

RESOLUTION NO. 3451

A RESOLUTION OF THE BEND CITY COUNCIL ADOPTING A METHODOLOGY AND AMENDING THE FEE SCHEDULE TO CREATE A SUPPLEMENTAL SEWER REIMBURSEMENT SYSTEM DEVELOPMENT CHARGE FOR PORTIONS OF THE SOUTHEAST AREA

Findings

A. Bend Municipal Code (BMC) Chapter 12.10 and ORS 223.297-223.314 allow the City to establish System Development Charges (SDC). Per ORS 223.304, SDCs must be based on a methodology that is adopted by resolution or ordinance. BMC 12.10.040.B. allows an SDC to apply to a geographic area smaller than the entire city.

B. On May 1, 2024, City Council adopted new or revised methodologies for its water, sewer, and transportation SDCs, and adopted a new SDC fee schedule by Resolution No. 3377, following a year-long public engagement and technical review process.

C. The City adopted the Southeast Area Plan (SEAP) in 2021, which planned for future growth in the Southeast Expansion Area (SEA). The SEA consists of 479 acres that were brought into the Urban Growth Boundary (UGB) in 2016. The SEAP identified a need for sewer infrastructure to facilitate development, including affordable housing, and concluded that an area-wide approach was needed, led by the City. The City designed and constructed the Southeast Area Pump Station Project, consisting of a sewer pump station, sewer force main, and associated gravity conveyance mains to provide sewer capacity for future urban development. The fees adopted by this Resolution are therefore fees associated with capital improvements already constructed, or under construction when the fee is established, in which Council hereby finds that capacity exists for future development.

D. The location selected for the pump station provides some service capacity that solely benefits future development of a parcel owned by the Bend Parks and Recreation District (BPRD). The added cost to locate the pump station there is not included in the cost that forms the basis of the reimbursement SDC. Reimbursement from BPRD or other future owners of that parcel will be determined at a future date. The remaining costs for the Southeast Area Pump Station Project are allocated 50% to the City and 50% to the property owners/developers in the Southeast Area, as described in the methodology for the supplemental sewer reimbursement SDC for the SEA adopted by this Resolution (the "Methodology"), pursuant to Council direction on May 1, 2024, October 18, 2024, and May 7, 2025.

E. The Methodology relies on the assumptions and technical analysis in the 2024 update to the City's Sewer SDC Methodology, adopted by City Council in Resolution No. 3374 on May 1, 2024, including the land use categories and definitions and gallons per day conclusions for certain uses.

F. The Methodology includes an exemption from the sewer SDC for housing affordable to households making 80% of area median income or less, homeless shelters, and childcare facilities, for the reasons given in Resolution 3374.

G. Notice of the public hearing on the proposed methodology and fee schedule was provided to persons who had requested such notification and the general public on May 19, 2025, at least 90 days before the first public hearing on the Methodology. The Methodology was made available for public review on the City's website and in person at City Hall beginning June 18, 2025, at least 60 days prior to adoption. Written comments were accepted, and oral comments on the Methodology and fee schedule were taken at the public hearing at the City Council meeting on August 20, 2025.

H. Council has reviewed the report attached as Exhibit A and finds that it has been professionally prepared and provides a sufficient basis for the Council to adopt the charge basis and rates and complies with ORS 223.297, *et seq.*

Now, therefore, based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

Section 1. The Methodology Report: Supplemental Sewer System Development Charges – Southeast Area Pump Station dated June 2025, attached as Exhibit A is accepted and approved as the methodology supporting a supplemental sewer reimbursement SDC for a portion of the Southeast Area of Bend.

Section 2. Resolution No. 3447 is amended to include the Supplemental SDC Schedule, attached hereto, as Exhibit A-1, and the Southeast Area Supplemental SDC Map, attached hereto as Exhibit F. The area subject to the Supplemental SDC shall be the area shown in Exhibit F, as it may be amended or revised by Council, consistent with the Methodology. These fees may be adjusted each year for inflationary cost adjustments, and as otherwise provided in the Methodology and Bend Code, consistent with applicable state statutes.

Section 3. The provisions of this Resolution take effect on adoption.

Section 4. If any provision, section, phrase or word of this resolution or the documents adopted hereby, or application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Adopted by motion of the Bend City Council on August 20, 2025.

YES: Kebler, Franzosa, Méndez, Perkins, Platt, Riley

NO:



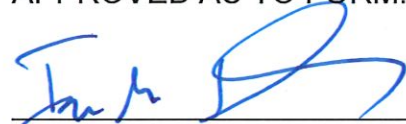
Mayor Melanie Kebler

ATTEST:



Ashley Bortje, City Recorder

APPROVED AS TO FORM:



Ian Leitheiser, City Attorney



METHODOLOGY REPORT

Supplemental Sewer System Development Charges –
Southeast Area Pump Station

City of Bend
June 2025

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1. Introduction

This section describes the legal context and background upon which the body of this report is based. The report concludes with an overview of the calculation approach employed in subsequent sections of this report.

1.1 LEGAL CONTEXT

Oregon Revised Statutes (“ORS”) 223.297 to 223.316 authorize local governments to establish system development charges (“SDCs”). These are one-time fees on new development, and they are paid at the time of development. SDCs are intended to recover a fair share of the cost of existing and planned capital improvements that provide capacity to serve future growth.

This methodology covers only a reimbursement fee, for a specific area included in the City of Bend’s (“City”) urban growth boundary (“UGB”) and planned for annexation and urban levels of development in the City’s Comprehensive Plan. ORS 223.299 defines a reimbursement fee as a fee that recovers “costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists”.

ORS 223.304(1) states, in part, that a reimbursement fee must be based on “the value of unused capacity available to future system users or the cost of existing facilities” and must account for prior contributions by existing users and any gifted or grant-funded facilities. The calculation must “promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities.” A reimbursement fee may be spent on any capital improvement related to the system for which it is being charged (whether cash-financed or debt-financed).

Chapter 12.10 of the Bend Municipal Code (“BMC”) authorizes the imposition of SDCs within the City of Bend based on the statutory authority described above. BMC 12.10.040.B. requires, “The amount of system development charges will be set and revised by resolution of the City Council, relying on a methodology adopted by resolution. Any resolutions setting or revising the amount of any SDC will state the amount of the charge and the methodology used to set the amount of the charge, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.”

1.2 BACKGROUND

The City expanded its UGB in 2016, including an area then known as the Elbow in the southeast corner of the UGB expansion. The City adopted the Southeast Area Plan (“SEAP”) in 2021, which planned for future growth in the Elbow, now called the Southeast Expansion Area (“SEA”). At the time, the SEA consisted of 479 acres within the UGB and was entirely outside Bend city limits. The Bend Comprehensive Plan, Collection System Public Facility Plan, and the SEAP identified a need for sewer infrastructure to facilitate development at the urban levels planned for in the City’s Comprehensive Plan.¹ The SEAP concluded that no single development could afford to build the needed improvements and therefore, an area-wide approach was needed.² As part of this area-wide approach, the City was determined to be in the best position to start infrastructure construction with needed sewer improvements, as most development in the SEA needed sewer service before development could begin, and sewer service could not be provided effectively on a project-by-project basis. Therefore, the Southeast Area Pump Station Project (the “Project”) was included in the City’s Capital Improvement Plan (“CIP”) for City-led design and construction. The main goals of the Project were to increase overall sanitary sewer system capacity, efficiency, and connectivity for properties within the SEA and adjacent developments. The Project was initiated in June 2023 and is slated for completion by the end of 2025. The Project consists of a sewer pump station, sewer force main and associated gravity conveyance mains to provide sewer capacity for future urban levels of development in the SEA. As identified in the SEAP, this extended serviceability and additional capacity will help promote development within the SEA and adjacent areas.

The SEAP also identified funding strategies including “evaluate and implement areawide funding tools (e.g. supplemental system development charges) needed to catalyze infrastructure development.” A 50/50 public/private funding split was among the funding packages presented in the SEAP.³ On May 1, 2024, Council provided direction to pursue a modified 50/50 funding split, as described in this methodology.

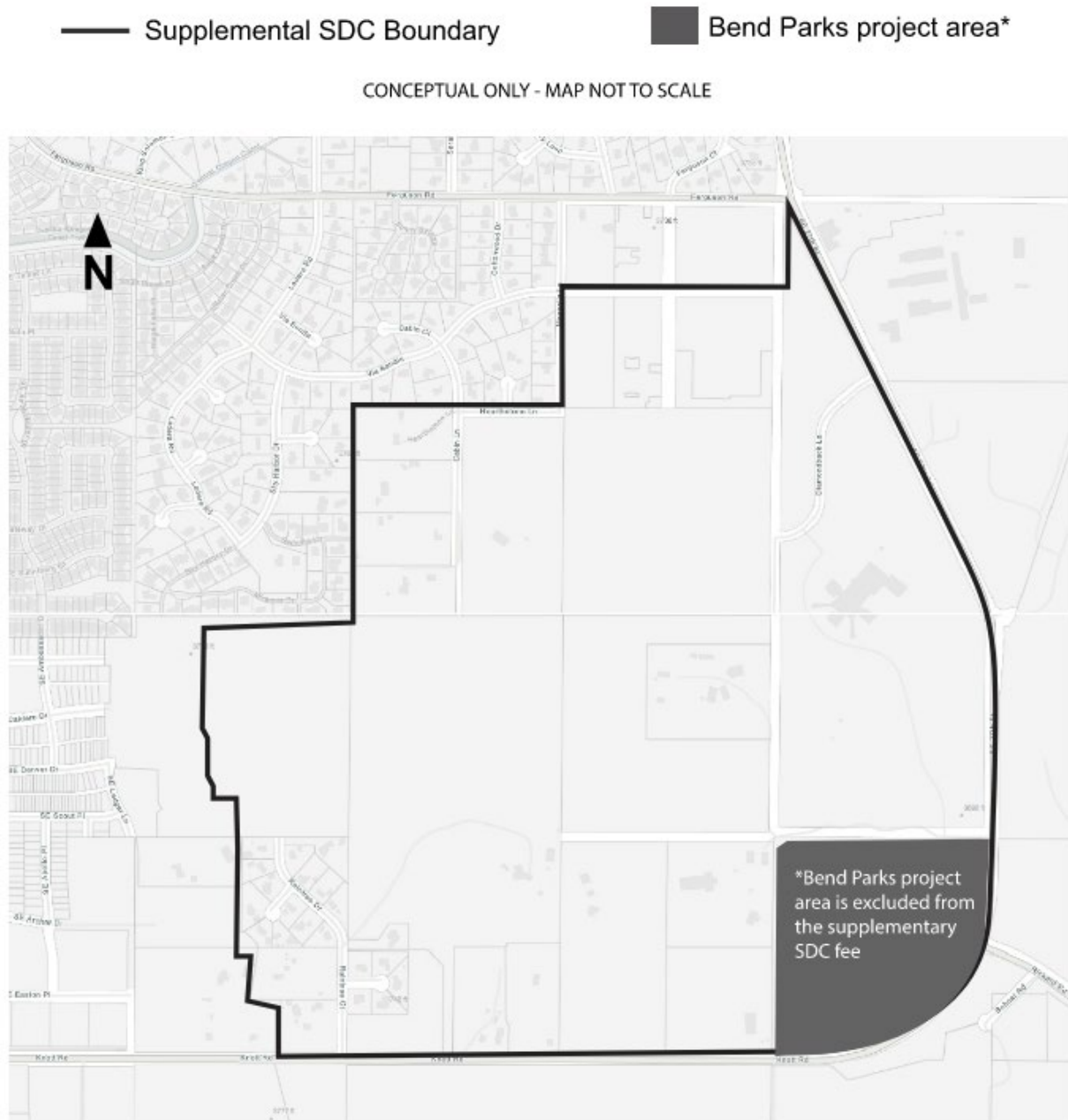
This methodology sets out recovery of 50% of adjusted project costs through a supplemental sewer SDC applied to the limited geographic area which is served by the Project, as further discussed in this Methodology report and shown in Figure 1. The fee calculated under this methodology will apply to development on properties within the area shown in Figure 1 after each annexes into the City limits.

¹ The need for sewer in this expansion area of the Bend UGB was also identified in the City’s Sewer Public Facility Plan, dated June 2018. See, Projects 203-n, 204A-n, and 204B-n (Elbow Gravity Trunks, Elbow Lift Station and Elbow Force Main, respectively).

² *Bend Comprehensive Plan Appendix N; Southeast Area Plan Summary Report (2021)*, 113.

³ *Bend Southeast Area Plan – Technical Appendix HH “Southeast Area Funding Plan”, Exhibit 6 (2021)*, 449

Figure 1. Area Subject to Supplemental SDC



1.3 ADJUSTMENT TO PROJECT COST

Figure 2. Basin Map

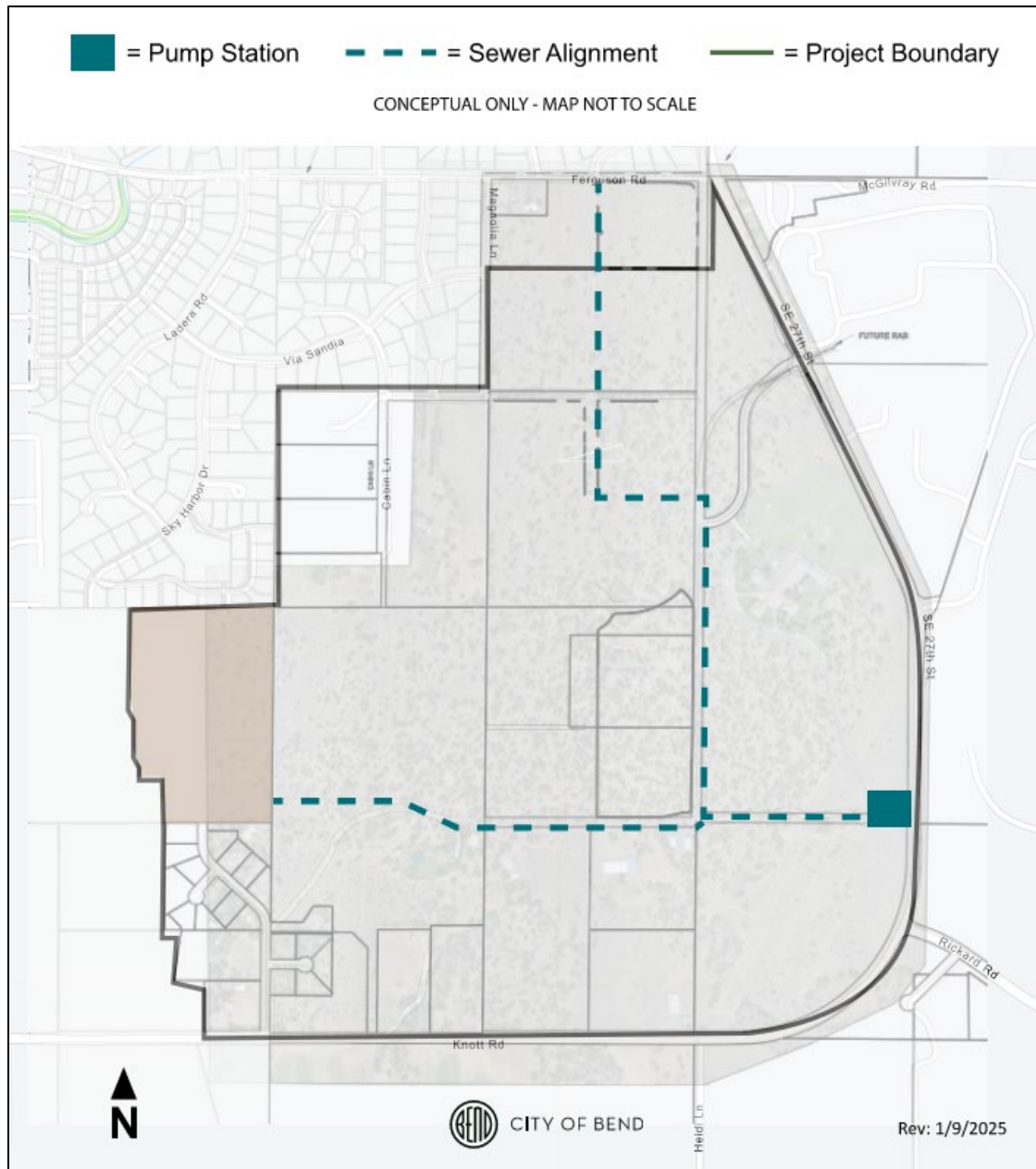


Figure 2 shows the sewer basin served by the Project. Certain costs to locate the pump station as shown in Figure 2 are excluded from the project cost for the purposes of establishing a 50/50 cost

split between the City and properties served by the Project. During the alternatives analysis phase of the Project, there were multiple places studied for the pump station location. The site ultimately selected is the optimal engineering solution in that it serves the entire SEA basin by gravity, however the cost impact to the project was an increase of approximately \$4M. The alternative site which was not ultimately selected served all parcels by gravity except for a parcel owned by the Bend Park and Recreation District (BPRD) which would require a pump to convey sewage to the system. The BPRD parcel is presently planned for park uses, but state law (ORS 197A.445) allows development of affordable housing on publicly owned lands, so it was deemed appropriate to site public infrastructure in a way that could serve these allowed uses. The \$4M portion of the Project attributable to the cost of moving the pump station to allow service to the BPRD parcel is therefore excluded from the cost split between the City and developers of the other lands within the SEA served by the Project.

No gifts, grants, or prior contributions by other users were made to fund this Project that further reduce the cost sought to be reimbursed through this Methodology.

2. Analysis

2.1 GROWTH⁴

Growth in the Southeast Expansion Area basin is guided by the City's Southeast Area Plan, Comprehensive Plan, and Development Code. Future development of the area will incorporate a diverse mix of land uses including high-, medium-, standard-, and low-density residential (RH/RM/RS/RL), mixed employment (ME), public facility (PF), industrial light (IL), and commercial general (CG), providing a wide range of potential development scenarios which equates to a wide range of potential flows to the sewer system.

The general approach to estimating flows to the sewer system to establish the size and cost of the Project involved estimating the range of flows (minimum/middle-range/maximum) for each parcel that can be served by the Project (the "Basin") based on the applicable City of Bend land use zone designation, development code, and engineering design requirements. The Project was designed to accommodate the maximum estimated flows, which also results in the ability of the system to accommodate additional density that may result from the statewide allowance for middle housing on parcels and in areas zoned for residential uses. In addition, conservative estimations regarding future potential flows in the Basin were made to account for potential

⁴ This section is largely pulled from the Basis of Design report (January 2024) by Parametrix, Inc., prepared in the course of designing the Project. The full report is available from the City on request.

development of affordable housing on Bend Park and Recreation District property as high density residential (RH) rather than the existing PF zone in accordance with ORS 197A.445.

To be consistent with both the City's current practice and industry standards, flow demand for sewer facilities are listed in equivalent dwelling units ("EDUs"). One EDU represents the burden on the sewer system of the average single-unit residence. For the purposes of designing the Project, EDUs are then converted for each parcel to gallons per minute (GPM) of sewer flow based on City of Bend Design Standards.

For Residential:

- Calculate estimated total dwelling units by multiplying gross acreage by the allowable density for each zone.
- Estimate development yield by converting dwelling units into EDU. Single-family dwellings equate to 1.0 EDU, two-family dwellings equate to 2.0 EDUs (or 1.0 EDU each), and multi-family dwellings equate to 0.8 EDUs each per Table 4-1 of the City's Design Standards. Note: estimation does not include potential accessory dwelling units (ADUs).

For Commercial and Industrial:

- Density for non-residential development is expressed as an assumed finished floor area per gross acre. The assumed finished floor area ratios (FAR), ranging from 0.20 to 0.30 are based on professional judgement as there is no direct Code requirement for these.
- Estimate development yield by multiplying FAR by gross acreage, then dividing by the assumed value of 1,000 square feet per 1.0 EDU of finished floor area. This assumption is based on a rough average of values for various uses which are listed in Table 4-1 of the City's Design Standards and assumes no residential development in these zones.

For Mixed Employment:

- Assumes a mix of commercial / office and residential uses.
- Assumes that commercial / office uses occupy the floor area equivalent of the entire ground floor of the mixed-use development which is the minimum required by Development Code in the ME zone.
- Assumes 50% of the gross acreage will develop as multi-family residential which can be done in a variety of configurations including both vertical and horizontal mixed-use. There is potential for a wide variation in both commercial and residential development within the ME zone. 50% of gross acreage is assumed as a reasonably likely scenario for medium and high-density residential development. Density assumptions and development yield calculations are the same as those described above.

The EDUs estimated from each parcel are totaled to equal the estimated number of EDUs and resulting flow that the sewer system in the Basin is designed to handle.

Since this is new infrastructure being constructed to serve the entire SEA basin, the existing condition is that there are no users currently utilizing the system. However, one parcel is currently developed with a school, and is discharging to the existing sewer system being replaced by the Project. The Project includes capacity for this existing user. Therefore, the equitable cost share discussed herein will apply across the entire SEA with exceptions discussed in the above section. Selecting the middle range of development and subtracting the contribution from the BPRD parcel and the existing discharge from the school development, results in 3,304 EDUs as the design basis for the Project. This becomes the denominator in the SDC calculation (see Table 2 in the section below).

2.2 REIMBURSEMENT FEE – COST BASIS

The total contracted cost of the Project, including design and construction, is approximately \$26 million. The Project is still under construction, as of the date of this methodology, and this cost represents all contracts and a guaranteed maximum price for construction of the Project and is City’s best estimation of the total cost of the Project. As described in the “Adjustment to Project Costs” section of this Methodology, \$4 million is deducted from the total cost assessed to account for costs to serve the BPRD parcel, and SDCs are being used to reimburse the City for 50% of the total project costs after this adjustment, which equals a net Project cost for reimbursement of \$11 million.

Table 1 shows the detailed calculations for the reimbursement fee:

Table 1. Reimbursement Fee Summary

Total project cost	\$26M
Adjustments	(\$4M)
Subtotal	\$22M
50% Reimbursement	\$22M*50%
Total Reimbursement	\$11M

As described in the above GROWTH section of this Methodology, the total EDUs in the denominator used to calculate the Reimbursement fee per EDU in the Basin is 3,304.

One parcel in the SEA is currently developed with a school which is discharging to the existing sewer system and being replaced with the Project. While the Project includes capacity for this existing user, the EDUs for the existing use that were factored into the design capacity are excluded from the SDC reimbursement calculation, because reimbursement fees are only for the value of unused capacity for future users.

See Table 2 below:

Table 2. Reimbursement Fee per EDU

Total EDUs for Design Capacity	3,394
Adjustments	-90
Subtotal	3,304
Total Reimbursement Fee per EDU	\$11M/3,304
Total Reimbursement Fee per EDU	\$3,329*

*EDU number provided for reference purposes only. Calculation of SDC per development unit is provided below in the CHARGE BASIS section. Actual charges are set forth in the Fee Resolution adopted by Council.

The value above is then used to calculate the Sewer System Unit Cost (\$/gpd), further discussed in the next section.

2.3 CHARGE BASIS

This Supplemental SDC Methodology relies on and uses the land use categories and the gallons per day per EDU assumptions for the purposes of assigning a charge to each land use category, established in the Sewer SDC methodology adopted by the City under Resolution No. 3374, on May 1, 2024 (the “2024 Methodology”). The 2024 Methodology analyzed actual City billing data and benchmark data to arrive at a number of gallons per day of water used for specific land use categories: 200 gallons per day (gpd).⁵ These assumptions are used to determine the charge per land use category for this supplemental SDC. See, Table 2-4 and 2-5 in the 2024 Methodology for the gpd for each land use category.

Using the modeling to set the design basis for the Project, there will be an assumed 3,304 EDUs in the SEA, subject to this Supplemental SDC, as described above. Using the assumed 200 gpd per EDU based on the 2024 Methodology, this results in 660,800 gpd from new growth in the Basin. Dividing the \$11 million Project cost by these growth gpd, results in a systemwide sewer unit cost of \$16.65/gpd for each land use category. This unit cost is then applied to each land use category based on the gpd for that use established in the 2024 Methodology, by multiplying this unit cost of \$16.65 by the service requirement per unit for each SDC category as shown in Table 2-4 and 2-5 in the 2024 Methodology, which are incorporated herein by this reference. Using these categories and assumptions, plus the compliance cost described below, the SDC schedule for the Supplemental Sewer SDC described in this methodology is shown in Table A-1. The actual

⁵ As described in the 2024 Methodology, average daily water use approximates base wastewater flow, and is used to establish system capacity needs by user type and size.

supplemental sewer SDC will be the number adopted by the Bend City Council by resolution, based on this methodology.

Pursuant to ORS 223.207, the supplemental SDC may include costs to the City of complying with the Oregon laws governing SDCs. City staff analyzed the finance and CEDD compliance costs used for the 2024 citywide SDC methodologies, to estimate costs for administering and ensuring compliance of the supplemental SDC. The City assumes compliance costs of \$8,300/year for Finance based on an estimation of staff time for reporting and other compliance requirements, and \$3,304 per year for CEDD, based on an estimate of 15 min of staff time per EDU * \$76.19 rate/hr. This results in a total compliance cost for this supplemental SDC of \$232,072 over an assumed built-out period of 20 years. Allocated to the 3304 EDUs divided by 200 gpd/EDU = \$0.3512 compliance charge per gpd. This charge has been added to the Project cost per gpd shown in Table A-1.

As allowed by SDC Statutes (see, ORS 223.304), the City may annually update the SDCs adopted by resolution based on application of an independent cost index. The City will use information published by the Engineering News Record (ENR) Construction Cost index to determine the annual inflationary adjustment, or other index identified in the Bend Municipal Code. This adjustment is warranted to reflect the impact to the City of advancing the funds for the Project and receiving reimbursement over time through this supplemental SDC.

2.4 EXEMPTIONS

For the reasons set forth in the 2024 Methodology, which are incorporated herein by this reference, the following development types are exempt from payment of 100% of SDCs under this methodology, subject to recording of deed restrictions and repayment as provided in the Bend Municipal Code:

1. Rental housing that is affordable for households with an income at or below 80 percent of the area median income ("AMI") as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
2. Owner-occupied or lease-to-purchase housing for households with an income at or below 80 percent of the AMI as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
3. Homeless shelters, providing shelter on a temporary basis, and other accessory services, for individuals and families who lack permanent housing.
4. Childcare facilities, as defined in the Bend Development Code.

SDCs may be payable on conversion or redevelopment of an exempt use to a non-exempt use, as provided in the Bend Code and depending on the type of deed restriction recorded for the exempt use.

APPENDIX A

Supplemental SDC Schedule - Table A-1

Categories	Unit of Measure	SEAP Sewer \$/Unit	
Residential Categories			
Note: 1 EDU = 200 gpd x \$17.0012		\$	3,400
Single Unit & Middle Housing			
Tier 1 <600 SQ FT	Dwelling Unit	\$	1,887
Tier 2 (601-1200 SQ FT)	Dwelling Unit	\$	3,009
Tier 3 (1201-1600 SQ FT)	Dwelling Unit	\$	3,281
Tier 4 (1601-2200 SQ FT)	Dwelling Unit	\$	3,400
Tier 5 (2201-3000 SQ FT)	Dwelling Unit	\$	3,587
Tier 6 (>3001 SQ FT)	Dwelling Unit	\$	3,927
Multi Unit Housing			
Housing >4 units	Dwelling Unit	\$	2,720
Manufactured Dwelling Park, per pad	Dwelling Unit/Pad	\$	2,941
Micro-Units/Single Occupancy	Dwelling Unit	\$	1,649
Dormitories	Room	\$	1,649
Attached Sr. Housing (55+ restricted, no care)	Dwelling Unit	\$	1,819
Other Housing			
Continuing Care Facility	Units	\$	2,040
Accessory Dwelling Unit	Dwelling Unit	na	
Nonresidential Categories			
Standard Categories			
Industrial ^{a b}	1,000 SQ FT	\$	1,190
Warehouse/ Storage/ Dist. Center ^b	1,000 SQ FT	\$	646
Movie Theater	1,000 SQ FT	\$	1,887
Indoor Fitness & Recreation	1,000 SQ FT	\$	4,012
Church/Religious Organization	1,000 SQ FT	\$	1,054
Hospital	1,000 SQ FT	\$	4,250
Medical - Dental - Vet Office	1,000 SQ FT	\$	2,618
General Office	1,000 SQ FT	\$	1,564
Stand-Alone Retail/Services with >50% Floor Area	1,000 SQ FT	\$	663
Warehouse/Storage ^c			
Stand-Alone Retail/Services	1,000 SQ FT	\$	1,377
Integrated Retail/Services ^d	1,000 SQ FT	\$	2,193
Super store (with or w/out membership & discount) ^b	1,000 SQ FT	\$	1,530
Vehicle Sales ^b	1,000 SQ FT	\$	1,292
Supermarket ^b	1,000 SQ FT	\$	2,873
Convenience Store	1,000 SQ FT	\$	1,870
Furniture Store	1,000 SQ FT	\$	663
Bank/Financial Institution	1,000 SQ FT	\$	1,513
Restaurant (Table Service)	1,000 SQ FT	\$	7,498
Quick Service Restaurant ^b	1,000 SQ FT	\$	7,498

Special Unit Categories

Public Park, Private/Public Golf Course, Common Area ^b		na unless other uses present	
Community Space	1,000 SQ FT	\$	1,054
Golf Course Club House	1,000 SQ FT	\$	1,921
Restroom	Each	\$	4,250
Outdoor Pool	1,000 SQ FT Surface Area	\$	2,363
Childcare (presently exempted in methodologies)	Child	\$	85
School K-12	Student	\$	153
College/University	Student	\$	255
Gas Sales/Service Station ^b	Fuel or Service Position or Site	\$	7,651
Manual Car Wash ^b	Bay	\$	5,100
Automated Car Wash ^b	Bay	\$	62,904
Hotel/Motel/RV Park ^b	Room or Space	\$	1,547
RV Dump Station (for Park)	Unserved Space	\$	850
RV Dump Station (for Public)	Each	\$	8,501
Wet Industrial ^a	GPD water use	\$	16.65

na = not applicable

NOTE: See category definitions in 2024 Methodology and adopted fee resolution; controlling definitions are found in the City's adopted Citywide SDC fee resolution.

^a"Wet" industries required to prepare individual sewer analysis. See Citywide adopted SDC Fee resolution for definitions.

^bIndividual category rate applies even if part of an Integrated Retail/Services development. Only Quick Service Restaurants with a drive-thru will be charged individual category rates, even if included in an integrated development.

^cIf stored products require water for growing, cleaning, etc., Stand-Alone Retail/Services rate applies.

^dIntegrated development is defined as a development that is planned or developed as a unit with features such as shared parking or access. See full definition in category descriptions in adopted citywide SDC fee resolution.

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School K-12	Student	\$	153
College/University	Student	\$	255
Gas Sales/Service Station ^b	Fuel or Service Position or Site	\$	7,651
Manual Car Wash ^b	Bay	\$	5,100
Automated Car Wash ^b	Bay	\$	62,904
Hotel/Motel/RV Park ^b	Room or Space	\$	1,547
RV Dump Station (for Park)	Unserved Space	\$	850
RV Dump Station (for Public)	Each	\$	8,501
Wet Industrial ^a	GPD water use	\$	16.65

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^dIntegrated development is defined as a development that is planned or developed as a unit with features such as shared parking or access. See full definition in category descriptions in adopted citywide SDC fee resolution.

SE AREA SUPPLEMENTAL SDC MAP

— Supplemental SDC Boundary

■ Bend Parks project area*

CONCEPTUAL ONLY - MAP NOT TO SCALE

