planner Michelle Healy, Planning and Park Services Director
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Theme:	Customer – Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Review, monitor and periodically revise the Comprehensive Plan and Strategic Plan to ensure that they provide direction to address system deficiencies, respond to the needs of a growing community and plan for equitable distribution of facilities.

BACKGROUND

Bend Park and Recreation District is guided by its *Parks, Recreation and Greenspaces Comprehensive Plan*. The purpose of the comprehensive plan is to provide a broad planning umbrella that guides system-wide aspects of the District's work. Staff presented the Board with an overview of the District's proposed 2016-17 Comprehensive Planning process at the Board meeting on February 16, 2016. The District's 2005 plan was the last entirely new version of the plan and its findings and recommendations were based upon an extensive needs assessment and community input process. To stay current and representative of the community's needs, a complete needs assessment and plan re-write is needed.

Staff plans to advertise a Request for Proposals (RFP) in May 2016 to hire a team to help guide the District's new comprehensive planning process. A contract for award is expected to be presented to the Board in July 2016. The draft scope of work for the RFP is attached (see attachment A) and will be the subject of this Board agenda item discussion.

The draft scope of work currently includes the following task items:

1. Review and Update, if necessary, the District's Existing Vision, Mission, and Values
2. Review and Assess Existing Plans
3. Develop and Implement a Public Involvement Strategy
4. Evaluate Policy Issues
5. Conduct a Needs Assessment including Inventory, Classifications, Capacity, and a Level of Service analysis.

- 6. Develop Recommendations, Policies and Ensure Outcomes
- 7. Final Document Production

The tentative project schedule is:

Advertise RFP	May 2016
Firm selection/contract negotiation	June 2016
Board contract award	July 2016
Project kick-off	August/September 2016
Community engagement and needs evaluation, system analysis, recommendations and priorities	(~12 to 18 months)*
Board adoption of the comprehensive plan	TBD

*The tentative schedule, scope and public outreach strategy will be refined and updated upon hiring a consultant team.

Following the completion of the new comprehensive plan, the District will update the strategic plan and system development charge (SDC) methodology, ordinance and resulting fees. Information gathered and recommendations from the comprehensive plan will serve as the basis for the update of these subsequent planning documents.

BUDGETARY IMPACT

Staff has done outreach to other agencies to get a sense of the relative cost based on the level of work proposed by BPRD to prepare a new comprehensive plan. Based on that research, \$150,000 will be included in the Planning and Design Department’s 2016-17 proposed budget for the first portion of the project. This project will span two fiscal years and additional funding (up to \$100,000) will be necessary in the 2017-18 budget to complete the new comprehensive plan.

The total cost of the work is proposed to be budgeted with half of the costs in the General Fund and the other half in the System Development Charge (SDC) Fund. The comprehensive plan informs much of the District’s project planning to serve growth in the community. The District’s 2017-21 Capital Improvement Plan (CIP) currently shows over 50% of the District’s CIP projects for the next five years as funded with SDCs.

STAFF RECOMMENDATION

None, for informational purposes only.

MOTION

None, for discussion only.

ATTACHMENT

Attachment A - Draft RFP Scope of Work

BACKGROUND

The Bend Park and Recreation District (BPRD or District) is issuing this Request for Proposals (RFP) to solicit submissions from qualified consulting firms to provide professional services to develop the BPRD Comprehensive Plan.

BPRD is a special district with its own taxing authority and publically elected five-member Board of Directors. BPRD is not part of the City of Bend or Deschutes County. BPRD was established under Oregon Revised Statue 266 in 1974 to provide recreation programs, facilities, and park resources for District residents. The District encompasses 42 square miles, which is slightly larger than Bend city limits, with an estimated 2016 population of approximately 84,000.

The District employs 93 full time and 275 part time staff and maintains 81 parks and 65 miles of trails, totaling 2,679 acres of parkland. The District also owns and operates a 62,000 square-foot fitness center, a nationally accredited senior center, a 40,000 square-foot ice and sports facility, and a world-class white water park. The District produces and manages a diverse array of more than 1,000 recreation programs. The District's assessed value in 2015 was \$9,569,438,273.

The District is one of only three park and recreation agencies in Oregon to be accredited by the Commission for Accreditation of Park and Recreation Agencies (CAPRA). BPRD is also a two-time National Recreation and Park Association Gold Medal Award winning agency.

BPRD created its first comprehensive plan in 1980 which was subsequently reviewed and revised in 1986, 1995, 1998, 2001, 2005 and 2012. The new document shall have a planning horizon of approximately 10 years. Copies of the 2012 BPRD Comprehensive Plan can be downloaded from the BPRD website at: http://bendparksandrec.org/about_us/planning_development/comprehensive_plan/

The District developed a stand-alone Trails Master Plan in 2008 that was adopted by reference into the 2012 Comprehensive Plan. As part of the current planning effort, BPRD wishes to address trail needs and recommendations within the new Comprehensive Plan and no longer rely on a separate trails document. The trails section of the Comprehensive Plan will include a more generalized trails discussion that primarily focuses on policies and needs versus specific design guidelines.

Upon completion, the new plan will be adopted by the Board of Directors. To facilitate the eventual adoption, staff, with assistance from the consultants, will provide the Board regular updates throughout the duration of the project. Furthermore, all policy issues will be vetted by the Board with direction provided at key milestones.

SCOPE OF WORK

BPRD seeks to produce a reader-friendly Comprehensive Plan that is concise and easy-to-understand for staff and the public. The new Comprehensive Plan should rely heavily upon graphics, photos, tables and

charts to convey information, rather than using lengthy text. The Comprehensive Plan should also be formatted such that it is easy to update on a routine basis.

The topics listed below are considered to be the minimum required to complete the BPRD Comprehensive Plan. In their submittals, consultants should propose additions or edits to this scope that lead to the best process and document possible.

1. Review and Update, if necessary, the District's Existing Vision, Mission, and Values
2. Review and Assess Existing Plans, including:
 - a. BPRD Parks, Recreation and Green Spaces Comprehensive Plan 2012, including the Neighborhood Parks Plan
 - b. BPRD Trails Master Plan 2008
 - c. BPRD Recreation Needs Assessment 2011
 - d. BPRD Capital Improvement Plan (CIP) 2017-2021
 - e. BPRD Strategic Plan 2013
 - f. City of Bend Area General Plan 1998¹
3. Develop and Implement a Public Involvement Strategy

Public involvement is extremely important to BPRD and informs the District's decision making processes. The successful consultant will propose a robust and innovative public outreach strategy that describes how the community, staff and Board of Directors will be provided opportunities to participate in the development of the Comprehensive Plan. In their submittals, consultants should at a minimum explain:

 - a. The purpose and intent of outreach
 - b. The proposed outreach process
 - c. Methods of outreach
 - d. Outreach tools
 - e. Anticipated outreach schedule

At a minimum, the consultant is expected to conduct the following public outreach tasks:

 - a. Develop a schedule for public outreach strategies.
 - b. Develop and manage online public involvement tools and data.
 - c. Provide content to be posted on the BPRD website.

¹ Through an Urban Service Agreement, BPRD is the park and recreation provider for the City of Bend. The City of Bend Area General Plan incorporates BPRD's Comprehensive Plan by reference as the guiding document for recreation facility standards, and park and recreation planning.

- d. Develop materials to inform, engage and solicit input from citizens, staff and the Board of Directors. All materials should be suitable for use on the BPRD website and for hard-copy paper distribution
- e. Act as meeting facilitators to gather information from citizens, staff and the Board of Directors.
- f. Maintain and provide written records, analyses and summaries for each public outreach strategy.

4. Evaluate Policy Issues

The following policy/strategic planning issues are relevant to BPRD. BPRD seeks guidance on whether these topics are appropriate in the Comprehensive Plan and if so, how these issues are addressed. Potential issues for evaluation include, but are not limited to:

- a. BPRD’s economic impact on the community
 - b. Sustainability
 - c. Environmental programming
 - d. Natural area stewardship and restoration
 - e. Safety and security in design and maintenance
 - f. Serving a growing adult population
 - g. Addressing low-income/scholarship needs
 - h. Accessibility and compliance with ADA requirements
 - i. BPRD’s role in tourism
 - j. How BPRD works with community partners to meet complementary goals (e.g., Bend-La Pine School District, irrigation districts, City of Bend, Deschutes County, state agencies, non-profits and other organizations)
 - k. Community sponsored projects (e.g., projects initiated, planned and implemented by community members)
 - l. BPRD’s role in community events
 - m. Maintenance requirements
 - n. Historical and cultural resources
 - o. BPRD’s role in providing opportunities/funding for public art installations
 - p. Provision of recreation programs
5. Conduct a Needs Assessment including Inventory, Classifications, Capacity, and a Level of Service analysis.

The key objective of this Comprehensive Plan is to evaluate the needs of the community and identify indoor and outdoor facilities² and recreational programs required to meet those needs. In their submittals, consultants should describe in detail their approach and methods to be used

² The District evaluated only indoor recreational needs in its 2012 Recreational Needs Assessment, Phase 1 Report. Therefore, there is a desire to revisit the results of that study as well as expand the data analysis to include outdoor facility needs.

in conducting the Needs Assessment. At a minimum, the District anticipates the following tasks as part of the assessment:

- a. A District-wide statistically valid Needs Assessment Survey. The survey shall have a return rate that accurately represents a sampling of the community population.
- b. Data to augment the Needs Assessment should also be gathered through other public outreach efforts.
- c. Collect and interpret demographic characteristics and trends of the District population using information from the US Census Bureau's American Community Survey, regional and local sources. Seasonal increases in population due to tourism need to be addressed as well.
- d. Work with BPRD staff to compile an inventory of indoor and outdoor facilities and their amenities in order to conduct a comparative analysis to communities of similar size regionally. The analysis should consider the capacity of each amenity found within the park system as well as its functionality, accessibility, condition and convenience.

Based upon the outcome of the Needs Assessment, develop the following:

- a. Level of Service (LOS) standards to meet community needs. Standards should consider geographic distribution of indoor and outdoor facilities and their amenities.
- b. Prioritized recommendations to meet needs through land acquisition, construction of indoor and outdoor facilities, and development of additional recreational amenities.
- c. Estimates of the capital and operational cost estimates for land acquisition, construction of indoor and outdoor facilities, and development of additional recreational amenities.

6. Develop Recommendations, Policies and Ensure Outcomes (C through D below)

- a. Provide recommendations for capital investment to meet community indoor and outdoor recreation needs.
- b. Establish key policy directions to meet community needs.
- c. Ensure plan compliance with Oregon Land Use Planning Goals 5 and 8 for the City of Bend Area General Plan.
- d. Ensure compliance with CAPRA requirements.
- e. Produce a reader-friendly document in a format that is easy to update.

7. Final Document Production

- a. Provide a complete color version of the final Comprehensive Plan document consisting of six (6) printed and bound color copies.
- b. Provide three (3) flash drives with a PDF of the final Comprehensive Plan as well as all project files in both PDF and source files. All documents and data shall be prepared using software utilized by BPRD. Software should be confirmed by the selected team at, or prior to the kick-off of the project.
- c. All products and data become the property of BPRD to be used, manipulated, published and reproduced by the District as necessary.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 19, 2016
SUBJECT:	Goodrich Purchase and Sale Agreement
STAFF RESOURCE:	Don Horton, Executive Director
PREVIOUS BOARD ACTION:	Previously discussed in Executive Session
ACTION PROPOSED:	Execute Purchase and Sale Agreement
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Acquire land, and plan and develop trails, river access, parks, natural areas and recreation facilities to meet identified community demand and future need.

BACKGROUND

The District has been actively pursuing neighborhood park properties in underserved areas in order to meet the *Parks, Recreation and Green Spaces Plan* goal of providing a park within one-half mile of every resident. Service area 14 is currently underserved. Staff has exhausted all options to find a suitable location for a neighborhood park in this service area, including a potential location at Juniper Elementary School.

Across Penn Ave. is service area 9 where there are a few large lot home-sites that are suitable for neighborhood park development. Ms. Grayce Goodrich's family approached the District about acquiring her property to become a park. The property is located on NE Quimby Ave. between NE 8th and NE 11th streets. This location is well suited to serve service area 9 as it is just one block from service area 14's boundary, and access can occur at the signalized intersection of NE 8th and NE Penn Ave.

There is a 1940's vintage house on the property, three small barns/storage areas, and irrigation rights. The contract calls for a partition of the property to separate the home-site from the remainder of the property. The District is interested in the back 2.4 acre "pasture" to be developed as a neighborhood park. Use of the property in the foreseeable past has been to pasture horses, chickens and livestock. The site is flat and has abundant old-growth Ponderosa Pine trees and grass.

City of Bend conditions of approval to allow the partition will be to develop NE Quimby Ave. from NE 8th Street to NE 11th Street with full width paving, curb, gutter and sidewalk on one side, and to construct a half-block sidewalk down NE 11th Street from Quimby to Penn.

BUDGETARY IMPACT

An appraisal of the property was ordered from Beacon Appraisal Group. Including some consideration for the off-site improvements, Beacon Appraisal appraised the property at \$344,000, which is the proposed sale price. In addition to the sale price, off-site improvements are estimated to be approximately \$350,000. Off-site improvements will be made at the time of park development. The purchase price and related closing costs are allocated to be funded with System Development Charges in the current Capital Improvement Plan. The due diligence will be funded in fiscal year 2015-16 and the acquisition cost will be funded in fiscal year 2016-17.

STAFF RECOMMENDATION

Staff recommends authorizing the Executive Director to execute a Purchase and Sale Agreement with the Grayce B. Goodrich Revocable Living Trust.

MOTION

I move to authorize the Executive Director to negotiate and execute a Purchase and Sale Agreement with the Grayce B. Goodrich Revocable Living Trust for the acquisition of 2.4 +/- acres of property located at the corner of NE Quimby Ave. and NE 11th Street for an amount not to exceed \$344,000 plus all related closing costs and costs of partitioning the property.

ATTACHMENT

Exhibit A - Subject Property

Exhibit A

Goodrich Purchase and Sale Agreement Property

Development costs could include street paving/improvements to NE Quimby Ave. (currently unimproved) between NE 8th and NE 11th consisting of full-width street (32') paving, curb on north side, and curb and sidewalk on south side.

Improvements to NE 11th St. would include curb and sidewalk on west side between NE Quimby and NE Penn.



BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 19, 2016
SUBJECT:	Second reading and adoption of Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges
STAFF RESOURCE:	Lindsey Lombard, Administrative Services Director Michelle Healy, Planning and Park Services Director Don Horton, Executive Director
PREVIOUS BOARD ACTION:	On March 3, 2009 the Board adopted BMPRD Ordinance No. 8, System Development Charges. On April 5, 2016 the Board conducted the first reading of Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges.
ACTION PROPOSED:	Board to conduct a second reading and vote on adoption of Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges.
STRATEGIC PLAN:	
Theme:	Financial Stewardship
Objective 3:	Invest in the Future
Initiative:	Maintain the District’s System Development Charge (SDC) Program in order to ensure adequate funding for future facility need requisite of population growth.

BACKGROUND

In 2013, the Board approved the current intergovernmental agreement (IGA) between the District and the City of Bend, which identifies each agency's responsibilities regarding the collection of the District’s park System Development Charges (SDC). The District and the City now both desire to amend the IGA to allow for a change in when the SDC fees for multi-family housing are determined and collected. Staff discussed this with the Board during the March 1 Work Session, and the Board directed staff to move forward with the process required to make the proposed changes. The full process to make the proposed changes will require: amendments to the District’s SDC ordinance; adoption of a resolution changing the timing for determining and collecting the SDC fees for multi-family housing; and approval of an amended IGA with the City. This Board report speaks only to the amendments to the ordinance; other actions will be addressed under separate Board reports. The District’s SDC ordinance is an administrative framework that provides for the imposition, collection and accounting of park system development charges pursuant to ORS 223.297. Changes proposed to the ordinance include an amendment to Section 6 “Collections” that would provide the Board authority to implement by resolution a different timing for determining SDC fee(s). The ordinance currently states that the fee(s) will be based on the rates in effect on the date that the building permit application is submitted. The City has proposed to change this (for multi-family housing) to instead be based on the rates in effect on the date that the SDC fees are paid - to be no later than the time of Certificate of Occupancy (C of O).

The current ordinance also states that the Board has authority to implement by resolution a different timing for collection of the fee (e.g. collection at the time of C of O, rather than at the issue of building permit, as has been the procedure). No changes to the ordinance are required regarding the time of collection.

The process to amend the 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.

BUDGETARY IMPACT

There is anticipated to be minimal budgetary impact related to collecting park SDCs for multi-family housing at the time of C of O, rather than at the time of permitting. City staff has calculated an average time of 270 days between permitting and C of O for multi-family housing projects. The change in the time of collection will reduce the interest income earned by the District over this average time period; although, this will be fairly minimal in the current interest rate environment.

Delaying the time of collection could have a negative impact on the builder. According to the City of Bend, the fee paid would be the fee that exists at the time of collection. If an annual adjustment increasing the fee is approved by the Board between the time of permit issuance and the time of C of O, then the builder would pay the higher fee. (Although, this impact might be offset by interest saved by the builder, if the fee would otherwise be paid with borrowed funds.) Conversely, if the fee is lowered because of a recession or lower cost in building and/or land costs, then the builder would pay a lower fee. The builder will have the option to pay the fee at any time prior to a fee increase if they choose to do so.

STAFF RECOMMENDATION

The first reading of Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges, was conducted by the Board on April 5, 2016. The second reading is scheduled to take place at this April 19th Board meeting. Staff recommends that the Board adopt Ordinance No. 10, amending Ordinance No. 8 to allow for the changes regarding the timing of the assessment and/or collection of SDC fees for multi-family housing requested by the City of Bend.

If the motion below is made and approved, the title of the ordinance shall be read by a Board member, Recording Secretary, or the District’s legal counsel.

MOTION

Second Reading of Ordinance No. 10:

I move that BMPRD Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges – be read by title only.

Adoption of Ordinance No. 10:

I move to adopt BMPRD Ordinance No. 10, an ordinance amending Ordinance No. 8, System Development Charges.

ATTACHMENTS

BMPRD Ordinance No. 10 – An Ordinance Amending Ordinance No. 8, System Development Charges
BMPRD Ordinance No. 8, System Development Charges

BEND METRO PARK AND RECREATION DISTRICT
Ordinance No. 10

AN ORDINANCE AMENDING ORDINANCE NO. 8 [SYSTEM DEVELOPMENT CHARGES] TO AUTHORIZE THE DISTRICT TO IMPLEMENT, BY RESOLUTION, A NEW OR ALTERNATIVE TIME OF ASSESSMENT FOR SYSTEM DEVELOPMENT CHARGES.

WHEREAS, the Bend Metro Park and Recreation District (the “District”) seeks to implement a new or alternative time of assessment for System Development Charges (“SDCs”) for multi-family dwellings; and

WHEREAS, the District Board of Directors (the “District Board”) has the authority, pursuant to Section 6 of Ordinance No. 8, to implement, by resolution, a new or alternative time of collection for SDCs, but not the authority to implement a new or alternative time of assessment for SDCs.

NOW, THEREFORE, THE BEND METRO PARK AND RECREATION DISTRICT ORDAINS AS FOLLOWS:

SECTION 1: AMENDMENT NO. 1

Subsection “V” of Ordinance Section 2 is hereby amended in its entirety to read as follows:

“V. “System Development Charge” or “SDC” shall mean a reimbursement fee and/or an improvement fee assessed or collected at the time of issuance of a placement or building permit, or such other time as may be designated by resolution of the District Board pursuant to Section 6.”

SECTION 2. AMENDMENT NO. 2

Ordinance Section 6 is hereby amended in its entirety to read as follows:

“SECTION 6. COLLECTIONS

A. The District’s System Development Charge shall be due and payable at the time of issuance of a building permit or placement permit for any residential development as defined in this Ordinance, including single-family dwellings, multi-family dwellings, manufactured homes, duplexes, and hotels and motels. SDC fee(s) will be based on the rates in effect on the date that the building permit application is submitted. Notwithstanding the foregoing, the District’s Board shall have the authority to implement, by resolution, a new or alternative time of assessment and/or collection of SDCs. The SDC methodology referenced in this

Ordinance establishes fees for each type of development. Any resolution of the District's Board may establish different times of assessment and/or collection of SDCs for different types of development. Responsibility for collecting charges may be delegated to the City of Bend and/or Deschutes County by intergovernmental agreement.

- B. If Park System Development Charges are due and payable at the time of issuance of a building permit or placement permit, and if development is commenced without an appropriate permit, the System Development Charge is immediately payable upon the earliest date that a permit was required.

SECTION 3. MISCELLANEOUS

3.1 Severability. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/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, and/or constitutionality of the remaining portion of this Ordinance.

3.2 Corrections. This Ordinance may be corrected by resolution of the District Board to cure editorial and/or clerical errors.

3.3. Effective Date. This Ordinance will be in full force and effect thirty (30) days after its adoption by the District Board and signing by the _____.

ADOPTED by the Board of Directors of the Bend Metro Park and Recreation District and signed by the Board Chair this ____ day of April, 2016.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Board Chair

ATTEST:

Executive Director

**BEND METRO PARK AND RECREATION DISTRICT
Ordinance No. 8 - System Development Charges**

THE BEND METRO PARK AND RECREATION DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. PURPOSE AND SCOPE

- A. Future growth within the Bend Metro Park and Recreation District (District) should contribute its fair share to the cost of improvements and additions to parks and recreation facilities needed to accommodate such growth.
- B. Park system development charges will provide a source of revenue to finance the construction or improvement of the District's parks and recreation facilities necessitated by growth.
- C. ORS 223.297 - 223.314 authorize local governments, including special districts, to impose system development charges for parks and recreation.
- D. This Ordinance is intended to be a financing mechanism for parks and recreation facilities necessitated by new development and for reimbursement for unused capacity in existing facilities that is available for use by future residents.

SECTION 2. DEFINITIONS

- A. "Accessory dwelling unit" shall mean a second dwelling unit created on a lot with a single-family dwelling unit, whether created at the same time as or subsequent to construction of the single family dwelling. The second unit is created auxiliary to and is always smaller than the primary single family dwelling unit.
- B. "Applicant" shall mean the owner or other person, including any business or corporation, who applies for a residential building or placement permit from the City of Bend or Deschutes County for development within the boundaries of the District.
- C. "Building" shall mean any structure built and maintained for the support, shelter or enclosure of persons or property of any kind. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a building permit.
- D. "Building Permit" shall mean an official permit or certificate issued by the City of Bend or Deschutes County authorizing the construction or siting of any building.

- E. "Capital Improvements" shall mean public facilities or assets used for parks and recreation.
- F. "Citizen or Other Interested Person" shall mean 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 park system development charges, as outlined in Section 3 of this Ordinance.
- G. "District" shall mean the Bend Metro Park and Recreation District, an Oregon special district.
- H. "District Board" shall mean the duly elected Board of Directors of the District.
- I. "Duplex" shall mean a building designed or used for residence purposes by not more than two families and containing two single family dwelling units.
- J. "Executive Director" shall mean the chief executive officer of the District.
- K. "Hotel or motel" shall mean a building, group of buildings, or portion thereof designed or used for occupancy of 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 automobile travelers; including groups designated as auto cabins, motor courts, motor hotels or similar designations. Condominiums and townhomes are excluded from this definition.
- L. "Improvement Fee" shall mean a fee for costs associated with capital improvements to be constructed after the effective date of this Ordinance.
- M. "Manufactured Home" shall mean 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.
- N. "Methodology" shall mean the system development charge methodology required by ORS 223.304(1) and (2). Methodology is defined further in Section 4.
- O. "Multi-family dwelling" shall mean a building or portion thereof designed or used as a residence by three or more families and containing three or more dwelling units on a single parcel of land.
- P. "Owner" shall mean the owner or owners of record of real property as shown on the tax rolls of Deschutes County, or a person purchasing a piece of property under contract. For the purposes of this Ordinance in terms of violations and binding agreements between the District and the owner, the "owner" shall also

mean the leaseholder, tenant or other person in possession or control of the premises or property at the time of the agreement or violation of agreement or the provisions of this Ordinance.

- Q. "Parcel of Land" shall mean a lot, parcel, block or other tract of land that, in accordance with city or county regulations, is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.
- R. "Qualified Public Improvement" shall be defined as a capital improvement that is:
- a) Required as a condition of development approval;
 - b) Identified in the plan adopted pursuant to Section 5 of this Ordinance; and either is:
 - 1) Not located on or contiguous to a parcel of land that is the subject of the development approval; or
 - 2) Located in whole or in part on or contiguous to a parcel of land 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.
 - c) For purposes of this definition, contiguous means in a public way which abuts the parcel.
 - d) Approved/accepted by the District.
- S. "Reimbursement Fee" shall be defined as a fee associated with available capacity in the system to benefit future residents, but that has already been paid for by existing residents. The reimbursement fee will be repaid to the District to compensate existing residents for excess capacity.
- T. "Residential development" subject to SDCs shall mean all improvements on a site, including buildings and other structures which have the effect of increasing the usage of any capital improvements or which may contribute to the need for additional or enlarged capital improvements specific to this Ordinance or SDCs being enacted.
- U. "Single-family dwelling" shall mean a building designed or used for residential purposes by not more than one family and containing one dwelling unit only, including manufactured homes and townhomes, but excluding such temporary structures as tents, teepees, travel trailers, and other similar uses.

- V. "System Development Charge" or "SDC" shall mean a reimbursement fee and/or an improvement fee assessed or collected at the time of the issuance of a placement or building permit.

SECTION 3. SYSTEM DEVELOPMENT CHARGE FRAMEWORK

- A. The District's Park System Development Charge is hereby imposed upon all new residential dwelling units within the District, including single-family dwellings, multi-family dwellings, manufactured homes, duplexes, and hotels and motels, for which a building permit or placement permit is required. This shall include new construction and alteration of dwelling units, and expansion or replacement of a dwelling unit if such alteration expansion or replacement results in an increase in the number of dwelling units compared to the existing number of dwelling units in the development. For alterations, expansions and replacements, the amount of the system development charge to be paid shall be the difference between the rate for the proposed development and the rate that would be imposed for the development prior to the alteration, expansion or replacement.
- B. System Development Charge fees, related capital improvement projects, 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) of the District. A change in implementing procedures, fees, qualified projects and the like shall not require an amendment to this Ordinance or the SDC methodology.
- C. The system development charges 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.

SECTION 4. METHODOLOGY

- A. The methodology used to establish or modify the reimbursement fee shall consider the cost of then-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 system users 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 cost of projected capital improvements needed to increase the capacity of the system to which the fee is related. The methodology shall be

calculated to obtain the cost of capital improvements for the projected need for future system users.

- C. The methodology used to establish or modify the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the District Board. The methodology described in the accompanying resolution, "A Methodology for Calculating Park System Development Charges," and its assumptions, conclusions and findings, are herein adopted by reference to this Ordinance.

SECTION 5. EXPENDITURES

- A. The District shall establish separate accounts for each type of system development charge, i.e., reimbursement and improvement fees, which shall be maintained apart from all other accounts of the District. All system development charge payments shall be deposited in the appropriate account immediately upon receipt.
- B. Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- C. Improvement fees shall be applied only to capacity-increasing capital improvement, including expenditures relating to repayment of future debt for the 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 demands created by development. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the Capital Improvement Plan adopted by the District.
- D. Notwithstanding subsections B and C of this section, system development charge revenues may also be expended on the direct costs of complying with the provisions of this Ordinance and related statutes, including, but not limited to, the costs of developing system development charge methodologies and providing an annual accounting system for system development charge expenditures.
- E. The monies deposited in the above accounts shall be used solely for qualified public improvements as allowed by ORS Chapter 223 including, but not limited to:
 - 1. design and construction plan preparation;
 - 2. permitting and fees;

3. land and materials acquisition, including any costs of acquisition or condemnation;
 4. construction of capital improvements;
 5. site preparation and grading and the design and construction of new drainage facilities required by the construction of capital improvements and structures;
 6. relocating utilities required by the construction of improvements;
 7. landscaping;
 8. construction management and inspection;
 9. surveying, soils and material testing;
 10. acquisition of capital equipment;
 11. repayment of monies transferred or borrowed from any budgetary fund of the District which were used to fund any of the capital improvements as herein provided;
 12. 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;
 13. direct costs of complying with the provisions of ORS Chapter 223 including the consulting, legal, and administrative costs required for developing and updating the park system development charges methodology report, resolutions, ordinance, and capital improvement plan; and the costs of collecting and accounting for park system development charges expenditures.
- F. Funds on deposit in park system development charge 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. Any capital improvement being funded wholly or in part with park system development charges revenue shall be included in the District's capital improvement plan. The capital improvement plan may be modified at any time and shall:

1. list the specific capital improvement projects that may be funded with park system development charges revenue;
 2. provide the estimated cost of each capital improvement project,
 3. provide the estimated timing of each capital improvement project; and
 4. be updated at least once every three years.
- H. Any funds on deposit in park system development charge 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 Park System Development Charge fund accounts and used as provided herein.
- I. The District shall prepare an annual accounting report for park system development charges, including the total amount of system development charge revenue collected in the accounts, and capital improvement projects that were funded.
- J. Any citizen or other interested person may challenge an expenditure of park system development charges 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 relevant laws, a reimbursement of park system development charge revenues from other revenue sources shall be made 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 citizen or other interested person who requested the review within ten (10) days of completion of the review.

SECTION 6. COLLECTIONS

- A. The District's Park System Development Charge shall be due and payable at the time of issuance of a building permit or placement permit for any residential development as defined in this Ordinance, including single-family dwellings, multi-family dwellings, manufactured homes, duplexes, and hotels and motels. The District's Board shall have the authority to implement, by resolution, a new or alternative time of collection for SDCs. SDC fee(s) will be based on the rates in effect on the date that the building permit application is submitted. The SDC methodology referenced in this Ordinance establishes fees for each type of development. Responsibility for collecting charges may be delegated to the City of Bend and/or Deschutes County by intergovernmental agreement.
- B. If Park System Development Charges are due and payable at the time of issuance of a building permit or placement permit, and if development is commenced without an appropriate permit, the System Development Charge is immediately payable upon the earliest date that a permit was required.

SECTION 7. EXEMPTIONS

Notwithstanding Section 3A, the following development shall be exempt from payment of the Park System Development Charges as defined in this Ordinance and supporting or implementing documents:

1. Non-residential development with the exception of hotels and motels as defined in this Ordinance.
2. Alteration, expansion or replacement of an existing residential dwelling unit where no additional residential dwelling unit is created.
3. The construction of accessory buildings or structures which will not create additional residential dwelling units and which do not create additional demands on the District's capital facilities.
4. The issuance of a placement permit for a manufactured home unit on a lot or parcel on which applicable park system development charges have previously been paid.

SECTION 8. CREDITS

- A. The District may grant a credit against the park system development charges imposed pursuant to Section 3 for the donation 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 cost for contributions of qualified public improvements. 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 donated and a written appraisal prepared in conformity with Section 9.E.1.;
 3. a list of the contemplated capital 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 improvement qualifies for a credit. The amount of the credit to be applied shall be determined according to the following conditions:
1. When a development occurs that is subject to a park system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided for by another subsection of this Section.
 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 shall be given for the cost of the 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 credit under this subsection. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the District.
 3. Notwithstanding subsections 1 and 2 above, when establishing a methodology for a park system development charge, the District may

provide for a credit against the improvement fee, the reimbursement fee, or both, for capital improvements constructed as part of the development that reduce the development's demand upon existing capital improvements and/or the need for future capital improvements, or a credit based upon any other rationale the District Board finds reasonable.

- D. If a donation or construction of a qualified public improvement gives rise to a credit amount greater than the amount of the park system development charge that would otherwise be levied against the project receiving development approval, the excess credit may be applied against park system development charges that accrue in subsequent phases of the original development project. Any excess credit must be used not later than ten years from the date it is given.
- E. Calculation of credits will be subject to the following standards:
 - 1. The value of donated 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 a bargaining transaction; and
 - 2. The cost of anticipated construction of 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 plan of contribution and the value of such contribution shall be in writing and issued within thirty (30) working days of the date all data is received for review. Notification shall be provided to the applicant via regular mail.
- G. Any applicant who submits a proposed plan pursuant to this Section, and desires the immediate issuance of a building permit or placement permit, shall pay applicable system development charges. Said 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 donated for park and recreational use, which does not otherwise meet the requirements of this section.
- I. Credits shall not be transferable from one development to another.
- J. Credits shall be transferable within the same development if a development or portion of it is sold prior to completion but after development and dedication of qualified public improvements as defined in this Ordinance.

- K. Credits shall not be transferable from one type of system development charge to another.
- L. Credits shall be used within 10 years from the date the credit is given.

SECTION 9. DEVELOPER RECOVERY 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 and/or constructing park and recreation facilities. These agreements would allow the District to repay the developer for such improvements using a portion of the Park System Development Charges collected in a designated recovery area.
- B. Such facilities may serve the proposed development only (sole recovery area) or the proposed development and areas beyond it (shared recovery area).
- C. The District Board shall adopt by separate resolution such agreements. The resolution shall address:
 - 1. Applicable District, City, and County policies, standards, rules and regulations.
 - 2. Responsibilities for paying the cost of such improvements.
 - 3. Eligibility for SDC recovery payments.
 - 4. Procedures for determining the extent of the area served by proposed improvements.
 - 5. Procedures for remitting SDCs collected in the sole or shared recovery area to eligible developers.
 - 6. Payment schedules and conditions for SDC recovery fees.
 - 7. Procedures for calculating the amount of the recovery fees.
 - 8. Procedures for determining the value of qualified improvements.

SECTIONS 10. REFUNDS, WAIVERS AND DEFERRALS

- A. Refunds
 - 1. Refunds may be given by the Executive Director upon finding that there was a clerical error in the calculation of SDCs.

2. Refunds shall not be allowed for failure to timely claim credit or for failure to seek an alternative SDC rate calculation in a timely manner at the time of submission of an application for a building permit.
3. An applicant or owner shall be eligible to apply for a refund if:
 - a. The building permit or placement has expired and the development authorized by such permit was not commenced; or
 - b. The park system development charges have not been expended or encumbered prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such charges were paid. For the purposes of this Section, first funds received shall be deemed to be the first funds expended.
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 park system development charges;
 - c. A notarized sworn statement that the petitioner is the then current owner of the property on behalf of which the park system development charges were paid; including proof of ownership, such as a certified copy of the latest recorded deed;
 - d. The date the system development charges were paid;
 - e. A copy of the receipt of payment for the system development charges; and, if appropriate,
 - f. The date the building permit or placement permit was issued and the 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 park system development charges were paid. Failure to timely apply for a refund of the system development charges 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 park system development charges shall be returned to the petitioner.

7. A building permit or placement permit which is subsequently issued for a development on the same property which was the subject of a refund shall pay the park system development charges required by Section 3.

B. Waivers

1. Waivers of BMPRD SDC fees, as may be further defined in separate resolution, may be granted by the Executive Director upon finding that the subject development places no demand upon the district park system.
2. Waivers may only be issued in extraordinary circumstances for development whose use is highly specialized and will only apply to that portion of a development found not to impose any system demand. Waivers expire upon conversion of the original use to another use. Example development for which waivers may be granted include but are not limited to the following:
 - a. Hospice care facility;
 - b. Alzheimer's care facility;
 - c. End of life residential care facility.

C. Deferrals

1. A deferral of SDC fees, as may be further defined by separate resolution, 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 BMPRD 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 SDC but rather a delay in the normal schedule for collection of the fee. Example development for which waivers may be granted include but are not limited to the following:
 - a. Assisted living project; and
 - b. Low income/affordable housing units.

SECTION 11. REVIEW OF METHODOLOGY AND RATES

- A. This Ordinance, the park system development charges methodology, and the capital improvement plan shall be reviewed by the District Board at least every five (5) years. The review shall consider new estimates of population and other socioeconomic data, changes in the cost of construction, any acquisition of land by the District for park development, and adjustments to the assumptions, conclusions or findings set forth in the methodology. The purpose of this review

is to evaluate and revise, if necessary, the rates of the park system development charges to assure that they do not exceed the actual or reasonably anticipated costs of the District's capital improvements.

- B. In the event the review of this Ordinance or the methodology alters or changes the assumptions, conclusions and findings of the methodology, or alters or changes the amount of park system development charges, the methodology may be amended and updated to reflect the assumptions, conclusions and findings of such reviews. If changes in the methodology are undertaken by the District, the District shall coordinate such changes with the City of Bend and Deschutes County prior to adoption pursuant to Intergovernmental Agreements between Deschutes County and the District and the City of Bend and the District.

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 a park system development charge. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a park system development charge. The methodology supporting the system development charge shall be available at least 60 days prior to the first hearing to adopt or amend a system development charge. 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 action intended to contest the methodology shall be filed after 60 days following adoption or modification of the park system development charge 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

- A. An applicant who is required to pay park system development charges shall have the right to request a hearing before the District board to review any of the following:
 1. The denial of a proposed credit for contribution of qualified public improvements pursuant to Section 8.
 2. The calculation of a Park System Development Charge, or the application of the SDC fee methodology and/or adjustments of the SDC rate, provided, however, the SDC fee methodology itself may not be appealed.

3. 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. 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:
 1. The name and address of the applicant;
 2. The legal description of the property in question;
 3. If issued, the date the building permit or development permit was issued;
 4. A brief description of the nature of the development being undertaken pursuant to the building or development permit;
 5. If paid, the date the park system development charges 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. Any applicant who requests a hearing pursuant to this Section, and desires the immediate issuance of a building permit or placement permit, shall pay prior to or at the time the request for hearing is filed the applicable park system development charges pursuant to Section 3B. Said payment shall not be construed as a waiver of any review rights.
 - G. An applicant may request review under this Section without paying the applicable park system development charges as long as 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 park system development charge of the right to petition for review pursuant to ORS 34.010 to 34.100.

SECTION 14. SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 15. EFFECTIVE DATE

The Park System Development Charges authorized by this Ordinance shall be imposed on building or placement permit applications submitted on or after March 3, 2009 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.

**Board Calendar
2015-2016**

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

April 20th - Budget Committee Tour

May 3

Staff Introduction – Jeff Amaral

Work Session

- ◆ Water Conservation Planning – *Chelsea Schneider and Mike Duarte (45 min)*
- ◆ The Pavilion Summer Program – *Matt Mercer (25 min)*

Business Session

- ◆ Naming of expansion at Bend Senior Center (Consent Agenda)

May 16th & 18th BUDGET MEETINGS

May 17

Board Meeting Cancelled

May 19

Tentative Budget Meeting

June 7

Work Session

Business Session

- ◆ Adopt Resolution – Adopting Budget – *Lindsey Lombard*
- ◆ Adopt Resolution - Categorizing Taxes – *Lindsey Lombard*
- ◆ Adopt Resolution – Adopting the Capital Improvement Plan (CIP) – *Lindsey Lombard*
- ◆ Adopt Resolution No. 387 – To change the timing for determining and collecting System Development Charges – *Lindsey Lombard (15 min)*
- ◆ Approve Intergovernmental Agreement - System Development Charges, as amended – *Lindsey Lombard (10 min)*
- ◆ Adopt Resolution No. 388 - SDC fee schedule annual adjustment – *Lindsey Lombard (15 min)*

June 21

Work Session

- ◆ CIP – 4th Quarter Review

Business Session

- ◆ Award Senior Center consultant contract for design – *Jim Figurski*

TBD

District-wide Website – *Colleen McNally and Josiah Dawley*

Latino Outreach Program

Facility user priority allocation – *Matt Mercer*

Athletic Field Report – *Matt Mercer*

Approve DRT easements for Putnam to RRNR segment – *Steve Jorgensen (consent)*

Early lease extension request from Cascade School of Music – *Don Horton*

Strategic Plan measurements

Strategy for assessing park maintenance shop/office needs

DRT - Kirkaldy Ct. to Putnam Rd. easement

Senior Center Expansion Business and Programming Plan
Robinson fields renovation (Skyline Park)
Sponsorship Policy
Sylvan and Summit Parks tennis court replacement
Eagle Park construction award
Rockridge Park construction award
Hillside Park construction award
Riley Ranch Nature Reserve construction award
Shevlin Park Signage fabrication and construction award